

O.A.No.885/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri A.B.Moon, Id. counsel for the applicant holding for Shri S.U.Bhuyar, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondent nos.1, 2 & 4. Shri A.S.Deshpande Id. counsel for the R-3, 5 & 6.

2. Learned P.O. has already filed reply of respondents. It is sufficient for other respondent. It is taken on record. Learned counsel for the applicant seeks time to file reply. Hence, matter is admitted. Liberty to the applicant to file rejoinder is necessary.

3. **S.O. after summer vacation.**

Member (J).

RSM.

O.A.No.677/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

C.A.No.161/2022

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

2. At the request of learned P.O. **S.O.**
after summer vacation for filing reply.

Member (J).

RSM.

O.A.No.126/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

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

2. Learned P.O. has submitted that he has received Para wise reply and seeks time to file reply.

3. **S.O. after summer vacation for filing reply.**

Member (J).

RSM.

O.A.No.294/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

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

2. At the request of learned P.O. **S.O. to 13.06.2022 for filing reply.**

Member (J).

RSM.

O.A.No.268/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

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

2. Learned P.O. seeks time to file reply.
3. **S.O. after summer vacation for filing reply.**

Member (J).

RSM.

O.A.st.1520/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

C.A.241/2021

Heard Shri Manish D.Uike, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondent no.1. Await service 2 & 3 in C.A.241/2021.

2. **S.O. after summer vacation for filing reply.**

Member (J).

RSM.

O.A.No.673/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

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

2. Issue notice to the respondents returnable **after vacation**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. After vacation.

Member (J).

RSM.

O.A.No.383/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri D.M.Kakani, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the state.

2. Issue notice to the respondents returnable **after vacation**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. After vacation.

Member (J).

RSM.

O.A.No.434/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri N.S.Autkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the state.

2. Issue notice to the respondents returnable **after vacation**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. After vacation.

Member (J).

RSM.

O.A.No.435/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri N.S.Autkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the state.

2. Issue notice to the respondents returnable **after vacation**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. After vacation.

Member (J).

RSM.

O.A.No.436/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri N.S.Autkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the state.

2. Issue notice to the respondents returnable **after vacation**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. After vacation.

Member (J).

RSM.

O.A.No.452/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

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

2. Issue notice to the respondents returnable **after vacation**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. After vacation.

Member (J).

RSM.

O.A.No.725/2016 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

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

2. At the request of learned P.O. **S.O. to 21.06.2022.**

Member (J).

RSM.

O.A.No.665/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri D.M. Kakani, Id. counsel for proposed respondent no.4.

2. The applicant was transferred from Nagpur to Buldhana. The applicant was on maternity leave. On that ground, she should not have been transferred. Hence, the applicant approached to this Tribunal.

3. This Tribunal has passed the order dated 11/08/2021 and stay was granted to the impugned transfer order dated 9/8/2021. It was contention of the applicant that she was on maternity leave. Now the applicant has enjoyed the maternity leave and therefore there is no hurdle for the applicant to join her new posting.

4. The learned counsel for the applicant has submitted that the applicant is having a small child aged about 11 months and therefore her difficulty may kindly be considered.

5. The grievance of the applicant is that she was on maternity leave, therefore, transfer order should not be issued. Now the period is over

because she has enjoyed the maternity leave and a child is aged about 11 months and she is transferred from Nagpur to Buldhana. Looking to the age of child, the learned counsel for the applicant submits that the applicant will make representation within one week to the Superior Authority for transfer near to Nagpur. In view of the submission, the following order is passed –

ORDER

- (i) The O.A. is disposed off with direction to the respondent nos. 1 to 3 to consider the representation of the applicant if made within one week from today.
- (ii) The impugned transfer order shall not come in the way of respondent no.4. She is at liberty to join at the new transfer posting.
- (iii) The respondent nos.1 to 3 are directed to consider the representation of the applicant in the coming general transfers of April/May,2022 and till then she shall not be relieved from Nagpur.
- (v) No order as to costs.

Member (J).

O.A.No.846/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Priyanka Chadurkar, Id. counsel holding for Shri P.S. Patil, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for respondent no.4.

2. Priyanka Chadurkar, Id. counsel submits that her senior Advocate Shri P.S. Patil, Id. counsel for the applicant is not present today. She has no detailed instructions about the matter. The transfer order was stayed vide order dated 20/09/2021.

