

O.A. 294/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

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

Member (J).

dnk.

O.A. 467/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

2. On the earlier date i.e. on 2/5/2022 the following order was passed by this Tribunal –

“ On 28/03/2022 last chance was granted to file reply. Thereafter, O.A. was fixed on 11/04/2022. Today also reply is not filed. Hence, the matter will be fixed on 13/06/2022 for final hearing.”

3. Today, the learned P.O. again seeks time to file reply. The matter is fixed for final hearing. Hence, the matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

4. Looking to the request of Id. P.O., the O.A. is fixed for final hearing.

S.O. 27/06/2022.

Member (J).

dnk.

O.A. 896/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard D.P. Dapurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondent.

The learned P.O. seeks time to file reply.
Time is granted.

It is made clear that on the next date no adjournment will be granted and matter will be heard finally.

S.O. 27/06/2022.

Member (J).

dnk.

O.A. 1104/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 5. None for other respondents.

At the request of Id. P.O., **S.O. 27/6/2022** for filing reply.

Member (J).

dnk.

O.A. 1105/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 5. None for other respondents.

At the request of Id. P.O., **S.O. 27/6/2022** for filing reply.

Member (J).

dnk.

O.A. 434/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri N.S. Autkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri Zahir, Id. counsel for R-3&4.

2. The learned counsel for the applicant submitted that the respondents are served.

3. Shri Zahir, Id. counsel appearing on behalf of respondent nos.3&4.

4. The Id. P.O. seeks four weeks time to file reply. At his request, **S.O. four weeks** for filing reply.

Member (J).

dnk.

O.A. 435/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri N.S. Autkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri Zahir, Id. counsel for R-3&4.

2. The learned counsel for the applicant submitted that the respondents are served.

3. Shri Zahir, Id. counsel appearing on behalf of respondent nos.3&4.

4. The Id. P.O. seeks four weeks time to file reply. At his request, **S.O. four weeks** for filing reply.

Member (J).

dnk.

O.A. 436/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri N.S. Autkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri Zahir, Id. counsel for R-3&4.

2. The learned counsel for the applicant submitted that the respondents are served.

3. Shri Zahir, Id. counsel appearing on behalf of respondent nos.3&4.

4. The Id. P.O. seeks four weeks time to file reply. At his request, **S.O. four weeks** for filing reply.

Member (J).

dnk.

O.A. 437/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

2. The learned counsel for the applicant submits that the respondents are served and he will file service affidavit before next date.

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

Member (J).

dnk.

O.A. 560/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

C.A. 150/2020 in O.A. St.641/2020 -

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

2. The Id. P.O. files reply of R-1 to 3 on C.A. It is taken on record. Copy is given to the applicant.

S.O. 28/06/2022.

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

C.A. 151/2020 in O.A. St.643/2020 -

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

2. The Id. P.O. files reply of R-1 to 3 on C.A. It is taken on record. Copy is given to the applicant.

S.O. 28/06/2022.

Member (J).

dnk.

O.A. 210/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri P.P. Khaparde, Id. counsel
for the applicants and Shri V.A. Kulkarni, Id. P.O.
for the respondents.

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

Member (J).

dnk.

O.A. 307/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri G.N. Khanzode, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for respondent nos.1&2 and Shri S.N. Gaikwad, Id. counsel for R-3 (Caveator).

2. The reply is already filed by the respondents. The learned counsel for the applicant seeks time to file rejoinder. Time is granted.

S.O. 20/06/2022.

Member (J).

dnk.

O.A. 501/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

None for the applicants. Heard Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The matter be kept for final hearing / dismissal.

S.O. 21/06/2022.

Member (J).

dnk.

O.A. 846/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri P.S. Patil, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4.

With the consent of Id. counsel for both the parties, **S.O. 20/06/2022.**

Member (J).

dnk.

O.A. 887/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

The learned P.O. seeks further time. The matter be kept on **17/6/2022** for final hearing.

Member (J).

dnk.

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

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

At the request of Id. P.O., **S.O.**
16/06/2022.

Member (J).

dnk.

O.A. 872/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

Both the parties are directed to file copy of relevant Judgment on record.

S.O. 22/06/2022 (PH).

Member (J).

dnk.

O.A. 585/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri K.N. Jain, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, the matter is taken today on board.

3. The learned counsel for the applicant has filed Pursis dated 13/6/2022 mentioning that the applicant does not want to prosecute the matter and wants to withdraw the O.A. The pursis is taken on record and marked Exh-X for identification.

