

O.A. 508/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Smt. D.V. Sapkal, Id .counsel for the applicant and Shri A.M. Khadatkar, Id .P.O. for R-1 to 3 & 5 and none for R-4.

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

Vice-Chairman

dnk.

O.A. 279/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

2. The learned counsel for the applicant has filed rejoinder to the reply on 17/12/2020. The learned P.O. is directed to go through the rejoinder filed by the applicant and file reply thereon, if any and then the matter will be heard after three weeks.

S.O. after three weeks.

Vice-Chairman

dnk.

O.A. 268/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri P.V. Thakre, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 527/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

At the request of Id. P.O., **S.O.**
22/2/2021.

Vice-Chairman

dnk.

O.A. 122/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

2. The learned counsel for the applicant submits that though the applicant has passed Marathi Examination, but the Marathi subject was second paper and the applicant is also Marathi speaking candidate.

3. In view of this, the applicant should not be insisted again to pass Marathi Ad-hoc Board examination. However, as per the request of Id. P.O., **S.O. 26/2/2021.**

Vice-Chairman

dnk.

O.A. 255/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of the respondents. It is taken on record. Copy is served on the applicant.

S.O. two weeks along with other connected matters.

Vice-Chairman

dnk.

O.A. 256/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

S.O. two weeks along with other connected matters.

Vice-Chairman

dnk.

O.A. 257/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

S.O. two weeks along with other connected matters.

Vice-Chairman

dnk.

O.A. 258/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of the respondents. It is taken on record. Copy is served on the applicant.

S.O. two weeks along with other connected matters.

Vice-Chairman

dnk.

O.A. 483/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

S.O. two weeks along with other connected matters.

Vice-Chairman

dnk.

O.A. 408/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

2. As pointed out by the learned P.O., in order dated 5/2/2021 it was mentioned that there was stay in the order dated 10/6/2019 and that is in favour of the applicant, but the applicant is not attending further.

3. The O.A. is disposed of with a direction that the applicant may approach to the respondents with representation to address his grievances during the General Transfers of the year, 2021. The interim stay granted by this Tribunal in order dated 10/6/2019 to continue till disposal of applicant's representation by the respondents.

4. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 382/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

2. The Id. P.O. files reply on behalf of R-4, i.e., the Accounts Officer, Pay Verification Unit, Nagpur. It is taken on record.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 957/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri V.B. Wagh, Id. counsel for the applicant and Shri A.M. Ghogre, 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. 958/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri V.B. Wagh, Id. counsel for the applicant and Shri A.M. Ghogre, 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. 12/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri Bargat, Id. counsel holding for Shri D.P. Dapurkar, Id. counsel of the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3.

At the request of Id. counsel for the applicant, **S.O. next week.**

Vice-Chairman

dnk.

O.A. 733/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

2. After going through the reply, it appears that the respondents have filed MCA in O.A. 101/2017 for extension of time to comply the order of this Tribunal which was allowed. The Id. P.O. submits that during extension period all the dues were paid. Hence, question of interest does not arise.

3. The learned counsel for the applicant desires to go through the reply. He is directed to ensure that if as per MCA which is mentioned in the reply, the amount has already been paid, then the respondents cannot be asked for interest.

4. The O.A. is admitted and it be kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. after two weeks.

Vice-Chairman

dnk.

O.A. 780/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed Pursis dated 12/2/2021 wherein it is mentioned that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 12/2/2021, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 808/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed Pursis dated 12/2/2021 wherein it is mentioned that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 12/2/2021, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 809/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed Pursis dated 12/2/2021 wherein it is mentioned that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 12/2/2021, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 812/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed Pursis dated 12/2/2021 wherein it is mentioned that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 12/2/2021, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 36/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

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

Vice-Chairman

dnk.

O.A. 243/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

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

Vice-Chairman

dnk.

O.A. 242/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

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

Vice-Chairman

dnk.

O.A. 564/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

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

Vice-Chairman

dnk.

O.A. 665/2019 with C.A. 65/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Ms. S.M. Tripathi, Id. counsel holding for Shri I.S. Charlewar, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and none for R-3.

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

Put up this matter along with O.A. 126/2017.

Vice-Chairman

dnk.