3. The respondent no.4 is affected due to stay granted by this Tribunal vide order dated 20/9/2021. Hence, the matter be fixed on 2/5/2022. It is made clear that on the next date no adjournment will be granted and matter will be heard finally.

S.O. 2/5/2022.

Member (J).

O.A.No.489/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri S. Ateeb, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The learned counsel for the applicant submitted that the applicant is due for promotion and due to show cause notice issued by the respondents, he will not be promoted and therefore prayed to stay the impugned show cause notice. From the perusal of show cause notice, it appears that it is in respect of the misconduct of the applicant, therefore it cannot be stayed.

3. At the request of Id. counsel for the applicant, permission is granted to amend the name of respondent no.3. Issue notice to the respondents returnable **after vacation**. 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 vacation.

Member (J).

O.A.Nos.980 & 981 of2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

Heard Shri G.N. Shinde, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. As per the submission of learned counsel for the applicants, the applicants are praying for direction to the respondents for transfer them as per the Govt. G.R. dated 15/05/2019.

3. In O.A. 980/2021, the applicant has made representation dated 20/5/2017 and requested to transfer him from Taluka Krushi Adhikari Karyalay, Devali, Dist. Wardha to Taluka Krushi Adkhikari, Karayalay, Pusad, Arni or Taluka Krushi Adikari, Karyalay, Darwha.

4. In O.A.981/2021, the applicant has made representations dated 8/11/2017, 27/5/2019,4/6/2019, 6/7/2021 and 20/8/2021 and requested to transfer from Taluka Krushi Adhikari, Deulgaon Raja, Dist. Buldhana to Talukar Krushi Adkhikari, Rahta, Dist. Ahmadnagar.

5. The applicants are relying on the G.R. dated 15/5/2019.

6. Heard Shri Potnis, Id. P.O. He has submitted that now the season of general transfer is going on. Hence, both the O.As. are disposed off with direction to the respondents to consider the representations made by the applicants for their transfer as per the G.R. dated 15/5/2019. No order as to costs.

Member (J).

RSM.

O.A.No.56/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/04/2022.

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

2. As per the submission of learned counsel for the applicant, the suspension order was revoked by the Governor of Maharashtra as per the order dated 27/10/2015. The departmental enquiry was quashed by this Tribunal as per the order passed on 11/8/2017 in O.A.No.338/2015.

3. Heard Id. P.O. for the respondents Shri H.K. Pande. He has pointed out para nos.12 and 13 of the reply. The applicant is praying to release the increments from the year 2015 onwards. The para nos.12 and 13 of the reply is reproduced as under –

“(12) As per the order dated 21/12/2021 issued by the respondent no.2, the suspension period the applicant is regularized and therefore, the procedure for granting the increment from 1/7/2015 to 1/7/2016 and the pay fixation as per the recommendation of 7th Pay Commission is going on.

(13) After the receipt of the order from the respondent no.1 in respect of the absence period of

applicant from 1/6/2017 to 25/3/2018 the increment of 2017 and onwards will be released.”

4. The procedure for granting the increment from 1/7/2015 and onwards is also going on and pay fixation as per the recommendation of 7th Pay Commission is going on respect of the applicant. In that view of the matter, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to complete the process of releasing increments from 1/7/2015 and onwards and also fix the pay as per the 7th pay commission within a period of three months as per the rules from the date of receipt of the order.
- (iii) No order as to costs.

Member (J).

RSM.

O.A. No.695 of 2021 with C.A.No.346 of 2021 (SB)

(Dr. Pradnya B. Daigvhane Vs. State of Maharashtra & Ors.)

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated :- 29/04/2022.

