

**O.A. 377/2020 (S.B.)**

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

**Dated : 25/06/2021.**

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

The Id. P.O. files reply on behalf of R-3&4. It is taken on record. Copy is served on the applicant.

With the consent of learned counsel for both the parties, the matter is admitted and kept for final hearing.

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

**S.O. 16/7/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 25/06/2021.**

None for the applicant. Shri A.P.  
Potnis, Id. P.O. for R-1,3 &5. None for R-4.  
Await service of R-2.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 305/2019 (S.B.)**

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

**Dated : 25/06/2021.**

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

The Id. counsel for the applicant has filed on record Pursis dated 14/1/2021 mentioning that the applicant wants to withdraw the O.A.

In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

**Vice-Chairman**

dnk.

O.A. 437/2020 (S.B.)

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

**Dated : 25/06/2021.**

Shri Saboo, 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. two weeks** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 536/2020 (S.B.)**

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

**Dated : 25/06/2021.**

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

The Id. P.O. files reply of R-3. It is taken on record. Copy is served on the applicant. Ld. P.O. submits that reply of R-3 is sufficient to decide the O.A. Hence, the O.A. is admitted and kept for final hearing.

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

**S.O. 12/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 591/2020 (S.B.)**

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

**Dated : 25/06/2021.**

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

At the request of Id. P.O., **S.O. 9/7/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 19/2021 (S.B.)

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

**Dated : 25/06/2021.**

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

At the request of Id. P.O., **S.O. 9/7/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 200/2021 (S.B.)

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

**Dated : 25/06/2021.**

Shri P.S. Patil, Id .counsel for the applicants and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

**S.O. 7/7/2021.**

**Vice-Chairman**

dnk.

O.A. 381/2021 (S.B.)

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

**Dated : 25/06/2021.**

Shri N.R. Saboo, Id .counsel for the  
applicants and Shri A.P. Potnis, Id. P.O. for R-1.  
Await service of R-2 to 4

**S.O. three weeks.**

**Vice-Chairman**

dnk.

**O.A. 463/2021 (S.B.)**

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

**Dated : 25/06/2021.**

Heard Shri A.P. Chaware, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents, returnable in **three weeks.** Learned C.P.O. waives notice for the 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. three weeks.**

**Vice-Chairman**

dnk.

O.A. Nos.178/18,302/18 with C.A. 204/20 &  
O.As. 253/19,744/19, & 331/20 (S.B.)

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

**Dated : 25/06/2021.**

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

**S.O. 16/07/2021.**

**Vice-Chairman**

dnk.

**O.As. 592 & 630 of 2019 (S.B.)**

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

**Dated : 25/06/2021.**

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

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

**Vice-Chairman**

dnk.

O.A. 379/2021 (S.B.)

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

**Dated : 25/06/2021.**

Heard Shri A.M. Ghare, Id. counsel for the applicant and Shri Shri A.M. Khadatkar, 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. 355/2021 (S.B.)**

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

**Dated : 25/06/2021.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3&4.

2. The learned P.O. has filed correspondence dated 20/5/2021 in which it is mentioned that the applicant has been relieved on 20/5/2021 as per order dated 30/9/2020.

3. In view of this Tribunal's order dated 17/5/2021 since the applicant's grievance is solved, therefore, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 356/2021 (S.B.)**

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

**Dated : 25/06/2021.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for R-1&2. None for R-3&4.

2. The learned P.O. has filed correspondence dated 20/5/2021 in which it is mentioned that the applicant has been relieved on 20/5/2021 as per order dated 7/8/2020.

3. In view of this Tribunal's order dated 17/5/2021 since the applicant's grievance is solved, therefore, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.

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

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

**Dated : 25/06/2021.**

Heard Mrs. D.V. Sapkal, Id .counsel for the applicant and Shri A.M .Khadatkar, Id. P.O. for the respondents.

Shri Khadatkar, Id. P.O. submits that Shri M.I. Khan, Id. P.O. is appearing in this matter and he is not available today, therefore, he seeks further time.