O.A. 126/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Ms. S.M. Tripathi, Id. counsel holding for Shri I.S. Charlewar, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&4 and none for R-2&3.

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

Put up this matter along with O.A. 665/2019.

Vice-Chairman

dnk.

O.A. 39/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri G.N. Khanzode, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that all the respondents are served.

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

Vice-Chairman

dnk.

O.A. 17/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

At the request of Id. P.O., **S.O. 23/2/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 02/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

C.A. 01/2021

Shri Y. P. Kaslikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 1/3/2021** for filing reply on C.A.

Vice-Chairman

dnk.

O.A. 813/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

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

The status-quo order dated 1/12/2020 to continue till then.

Vice-Chairman

dnk.

O.A. 814/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

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

The status-quo order dated 1/12/2020 to continue till then.

Vice-Chairman

dnk.

O.A. 784/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Shri C.V. Sawalkar, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that all the respondents are served.

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

Vice-Chairman

dnk.

O.A. 164/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

The Id. P.O. submits that he will reply of R-1 to 4 during the course of day. He is directed to supply copy to the other side.

S.O. 1/3/2021.

Vice-Chairman

dnk.

O.A. 155/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri S. Pande, Id .counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and none for R-4&5.

It is submitted that all the pleadings are completed, therefore, the O.A. is admitted and it be kept for final hearing.

The Id. P.O. waives notice for R-1 to 3.

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 947/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

Heard Shri H.D. Futane, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 . Await service of R- 2 to 5.

2. At the request of Id. counsel for the applicant, issue fresh notice to the respondent no.2 returnable **after three weeks**. 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 three weeks.

Vice-Chairman

dnk.

O.A. 821/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

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

2. It appears that the grievance of the applicant and relief clauses are fully covered by the Government policy vide G.R. dated 6/8/2002 (A-8,P-26). On page no.5 of the said G.R., sub clause (M½ (2½ squarely takes care of applicant's grievances of page no.8 of the O.A. relief clause no. 7 (ii). The respondents are directed to decide the application as per the relief clause 7 (ii) of the O.A.

3. This Tribunal had passed previous order on 3/12/2020 for deciding the applications dated 19/10/2020 & 23/10/2020 within four weeks. However, the respondents are deciding the application as per applicant's own relief clause no.7 (ii). The Id. P.O. to take necessary instructions from the respondents in this regard and place the documents on the next date.

S.O. four weeks.

Vice-Chairman

dnk.

*

O.A.No.520/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

C.A.No.83/2020:-

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

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

Vice Chairman

Date:-15/02/2021.
aps.

O.A.No.372/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

C.A.No.96/2018:-

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

2. The Id. P.O. has filed pursis dated 29.01.2021. The Id. counsel for the applicant has filed two times amendment copies and he has already supplied the same to the other side. The Id. counsel for the applicant has desires time to file total amended copy of the O.A..

3. The Id. counsel for the applicant has filed C.A. No. 96/2018, in which he is contended that salary should be paid from 01.04.2017 to 21.06.2017 during which applicant has actually worked. The Id. P.O. desires time to file reply, **S.O. two weeks.**

3. *Two weeks is granted with directions that prayer of the applicant should be considered positively.*

4. **Steno copy is granted.**

Vice Chairman

Date:-15/02/2021.

aps.

O.A.No.900/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

C.A.Nos.41&339/2020:-

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

2. As per relief clause at P.B., Pg. No. 10 (1)(2)(3); applicant relief clause was for promotion and as submitted by Id. counsel for the applicant, applicant has already been promoted. In view of this situation, nothing survives in the O.A.. Hence, **O.A. along with C.A. stands disposed of with no order as to costs.**

3. *The Id. counsel for the applicant is at liberty to file separate O.A.; regarding his grievances about the transfer.*

Vice Chairman

Date:-15/02/2021.

aps.

O.A.No.702/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

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

2. As per order dated 04.01.2021, applicant retired on 31.10.2019 and he was given provisional pension only for three months and that has also been stopped now. The Id. P.O. submits that correspondence from the department has been received; according to that no dues, no enquiry certificate has been issued and that will facilitate in preparing and sending pension papers to A.G. office. The Id. P.O. further submits that pension paper will be submitted to the A.G. office. The Id. P.O. is directed to file the same on record. Meanwhile, respondents are directed to continue with the provisional pension till his regular pension is not finalized.

