

O.A. 495/2020 (S.B.)

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

**Dated : 28/06/2021.**

Shri S.N. Gaikwad, 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. 2/7/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 683/2020 (S.B.)**

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

**Dated : 28/06/2021.**

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

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

The matter is admitted and kept for final hearing.

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

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 231/2021 (S.B.)

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

**Dated : 28/06/2021.**

Shri R.V. Shiralkar, 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. 9/7/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 257/2021 (S.B.)**

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

**Dated : 28/06/2021.**

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

The matter is admitted and kept for final hearing.

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

**S.O. four weeks.**

**Vice-Chairman**

dnk.

O.A. 280/2020 (S.B.)

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

**Dated : 28/06/2021.**

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

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

**Vice-Chairman**

dnk.

O.A. 657/2015 (S.B.)

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

**Dated : 28/06/2021.**

Shri A.C. Dharmadhikari, Id. counsel  
for the applicant and Shri P.N. Warjurkar, Id.  
P.O. for the respondents.

**S.O. 2/7/2021**

**Vice-Chairman**

dnk.

O.A. 735/2018 (S.B.)

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

**Dated : 28/06/2021.**

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

With the consent of Id. counsel for both the parties, **S.O. 2/7/2021.**

**Vice-Chairman**

dnk.

O.A. 849/2018 (S.B.)

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

**Dated : 28/06/2021.**

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

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 906/2017 (S.B.)

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

**Dated : 28/06/2021.**

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

**S.O. 2/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 920/2020 (S.B.)**

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

**Dated : 28/06/2021.**

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

**S.O. 9/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 49/2020 (S.B.)**

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

**Dated : 28/06/2021.**

Heard Shri D.M. Surjuse, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-3 to 5. It is taken on record. Copy is served on the applicant. After going through the record, it appears that the Id. counsel has not filed copy of impugned order. The Id. counsel is directed to file copy of impugned order which is not on record.

3. The learned counsel for the applicant is at liberty to file rejoinder, if any.

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 181/2020 (S.B.)

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

**Dated : 28/06/2021.**

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

The Id. P.O. files reply of R-2. It is taken on record. Copy is given to Id. counsel for the applicant. The matter is admitted and kept for final hearing.

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

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 531/2020 (S.B.)**

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

**Dated : 28/06/2021.**

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

2. As submitted by the learned counsel, the respondent no.5 was posted against the post of applicant. But the applicant was not posted anywhere. However, now the respondent no.5 has been posted somewhere else. So the grievance of the applicant is solved.

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

**Vice-Chairman**

dnk.

**O.A. 926/2020 (S.B.)**

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

**Dated : 28/06/2021.**

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

2. The Id. P.O. desires some time to file reply of R-3 which is necessary to decide the O.A. Since the respondent no.3 is from Nagpur, the Id. P.O. is directed to file reply of R-3 within three weeks.

**S.O. 26/7/2021.**

**Vice-Chairman**

dnk.

O.A. 110/2021 (S.B.)

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

**Dated : 28/06/2021.**

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

The Id. P.O. submits that he has received parawise comments and he will file reply till the next date

At the request of Id. P.O., **S.O. 5/7/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 111/2021 (S.B.)

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

**Dated : 28/06/2021.**

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

The Id. P.O. submits that he has received parawise comments and he will file reply till the next date

At the request of Id. P.O., **S.O. 5/7/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 380/2021 (S.B.)**

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

**Dated : 28/06/2021.**

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

2. The Id. P.O. submits that he has received parawise comments of R-2 and he will file reply till next date. Time is granted as prayed for. The Id. P.O. is directed to supply copy of reply to the Id .counsel in advance. The Id. counsel is at liberty to file rejoinder, if any.

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

**Vice-Chairman**

dnk.

O.A. 857/2020 (S.B.)

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

**Dated : 28/06/2021.**

Shri R.A. Haque, 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.

**Vice-Chairman**

dnk.

O.A. 392/2021 (S.B.)

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

**Dated : 28/06/2021.**

Ms. A. Lanjewar, Id. counsel holding for Shri M.R. Joharapurkar, 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. four weeks** for filing reply.

**Vice-Chairman**

dnk.

O.A. 395/2021 (S.B.)

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

**Dated : 28/06/2021.**

Ms. A. Lanjewar, Id. counsel holding for Shri M.R. Joharapurkar, 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. four weeks** for filing reply.

**Vice-Chairman**

dnk.

O.A. 861/2019 (S.B.)