At the request of Id. P.O., **S.O. 9/7/2021.**

**Vice-Chairman**

dnk.

O.A. 582/2020 (S.B.)

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

**Dated : 25/06/2021.**

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

**Closed for orders.**

**Vice-Chairman**

dnk.

O.A. 857/2019 (S.B.)

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

**Dated : 25/06/2021.**

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

2. As pointed out by the learned counsel for the applicant, the District Health Surgeon, Amravati has submitted proposal to the Deputy Director of Health Services, Akola Circle, Akola to condone the break in service of applicant Dr. Sanjay M. Ganorkar. The proposal was submitted vide letter dated 25/1/2019 (A-11,P-31). The Deputy Director of Health Services, Akola Circle, Akola has submitted that proposal to the Commissioner of Health Services, Mumbai vide his letter dated 28/2/2019 (A-12, P-38). If this power is with the respondent no.2, he should decide the issue within 45 days from the date of receipt of this order or if he is not competent then he should submit the proposal to the respondent no.1 and the respondent no.1 should decide the issue within 45 days after receipt of proposal from the respondent no.2.

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

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 464/2021 (S.B.)**

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

**Dated : 25/06/2021.**

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

2. As submitted by the learned counsel for the applicant, the applicant was placed under suspension by the Divisional Agriculture Joint Director, Amravati Division, Amravati (R/3) vide his letter dated 30/4/2021 (A-1,P-12) as directed by the Commissioner, Agriculture Department, Pune vide his letter dated 29/4/2021 (A-1,P-12). The applicant has made representation dated 25/5/2021 (A-6,P-25) to the Commissioner, Agriculture Department, Pune (R/2).

3. In this situation, the respondent no.2 is at liberty to decide the representation of the applicant dated 25/5/2021 (A-6,P-25).

4. In the meantime, issue notice to the respondents, returnable **after four weeks.** Learned P.O. waives notice for the State. Hamdast allowed.

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

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

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

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

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

**S.O. after four weeks.**

**Vice-Chairman**

dnk.

**O.A. 465/2021 (S.B.)**

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

**Dated : 25/06/2021.**

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

2. As submitted by the learned counsel for the applicant, the applicant was placed under suspension by the Divisional Agriculture Joint Director, Amravati Division, Amravati (R/3) vide his letter dated 30/4/2021 (A-1,P-13) as directed by the Commissioner, Agriculture Department, Pune vide his letter dated 29/4/2021 (A-1,P-13). The applicant has made representation dated 25/5/2021 (A-10,P-34) to the Commissioner, Agriculture Department, Pune (R/2).

3. In this situation, the respondent no.2 is at liberty to decide the representation of the applicant dated 25/5/2021 (A-10,P-34).

4. In the meantime, issue notice to the respondents, returnable **after four weeks.** Learned P.O. waives notice for the State. Hamdast allowed.

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

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

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

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

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

**S.O. after four weeks.**

**Vice-Chairman**

dnk.

**O.A. 474/2021 (S.B.)**

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

**Dated : 25/06/2021.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. As submitted by the learned counsel for the applicant, the applicant is working at Akot Wildlife Division in Somthana Range since 20/10/2013 and he has submitted representation dated 26/2/2021 (A-1,P-9) to the respondent no.2 for transfer. The learned counsel for the applicant is relying G.R. dated 22/5/2017 (A-8, P-26) and mainly he is relying para-2 (ii) of the G.R. (P-31) which is reproduced as below –

“ii) उल; तहो @ l kelftd ouhdj.k@brj 'kk[ke/; s, d inko/kh i qkzcdy; koj i knf'kd oufoHkkxkr cnyh dj.; kr ; koi-\*\*

3. In view of above, considering a long working period in the Wildlife area, the respondent no.2 is directed to consider the applicant's representation dated 26/2/2021 (A-1,P-9) within 30 days from the date of receipt of this order and communicate to the applicant.

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

**Vice-Chairman**

dnk.