4. In view of pursis dated 13/06/2022, the O.A. is disposed off as withdrawn. No order as to costs.

Member (J).

dnk.

O.A. 09/2022 (S.B.)

(D.G. Deshmukh Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri V.A. Kothale, Id. counsel for the applicant, Shri A.M. Khadatkhar, Id. P.O. for R-1 and Shri R.M. Sharma, Id. counsel for R-2.

2. Shri R.M. Sharma, Id. counsel files reply on behalf of R-2. It is taken on record and copies are served to the other sides.

3. The applicant has filed the present O.A. challenging the impugned order of punishment dated 18/11/2021. The applicant was working as Agriculture Officer. He was given additional charge of BDO Panchayat Samiti, Balapur on 5/10/2020. There was some mistakes about the transfer of amount of Government money. The mistake was rectified by the applicant, when it was noticed. The applicant also informed the Superior Authority, i.e., Deputy Collector, Akola about the mistake committed by him.

4. The applicant retired on 31/5/2021. The respondent no.2 issued show cause notice on 5/10/2021 i.e. after the retirement of the applicant. The inquiry report is dated 4/10/2021. As per the inquiry report, no loss is caused to the Government, but there are some irregularities committed by the applicant when

he was holding the additional charge of BDO. Relying on the report of the Inquiry Officer, the Appointing Authority, i.e., the CEO, Zilla Parishad, Akola passed the order dated 18/11/2021 and directed to withhold 5% amount of pension for one year.

5. Looking to the documents and submission made by both the sides, it is clear that there was no any loss to the Government. It appears that the applicant has committed some mistakes and those mistakes were rectified by the applicant. It was also informed to the Superior Authority as soon as the mistake was discovered. There is nothing on record to show the malafide intention of the applicant for committing mistakes. Hence, the impugned order dated 18/11/2021 passed by the respondent no.2 is liable to be quashed and set aside. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned order dated 18/11/2021 is hereby quashed and set aside.
- (iii) The respondents are directed to release 5% amount of pension withheld as per the order dated 18/11/2021.
- (iv) No order as to costs.

Member (J).

dnk.

O.A. 571/2021 (S.B.)

(E.K. Sarode Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

2. The applicant was working as Agriculture Officer in Gazetted cadre and he was promoted as Deputy Director of Agriculture in the year 1996-1997. The Crime No.101/1993 was registered against the applicant for the offence punishable under Sections 409, 467 and 468 of IPC. The Charge sheet was filed before the Chief Judicial Magistrate, Yavatmal.

3. As the said criminal case was decided by Chief Judicial Magistrate, Yavatmal on 20/7/2010, the applicant was convicted for the charges framed against him. The disciplinary authority initiated the inquiry against the applicant. As per the inquiry report dated 21/7/2009, the applicant was exonerated from all the charges. The respondent no.2 has also given No Due No Inquiry Certificate on 4/3/2011. Eventhough, the respondents have not released the pensionary benefits. Hence, prayed to direct the respondents to release the revised pensionary benefits alongwith interest.

4. The application is strongly opposed by the respondents. It is submitted that most of the pensionary benefits are already paid to the applicant, therefore, he is not entitled for any interest.

5. The learned Counsel submitted that revised pension has not been paid as per the 6th and 7th Pay Commission and therefore prayed to direct to the respondents to pay the pensionary benefits as per the revision of pay scale as per the year 2006 and 2016. The documents filed on record show that the applicant was chargesheeted for the offence punishable under Section 409, 467 and 468 of IPC. The applicant came to be convicted as per the Judgment passed by the CJM dated 20/7/2010.

6. The applicant preferred the appeal against the Judgment of conviction before the Sessions Judge, Yavatmal. The Sessions Judge, Yavatmal as per the Judgment dated 22/06/2020 acquitted the applicant from all the charges framed against him.

7. In the departmental inquiry, the Government of Maharashtra recorded its findings that there is nothing on record to show that the applicant has committed any misconduct and therefore he is exonerated from all the charges levelled against him in the disciplinary inquiry.

8. There is no dispute that the applicant has paid pensionary benefits, but the revised

pension is not paid. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to pay revised pension as per the 6th and 7th Pay Commission and pay interest as per the Rule 129 (B) of the Maharashtra Civil Services (Pension) Rules, 1982 within three months from the date of receipt of this order.
- (iii) No order as to costs.

Member (J).

dnk.

O.A. 282/2022 (S.B.)

