

O.A. 310/2018 (D.B.)

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

Dated : 02/03/2021.

Shri Shiralkar, Id. counsel holding for Shri S.G. Zinjarde, Id. counsel for the applicant and Shri S.A. Sainis, Id .P.O. for R-1. Await service of R-2.

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

Vice-Chairman

dnk.

O.A. 05/2019 (D.B.)

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

Dated : 02/03/2021.

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

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

Vice-Chairman

dnk.

(D.B.)

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

Dated : 02/03/2021.

C.A. 458/2019 in O.A. 926/2019 -

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

The Id. P.O. files reply on C.A. as well as on O.A. Same are taken on record. Copies are given to the Id. counsel for the applicant.

At the request of learned P.O., the matter be kept before regular Division Bench.

Vice-Chairman

dnk.

O.A. 853/2019 (D.B.)

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

Dated : 02/03/2021.

None for the applicant. Shri M.I. Khan,
Id. P.O. for R-1. Await service of R-2&3.

S.O. four weeks for filing service
affidavit.

Vice-Chairman

dnk.

O.A. 905/2020 (D.B.)

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

Dated : 02/03/2021.

Shri V.W. Wankhede, 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.

Interim relief to continue till filing of the reply.

Vice-Chairman

dnk.

O.A. 906/2020 (D.B.)

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

Dated : 02/03/2021.

Shri V.B. Gawali, Id. counsel holding for
Shri P.V. Thakre, Id .counsel for the applicants
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.

Put up along with O.As. 20/21 & 185/21.

Vice-Chairman

dnk.

O.A. 20/2021 (D.B.)

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

Dated : 02/03/2021.

Shri V.B. Gawali, 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.

Put up along with O.As. 906/20 & 185/21.

Vice-Chairman

dnk.

O.A. 185/2021 (D.B.)

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

Dated : 02/03/2021.

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

2. It appears that issue of delay is involved in this matter, therefore, the Id. counsel for the applicant is directed to file C.A. for condonation of delay.

S.O. two weeks.

Put up along with O.As. 906/2020 & 20/2021.

Vice-Chairman

dnk.

O.A. 94/2020 (D.B.)

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

Dated : 02/03/2021.

Heard Shri N.B. Rathod, Id .counsel for the applicant and Shri A.M. Ghogre, Id .P.O. for the State.

2. As per para-6..11 at page no.8 of the O.A, the Id. counsel for the applicant is challenging the answer of question no.83 ID 87178. The same issue is involved in similar O.A.No. 1025/2018 and order has been passed on 5/12/2019 by this Tribunal. On the same line, the respondent no.1, i.e. the Chairman, Selection Committee, Ratnagiri is directed to refer the answer paper of the applicant to the Head of the Department (English), Mumbai University for his opinion. On question no.83 ID 87178 he be requested to give correct answer to question no.83 ID 87178 out of the options given as answers to this question. The Head of the Department (English) to give opinion within four weeks from the date of receipt of the request from the respondent no.1.

S.O. Six weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 18/2021 (D.B.)

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

Dated : 02/03/2021.

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

3. The Id. P.O. desires time to file reply, however, vide order dated 9/2/2021 the learned counsel for the applicant had pointed out G.R. dated 24/8/1976 (A-3,P-17) in which one more chance and one more year to pass departmental examination is permissible to the Backward Category Candidate. Today, the learned counsel for the applicant has filed copy of MAT, Aurangabad Bench Judgment in O.A.No.576/2018 delivered on 9/1/2019 and he has submitted that by this Judgment also the applicant's grievance is covered. Hence, the learned P.O. is directed to file reply within 10 days so that matter can be decided at the earliest. It is made clear that if the reply is not filed within prescribed period, the matter will be heard on merits.

S.O. 16/3/2021.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 64/2021 (D.B.)

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

Dated : 02/03/2021.

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

2. The learned P.O. desires more time to file reply. However, it is made clear that prima facie the applicant's case is covered by the Govt. GAD G.R. dated 29/12/2017 and only reply of R-2 is sufficient to decide the O.A. In this situation, two weeks time is granted to file reply. It is made clear that if the reply is not filed within two weeks, the matter will be heard on merits.

S.O. 16/3/2021.

Vice-Chairman

dnk.

O.A. 71/2021 (D.B.)

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

Dated : 02/03/2021.

Shri S.M. Khan, 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. 23/3/2021** for filing reply as a last chance.