**O.A. 473/2021 (S.B.)**

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

**Dated : 25/06/2021.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. As submitted by the learned counsel for the applicant, the applicant is working at Akot Wildlife Division in Somthana Range since 9/11/2011 and he has submitted representation dated 26/2/2021 (A-1,P-9) to the respondent no.2 for transfer. The learned counsel for the applicant is relying G.R. dated 22/5/2017 (A-6, P-21) and mainly he is relying para-2 (ii) of the G.R. (P-26) which is reproduced as below –

“ii) उल; तहो @ l kelftd ouhdj.k@brj 'kk[ke/; s, d inko/kh i qkzcdy; koj i knf'kd oufoHkkxkr cnyh dj.; kr ; koi-\*\*

3. In view of above, considering a long working period in the Wildlife area, the respondent no.2 is directed to consider the applicant's representation dated 26/2/2021 (A-1,P-9) within 30 days from the date of receipt of this order and communicate to the applicant.

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

**Vice-Chairman**

dnk.

**O.A. 924/2018 (S.B.)**

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

**Dated : 25/06/2021.**

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

2. The applicant was first appointed vide order dated 2/4/1985 (A-1,P-8) by the Dean, Government Medical College, Nagpur. The seniority list was published by the respondent no.2 which is at A-2,P-9 to 13 in which the applicant's name appears at sr.no.170 (P-12) and other two candidates Shri Manoj Kamble at Sr.No.111 and Vikas Dhoke at Sr.No.112. The Committee was constituted to decide the seniority of the applicant as per A-3,P-14 and the Committee vide its letter dated 12/8/2004 (A-3,P-14) and typed copy on page no.15 and in para-2 it is mentioned that seniority of the applicant should be 95A or 96 instead of 170 and that also directed to correct the list before publish in December,2017. The learned counsel is challenging the order of Director, Medical Education Department, Mumbai (R/3) dated 4/2/2020 (A-9,P-25D) and order of Dean, Government Medical College and Hospital, Nagpur (R/2) dated 11/2/2020 (A-10,P-F).

However as per reply filed by the respondent nos. 1&2 on page nos. 26 to 30 and in para-4 it has been mentioned as below –

*“It is not disputed that some employees were appointed by order dated 20/9/2005 which was according to G.R. dated 17/8/2004. Copy of G.R. dated 17/8/2004 is annexed herewith as Annex-R-1 but at that time the applicant was age bar as required in the said G.R. The appointments made as per office order dated 29/5/2005 by the respondent no.2 of the candidates who were not age bar.”*

3. The learned counsel for the applicant and learned P.O. are directed to find out what was the age of applicant as on 29/5/2005 and what age limit was decided as per G.R. dated 17/8/2004. This information is necessary to decide the issue of the applicant.

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

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 225/2020 (S.B.)**

(R.N. Rane Vs. State of Maharashtra & Ors.)

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

**Dated : 25/06/2021.**

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

2. The applicant was appointed against the S.C. category as per impugned order dated 28/12/2019 (A-6,P-41). Vide said impugned order the applicant's service condition was changed to supernummary post as per G.R. dated 21/12/2019. As per A-7,P-43 the applicant retired on 31/1/2020.

3. In similar cases the impugned order has been stayed till filing of reply. However, in this case since the applicant has retired no purpose will be solved by that kind of order.

4. The learned counsel has filed Hon'ble High Court, Aurangabad Judgment in Writ Petition Nos. 903/2020 with 1484/2020 with 9032/2020 which have been decided on 4/5/2021. The learned counsel has placed reliance on para-26 on page no.46 which is reproduced below –

*“ (26) In the light of the above, the G.R. dated 21/12/2019 shall be read in a manner not to include the employees whose tribe claims are invalidated, but are granted protection in employees under the Judgments/orders of this Court and the said judgments/orders have attained finality.*

5. Earlier the applicant had approached to the Hon'ble High Court, Nagpur Bench in Writ Petition No. 3441/2014 (A-2,P-12) and in the said Judgment on page no.17 the order passed in the Judgment is reproduced below –

