

O.A. 285/2020 (S.B.)

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

Dated : 04/07/2022.

Heard Ku. K.K. Pathak, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 7/7/2022.**

Vice Chairman

dnk.

O.A. 661/2021 (S.B.)

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

Dated : 04/07/2022.

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&2. None for R-3.

2. The learned counsel for the applicant submits that the applicant is retired on 30/6/2022. The present O.A. is in respect of transfer, therefore, nothing survives in the O.A. Hence, the O.A. is disposed off. No order as to costs.

Vice Chairman

dnk.

O.A. 782/2021 (S.B.)

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

Dated : 04/07/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri M.. Khan, Id. P.O. for R-1&3. None for other respondents.

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

Vice Chairman

dnk.

O.A. 215/2017 (S.B.)

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

Dated : 04/07/2022.

Heard Shri G.K. Bhusari Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

**O.As. 483/18 & 255,256,257 & 258 of 2019
(S.B.)**

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

Dated : 04/07/2022.

Heard Shri Y. P. Kaslikar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 18/7/2022.**

Vice Chairman

dnk.

O.A. 744/2016 (S.B.)

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

Dated : 04/07/2022.

Heard Mrs. Charlewar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Shri N.W. Doye, Id. counsel holding for Shri P.D. Meghe, Id. counsel for R-5. None for other respondents.

2. At the request of Id. counsel for R-5, **S.O. 22/7/2022.**

Vice Chairman

dnk.

O.A. 977/2020 (S.B.)

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

Dated : 04/07/2022.

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

2. The Id. P.O. files reply of R-2&3. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that the said reply is sufficient to decide the matter.

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

4. It appears that the applicant has not paid requisite court fees. The applicant is directed to remove office objections before the next date. It is made clear that if office objections are not removed, the matter will be dismissed on the next date.

S.O. 11/7/2022.

Vice Chairman

dnk.

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

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

Dated : 04/07/2022.

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-3,4&6. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that the said reply is sufficient to decide the matter.

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

S.O. in due course.

Vice Chairman

dnk.

O.A. 294/2021 (S.B.)

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

Dated : 04/07/2022.

Heard Shri P.P. Khaparde, 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. two
weeks** for filing reply.

Vice Chairman

dnk.

O.A. 279/2021 (S.B.)

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

Dated : 04/07/2022.

Heard Shri V.G. Wankhede, 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.

Vice Chairman

dnk.

O.A. 481/2022 (S.B.)

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

Dated : 04/07/2022.

Heard Shri V.A. Kothale, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 25/7/2022** for filing reply.

Vice Chairman

dnk.

O.A. 517/2021 (S.B.)

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

Dated : 04/07/2022.

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

2. The Id. P.O. files reply of R-2. It is taken on record. The Id. P.O. submits that the said reply is sufficient to decide the matter.

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

S.O. 18/7/2022.

Vice Chairman

dnk.

O.A. 631/2021 (S.B.)

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

Dated : 04/07/2022.

None for the applicant. Heard Shri H.K. Pande, Id. P.O. for R-1.

2. The applicant has not filed service affidavit of R-2&3.

3. The applicant to remove office objections.

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

Vice Chairman

dnk.

O.A. 721/2021 (S.B.)

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

Dated : 04/07/2022.

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

At the request of Id. P.O., **S.O. 18/7/2022** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. 1022/2021 (S.B.)

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

Dated : 04/07/2022.

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. A.P. Potnis, Id. P.O. for the respondent.

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

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

S.O. in due course.

Vice Chairman

dnk.

O.A. 485/2022 (S.B.)

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

Dated : 04/07/2022.

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

At the request of Id. P.O., **S.O. four weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. 534/2022 (S.B.)

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

Dated : 04/07/2022.

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

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

Vice Chairman

dnk.

O.A. 589/2022 (S.B.)

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

Dated : 04/07/2022.