Vice-Chairman

dnk.

C.P. 08/20 in O.A. 444/15 (D.B.)

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

Dated : 02/03/2021.

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

2. The learned P.O. desires time to file reply. He submitted that the order of MAT is under challenged before the Hon'ble High Court. In view of this, the learned P.O. is directed to file documentary evidence in this regard so that the matter will be postponed till Hon'ble High Court's decision.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 72/2021 (D.B.)

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

Dated : 02/03/2021.

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

2. The Id. counsel for the applicant submitted that the charge sheet was served on the applicant on 22/7/2011 (A-1,P-21) by the respondent no.2, however, no progress has been done till today. The learned counsel for the applicant further submits that the applicant is retired on superannuation on 30/9/2015. As no charge sheet has been served, the matter must be decided as per the direction given by the Hon'ble Apex Court in case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & ors.** in Civil Appeal No.958/2010.

3. The learned P.O. desires three weeks time to file reply. At his request, **S.O. three weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 73/2021 (D.B.)

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

Dated : 02/03/2021.

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

2. The Id. counsel for the applicant submitted that the charge sheet was served on the applicant on 22/7/2011 (A-1,P-24) by the respondent no.2, however, no progress has been done till today. The learned counsel for the applicant further submits that the applicant is retired on superannuation on 30/4/2014. As no charge sheet has been served, the matter must be decided as per the direction given by the Hon'ble Apex Court in case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & ors.** in Civil Appeal No.958/2010.

3. The learned P.O. desires three weeks time to file reply. At his request, **S.O. three weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 203/2021 (D.B.)

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

Dated : 02/03/2021.

Heard Shri Ms. S.S. Pandhy, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The service condition of the applicant has been changed by impugned order dated 6/1/2021 (A-1,P-8) without giving any chance of hearing to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 6/1/2021 (A-1,P-8) be stayed till filing of the reply.**

3. Issue fresh notice to the respondents returnable **after four weeks.** The Id. P.O. waives notice for the State. 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.

S.O. after four weeks.

Vice-Chairman

dnk.

C.P. 03/21 in O.A. 339/2017 (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 02/03/2021.

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

2. It appears that the Department has already taken a policy decision vide Government G.R. dated 29/12/2000 and as per the Judgment in O.A.199/2016 in para-10 following observations have been made –

“ At this stage, in the background of what has been found in the preceding paragraph, it is clear in my view, that when these averments are held in juxtaposition with the terms and conditions that have been set out , it does not appear possible that the requirement of 10 years of service and 240 days of yearly actual performance was practically possible. After all, one cannot force an impossibility before any party and the take advantage thereof. The reason why I have observed that it was an instance of impossibility it that by the very nature of things, these requirements would make it impossible for any worker to put in 240 days of work in a year because the availability of work was completely uncertain. The vacancies in the posts and the further fact that, it would be in

accordance with the rotation would further make it quite clear that no single person would necessarily get a job for those may days. I still have some discussion in store, but then at this stage, it can be stated quite safely that the requirement of 10 years and 240 days per year was not really possible, if one were to go by the record such as it is.”

3. However, it is not understand what is the reason for not redressing the grievance of the applicant. The learned P.O. desires four weeks time to file reply. He is permitted to do so.

4. In the meantime, issue Notice to the respondents returnable **on 30/03/2021** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

5. The learned P.O. waives notice for State. Hamdast granted.

6. S.O. **30/3/2021**

Vice-Chairman

dnk.

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O.A. 163/2018 (S.B.)

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

Dated : 02/03/2021.

Shri R.R. Dawda, Id. counsel for the applicant Shri M.I. Khan, Id. P.O. for R-1 and none for R-2.

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

Vice-Chairman

dnk.

O.A. 669/2019 (S.B.)

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

Dated : 02/03/2021.

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

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

The O.A. is admitted and it be kept for final hearing.

The Id. P.O. waives notice for the respondents.

S.O. 23/3/2021.

Vice-Chairman

dnk.

O.A. 773/2019 (S.B.)

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

Dated : 02/03/2021.

Shri S.M. Khan, Id. counsel for the applicant Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 15/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 774/2019 (S.B.)

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

Dated : 02/03/2021.

Shri S.M. Khan, Id. counsel for the applicant Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 15/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 786/2019 (S.B.)

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

Dated : 02/03/2021.

Shri Khanzode, Id. counsel for the applicant 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. 42/2020 (S.B.)