ORDER

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant is presently working as a District Animal Husbandry Officer (DAHO), Zilla Parishad, Wardha. Initially on 03/07/2017 she was posted at the said office as DAHO, Wardha. It is submitted that as the applicant has completed three years tenure at the present post, she is entitled for transfer as per the Government policy and therefore she has given the representation dated 7/5/2021 (P-12) requesting the Principal Secretary, Animal Husbandry, Dairy Development and Fisheries Department to transfer her at DAHO, Zilla Parishad, Nagpur or at Assistant Commissioner, Animal Husbandry Regional Office, Nagpur or at Assistant Commissioner, Maharashtra Pashudhan Vikas Mandal, Nagpur. Her case was put up before the Civil Services Board. The Civil Services Board has recommended her transfer to Nagpur as her husband is working in the office of Food and Civil Supply, Nagpur. The Civil Services Board recommended her transfer to the

post of DAHO, Zilla Parishad, Nagpur. The said proposal was submitted to the Hon'ble Cabinet Minister (P-47). The Hon'ble Cabinet Minister instead of giving her posting as DAHO, Zilla Parishad, Nagpur, transferred in the office of Regional Joint Commissioner Office, Nagpur (P-48). The note sheet was approved by the Cabinet Minister and Principal Secretary.

3. The applicant was not relieved from Wardha to join at Nagpur. Her transfer was modified by the State Minister on 9/8/2021 and accordingly issued modified transfer order dated 9/8/2021. No reason is recorded in the transfer order dated 9/8/2021 as to why the order passed by the Cabinet Minister is modified. Nothing is placed on record to show that whether there was any complaint against the applicant. There is nothing on record to show that as to why the recommendation of Civil Services Board and approved by the Cabinet Minister is modified by the State Minister.

4. Heard learned P.O. for the respondents Shri M.I. Khan. Initially he sought time to argue the matter. It is a transfer matter for taking instruction time was granted earlier date. The matter is adjourned from time to time. The applicant was not relieved from Wardha to join the posting at Nagpur. Though the transfer order was issued on 9/8/2021 since last 2017 she is at Wardha.

5. The learned P.O. has submitted that the post at Hinganghat is vacant since long time and therefore services of the applicant is necessary at Hinganghat. Therefore, the modified transfer order was issued by the State Minister.

6. There is nothing on record to show that the State Minister has recorded any finding to show that post at Hinganghat is vacant since long and therefore he has modified transfer order which was issued by the Cabinet Minister of Maharashtra State.

7. There is no dispute that the Civil Services Board recommended the transfer of the applicant on the ground that her husband is working at Nagpur. He is in Government service. As per the policy of Government of Maharashtra, the husband and wife should be posted together. Keeping in mind that policy, the Civil Services Board recommended the applicant's transfer to the post of DAHO, Zilla Parishad, Nagpur. The said proposal was submitted to the Hon'ble Cabinet Minister (P-47). The Hon'ble Cabinet Minister instead of giving her posting as DAHO, Zilla Parishad, Nagpur, transferred her in the office of Regional Joint Commissioner Office, Nagpur (P-48). Nothing is on record to show as to why the order passed by the Cabinet Minister is modified by the State Minister.

8. The learned P.O. has submitted that in the reply it is mentioned that the post of Hinganghat is vacant and therefore modified transfer order was issued, but in the transfer order dated 9/8/2021 nothing is mentioned about the reason for

modification of the order. In the reply, it is stated but it is not supported by any document, on the other hand it is clear that the State Minister without any reason modified the transfer order issued by the Cabinet Minister. The applicant's husband is working at Nagpur and as per the Government policy, the husband and wife shall be posted together so as to enjoy the marital life. In that view of the matter, the following order –

ORDER

(i) The impugned order dated 11/8/2021 issued by respondent no.2 (Annex-A-4) and order dated 9/8/2021 issued by respondent no.1 (Annex-A-5) are hereby quashed and set aside.

(ii) The respondents are directed to comply the transfer order dated 9/8/2021 (Annex-A-3) issued by the Cabinet Minister in respect of posting the applicant in the office of Regional Joint Commissioner, Animal Husbandry, Nagpur.

(iii) The O.A. and C.A. stand disposed off.

(iv) No order as to costs.

Member (J).

O.A. No. 490/2022 (D.B.)

(M.M. Telang Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)**

Dated : 29/04/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The learned counsel for the applicant has filed pursis on 29/04/2022 along with Muster Roll and other relevant documents. As per the order dated 28/4/2022 of this Tribunal, the applicant was directed to produce the Muster Roll / Attendance Certificate. In fact, in the Muster Roll of the Additional Commissioner, Tribal Development, Nagpur at Sr.No.26 Shri M.M. Telang appears in the Muster Roll and he was present on 25/04/2022. As per his submission, he was worked on 25/04/2022 and 26/04/2022 and he proceeded on leave on 27/04/2022. Along with pursis he has attached letter issued by the Deputy Commissioner, Tribal Development, Nagpur dated 22/04/2022 (P-5). According to this, it is mentioned that the applicant was directed to attend the meeting at Commissioner, Tribal Development Office, Nashik from 26/4/2022 to 29/4/2022 (A-II,P-5).