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

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

The interim relief granted on 6/6/2022 is continued till filing of reply.

Vice Chairman

dnk.

O.A. 1083/2021 (S.B.)

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

Dated : 04/07/2022.

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

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

S.O. after four weeks.

Vice Chairman

dnk.

O.A. 674/2022 (S.B.)

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

Dated : 04/07/2022.

Heard F.C. Badani, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

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

S.O. after four weeks.

Vice Chairman

dnk.

O.A. 725/2016 (S.B.)

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

Dated : 04/07/2022.

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

2. As per the submission of learned counsel for the applicant, the respondent no.2 has decided the appeal during the pendency of this O.A., therefore, he wanted to contact his client.

3. The Id. P.O. has pointed out letter dated 25/1/2022 (P-52). As per his submission the applicant's appeal is decided long back by respondent no.2.

4. Hence, put up the matter **on 12/7/2022** for final hearing.

Vice Chairman

dnk.

O.A. 678/2022 (S.B.)

(L.R. Konar Vs. State of Mah. & Ors.)

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

Dated : 04/07/2022.

Heard Shri V.G. Bhamburkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel has pointed out the impugned order of recovery dated 2/6/2022. By the impugned order, the respondents have directed to the Drawing and Disbursing Officer (DDO) of applicant to recover Rs.4,57,566/- from the salary/ pensionary benefits of the applicant. The applicant already submitted his representations on 16/3/2022 and 18/4/2022.

3. The applicant had submitted to the Principal, Government Polytechnic College, Bramhapuri that he had submitted bills and vouchers for the expenditure of Petrol / Diesel etc., but those bills were not submitted within time and not get sanction from the Treasury, therefore, he is not personally responsible for the said amount / expenditure of Petrol / Diesel.

4. Heard learned P.O. Shri M.I. Khan. He has strongly objected to grant interim relief. The representations dated 16/3/2022 and 18/4/2022 show that the applicant had already informed to the Principal, Government Polytechnic College,

Bramhapuri stating that he had already submitted all the bills about the expenditure of Petrol / Diesel of the Government Vehicle. Those bills were not sanctioned within time by the respondents themselves and therefore he is not responsible for the same. It appears that in some of the letters issued by the respondents the amount of Rs. 47,438/- is stated and in some letters the amount is stated as Rs.4,57,566/-. It appears from the letters and impugned order that the applicant is not responsible for not getting the bills sanctioned. It appears that the applicant has not utilised the amount for personal benefit. It appears from the letter dated 26/5/2022 that the amount of expenditure of the Government vehicle was not shown to be expenditure from the State Government amount. Therefore, the advance for the expenditure was directed to be recovered.

5. In view of the letter dated 26/5/2022, **the impugned order dated 2/6/2022 is stayed till filing of reply.**

6. Issue notice to the respondents returnable **after three weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. after three weeks.

Vice Chairman

dnk.

O.A. 192/2018 (S.B.)

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

Dated : 04/07/2022.

Heard Shri Bhise, Id. counsel holding for Shri V.R. Thote, Id. counsel for the applicant and Shri AP. Potnis, Id. P.O. for the respondents.

Shri Bhise, Id. counsel submits that Shri V.R. Thote, Id. counsel for the applicant is not feeling well and therefore seeks further time. At his request, **S.O. 18/7/2022.**

Vice Chairman

dnk.

O.A. 208/2020 (S.B.)

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

Dated : 04/07/2022.

Heard Shri R.V. Shiralkar, Id. counsel holding for Shri V.B. Bhise, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. 947/2020 (S.B.)

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

Dated : 04/07/2022.

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

At the request of Id. counsel for the
applicants, **S.O. 15/7/2022.**

Vice Chairman

dnk.

O.A. 418/2021 (S.B.)

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

Dated : 04/07/2022.

Heard Shri S.N. Gaikwad, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 20/7/2022.**

Vice Chairman

dnk.