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

**Dated : 28/06/2021.**

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

At the request of Id. counsel for the applicant, **S.O. 14/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 405/2021 (S.B.)**

**(Dr. A.Y. Humne Vs. State of Mah. & Ors. )**

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

**Dated : 28/06/2021.**

Heard the applicant in person and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned P.O. has filed letter dated 25/06/2021 which is marked Exh.X. In the said letter it has been mentioned that the applicant's proposal to post at other place has been considered and the Government asked the Director, Medical Education and Research, Mumbai to submit detailed proposal for posting of applicant at suitable post. In the same letter dated 25/6/2021 in the last line it has been also directed till that time the applicant is posted at other place, his salary and allowance will be paid from the establishment of Government College, Chandrapur.

3. In view of this order, the Dean, Government College, Chandrapur is directed to take necessary action for paying salary and allowance of the applicant as per direction given by the Government vide letter dated 25/6/2021 as early as possible.

4. The Id. P.O. desires four weeks time to file reply. Time is granted as prayed for.

**S.O. four weeks.**

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 326/2019 (S.B.)**

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

**Dated : 28/06/2021.**

**C.A.No. 166/2021 -**

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

2. The order was passed on 11/02/2021 and in para-4 of the order following observations have been made –

*“4. The learned counsel for the applicant has filed Purnis dated 16/10/2020 (P-24) and alongwith the purnis he has filed Judgment of Assistant Sessions Judge, Gadchiroli in Case No.154/2018 and by order dated 29/2/2020 the applicant has been acquitted, therefore, as no departmental or judicial proceedings are pending against the applicant as on today, the applicant is entitled for all the pensionary benefits as per the Section 130 (c) of the Maharashtra Civil Services (Pension) Rules, 1982”.*

3. Ultimately in para-5 the respondents were directed to grant all the pensionary benefits to the applicant within 60 days from the date of

the order and submit the documentary evidence on record on the next date.

4. The learned counsel has filed C.A.No. 166/2021 for direction and as per prayer clause no. (i) in the C.A. , the respondents are directed to act as per para nos.4&5 of the order dated 11/02/2021. The respondents are also directed to pay interest on delayed payment of pension as per Section 129 (B) of the M.C.S. (Pension) Rules, 1982.

5. In view of above direction, the C.A. No. 166/2021 is disposed of. No order as to costs.

**O.A. 326/2019 -**

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

2. The learned P.O. submits that he will take instructions for complying the order dated 11/2/2021 and for that four weeks time is required.

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

Steno copy is granted...

**Vice-Chairman**

dnk.

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

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

**Dated : 28/06/2021.**

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

2. The matter was closed for Judgment, however, it was seen by the Court that the point is attacked by the learned counsel that the Section 9 of the MCS (Discipline & Appeal) Rules, 1979 is not considered by the Government in the show cause notice. But the letter of show cause is not filed on record and for that purpose the matter is kept for re-hearing.

3. Today, the learned counsel and Id. P.O. have admitted that the said letter is not on record and therefore they seeks further time to file that letter on record. Both are directed to file the said letter on record on the next date.

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

**Vice-Chairman**

dnk.

**O.A. 262/2019 (S.B.)**

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

**Dated : 28/06/2021.**

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

2. As pointed out by the learned counsel in order dated 18/6/2021 in last para the office was directed to keep O.A.No. 499/2014 decided on 3/3/2015, however, today that matter has not been kept with this O.A.

3. In view of this, the matter will be heard on 30/6/2021. The office is directed to keep O.A.No. 499/2014 decided on 3/3/2015 with this O.A. so that the present O.A. can be heard and along with that as submitted by Id. counsel Pursis dated 21/6/2021 should also be kept before this Bench.

**S.O. 30/6/2021 (PH).**

**Vice-Chairman**

dnk.

**O.A. 493/2021 (S.B.)**

(Punam Ashok Khobragade Vs. State of Mah.)

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

**Dated : 28/06/2021.**

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

2. As submitted by the learned counsel, the applicant was appointed 10/1/1997 on the post of Clerk-cum-Typist in the Deputy Director, Vocational Education and Training, Regional Office, Nagpur (A-1,P-15). As per service book page (A-2,P-17) date of birth is written as 1/7/1963 i.e. based on School Leaving Certificate (A-3,P-18&19). The applicant submitted representation dated 2/11/2001 (A-4,P-20) within five years of appointment as required by existing rules and regulations. The respondents vide letter dated 21/8/2019 (A-12,P-40) written by the Joint Director of Vocational Education & Training, Nagpur to the Director of Vocational Education & Training, Directorate, Mumbai conducted inquiry. Along with inquiry, they have attached various documents. One document is birth certificate from Health Department, Govt. of Maharashtra (P-42) is also attached and in this document the date of birth is shown as 27/12/1967.