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

Vice Chairman

Date:-15/02/2021.
aps.

O.A.Nos.850&851/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the State. Await service of respondent
nos. 2 & 3.

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

Vice Chairman

Date:-15/02/2021.
aps.

C.P.No.05/2021inO.A.No.871/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Smt. Patil, the Id. counsel for the respondent nos. 2 to 6.

2. The Id. counsel for the respondent nos. 2 to 6 submits that order of M.A.T. has been challenged before Hon'ble High Court. The Id. counsel for the applicant is directed to file the same on record and supply the copy of the same to the other sides.

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

Vice Chairman

Date:-15/02/2021.
aps.

O.A.St.No.29/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

C.A.No.11/2021:-

Heard Shri V.B.Bhise, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the State and Shri R.V.Shiralkar, the Id. counsel for the respondent nos. 2 & 3.

2. The Id. counsel for the applicant submitted that he will file service affidavit during the course of the day. As submitted by Id. counsel for the respondent nos. 2 & 3, departmental enquiry was conducted against the applicant; applicant was dismissed from the service and suspension period has shown in the prayer clause 9 (C) was treated as suspension period. However, Id. P.O. and Id. counsel for the respondent nos. 2 & 3 are directed to file reply within two weeks time.

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

Vice Chairman

Date:-15/02/2021.
aps.

O.A.Nos.40,41&42/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

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

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

3. **I.R. to be continued.**

Vice Chairman

Date:-15/02/2021.
aps.

O.A.No.813/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

Heard Shri S.S.Dhengale, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. *Put up this matter before regular D.B..*

Vice Chairman

Date:-15/02/2021.
aps.

O.A.No.727/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

Heard Shri T.J.Patil, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The matter is **admitted** and kept for final hearing.

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

4. **S.O. before regular D.B.**

Vice Chairman

Date:-15/02/2021.
aps.

C.P.No.45/2020 in O.A.No.1025/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

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

2. As per the order dated 04.02.2021; S.O. was
15.04.2021. The matter has been wrongly listed
today, office is directed to list it on 15.04.2021.

3. **S.O. 15.04.2021.**

Vice Chairman

Date:-15/02/2021.
aps.

O.A.No.137/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

Heard Shri C.D.Rohankar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that applicant is on the verge of promotion and D.P.C. is likely to take place and apprehension of the applicant is that his name is not considered. In view of the proposed enquiry, respondents are directed that if any D.P.C. take place in which applicant is in zone of promotion. The condition laid down in the Government G.R. dated 15.12.2017 (Annexure-A-8, P.B., Pg. No. 75) should be followed and all the procedures as prescribed in the said G.R. should be adhere too.

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

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

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

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

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

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

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

10. **Steno copy is granted.**

Vice Chairman

Date:-15/02/2021.

aps.

C.P.No.09/2021inO.A.No.485/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

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

2. In order sheet dated 11.12.2019 direction was given to complete D.E. within six months from the date of this order as per the directions of Hon'ble Supreme Court. The Id. P.O. submits that they had file C.A. for extension of time; even if that extension of time is considered and they had taken shelter of Covid-19. Now, there is no Covid-19 period and Government has directed to open all the office work. Applicant is going to retire in May,2021. It is also not understood that why applicant's junior were promoted and applicant was denied promotion as per the G.R. dated 15th Dec. 2017.

3. **S.O. 18.02.2021.**

4. *Put up this matter along with the C.P.No.10/2021 in O.A.No.530/2018.*

Vice Chairman

Date:-15/02/2021.
aps.

C.P.No.10/2021inO.A.No.530/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

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

2. In view of the reply in para no. 5 of the O.A.; which is below:-

"It is submitted that, even though there is proposed the departmental enquiry against the Shri Mote but the no charge sheet has been issued therefore by taking undertaking from Shri Mote he has been given promotion by order dated 03.12.2012."

3. Hence, the decision was taken in favour of Shri Mote. In view of justice and parity why same kind of decision was not taken for the applicant? The Id. P.O. submits that order was passed on 11.12.2019 and after that no D.P.C. has taken place. There are some points in O.A. also which needs further discussions. So, O.A. along with this C.P. both will be heard on 18.02.2021.