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

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

Dated : 04/07/2022.

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

Closed for orders.

Vice Chairman

dnk.

O.A. 835/2021 (S.B.)

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

Dated : 04/07/2022.

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

2. As per the submission of Id. P.O. and Id. counsel for applicant, the O.A.No. 73/2020 is pending before the Division Bench of this Tribunal for quashing and setting aside the order of posting on supernumerary post. Hence, it will be proper to decide this O.A. by the said Division Bench. Therefore, this O.A. be kept before the Division Bench for deciding along with O.A. 73/2020.

Vice Chairman

dnk.

O.A. 724/2021 (S.B.)

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

Dated : 04/07/2022.

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

2. The learned counsel has filed additional affidavit on behalf of applicant. It is taken on record and copy is given to the P.O.

3. In the affidavit it is stated in Para-4 that "the applicant came to know that one Smt. Sonali Pande shown to be working at Government Engineering College, Pune is found as absconding since last more than 1 year and therefore the said post is lying vacant at Government Engineering College, Pune."

4. The learned counsel for the applicant submits that the applicant is working at Chandrapur which is a naxalite affected area and therefore as per the G.R. of 2002, the applicant is entitled for choice posting.

5. The learned P.O. submits that no post is vacant at Pune. The applicant was transferred to Awasari i.e. the second choice given by the applicant himself.

6. The applicant himself had given three choices for posting i.e. (1) Pune (2) Awasari &

(3) Jalgaon. The applicant is given posting at Awasari i.e. the second choice given by the applicant. The applicant himself has given choice for posting at Awasari and now he cannot insist that he should be posted at Pune.

7. In that view of the matter, the O.A. is disposed off. No order as to costs.

Vice Chairman

dnk.

**

**O.A. 896/2021 with C.A. 162/2022 (S.B.)
(Suresh G. Annapure Vs. State of Mah.)**

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

Dated : 04/07/2022.

ORDER

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

2. The applicant was appointed as a Food Inspector on 18/08/1992. In 2010, he was selected through MPSC as an Assistant Commissioner (Food). In the year 2011, the applicant was upgraded as Joint Commissioner (Food). The applicant was transferred from Bruhanmumbai to Amravati on vacant post on 14/6/2017. The applicant has completed his normal tenure of three years at Amravati and he was due for transfer in the year 2020. The Transferring Authority has asked the applicant to give choices of his posting as per communication dated 8/4/2020. On 16/4/2020, the applicant has given choices for posting at Thane, Bruhanmumbai, Pune and Nashik. On 2/11/2020, one Shri Desai and Deshmukh were transferred at Pune and Thane respectively. The claim of applicant was not considered.

3. The applicant approached to this Tribunal by filing O.A. 740/2020. The said O.A. was withdrawn by the applicant. Thereafter the applicant filed O.A. 304/2021 before this Tribunal. This Tribunal passed order on 2/8/2021 and

quashed and set aside the order of transfer dated 2/11/2020 and department was directed to follow proper procedure and issue fresh transfer order.

4. Shri Desai who was respondent no.3 in that O.A. filed Writ Petition before the Bombay High Court, Bench at Nagpur. In the Writ Petition No. 2995/2021 the Hon'ble Division Bench of the High Court has passed order on 17/8/2021 and directed the parties to maintain status quo as regards the posting of petitioner at Pune, until further orders.

5. Now the applicant is transferred to Nagpur as per the order dated 26/8/2021. The applicant has joined at Nagpur and working as Joint Commissioner of Food.

6. The O.A. is strongly opposed by the P.O. It is submitted that there is no breach of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as "Transfers Act,2005" for brevity), the applicant has not given 10 choices as per the G.R. of 2017. The applicant cannot claim particular posting at Thane or Pune. The Hon'ble High Court has granted status quo after passing the order by this Tribunal. Therefore, the applicant cannot claim the benefit of the order of this Tribunal dated 2/8/2021.