*“ (a) The petitioner is entitled for protection of service, however, not entitled for any further caste benefits on the basis of invalidated caste certificate, except a continuity of service.”*

6. Since the applicant was having protection in service as per order in Writ Petition No. 3441/2014 delivered on January 6,2015 and continued in service as per Hon'ble High Court direction. Now in view of Judgment passed by the Hon'ble High Court Aurangabad Bench in Writ Petition Nos. 903/2020 with 1484/2020 with 9032/2020 and observations made in para-26 the applicant will be treated in service till retirement on 31/1/2020 and his service conditions will remain the same as before the issue of G.R. dated 21/12/2019. Hence following order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The relief clause nos. 7 (A), (B) & (C) on page no.8 of O.A. are allowed to the applicant.
- (iii) The above order be complied within two months from the date of receipt of this order.
- (iv) No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 116/2021 (S.B.)**

( P.V. Chavhan Vs. State of Mah. & Ors. )

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

**Dated : 25/06/2021.**

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

2. As submitted by the learned counsel as per order dated 13/12/2018 (A-1,P-8) the applicant's name appears at Sr.No.11 and he was posted to Police Station, Kurkheda and it has been mentioned in column no.3 that the applicant joined in Gadchiroli district on 5/12/2018 (AN). The Id. Counsel has filed typed copy of documents on page no.10 since page no.10 is not readable. The document filed is marked as Page-10A. Vide this document which is a wireless message dated 30/10/2019, the applicant has been transferred from Police Station, Kurkheda to Control Room, Gadchiroli. The second order of transfer is issued within less than one year.

3. The respondent no.2 has filed reply on 24/5/2021 and in para-3 following submission has been made –

*“ It is submitted that the applicant had entered into nexus with illicit liquor traders under the jurisdiction of Police Station, Kurkheda. The applicant has indulged in collecting illegal money in the form of commission from the bootleggers. His disobedience to the disciplined police force and causal attitudes towards the illicit liquor sellers had given rise to number of other crimes. Hence, it was immediate necessary to*

*withdraw the applicant from Police Station, Kurkheda and attached him to the Control Room, Gadchiroli.”*

4. As submission made in reply para-3 the respondent no.2 is at liberty to take action under M.C.S. (Discipline & Appeal) Rules, 1979, however, it is made clear that as far as transfer is concerned, employees of Maharashtra Government are governed by the Special Transfers Act,2005 which has not been followed while issuing message dated 30/10/2019, hence it does not sustain in the eyes of law. Hence, following order –

**ORDER**

(i) Transfer order issued by wireless message dated 30/10/2019 is quashed and set aside.

(ii) The respondents are at liberty to take disciplinary action against the applicant as per M.C.S. (Discipline & Appeal) Rules, 1979 or the Maharashtra Police Act, 1951

(iii) The respondents should pay all dues including allowances as prescribed by the Government of Maharashtra for employees working in Gadchiroli District to the applicant.

(iv) The O.A. is disposed of. No order as to costs.

**Vice-Chairman**

dnk.  
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**O.A.No.240/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

Heard Shri R.M.Fating, 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 on record the letter by Joint Director, Accounts and Treasury, Nagpur dated 23.06.2021. As per this letter para no. 2; similar matters have been filed in Mumbai and Aurangabad Bench of MAT; which were heard combined in Mumbai Bench. However, matter filed at Nagpur Bench will be heard separately at Mumbai Bench. At the same time in para no. 3, it is mentioned that department has requested Mumbai Bench to hear O.A. No. 240/2021 of Nagpur Bench also at Mumbai Bench.

3. In view of this letter, the Id. P.O. is directed to get clarification from Mumbai Bench also and respondents also that whether this O.A. No. 240/2021 is clubbed with Mumbai Bench or not?