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

Dated : 02/03/2021.

Shri Shiralkar, Id. counsel for the applicant 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. 160/2020 (S.B.)

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

Dated : 02/03/2021.

Shri R.R. Dawda, Id. counsel for the applicant 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. 932/2020 (S.B.)

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

Dated : 02/03/2021.

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

The Id. P.O. files reply of R-2&3. It is taken on record. Copy is served on the applicant.

The O.A. is admitted and it be kept for final hearing.

The Id. P.O. waives notice for the respondents.

S.O. 9/3/2021.

Vice-Chairman

dnk.

O.A. 12/2021 (S.B.)

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

Dated : 02/03/2021.

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

At the request of Id. P.O., **S.O. 30/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 65/2021 (S.B.)

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

Dated : 02/03/2021.

Shri S.C. Deshmukh, Id. counsel for the applicant Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 23/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 130/2021 (S.B.)

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

Dated : 02/03/2021.

Shri I.N. Choudhari, Id. counsel for the applicant Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 131/2021 (S.B.)

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

Dated : 02/03/2021.

Shri I.N. Choudhari, Id. counsel for the applicant Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 250/2020 (S.B.)

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

Dated : 02/03/2021.

Shri A.R. Kalele, Id .counsel for the applicant and Shri A.P. Potnis, 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. 251/2020 (S.B.)

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

Dated : 02/03/2021.

Shri A.R. Kalele, Id .counsel for the applicant and Shri A.P. Potnis, 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. 259/2020 (S.B.)

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

Dated : 02/03/2021.

Shri A.R. Kalele, Id .counsel for the applicant and Shri A.P. Potnis, 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. 75/2021 (S.B.)

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

Dated : 02/03/2021.

Shri A.R. Kalele, Id .counsel for the applicant and Shri A.P. Potnis, Id .P.O. for the respondents.

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

Vice-Chairman

dnk.

Rev. A. 03/21 in O.A. 184/2019 (S.B.)

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

Dated : 02/03/2021.

Shri N.S. Warulkar, Id .counsel for the applicant and Shri A.P. Potnis, Id .P.O. for R-1&2 and Shri S. Majid, Id. counsel for R-3.

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

Vice-Chairman

dnk.

O.A. 126/2021 (S.B.)

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

Dated : 02/03/2021.

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

2. The learned P.O. has filed letter dated 26/2/2021 (P-103) issued by the Transport Commissioner, M.S., Mumbai by which it appears that the applicant's grievances has been redressed. Copy of the same is supplied to the learned counsel for the applicant.

3. In view of this, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 129/2016 (S.B.)

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

Dated : 02/03/2021.

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

S.O. 18/3/2021.

Vice-Chairman

dnk.

O.A. 792/2016 (S.B.)

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

Dated : 02/03/2021.

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

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 767/2016 (S.B.)

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

Dated : 02/03/2021.

Smt. K.N. Saboo, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri J.B. Kasat, Id. counsel for R-3.

S.O. three weeks.

Vice-Chairman

dnk.

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

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

Dated : 02/03/2021.

Smt. S.M. Tripathi, Id. counsel holding for shri I.S. Charlewar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and N. Majithia, Id. counsel for R-2.

S.O. 23/3/2021 along with O.A. 665/2019.

Vice-Chairman

dnk.

O.A. 506/2017 (S.B.)

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

Dated : 02/03/2021.

Shri N.R. Saboo, Id .counsel for the applicant and Shri A.P. Potnis, Id .P.O. for the respondents.

S.O. three weeks.

Vice-Chairman

dnk.

Rev. A. 02/2021 in O.A. 100/2020 (S.B.)

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

Dated : 02/03/2021.

Shri H.K. Pande, Id. P.O. for the applicants (Org. Respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Or. Applicant.)

S.O. three weeks.

Vice-Chairman

dnk.

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

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

Dated : 02/03/2021.

ORDER

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

2. The learned P.O. submits that he will file reply of R-2 during the course of day. He was directed to supply copy of that reply to the learned counsel for the applicant also.