7. Heard learned counsel for the applicant. He has submitted that the applicant was not given choice posting. He joined at Nagpur on 4/10/2021 under protest. Now the question of quashing and setting aside the transfer order dated 26/8/2021 does not arise.

8. The applicant is not entitled for relief claimed in the O.A. However, learned counsel submits that the applicant's post at Pune is vacant because of the retirement of Shri S.S. Desai on 30/6/2022. This fact is not disputed by the P.O. Hence, the following order –

ORDER

- (i) The O.A. is disposed off.
- (ii) However, the applicant is at liberty to submit representation to the respondents. If the representation is submitted within 15 days, then the respondents are directed to consider the same if the post is vacant for posting as per his request within one month from the date of submission of representation.
- (iii) The C.A. also stands disposed off accordingly.
- (iv) No order as to costs.

Vice Chairman.

dnk.

Review App. No.07/2022 in O.A. 1088/2021 (S.B.)

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

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

Dated : 04/07/2022.

ORDER

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

2. The learned counsel has submitted that in O.A. 1088/2021, this Tribunal has passed the order dated 13/6/2022. The operative portion of the order is as under –

“(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. ”

3. The learned counsel has submitted that as per the Rule 130 (1) (a) of the Maharashtra Civil Services (Pension) Rules, 1982, the applicant is entitled maximum provisional pension. As per his submission, maximum means 99% of the total full pension. He has pointed out the meaning of maximum from Oxford Dictionary.

4. The Id. P.O. has strongly objected the Review Application. The learned P.O. has submitted that there is no any mistake or irregularity, therefore, Review Application itself is not tenable.

5. The meaning of maximum is given in Oxford Dictionary as under –

“ the greatest amount, extent or intensity possible or recorded. Greatest in amount, extent or intensity.”

6. There is no dispute that the applicant is getting 90% provisional pension from the respondent / department. As per submission of learned counsel, the applicant is entitled for 99% provisional pension. If the 99% provisional pension is granted, then there is no any hurdle for the respondents to pay 100% pension to the applicant. The departmental inquiry is pending against the applicant. The department is paying 90% provisional pension to the applicant. Nothing is pointed out to show that 90% pension is not the maximum pension. Nothing is pointed out by the side of applicant to show that maximum amount means 99%. There is no illegality in the impugned order. This Tribunal has passed the order as per the Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982. The applicant is at liberty to move before the respondent / authority with a prayer to grant his pension as per the order of this Tribunal dated 13/6/2022.

7. In view thereof, the Review Application is disposed off. No order as to costs.

Vice Chairman.

dnk.

**

O.A.No.593/2019 (D.B.)

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

Dated : 04/07/2022.

Heard Shri A.R. Patil, 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 respondents. 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 Id. P.O. waives notices for the respondents.

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

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

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.114/2020 (D.B.)

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

Dated : 04/07/2022.

Heard Shri Kaslikar holding for Shri P.A.Kadu, ld. Counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents, Shri S.Pande, ld. counsel for the respondent no. 3, Shri J.S.Wankhede, ld. counsel for the Intervenor. None for the R-4.

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

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.594/2021 (D.B.)

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

Dated : 04/07/2022.

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant and 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. Copy is served to the other side. He further seeks time to file reply on behalf of the respondent no. 1.

3. **S.O. three weeks as a last chance.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

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

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

Dated : 04/07/2022.

Heard Shri R.M.Fating holding for Shri V.B.Gawali, ld. Counsel for the applicant and ShriA.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)
Date:-04/07/2022.
aps.

Vice Chairman

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

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

Dated : 04/07/2022.

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

2. At the request of Id. P.O., **S.O. 15.07.2022 to file reply.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

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

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

Dated : 04/07/2022.

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

2. At the request of Id. P.O., **S.O. 15.07.2022 to file reply.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.215/2022 (D.B.)