4. **S.O. 18.02.2021.**

5. **Steno copy is granted.**

6. *Put up this matter along with the C.P.No.09/2021 in O.A.No.485/2018.*

Vice Chairman

Date:-15/02/2021.

aps.

O.A.Nos.243,244,245&246/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

Heard Shri I.N.Choudhari, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the respondent nos. 4 & 6 (O.A. Nos. 245 & 246/2016)

2. Since, the Id. P.O. does not have consent from the department to hear the D.B. matter before the Single Judge. The matter is postponed for hearing. Meanwhile, the Id. P.O. is directed to take necessary instructions from the department.

3. **S.O. before regular D.B.**

Vice Chairman

Date:-15/02/2021.
aps.

O.A.No.382/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

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

2. At the request of Id. P.O., **S.O. before regular
D.B..**

Date:-15/02/2021.
aps.

Vice Chairman

O.A.No.28/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/02/ 2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. before regular D.B..**

Vice Chairman

Date:-15/02/2021.
aps.

O.A. 778/2020 (S.B.)

(Prashant Subhash Bedse Vs. State of Maharashtra & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 15/02/2021.

ORDER

Heard Shri D.M. Kakani, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. As pointed out by the learned counsel for the applicant, the applicant was posted vide order dated 25/5/2017 (A-6,P-36) as Tahsildar, Jiwati, District Chandrapur by the Divisional Commissioner, Nagpur Division, Nagpur. Further the applicant was transferred vide order dated 10/8/2020 (A-4,P-26) from Tahsildar, Jiwati, District Chandrapur to Tahsildar, Warora, District Chandrapur by the Government of Maharashtra, Revenue and Forest Department. In the said order the applicant's name appears at Sr.No.5 and as per the policy laid down by the Government he has been posted as Tahsildar, Warora, District Chandrapur in place of Shri Sachin Gosawi who was transferred as Tahsildar, Goregaon, District Gondia on a vacant post. As submitted by the learned counsel for the applicant, the candidate Shri Sachin Gosawi has been relieved also. Since the applicant worked as Tahsildar, Jiwati, District Chandrapur from 25/5/2017 to 10/8/2020 i.e. more than three years, the applicant was squarely covered by the Government G.R. dated 6/8/2002 (A-8,P-39) and internal page no.5 of the said G.R., Para (M) (2). The said order dated 10/8/2020 (A-4,P-26) is very much legal as per established Government policy and G.Rs. that employees in Group-A& B who have worked more than two years in tribal and naxal affected areas, they should be posted out of such areas

preferably as per their choice posting. Now, the learned counsel for the applicant pointed out the impugned order dated 19/11/2020 (A-1,P-21) where the applicant's name appears at Sr.No.1 and the applicant is transferred from Tahsildar, Warora, District Chandrapur back to Tahsildar, Jiwati, District Chandrapur. Prima facie, this order is bad in law and appears to be against settled policy of the Government and existing G.Rs.

3. The Divisional Commissioner, Nagpur Division, Nagpur has forwarded proposal dated 13/7/2020 (A-12,P-49) to the Additional Chief Secretary, Revenue and & Forest Department, Mumbai and along with that he has attached the proposal from page nos.51 to 54. In the proposal of the Divisional Commissioner, Nagpur Division, Nagpur the applicant's name appears at Sr.No.6 and it has been shown that he has completed three years, zero month and 29 days at the present post at Jiwati. The proposal was placed before the Civil Services Board chaired by the Additional Chief Secretary (Revenue) and Secretary (Rehabilitation) as Member, Joint Secretary (Establishment Section) as Member and Deputy Secretary (E-3) as Member Secretary of the CSB (A-13,P-55 to 69). The applicant's name appears in the Civil Services Board Meeting at Sr.No.2 where the applicant's name has been recommended to be transferred to Warora in place of Shri Sachin Gosawi who was proposed to be transferred on a vacant post and finally the file has been moved at Page nos.70&71 and as it appears on page no.70 as per rules of business, the Desk Officer, Deputy Secretary and Additional Chief Secretary have signed, however, the Hon'ble Minister (Revenue) and Hon'ble Chief Minister have not signed, but after that some more paras and contents have been inserted and continued to page no.71 and below this content, only the Hon'ble Minister (Revenue) and Hon'ble Chief Minister have signed and below this by hand writing, it is written veq ¼egl ½