(S.D. Wanole & 2 ors. Vs. State of Mah. Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicants were suspended as per order dated 3/2/2022. As submitted by the learned counsel for the applicants, the suspension cannot be continued more than 90 days in view of the Judgment of Hon'ble Apex Court in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another.

3. The learned P.O. has strongly objected the O.A. and submitted that the departmental inquiry is pending against the applicant.

4. The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed as follows:-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the

Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

5. In view of the specific guidelines given in para-14 of the Hon'ble Apex Court in case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another**, the suspension of government employee cannot be continued more than 90 days. Therefore, the suspension order of the applicants dated 3/2/2022 is liable to be quashed and set aside. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned suspension order dated 3/2/2022 so far as the present applicants are concerned, is hereby quashed and set aside.

(iii) The respondents are directed to reinstate the applicants on their original posts within 30 days from the date of receipt of this order.

(iv) No order as to costs.

Member (J).

dnk.

O.A. 299/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

2. The applicant now retired on the post of Assistant Sub Inspector of Police. The applicant has claimed deemed date of promotion from 1/10/1993 on the post of Hawaldar and from 18/6/2003 on the post of Assistant Sub Inspector of Police.

3. The learned counsel for the applicant has pointed out the reply filed by respondent nos.2&3. In para-4 of the reply, it is stated that *"It is pertinent to note that the power to grant deemed date of promotion is vested with the Special Inspector General of Police, Nagpur Range, Nagpur. Accordingly answering respondent submitted a proposal to Spl. IGP, Nagpur through Dy. Inspector General of Police, Gadchiroli Range, Nagpur on 16/5/2018 for grant of deemed date of promotion to the applicant. It is further submitted that answering respondent is yet to receive necessary orders from the higher office pertaining to deemed date of promotion of the applicant. Thus, it is suffice*

to say that the answering respondent has already taken necessary steps/ measures to redress the issue raised by the applicant.”

4. The learned counsel for the applicant has submitted that direction be given to the respondents. In view of the specific submission of the respondents, it is clear that proposal is pending before the Special Inspector General of Police, Nagpur Range, Nagpur. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to decide the proposal dated 16/5/2018 in respect of deemed date of applicant within three months from the date of receipt of this order.
- (iii) No order as to costs.

Member (J).

dnk.

O.A. 783/2021 (S.B.)

(Ku. Meena K. Rane Vs. State of Mah. & ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

2. The applicant is working as a Forest Guard and she was transferred from Goregaon Beat to Pandhari Beat as per the impugned order dated 6/8/2021. The impugned transfer order was stayed by this Tribunal vide order dated 4/9/2021. During the pendency of the O.A., the respondent no.3, i.e., Gaurav D. Jambhe is transferred from Goregaon Beat to Tiwasa Beat. Therefore, the respondent no.3 has no any grievance.

3. The learned counsel for the applicant has filed Pursis dated 12/6/2022. It is marked Exh-X for identification. As per this Pursis, the applicant has given 10 choice of postings for general transfers of the year 2022. The learned counsel for the applicant has submitted that the said choice of postings be considered in the general transfers of the year 2022 and the O.A. be disposed off with a specific directions to the respondents.

4. The learned P.O. has submitted that the respondents may take necessary action as per the rules and availability of the posts.

5. In view of the Pursis (Exh-X), the applicant has given 10 choice postings and now the general transfers of the year 2022 is yet to be issued by the respondents. Hence, the following order –

ORDER

(i) The O.A. is partly allowed.

(ii) The respondents are directed to consider 10 choices given by the applicant in the coming general transfers of the year 2022.

(ii) No order as to costs.

Member (J).

dnk.

O.A. 1088/2021 (S.B.)

(Diwakar W. Dehankar Vs. State of Mah. & ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 13/06/2022.

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

2. The main grievance of the applicant is that the respondents have started departmental inquiry. He is retired person. The respondents are not paying the provisional pension as per the Rule 130 (1) (a) of the Maharashtra Civil Services (Pension) Rules, 1982.

3. The learned counsel for the applicant submit that in view of the Rule 130 (1) (a) of the Maharashtra Civil Services (Pension) Rules, 1982, the provisional pension equal to the maximum pension is to be paid by the employer. He has pointed out today the order of this Tribunal dated 24/3/2022 in O.A. 324/2022. The learned counsel submitted that the respondents have to pay 100% provisional pension to the applicant.