3. However, the applicant's representation and change of birth was rejected by the impugned order dated 2/12/2020 by the Assistant Director (Sr.), Vocational Education & Training Department, Mumbai written to the Joint Director, Vocational Education & Training Department, Regional Office, Nagpur without assigning any specific reason.

4. The Id. Counsel has relied on GOM, GAD, G.R. dated 30/3/1998 (A-20,P-58) in which in para-3 the provision has been given that after coming into service within five years employee can make representation to this effect. In this case, this condition has been compiled by the applicant and the applicant has made representation within five years after appointment and the respondents have also made inquiry.

5. Issue notice to the respondents returnable **in four weeks**. Learned P.O. waives notice for State . Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. While filing reply the respondents should explain why inquiry report and documents submitted with inquiry report as per letter dated 21/8/2019 (A-12,P-40) has not been considered. However as an interim relief it is observed that retirement of applicant will be subject to the outcome of this O.A.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 94/2021 (S.B.)**

( Rijwan M. Sharif Chhaware Vs. State of Mah.)

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

**Dated : 28/06/2021.**

Heard Shri S.V.Deshmukh, Id. Counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri T.M. Zaheer, Id. Counsel for R-3 to 5.

2. In order dated 8/2/2021 in para-4&5 the facts are clearly mentioned and as per para-5 the respondents were directed to keep one post vacant of Civil Engineering Assistant till final outcome of the O.A. The Collector, Nagpur vide his letter dated 17/11/2020 (A-14,P-73) has written to the respondent no.3 and along with this letter attached list of candidates eligible to be appointed on the post of Civil Engineering Assistant on compassionate ground. On page 74 of annexure, the applicant's name appears at Sr.No.2 and column no.2 sr.no. of collector office is given which is 1434 and column no.9 educational qualification is mentioned which is SSC, Diploma in Civil Engineering. As per correspondence dated 4/1/2021 written by the Superintending Engineer, PWD, Nagpur to the respondent no.3 i.e. Superintending Engineer (Administration) Irrigation Department, Ajani, Nagpur and para-7 it has been mentioned that out of 22 candidates, 19 candidates have been

appointed in March,2020 and three posts are still vacant. It is further mentioned that applicant is eligible even then proper action has not been taken by the establishment wing of respondent no.3 office. It is also mentioned that in future if any court case arises then your office i.e. the respondent no.3 i.e. Superintending Engineer (Administration) Irrigation Department, Ajani, Nagpur will be responsible. The Id. Counsel has also pointed out letter dated 12/1/2021 / 1/4/2021 (P-83) taken under RTI. In this letter it is clearly mentioned that 29 posts are still vacant otherwise also in order dated 8/2/2021 in para-5 the respondents were directed to keep one post vacant of Civil Engineering Assistant till outcome of this O.A.

3. In view of discussions in above paras, following order –

**ORDER**

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to appoint applicant on the post of Civil Engineering Assistant within four weeks from the date of receipt of this order and communicate to the applicant.
- (iii) No order as to costs

**Vice-Chairman**

dnk.

**O.A. 173/2019 (S.B.)**

**(Dr. Anil N. Wankhede Vs. State of Mah.)**

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

**Dated : 28/06/2021.**

Heard Shri N.D. Thombre, Id. Counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the respondents.

2. The learned P.O. has submitted following documents –

(i) The letter dated 28/6/2021 issued by the Joint Director of Health Services, Akola to the CPO, MAT, Nagpur.

(ii) The letter dated 5/5/2021 issued by the Deputy Director, Health Services, Akola to the CPO, MAT, Nagpur.

(iii) The letter dated 22/4/2021 issued by the Joint Secretary of Govt. of Maharashtra to the Director of Health Services, Mumbai.

3. All these letters are taken on record and marked Exh-X, X1 & X2 respectively for identification. As per document X2 i.e. letter of Joint Secretary, Government of Maharashtra dated 22/4/2021 written to the Director of Health Services, Mumbai on second page in para-2 it is mentioned that D.E. is completed and final reply of applicant has been received. Now only procedure is to submit inquiry report to the disciplinary authority. The matter was heard on 10/8/2020 and in para-3 Hon'ble Apex Court

Judgment in case of Prem Nath Bali Vs. Registrar High Court of Delhi & Another in Civil Appeal No.958 of 2010 delivered on 16/12/2015. The Hon'ble Apex Court has observed that the D.E. should be completed within six months and outer limit is one year. After this Judgment, 9 months have passed and still D.E. is not completed. Again the matter was heard on 22/2/2021 and that time six months period had expired. The Id. P.O. was directed to take instructions and place relevant document on the next date of hearing. But the matter is not yet decided.