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

Dated : 04/07/2022.

Heard Shri S.Pande, 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 nos. 1 & 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. in due course for final hearing.**

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

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.275/2022 (D.B.)

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

Dated : 04/07/2022.

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

2. Ld. counsel for the applicant is directed to file C.A. for condonation of delay, **S.O. three weeks.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.279/2022 (D.B.)

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

Dated : 04/07/2022.

C.A.No.140/2022:-

Heard Shri P.B.Patil, 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. after ten days to file reply.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

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

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

Dated : 04/07/2022.

Heard Shri S.N.Gaikwad, 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)

Date:-04/07/2022.

aps.

Vice Chairman

O.A.No.623/2022 (D.B.)

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

Dated : 04/07/2022.

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

2. Ld. P.O. has filed letter dated 28.06.2022 by
Director, Medical Education and Research, Mumbai
by which it appears that applicant's grievance has
been redressed.

3. However, nobody for applicant, **S.O. two
weeks.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

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

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

Dated : 04/07/2022.

C.A.No.135/2022:-

Heard Shri A.Motlog, 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 on C.A..**

Member(J)

Date:-04/07/2022.

aps.

Vice Chairman

C.P.36/2022inRev.18/2021inO.A.94/2021(D.B

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

Dated : 04/07/2022.

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

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

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

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

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

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

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

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

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.Nos.521,522,523&524/2014 (D.B.)

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

Dated : 04/07/2022.

Heard Shri R.S.Khobragade, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State.

2. Ld. counsel for the applicant is at liberty to amend the addresses, if he so desires.

3. Office is directed to issue fresh notice to the un-served Respondents in all the O.As., returnable on after 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. after four weeks.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

Rev.03/2022inC.P.40/19inO.A.590/17 (D.B.)

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

Dated : 04/07/2022.

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

2. Ld. P.O. is directed to take necessary instructions and file on record, after order of this Tribunal dated 23.01.2019; when vacancy arose and what action was taken by the respondents.

3. **S.O. four weeks.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.684/2022 (D.B.)

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

Dated : 04/07/2022.

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

2. Issue notice to Respondents, returnable on two weeks. Learned C.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. two weeks.**

9. **Till that time, applicant should not be relieved from Nagpur, where he is presently working. Steno copy is granted.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

**O.A.No.537/2018withC.A.No.72/2021 (D.B.)
Shri S.S.BahadVs. State of Maharashtra & 2 Ors.
Coram :Shri Shree Bhagwan, Vice Chairman&
Shri M.A.Lovekar, Member (J)
Dated : 04/07/2022.**

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

2. Applicant was working as Principal, I.T.I., Amravati and retired on 31.03.2013 (A-1, Pg. No. 14). He was served with chargesheet on 29.04.2015 (A-2, Pg. No. 15). The issue was regarding alleged inspection report dated 07.07.2011 (A-3, Pg. No. 16) for which applicant submitted a representation dated 12.06.2015 (A-5, Pg. Nos. 25 to 27) and explained in detailed about the allegation. Till filing of the O.A., no enquiry was started. Applicant made several representations about his grievances. However, nothing happened.

3. Aggrieved with this situation, applicant approached this Tribunal by filing Original Application on 11.07.2018. The matter was first heard on 06.02.2019, respondents filed their reply 30.03.2019 and as per their own admission in para no. 6 Divisional Enquiry Officer was appointed on 04.01.2019 and Presenting Officer was also appointed the same time. This itself shows carelessness on the part of disciplinary authority about the enquiry that when chargesheet was served on 29.04.2015, Enquiry Officer was appointed almost after four years i.e. 04.01.2019.