3. The learned counsel submitted during course of hearing that as per record on A-8, P-33&34, when applicant was posted as Police Inspector Dhule City Police Station he was punished under various sections including Food Security and Standard Act,2006 and in that case he was compulsory retired from service by the Director General of Police, Mumbai by order dated 10/4/2019. The applicant preferred appeal before the Government against this order on 14/6/2019 and as per document at page no.34 it appears that appeal was heard by the Hon'ble State Minister, Home (Rural) and order was passed on 29/8/2019. In the said order, order passed by respondent no.2 dated 10/4/2019 was quashed and as per Clause-2 of the decision, he was punished with keeping him at basic post of Police Inspector for three years. As per Clause-7 of the decision his absence period was only to be treated for pension and nothing was paid on the principle of 'no work, no pay'. The learned counsel pointed out A-A-1, P-20 by which it appears that when the applicant was posted as Police Inspector, Malkapur Police Station he was suspended vide order dated 3/5/2017 by the S.P., Buldana under prevention of corruption Act, The applicant made representations dated 7/11/2017 & 31/1/2019, but no reply was given to the applicant. As per record A-4,P-23 the S.P. Buldana vide order dated 17/5/2017 issued order for preliminary inquiry. By record at A-5,P-24 it appears that respondent no.2 had made correspondence dated 21/11/2019 (as per reference letter) to the Government against Hon'ble Minister order dated 29/8/2019. The Government vide its letter dated 9/3/2020 (A-5,P-24) communicated to the respondent no.2 and declined the request made vide letter dated 21/11/2019 and in para-5 on page

no.25 directed the respondent no.2 to implement the order passed in appeal with immediate effect and submit compliance report. Till the letter issued by the Government dated 9/3/2020 issue related to the applicant of Dhule Police Station is over. When applicant was suspended vide A-1, order dated 3/5/2017 the suspension issue was to be dealt with as per established law by various Judgments of Hon'ble Supreme Court and High Court including Government order which are reproduced below –

(i) 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 that :-

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.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkI dh; I o d l k ; k T ; k i d j . h 3 e f g u ; k p k d l y k o / h r f o H k x h ; p k s d ' h l q d : u n k s k j k i i = c t k o . ; k r v k y s u l g h] v ' k k i d j . h e k - l o l p U ; k ; k y ; k p s v k n s k i l g r k j f u y e u l e k r d j . ; k ' k o k ; v U ; i ; k z ; j l g r u l g h R ; k e G s f u y f c r ' k k I d h ; I o d l k e c r f o H k x h ; p k s d ' k p h d k ; b l g h l q d : u n k s k j k i i = c t k o . ; k p h d k ; b k ; h f u y e u k i k l u 9 0 f n o l k e ; k v k r d k v d l g i . l s d y h t k b y ; k p h n { k r k @ [k c j n k j h ? s ; k r ; k o h -

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kkI u fu. k z d z 118 @ i z d z 11 @ 11 v] f n u k d 09-07-2019 in para nos. 1 (ii) following decisions have been taken :-

fuyfcr 'kkI dh; I o d l k ; k T ; k i d j . h 3 e f g u ; k p k d l y k o / h r f o H k x h ; p k s d ' h l q d : u n k s k j k i i = c t k o . ; k r v k y s u l g h] v ' k k i d j . h e k - l o l p U ; k ; k y ; k p s v k n s k i l g r k j f u y e u l e k r d j . ; k ' k o k ; v U ; i ; k z ; j l g r u l g h R ; k e G s f u y f c r ' k k I d h ; I o d l k e c r f o H k x h ; p k s d ' k p h d k ; b l g h l q d : u n k s k j k i i = c t k o . ; k p h d k ; b k ; h f u y e u k i k l u 9 0 f n o l k e ; k v k r d k v d l g i . l s d y h t k b y ; k p h n { k r k @ [k c j n k j h ? s ; k r ; k o h -

4. As pointed out by the learned counsel for the applicant, the impugned order dated 23/10/2020 A-6,P-26&27 has mentioned about Issue related to Dhule Police Station when the applicant was posted there. However, it is pertinent to note that issue related to Dhule Police Station became over after Hon'ble State Minister, Home (rural) decision dated 29/8/2019. At this stage, the issue before respondent no.2 was regarding suspension order dated 3/5/2017 (A-1,P20) issued by S.P. Buldhana. As far as suspension issue and its duration is concerned, it has been already settled by Hon'ble Apex Court Judgments discussed above and finally by Government of Maharashtra G.R. dated 9/7/2019 in which in reference no.3 direction of DoPT from the Government of India has been mentioned in the background of Hon'ble Apex Court Judgment. The legal position has been fully settled by the Hon'ble Apex Court and Government of Maharashtra G.R. dated 9/7/2019 regarding continuation of suspension period.