4. In view of above discussions, the Bench decides to pass following order –

**ORDER**

(i) The respondents are directed to pass final order in D.E. within 30 days from the date of receipt of this order.

(ii) If it is not decided till that time, then the applicant will be considered to be exonerated from all the charges of this D.E.

(iii) **S.O. 2/8/2021 (PH).**

Steno copy is granted...

**Vice-Chairman**

dnk.\*\*

**O.A.Nos.908&909/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/2021.**

Heard Shri R.V.Shiralkar holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the respondent no. 3.

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

**Date:-28/06/2021.**  
aps.

**Vice Chairman**

**O.A.No.37/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

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

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

**Vice Chairman**

**Date:-28/06/2021.**

aps.

**O.A.No.497/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

Heard Shri D.M.Surjuse, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents. None for the respondent nos. 5 & 6.

2. In this O.A., the two respondents i.e. respondent nos. 5 & 6 are private respondents they have been served notices but they have not appeared before Tribunal. As submitted by Id. counsel for the applicant, applicant has submitted representation dated 29.06.2019 (Annexure-A-6, P.B., Pg. No. 33) to respondent no. 4. The Respondent no. 4 is directed to decide the representation of the applicant dated 29.06.2019 (Annexure-A-6, P.B. 33) as early as possible.

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

**Vice Chairman**

**Date:-28/06/2021.**  
aps.

**O.A.No.49/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

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

2. The Id. counsel for the applicant is challenging D.E. issued dated 14.12.2020 (Annexure-A-8, P.B., Pg. NO. 31). The complaint nos. 1 & 2 is at P.B., Pg. No. 34.

3. However, the Id. counsel for the applicant has also invited my attention on (Annexure-A-5, P.B., Pg. NO. 25) where it is seen that as per correspondence dated 31.12.2018, the period for which charges no. 1 has been served i.e. absence of 1188 days that has been regularized as a special leave on medical ground. Subsequently, as correspondence dated 08.07.2019 (Annexure-A-6, P.B., Pg. No. 26), it is clearly mentioned that applicant's absence period of 1188 days have been already regularized and subsequently he has been granted increment from 2015 to 2018. Now, it is not clear that in the chargesheet why it has been included as charge no. 1. However, in chargesheet 2<sup>nd</sup> charge is different.

4. In view of this conflicting situation, **respondents are directed to maintain Status-Quo regarding D.E. as on today.** The Id. P.O. desires to take instructions from the respondents.

5. S.O. four weeks.
6. Steno copy is granted.

Date:-28/06/2021.  
aps.

**Vice Chairman**

**O.A.No.128/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant submits that he has received the acknowledgment. He further seeks time to serve respondent nos. 2 & 3, **S.O. two weeks.**

**Vice Chairman**

**Date:-28/06/2021.**  
aps.

**O.A.No.245/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri A.M.Ghogle, the Id. P.O. for the respondents, Shri R.R.Shetty, the Id. spl. counsel for the respondent nos.1 & 2 and Shri K.P.Wathore, the Id. counsel for the respondent no. 3.

2. The respondent no. 3 has not file reply. The Id. counsel for the applicant and the Id. counsel for the respondent nos. 1 & 2 are requested to supply the copy of the reply to the other side. The Id. counsel for the respondent nos. 1 & 2 submits that the matter should be placed before regular D.B. and for that Id. counsel for the respondent no. 3 and Id. P.O. agreed.

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

**Vice Chairman**

**Date:-28/06/2021.**  
aps.

**O.A.No.291/20201 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

Heard Shri G.I.Dipawani, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Notices are yet not collected by R-2 & 3.

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

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

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

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

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

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

8. **S.O. six weeks.**

**Vice Chairman**

**Date:-28/06/2021.**

aps.

**O.A.No.324/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 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. At the request of Id. C.P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-28/06/2021.**

aps.