3. As per submission of Id. counsel, the caste claim of the applicant is pending before the Caste Scrutiny Committee, Nagpur (R/3) and he is not personally responsible for non issuance of caste validity certificate.

4. In view of above submission, as the caste validity certificate is not issued by the Caste Scrutiny Committee, therefore, it cannot be fault on the part of the applicant and on that ground the applicant cannot be terminated.

5. In that view of the matter, **the impugned order dated 25/4/2022 (A-12,P-42) issued by respondent no.2 is stayed till filing of reply by the respondents.**

6. Issue notice to the respondents returnable **28/6/2022**. Learned P.O. waives notice for State. Hamdast allowed.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
9. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. 28/06/2022

Steno copy is granted.

Member (J)

Vice-Chairman

dnk.

O.A. 500/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)**

Dated : 29/04/2022.

Heard Shri K.B. Bhise, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to the respondents returnable **5/5/2022**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. **S.O. 5/5/2022.**

Member (J)

Vice-Chairman

dnk.

O.A. 501/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)**

Dated : 29/04/2022.

Heard Shri K.B. Bhise, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to the respondents returnable **5/5/2022**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. **S.O. 5/5/2022.**

Member (J)

Vice-Chairman

dnk.

O.A.No.863/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

C.A.No.166/2022:-

Heard Shri R.V.Shiralkar, the ld. counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the Respondents.

2. **C.A.No.166/2022 is allowed and disposed of.**

3. **At the request of ld. C.P.O., S.O. 08.06.2022.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.989/2021 (S.B.)

Shri R.R.Deshmukh Vs. State & 3 Ors.
Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.

Heard Shri S.N.Gaikwad, the ld. counsel for the applicant and Shri H.K.Pande, the ld. C.P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 2 to 4. It is taken on record. Copy is served to the other side.

3. The applicant was placed under suspension but that order is not filed on record. However, applicant's suspension was revoked by order dated 07.07.2017 (A-1, Pg. No. 17) and he was posted at Karanja (Lad).

4. On perusal of record, it seems that Civil Services Board meeting has taken place on 22.09.2021 and Members have relied on G.R. dated 20.04.2013 (A-9, Pg. No. 41) and in para nos. 1 & 2 and also on para nos. 4 & 5.

5. However, this Bench is surprising that how this G.R. has been used because G.R. pertains to the employees whose suspension is revoked and are to be posted. According to the above said G.R. i.e. 20.04.2013 (A-9, Pg. No. 41) and in para no. 2, this has been clear that after revocation of suspension how employee should be posted since applicant was already revoked by order dated 07.04.2017 (A-1, Pg. No. 17) and posted at Karanja (Lad). At this stage

G.R. dated 20.04.2013 will not be applicable it will be clearly transfer process. Applicant has given choices at ___April, 2021(A-2, Pg. No. 19) and he has mentioned reason that application are having two reasons (A-2, Pg. No. 19) which are below:-

(i) One is about husband and wife to be posted at one place.

(ii) Second is about his wife and mother is suffering from heart disease.

6. These two points should be considered for posting at this stage and his request application dated ___April, 2021 should also be considered.

7. Respondents are directed to consider the applicant's representation dated ___April, 2021 while transferring him during the season from 2022 without keeping affected from G.R. dated 20.04.2013 which is wrongly used. **After considering the representation if post are vacant applicant should be adjusted at the same place within 30.05.2022.**

8. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-29/04/2022.

aps.

O.A.No.185/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

None for the applicant. Shri H.K.Pande, the
ld. P.O. for the State. Await service of respondent
nos. 2 to 4.

2. At the request of ld. P.O., **S.O. after summer
vacation.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.276/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.

Heard Shri S.P.Behar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. C.P.O. for the State. C.F. applicant has not collected the hamdast for respondent nos. 2 to 5.

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

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

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

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

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

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

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

Vice Chairman

Date:-29/04/2022.

aps.