5. It does not appear good in the eyes of law to mix-up closed Dhule issue with suspension order dated 3/5/2017. It was necessity of law to deal this order as per settled principle in legal parlance.

S.O. 4/3/2021 (PH).

Vice-Chairman

dnk.

***O.A. 892/2020 (S.B.)**

(K.M. Tongalwar & 55 ors. Vs. State of Mah.)

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

Dated : 02/03/2021.

C.A. 42/2021 -

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

2. The issue involved is that employees who are working in tribal/ naxal affected area how their pay fixation should be done as per the guidelines given in Govt. G.R. dated 6/8/2002 (A-1,P-53) and relevant part i.e. Clause no.7 is mentioned on page nos.58&59. It is cleared that any employee working in tribal / naxal affected area will be given only one benefit either ACP or one step above pay scale. Both are not entitled to any employee. As submitted by the learned counsel for the applicants, the applicants' pay bills are not passed by the Treasury since September,2020 and they are not getting any salary.

3. The learned counsel for the applicants has also pointed out letter written by the Divisional Agricultural Joint Director, Nagpur dated 27/11/2019 (A-9,P-91) in which details clarification has been already given.

4. In view of this, it is directed that the respondent nos. 6&8 should submit the bills of employees only with 'Ashwashit Pragati Yojana' and not with one step above pay scale to the Treasury and the respondent nos. 6&7 are directed to ensure that such bills with only 'Ashwashit Pragati Yojana' are passed till further guidance are received from the State Government. Meanwhile, the respondents may seek detailed direction from the Government in their Department and decide how to fix the pay scale of the employees. This interim arrangement will continue till final guidelines given by the Government and if any difference is found, the applicants will have right to agitate and at the same time the respondents will have also right to recover if any extra amount is being paid.

5. In view thereof, the C.A. stands disposed of.

O.A. 892/2020 –

S.O. after six weeks.

Steno copy is granted..

Vice-Chairman

dnk.

***O.A. 665/2019 (S.B.)**

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

Dated : 02/03/2021.

C.A.No. 65/2020 -

Heard Smt. S.M. Tripathi, Id. counsel holding for Shri I.S. Charlewar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for respondent nos.1&2. None for R-3.

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

3. For the reasons stated in the application, the C.A.No. 65/2020 for amendment is allowed. Necessary amendment be carried out within two weeks and amended copy be supplied to the other sides.

O.A. 665/2019 -

Heard Smt. S.M. Tripathi, Id. counsel holding for Shri I.S. Charlewar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for respondent nos.1&2. None for R-3.

2. Both the counsels were directed to file Judgments related to such employees who

retired on 30th June and claim implement of 1st July. Since the employee has worked for four years, so he becomes entitled for increment of 1st July, that Judgment has been given in one of the Hon'ble High Court Judgments. Those Judgments should be filed on record.

3. The matter is admitted and it be kept for final hearing.

4. The learned P.O. waives notice for respondent nos.1&2.

S.O. 23/3/2021 (PH) along with O.A. 126/2017.

Vice-Chairman

dnk.

***O.A. 204/2021 (S.B.)**

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

Dated : 02/03/2021.

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

2. It appears that the applicant submitted V.Rs. application as per Annex-A-12, page no.45 on 17/4/2016 and it was accepted by the Assistant Collector and SDO, Gadchiroli vide letter dated 16/10/2016 (A-13,P-46). Subsequently, the respondent no.4 has made correspondence dated 20/3/2017 (A-14,P-47) for provisional pension. However, as submitted by the learned counsel for the applicant, the applicant continued to get provisional pension till 16/8/2017, but as on today the applicant is neither getting provisional pension nor regular pension. The learned counsel further submitted that except GPF, no other pensionary benefits have been given to the applicant.

3. Issue notice to the respondents returnable after three weeks. Learned P.O. waives notice for State. 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.

S.O. after three weeks.

Vice-Chairman

dnk.

O.A. 763/2018 (S.B.)

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

Dated : 02/03/2021.

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

The matter is kept for re-hearing **on 8/3/2021.**

Lateron –

Shri M.I. Khan, Id. P.O. pointed out that Shri R.A. Haque, Id. counsel for the applicant has been reported positive due to Covid,19.

In view of this situation, the matter be kept for hearing after three weeks.

S.O. after three weeks.

Vice-Chairman

dnk.

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