**O.A.No.37/2020 (D.B.)**

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

**Dated : 28/06/2021.**

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

2. Earlier the applicant has filed W.P.No.2668/2003 in Hon'ble High Court, Mumbai, Bench at Nagpur the Judgment was passed on 06.06.2016 (P.B., Pg. No. 32), para 5 of the Judgment at P.B., Pg. No. 34 is reproduced below:-

*"Hence, though we dismiss the writ petition and uphold the order of the Scrutiny Committee, if the petitioner files an undertaking before his employer, Registry of this Court and the Scrutiny Committee that neither he nor his progeny shall remain the status as and benefits meant for Thakur Scheduled Tribe within a period of eight weeks from today, his employment shall remain protected."*

3. As per the last paragraph of the Judgment, applicant employment remains protected. Subsequently, in M.C.A. No. 891/2016 order was passed on 07.10.2016 and in the last para following observations has been made:-

*"However, upon his oral request and in the interest of Justice, time to furnish undertaking is extended by three weeks more from today to comply with the directions in relation to undertaking contained in the Judgment."*

4. Accordingly, applicant has filed undertaking on P.B., Pg. Nos. 36 & 37 on 09.10.2016. After this, the Deputy Director, Public Health Department, Nagpur has issued correspondence dated 10.10.2016 (Annexure-A-6, P.B., Pg. No. 38) passed the order to consider the applicant in "Open Category". Accordingly, vide order dated 27.06.2019 (Annexure-A-7, P.B., Pg. No. 39) as per last para on Pg. No. 40, the entry was taken in service book of applicant that his services be continued as a Open Category Candidate. All these events have taken placed till 27.06.2019. After that Government has issued

G.R. dated 29.12.2019 (Annexure-A-9, P.B., Pg. No. 42) and as per provision of this G.R., impugned order was passed on 23.12.2019 (Annexure-A-10, P.B., Pg. No. 57) and on pg. No. 58, it is mentioned that applicant is posted on supernumerary post. This order is under challenged.

4. The Id. counsel for the applicant has filed pursis dated 14.06.2021 and along with this pursis he has filed Judgment of Hon'ble High Court, Mumbai, Bench at Aurangabad in W.P. No. 903/2020 delivered on 04.05.2021. He mainly placed reliance on para nos. 25 & 26 of the said Judgment which is at Pg. No. 47, the detailed observations are below:-

*"25. The aforesaid discussion would lead us to conclude that oncethe judgment of this Court inter parties has become final and there is no element of fraud at the time of delivering the judgment by this Court, the said judgment would bind the parties and operate as a res judicata. The subsequent judgment of the Apex Court laying down the proposition of law different than the one on the basis of which the judgments are delivered by this Court and have attained finality cannot be reopened. Quietess will have to be given to the litigation. The protection granted by this Court to the employment of the petitioners in the writ petitions filed by them earlier bind the parties and shall continue.*

*26. In the light of the above, the Government Resolution dated 21st December, 2019 shall be read in a manner not to include the employees whose tribe claims are invalidated, but are granted protection in employment under the judgments/orders of this Court and the said judgments/orders have attained finality."*

5. The Id. P.O. submits that he is not aware that whether Government is intending to challenge the order before Apex Court and for that he needs certain time.

6. **S.O. 12.07.2021.**

**Date:-28/06/2021.**  
aps.

**Vice Chairman**

**C.A.No.36/2021 in O.A.No.1007/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri P.N. Warjurkar, the Id. P.O. for respondent nos. 1 to 3. None for the respondent nos. 5, 6, 8 to 12, 14 to 17. None for the respondent nos. 19 to 21, 23, 24, 25, 28, 29, 31, 32, 35, 36, 41, 51, 52, 54, 55, 57, 66 to 69, 71 to 73, 75 to 84, 86 to 88, 90, 91, 94, 96 to 100, 104, 108 to 110, 113, 115to 118, 123, 125, 128, 129, 132, 133, 135 to 137, 139, 140, 143 to 145, 147 to 152, 154, 155, 158, 160, 164 to 166, 170, 173, 174, 178,181 & 183 to 185 and none for other respondents.

2. At the request of Id. P.O., **S.O. two weeks to take instructions.**

**Vice Chairman**

**Date:-28/06/2021.**

aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

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

2. The Id. P.O. has filed letter dated 28.06.2021 by Deputy Secretary, G.O.M.. It is taken on record. Copy is served to the other side.

3. **S.O. 30.06.2021.**

**Date:-28/06/2021.**  
aps.

**Vice Chairman**

**O.A.No.393/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

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

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

**Vice Chairman**

**Date:-28/06/2021.**  
aps.

**O.A.No.394/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

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

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

**Vice Chairman**

**Date:-28/06/2021.**  
aps.

**C.P.No.21/2021inO.A.No.752/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Issue Notice to the respondent Nos. 1 to 3 returnable in **six weeks** 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.