4. The learned P.O. submits that as the departmental inquiry is pending against the applicant and the respondents have already paid 90% provisional pension equal to the maximum pension as per the Rule 130 (1) (a) of the

Maharashtra Civil Services (Pension) Rules, 1982. The Rule 130 (1) (a) of the Rules reads as follows –

“130 (1) (a) In respect of a Gazetted or Non-gazetted Government servant referred to in sub-rule (4) of rule 27 the Head of Office shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the Government servant, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension.”

5. The learned counsel for the applicant has filed copy of order passed by this Tribunal dated 24/3/2022 in O.A.324/2022. In para-3 of the order, it is specifically observed by this Tribunal that *“The learned counsel for the applicant has pointed out the Section 130 of the Maharashtra Civil Services (Pension) Rules. As per the Section of 130 of the MCS (Pension) Rules, maximum provisional is to be granted to the employees during the pendency of the enquiry. Hence, the impugned order is stayed until further orders.”*

6. In view of the Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982, the following order –

ORDER

(i) The O.A. is partly allowed.

(ii) The respondents are directed to pay provisional pension equal to the maximum pension as per Rule 130 1 (a) of the Maharashtra Civil Services (Pension) Rules, 1982 during the pendency of the inquiry.

(iii) No order as to costs.

Member (J).

dnk.
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O.A.Nos.1146&1147/2021 (D.B.)

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

Dated : 13/06/2022.

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the State. Await service of R-2 to 4.

2. At the request of ld. Counsel for the applicant, **S.O. Friday i.e. 17.06.2022.**

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.1157/2021 (D.B.)

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

Dated : 13/06/2022.

Heard Shri Y.P.Kaslikar holding for Shri P.S.Patil, the Id. Counsel for the applicant and Shri H.K.Pande, 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:-13/06/2022.
aps.

Vice Chairman

O.A.No.161/2022 (D.B.)

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

Dated : 13/06/2022.

Heard Shri Y.P.Kaslikar holding for Shri P.S.Patil, the Id. Counsel for the applicant and Shri H.K.Pande, 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:-13/06/2022.
aps.

Vice Chairman

O.A.No.342/2022 (D.B.)

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

Dated : 13/06/2022.

Heard Shri S.S.Joshi, 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. four weeks to file reply.**

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.418/2022 (D.B.)

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

Dated : 13/06/2022.

Heard Shri G.G.Bade, the ld. Counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the State. Await service of R-2.

2. Ld. counsel for the applicant is directed to serve the notice and file service affidavit on record. At his request, **S.O. Friday i.e. 17.06.2022.**

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.430/2022 (D.B.)

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

Dated : 13/06/2022.

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

2. At the request of ld. P.O., **S.O. 05.07.2022.**

Member(J)

Date:-13/06/2022.

aps.

Vice Chairman

O.A.No.493/2022 (D.B.)

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

Dated : 13/06/2022.

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

2. The ld. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. four weeks.**

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

7. *However, ld. P.O. is directed to do the proper paging to the said reply.*

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.545/2022 (D.B.)

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

Dated : 13/06/2022.

C.A.No.216/2022:-

Heard Shri A.B.Moon, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the State. Await service of R-2 to 4.

2. As submitted by ld. counsel for the applicant, five female candidates are there and if posts are filled up by male candidates; female can be denied justice. In view of this, **respondents are directed not to fill up five female posts till filing of the reply.**

3. **S.O. after two weeks.**

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.546/2022 (D.B.)

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

Dated : 13/06/2022.

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

2. Id. counsel for the applicant submits that he has served all the respondents. The applicant is a Talathi and he has been punished by order dated 26.03.2021 (A-7, Pg. No. 49) operative part of the order is on page no. 51:-

“त्याअर्थी, मी उपविभागीय अधिकारी, मेहकरतथातलाठीसंवर्णाचानियुक्तीप्राधिकारी या नात्याने, असाआदेशपारीतकरीतआहे की, महाराष्ट्र नागरीसेवा (शिस्त व अपील) नियम १९७९ भाग-३ शिक्षाआणिशिस्तभंगविषयकप्राधिकरणनियम ५ (आठ) नुसार, श्रीअनिलमाणिकरावगरकळ, निलंबिततलाठी, तहसिलकार्यालय, मेहकर यांनाशासनसेवेतूनकाढूनटाकणे. मात्र, भावीकाळात शासकीय नोकरीमिळण्याच्यादृष्टिनेहीअनर्हताठरणारनाही, हिशिक्षा देण्यात येतआहे. तसेच या आदेशान्वयेत्यांच्याविरुद्ध सुरु असलेलीविभागीय चौकशीनस्तीकरण्यात येतआहे.”