4. The Id. counsel for the applicant submits that the letter dated 23.06.2021 O.As. are different and issue involve in my O.A. is different. In view of this, Id. P.O. is directed to take instructions from Mumbai and respondents that what is the exact position.

**5. S.O. 05.07.2021.**

6. Steno copy is granted.

Date:-25/06/2021.  
aps.

Vice Chairman

O.A.No.566/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

Heard Shri N.R.Saboo, 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. two weeks to file reply.**

**Vice Chairman**

**Date:-25/06/2021.**

aps.

**O.A.No.728/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

Heard Ms. R.G.Zarbade holding for Shri S.D.Chande, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents. None for the respondent no. 5.

2. The Id. P.O. has filed reply of respondent no. 4. It is taken on record. Copy is served to the other side.

3. The Id. P.O. desires further two weeks time to file reply of Respondent no. 2.

4. In order dated 23.02.2021 in para no. 2 following observation has been made:-

*"On 15.01.2021 the C.A. No. 354/2020 was allowed to file documents on record, but till today the same has not been filed by the Id. counsel. Today, the learned counsel for the applicant submits that she will file documents on record as per order dated 15.01.2021 and for that purpose she desires further four weeks time."*

5. It appears that the Id. counsel for the applicant is not aware about the above observation. She is directed to file those document which was mentioned in order dated 23.02.2021.

6. S.O. two weeks.

Date:-25/06/2021.  
aps.

**Vice Chairman**

**O.A.Nos.887, 888 & 889/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

Heard Shri O.D.Kakade, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. Since the matter pertains to compulsory retirement and reinstate the service. Hence, at the request of Id. C.P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-25/06/2021.**  
aps.

**O.A.No.455/2021 (D.B.)**

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

**Dated : 25/06/ 2021.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

2. The Id. counsel for the applicant submits that he has filed service affidavit of respondent no. 2.
3. The Id. C.P.O. filed letter dated 24.06.2021 by Desk Officer, Urban Development Department written to Joint Director, Town Planning, Nagpur, which is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.
4. It appears from the above letter that the D.P.C. took place for Assistant Director, Town Planning, for the year 2019-2020 on 15.12.2020 (Para no. 3 of letter).As per submission made in para no. 3; it appears that department has issued promotion order dated 25.02.2021 (Annexure-A-3, P.B., Pg., No. 15) for Shri Ashok Kashirao Khandekar separately; since he was due to retire on 31.03.2021 (O.A.-synopsis pg. no. II)
5. Department had also submitted proposal to Hon'ble Chief Minister for both the applicants i.e. Shri Bahekar and Shri Raut. Since, Shri Bahekar is going to retire on 30.06.2021 (Annexure-A-4, P.B., Pg. No. 20) and Shri Raut is going to retire on 31.07.2021 (Annexure-A-5, P.B., Pg. No. 21). However, from Hon'ble Chief Minister office some query was made and department was directed to submit proposal as per G.A.D., G.R. dated 07.05.2021. It is also submitted in para no. 3 that after following all the procedures; department has submitted proposal to Hon'ble Chief Minister office.
6. Since Shri Bahekar is retiring on 30.06.2021 and Shri Raut is retiring on 31.07.2021. In the Interest of Justice these two persons should be also granted promotion before retirement. They have already been considered in the D.P.C. dated 15.12.2020 as fit candidate for promotion. Already respondents have done justice with Shri Ashok Kashirao Khandare by issuing order dated 25.02.2021 on the same line justice be done with these two applicants also.

7. Since, Shri Bahekar is retiring in 30.06.2021 and Shri Raut is retiring in 31.07.2021. In the interest of justice, these persons should be granted promotion before their retirement; since they are already considered for D.P.C. dated 15.12.2020 for promotion.

8. Respondents are directed to issue promotion order for both the applicants before their retirements as early as possible. Particularly, in case of Shri Bahekar who is going to retire on 30.06.2021; his order should be issued before 30.06.2021.

9. In view of this situation, matter be kept on 28.06.2021. The Id. C.P.O. is also directed to contact respondents personally that promotion order of Shri Bahekar should be issued before 30.06.2021.