means Additional Chief Secretary (ACS) (Revenue), it means the contents written between page no.70 and contents on page no.71 above the signature of the Hon'ble Minister (Revenue) have not been seen and approved by the ACS (Revenue). After the signature of Hon'ble Chief Minister i.e. highest decision making level in the State Government how by hand it is written and there is no sign of ACS (Revenue). Putting in hand written the name of post after the signature of highest executive of the State i.e. the Hon'ble Chief Minister seems to be doubtful and illegal and it is not within the rules of business also. By all these facts, it appears that the order dated 10/8/2020 (A-4,P-26) has been done as per law and established legal procedure. The proposal was recommended by the Divisional Commissioner and put up before the Civil Services Board and then it was approved by highest executive of the State i.e. the Hon'ble Chief Minister and after that the order dated 10/8/2020 (A-4,P-26) has been issued.

4. The above procedure is as per settled a legal position after Judgment of Hon'ble Apex Court **T.S.R. Subramanian & Ors. Vs. Union of India & Ors.,** in Writ Petition (Civil) No.82/2011 with Writ Petition (Civil) No.234/2011 delivered on 31st October,2013.

5. The respondent nos. 1 to 3 have filed sur rejoinder dated 8/2/2021 and in para-2 on page no.145 they have admitted that inadvertently the same could not be placed on record and for the same, I tender my unconditional apology. It is regarding G.R. dated 26/12/2014 which was stayed by the G.R. dated 18/2/2015. Both these G.Rs. were not taken into account while filing reply by the respondents and when the learned counsel pointed out in his rejoinder then the respondent nos.1 to 3 realised their mistakes and they filed the sur rejoinder to the applicant's rejoinder and tendered unconditional apology at Annex-A-10, P-47 that Jiwati is

still tribal area. It is cleared that in their earlier reply they had misguided this Tribunal also which appears to be very much irresponsible act on the part of respondent nos.1 to 3.

6. The learned P.O. relied upon G.R. dated 6/8/2002 (A-8,P-39 to 45) and in internal page no.5 of the G.R. further submits that clause (M) and sub clause 3&6 require the employee to give the choice of posting, but the applicant has not given the same, so the applicant at this stage cannot claim relief as per Government G.R. dated 6/8/2002. It is made clear that it's a Government policy and whether any employee makes a request or not, it is the responsibility of the Transferring Authority to go by justice and legality of the policy and give justice according to the policy which does not seem to have been done in case of applicant while issuing order dated 19/11/2020 (A-1,P-21).

7. The learned P.O. submitted that vide letter dated 6/6/2019 (A-10, P-47) it appears that the applicant wanted change of revenue division to Pune, Thane and Nashik. However, the Divisional Commissioner, Nagpur vide his communication dated 13/7/2020 (A-12,P-49) submitted list of Tahsildars who had completed the tenure and due for transfer which was considered by the Civil Services Board in its meeting dated 5/8/2020 (A-13,P-55) by the ACS (Revenue) and Civil Services Board recommended at Sr.No.2, the applicant's transfer to Warora in place of Shri Sachin Gosawi who was also due for transfer. Then all the procedures have been followed to issue order dated 10/8/2020 (A-4,P-26). The order dated 19/11/2020 (A-1,P-21) does not survive in the eyes of law and established Government policy and rules of business. In view of discussions in the above paras, I pass the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The transfer order dated 19/11/2020 (A-1,P-21) to the extent of applicant i.e., Shri Prashant Bedse is quashed and set aside.
- (iii) The respondents must follow their own order dated 10/8/2020 (A-4,P-26). The respondent no.3 is directed to relieve the applicant to join at Warora with immediate effect.
- (iv) The Additional Chief Secretary (Revenue) who is representative of the State Government as respondent no.1 is directed to ensure an inquiry of the documents at page nos.70 & 71 of the O.A. where without his knowledge how contents have been inserted and how after the signature of Hon'ble Chief Minister "वेद वेगल ग्य" has been written in hand writing. This is a serious violation of rules of business and if such incidents are allowed in the Government, it will create chaos in the administration and therefore the responsibility must be fixed and necessary action be taken against the person who has done this.
- (v) No order as to costs.

Vice-Chairman.

Dated :- 15/02/2021.

*dnk.