3. However, Id. counsel for the applicant submitted that he has preferred all the channels against the above appeal i.e. Collectorand order of that appeal was passed on dated 07.12.2021 (A-9, Pg. No. 71) and operative order is passed on page no. 74:-

“१.अपीलार्थीचे अपीलनामंजूरकरण्यात येतआहे.

२.उपविभागीय अधिकारी, मेहकर यांनीसदरप्रकरणातदिनांक २६.
०३.२०२१ रोजीपारीतकेलेलाआदेशकायमकरण्यात येतआहे.”

And then applicant preferred revision on Collector's order under Section-25 to Divisional Commissioner Amravatiand order of that appeal was passed on 16.03.2022 (A-11, Pg. No. 94) and operative order is passed on page no. 105:-

“१.अर्जदार यांचापुनरीक्षणअर्जफेटाळण्यात येतआहे.

२.जिल्हाधिकारी, बुलडाणा
यांचेकडीलप्रकरणबडतर्फअपीलप्रकरणक्रमांक
एपीटी-५/०१/२०-२०२१ दिनांक ०७/१२/२०२१
चाआदेशकायमठेवण्यात येतआहे.

३.याप्रार्थिकरणाचादिनांक ०३/१/२०२२
रोजीचाअंतरिमआदेशरद्दकरण्यात येतआहे.

४.संबंधितासकळवा.

५.प्रकरण नस्तीबध्द करूनअभिलेख कक्षासपाठवा.”

Hence, all the channels are exhausted and rejected. After exhausting all the channels applicant has approached to this Tribunal.

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

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.552/2022 (D.B.)

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

Dated : 13/06/2022.

Heard Shri G.C.Khond, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the State. Await service of R-2 to 5.

2. At the request of ld. Counsel for the applicant, **S.O. three weeks to file service affidavit.**

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.554/2022 (D.B.)

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

Dated : 13/06/2022.

C.A.No.215/2022:-

Heard Shri A.B.Moon, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the State. Await service of R-2 to 5.

2. Ld. counsel for the applicant has filed C.A. for direction. However, the same C.A. is not allowed.

3. However, respondents are directed that whosoever is appointed against the post of Home-Guard; he should be clear that; that appointment should be subject to outcome of the O.A..

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

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.St.No.878/2022 (D.B.)

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

Dated : 13/06/2022.

C.A.No.135/2022:-

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

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

Member(J)

Date:-13/06/2022.

aps.

Vice Chairman

O.A.No.633/2021 (D.B.)

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

Dated : 13/06/2022.

Heard Shri V.B.Gawali, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the Respondents.

2. Ld. P.O. has filed reply on behalf of the respondent nos. 5 & 6. It is taken on record. Copy is served to the other side.

3. However, ld. counsel for the applicant submits that reply of R-2 is necessary. Ld. P.O. is directed to file the same, **S.O. three weeks.**

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.314/2014 (D.B.)

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

Dated : 13/06/2022.

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

2. At the request of ld. P.O., **S.O. 22.06.2022.**

Member(J)

Date:-13/06/2022.

aps.

Vice Chairman

O.A.No.50/2015 (D.B.)

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

Dated : 13/06/2022.

Heard Shri M.R.Joharapurkar, 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:-13/06/2022.

aps.

Vice Chairman

O.A.No.113/2015 (D.B.)

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

Dated : 13/06/2022.

Heard Shri P.S.Sahare, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the Respondents. None for the R-4. Shri S.N.Gaikwad, the ld. Counsel for the R-5 to 7.

2. At the request of ld. counsel for the applicant, **S.O. Monday i.e. 20.06.2022.**

Member(J)

Date:-13/06/2022.

aps.

Vice Chairman

O.A.No.647/2019 (D.B.)

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

Dated : 13/06/2022.

Heard Shri A.P.Tathod, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondents and Shri R.M.Fating, the Id. Counsel for the R-4.

2. Closed for orders.

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.526/2018 (D.B.)

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

Dated : 13/06/2022.

Heard Shri B.Dafle, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the State. None for the R-2.

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

Member(J)
Date:-13/06/2022.
aps.

Vice Chairman

O.A.No.903/2019 (D.B.)

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

Dated : 13/06/2022.

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

2. Closed for orders.

**Member(J)
Date:-13/06/2022.
aps.**

Vice Chairman