Matter was heard in this Tribunal on 09.03.2021 and detailed order was passed. Para no. 3 of which is reproduced below:-

*“3. The Id. Counsel for the applicant has relied upon the Judgment of **PremNath Bali Vs. Registrar of High Court of Delhi, AIR 2016, SCC, 101** wherein para 33 specific time has been given to complete the departmental inquiry. In this case, charge sheet was served on 29.04.2015 and after that as per the para no. 33 of the Hon’ble Apex Court’s Judgment, it was mandatory to complete the inquiry within one year. They have not followed the prescribed time limit. However, final report has been also submitted as per the C.A. on 05.11.2020 and even after four months, final decision has not been passed in the departmental inquiry and the applicant is deprived of pensionary benefits.”*

4. **Hon’ble Apex Court in case of PremNath Bali Vs. Reg., High Court of Delhi, AIR 2016, SCC, 101.** In para nos. 31, 32 & 33 has observed:-

“31) Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is

placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

32) As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

*33) Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded **within six months as an outer limit**. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within **reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.**"*

5. It has been clearly mentioned that D.E. should be concluded within six months and outer limit should be one year. Respondents have neither followed Hon'ble Apex Court Judgment nor directions given by this Tribunal on 09.03.2021. Considering the negligence on the part of the respondents, following order is passed:-

ORDER

- A. O.A. is allowed and C.A. is disposed of.
- B. The D.E. initiated against the applicant by letter dated 29.04.2015 is quashed and set aside.
- C. Applicant is exonerated from all the charges in D.E..
- D. He is entitled for all the retiral benefits from the date he retired i.e. 31.03.2013.
- E. Respondents are further directed to comply with this order within three months from the date of receipt of this order.
- F. No order as to costs.

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.204/2019 (D.B.)

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

Dated : 04/07/2022.

Heard Shri A.C.Dharmadhikari, Id. Counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the respondents and Shri R.S.Parsodkar, Id. counsel for the R-3 to 127. None for R-1 & 2. None for R-2.

2. Closed for orders.

Member(J)

Date:-04/07/2022.

aps.

Vice Chairman

O.A.No.448/2018 (D.B.)

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

Dated : 04/07/2022.

None for the applicant. Shri A.M.Ghogre, Id.
P.O. for the respondents.

2. **S.O. four weeks.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.319/2015 with C.A.No.323/2015 (D.B.)

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

Dated : 04/07/2022.

None for the applicant. Shri A.M.Ghogre, Id.
P.O. for the respondents and Shri M.M.Sudame, Id.
counsel for the respondent no. 3.

2. Ld. counsel for the respondent no. 3 pointed out that matter pertains to 2013 and they went to Hon'ble High Court. The applicant withdrew the matter from Hon'ble High Court. Now, he approached to the Tribunal, **S.O. 3rd Week of August, 2022.**

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.No.930/2017 with C.A.No.03/2020 (D.B.)

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

Dated : 04/07/2022.

Heard Shri N.S.Warulkar, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, delay is condoned. **S.O. 28.07.2022.**

Member(J)

Date:-04/07/2022.

aps.

Vice Chairman

O.A.No.974/2017 (D.B.)

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

Dated : 04/07/2022.

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

2. At the request of ld. counsel for the applicant, **S.O. 28.07.2022.**

Member(J)

Date:-04/07/2022.

aps.

Vice Chairman

O.A.No.528/2019 (D.B.)

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

Dated : 04/07/2022.

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. counsel for the applicant, **S.O. 08.07.2022.**

Member(J)

Date:-04/07/2022.

aps.

Vice Chairman

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

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

Dated : 04/07/2022.

Heard Shri N.R.Saboo, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for the R-6 to 9.

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

Member(J)
Date:-04/07/2022.
aps.

Vice Chairman

O.A.Nos.865&866/2020 (D.B.)

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

Dated : 04/07/2022.

Heard Shri P.S.Patil, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for R-4 in O.A.No.866/2020.

2. At the request of ld. counsel for the applicant, **S.O. 01.08.2022.**

Member(J)

Date:-04/07/2022.

aps.

Vice Chairman