10. **S.O. 28.06.2021.**

**11. Steno copy is granted.**

**Vice Chairman**

**Date:-25/06/2021.**

aps.

**C.P.No.33/2020 in O.A.No.845/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

Heard Shri S.M.Khan, 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. 07/07/2021 weeks to file reply.**

3. *The Id. P.O. is further directed to supply the copy of the reply to the other side. The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice Chairman**

**Date:-25/06/2021.**  
aps.

Rev.No.02/2021inO.A.No.384/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

**C.A.No.161/2021:-**

Heard Shri P.M.Tembhurnikar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the respondent no. 4.

2. **C.A. No. 161/2021 for amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within a week and supply the amended part to the other side.

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

**Vice Chairman**

**Date:-25/06/2021.**  
aps.

**C.P.No.09/2021inO.A.No.485/2018 with**

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

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

2. As submitted by Id. counsel for the applicant, the order of Tribunal passed on 11.12.2019 in O.A. No. 485/2018 and in the last lines of order; Respondents were directed to complete the enquiry within a period of six months from the date of this order. After 11.12.2019, it is almost 1½ years passed and respondents have not completed enquiry. Meanwhile, applicant stood retired on 31.05.2021.

3. Already great injustice caused to the applicant while not deciding the D.E. within stipulated time.

4. Today also Id. P.O. desires two weeks time. Two weeks time is granted on the condition that either D.E. should be completed within two weeks and if it is not completed the applicant would be presumed to be exonerated from charges in the D.E.. He will be entitled for all benefits.

**5. S.O. two weeks.**

**6. Steno copy is granted.**

**Date:-25/06/2021.**  
aps.

**Vice Chairman**

**O.A.No.223/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Respondent no. 2 published advertisement for Superintendent; surprisingly in advertisement at Annexure-A-2, P.B., Pg. No. 13; date is not mentioned by Respondent no. 2. For the post of Superintendent (Male). Categorywise vacancy position is shown on P.B., Pg. No. 16 and in that for S.B.C. category there is one post shown. The result was published at Annexure-A-4, P.B., Pg. No. 23 and as submitted by Id. counsel for the applicant, applicant is at Sr. No. 2, Roll No. 103264 and he has scored 136 marks.

3. Respondents have filed their reply on 10.07.2019 and on P.B., Pg. No. 34 in para no. 5; they have submitted that out of total 102 Ashram Schools in the Nagpur Division, 27 Ashram Schools are being closed by the Government. Therefore, removing 27 posts of closed Ashram Schools from 102 sanctioned posts, 75 posts are remained. They have given categorywise chart, which is below:-

Total Posts-75	SC 13%	ST 7%	VJNT 11%	SBC 2%	OBC 19%	OPEN 48%	Total 100%
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Post to be filled up as per %	10	5	9	1	14	36	75
Posts actually filled up	10	5	9 (+1 Surplus) 10	0	14 (+5 Surplus)	32 (26+6 Surplus)	70
Vacant posts	0	0	0	1	0	4	5

4. It appears from the above, that there is one vacancy in S.B.C. Category against even after closer of 27 Ashram Schools in Nagpur Division.

5. In view of this situation, as per there reply, there is no problem for respondents to consider the name of applicant who is at Sr. No. 2 in the merit list on P.B., Pg. No. 23 (Annexure-A-4) as per existing rules and regulations. If there is any problem, respondents may file subsequent reply to that effect.

**6. Till the time this post should not be filled except applicant.**

**7. S.O. two weeks.**

**8. Matter be treated as P.H.**

**9. Steno copy is granted.**

**Vice Chairman**

**Date:-25/06/2021.**

aps.

**O.A.No.224/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 25/06/ 2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. Since, the Id. counsel for the applicant has asked certain documents under R.T.I. and he desires to file those documents before Tribunal.

3. **S.O. three weeks.**

**Vice Chairman**

**Date:-25/06/2021.**

aps.