3. Shri M.I.Khan, the learned P.O. waives notice for respondent No. 4. Hamdast granted.

4. **S.O. six weeks.**

**Vice Chairman**

**Date:-28/06/2021.**

aps.

**O.A.No.485/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

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

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

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

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

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

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

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

8. **S.O. three weeks.**

**Vice Chairman**

**Date:-28/06/2021.**

aps.

**O.A.No.25/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

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

2. As submitted by Id. counsel for the applicant, in correspondence dated 06.07.2018 (Annexure-A-3, P.B., Pg. No. 13) and on Pg. No. 14; applicant is at Sr. No. 2 and seniority number is 118. The Id. counsel for the applicant submits that promotional order was issued on 11.09.2019 (Annexure-A-4, P.B., Pg. No. 17) and applicant name was not included in the promotion list on the ground that two Departmental Enquiries were pending against him. The Id. counsel for the applicant has further submitted the status of both the D.Es.; In first D.E., the applicant has been exonerated and in second D.E., the applicant has been inflicted punishment of Censure. The Id. counsel for the applicant further submits that he will file those documents on record.

3. As submitted by Id. P.O., respondents have filed reply on 11.12.2020 and on P.B., Pg. No. 61, para no. 15, it appears that respondents have followed the procedure as prescribed by G.O.M., G.A.D., G.R. dated 15.12.2017 (para no. 1(9)).

**4. S.O. 07.07.2021.**

5. Matter be treated as P.H.

Vice Chairman

Date:-28/06/2021.  
aps.

**O.A.No.609/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/06/ 2021.**

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the respondent nos. 4 to 14.

2. The Id. counsel for the applicant has filed pursis dated 25.06.2021 which is marked Exh- 'X' for the purpose of identification along with the pursis he has filed certain documents like G.A.D. letter dated 06.05.2021, second letter dated 12.05.2021 and third letter dated 28.05.2021. All these documents are taken on record. As submission made by Id. P.O., he desires time to file reply of G.A.D..

3. **S.O. three weeks to file reply by G.A.D.**

**Vice Chairman**

**Date:-28/06/2021.**

aps.

**Rev. A. 32/2019 in O.A. 433/2016 (S.B.)**

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

**Dated : 28/06/2021.**

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

2. The learned counsel for the applicant seeks to review in the common Judgment in O.A. Nos. 422,431,432,433,434 & 437 of 2016 decided on 18<sup>th</sup> September, 2019. As pointed out by the Id. P.O. on page no.18 the paras-3&4 of the Judgment are reproduced below –

*“3. It is grievance of all the applicants that they punctually and honestly performed the services till their retirement, but they were not given benefit of the scheme brought in force by the Government to give them time bound promotions as per the G.R. of 1995 and the benefits of the Assured Career Progressive Scheme as per the G.R. dated 20/7/2001 and as per later G.R. issued in 2010. It is contention of all the applicants that as per these G.Rs. the applicants were entitled to have two time bound promotions, first promotion on completion of 12 years service and the second promotion on completion of next 12 years service from the date of first time bound promotion. As the issues involved in all the applications are identical, therefore, all the applications are heard and decided by this common order.*

4. *It is contention of the learned counsel for the applicants that benefits of G.Rs. dated 8/6/1995, 20/7/2001 and 1/4/2010 were not given to the applicants for the reason that the applicants were unable to clear the Class-I examination as observed in Para-191 of the Bombay Police Manual. It is submission of the learned counsel for the applicants that it was not necessary for the applicants to pass the examination mentioned in Para-191 of the Bombay Police Manual and therefore, action of the respondents not giving benefits of the G.Rs. and time bound promotions to the applicants is in violation of law. It is submitted that the direction be given to the respondents to issue time bound promotions to all the applicants in terms of the G.Rs. dated 8/6/1995,20/7/2001 and 1/4/2010.”*

3. The present applicant was in O.A.No. 433/2016 and order passed on 18<sup>th</sup> September,2019 is common to all the applicants in O.A. Nos. 422,431,432,433,434 & 437 of 2016. So it appears that the applicant's grievance has been already taken care of by the common Judgment dated 18<sup>th</sup> September,2019.

4. In view of this, the present Review Application is not tenable and therefore it is dismissed. No order as to costs.

**Vice-Chairman**

dnk.