O.A.No.560/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

Heard Shri B.Chandrikapure, the ld. counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the State. Await service of respondent nos. 2 to 5.

2. As submitted by ld. counsel for the applicant, service has been done. At the request of ld. P.O., **S.O. 20.06.2022 to file reply.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.1037/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

Heard Shri P.P.Khaparde, the ld. counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the Respondents.

2. The ld. P.O. submits that he has received parawise comment. At his request, **S.O. after summer vacation to file reply.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.1068/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

Heard Smt. S.V.Kolhe, the ld. counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. after summer vacation to file reply.**

Date:-29/04/2022.
aps.

Vice Chairman

O.A.No.106/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

Heard Shri S.Ambagade, the ld. counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the Respondents.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.214/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.

Heard Shri P.S.Khatwani, the applicant in person and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. As per relief clause on page no. 6 (ii) he has prayed:-

“(ii) By suitable order/ direction, this Hon’ble Tribunal may be pleased to direct the respondent to pay me salary from the date 23.06.2017 when I was not allowed to join the duty and was forced to return home.”

3. Now, situation is that after the M.A.T. order dated 04.10.2021; applicant has join duty on 01.02.2021 and he was paid salary accordingly. Respondents have also filed his pay-slip in this regard. Now, the grievance of the applicant is that the period between 23.06.2017 to 01.02.2021. Since as per his contention he was forced not to join, so his salary should also be paid.

4. Respondents are directed to make an enquiry committee. A detailed enquiry should be done for the period of 23.06.2017 to 01.02.2021 regarding absence/ presence on duty of the applicant. According to the applicant he desire to join but he was prevented by respondent not to join duty. The enquiry committee should examine this

issue by calling the applicant and respondents should consider all the documents presented by them.

5. After considering all the documents, enquiry committee arrive at the conclusion that whether the applicant was genuinely absent from the duty from 23.06.2017 to 01.02.2021 or he was prevented from not to join on duty. The report should be prepared **within 60 days from the date of receipt of this order**. Copy of report should be signed by Head of Institution and filed before this Tribunal through Id. P.O.

6. **S.O. after 60 days.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.984/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.

Heard Smt. P.Joshi, the ld. counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the Respondents.

2. After hearing on 25.10.2021; a letter from Law and Judiciary dated 24.09.2021 was placed on record and it appears that in this letter Principal Secretary, Law and Judiciary has issued certain directions. As on today what is the opinion of Principal Secretary, Law and Judiciary that instructions is yet to be placed on record.

3. Respondents are further directed to take instructions from Law and Judiciary on this issue of transfer and submit on 05.02.2022.

4. **S.O. 06.05.2022.**

5. **Steno copy is granted.**

Vice Chairman

Date:-29/04/2022.

aps.

O.A.No.499/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.

Heard Shri P.A.Jibhkate holding for Shri S.N.Gaikwad, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents.

2. As submission made by the ld. P.O. as per the order dated 30.06.2021 they were asked to place certain documents on record. Accordingly, ld. P.O. has filed affidavit in reply on behalf of the respondent nos. 3 & 5. It is taken on record. Copy is served to the other side.

3. **S.O. 10.06.2022.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.691/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

Heard Shri R.V.Shiralkar, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. 04.05.2022.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.595/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.

Heard Shri A.Z.Jibhkate, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents.

2. The ld. counsel for the applicant has canvassed the argument that candidate name is included in compassionate ground in appointment list the candidate has authority to replace the name of legal heir. However, he is not able to place any Government G.R. neither any specific Judgment to that effect.

3. He is relying on **W.P. No. 12352/2018 of Hon'ble High Court Bombay, Bench at Aurangabad in case of Nitin S/o Yohan Arawade Vs. Central Bank of India, Mumbai in 2022 (2) Mh.L.J., 269 decided on 04.08.2021.** The same judgment is not relevant to that effect.

4. However, ld. counsel for the applicant wants to place written notes of arguments along with certain other relevant Judgments at the next date of hearing, **S.O. 04.05.2022.**

Vice Chairman

Date:-29/04/2022.
aps.

O.A.No.937/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/04/ 2022.**

Heard Shri P.N.Shende, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents. None for the respondent no. 4.

2. At the request of ld. P.O., **S.O. 04.05.2022.**

Vice Chairman

Date:-29/04/2022.
aps.