

**O.A. 31/2018 (S.B.)**

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

**Dated : 30/06/2021.**

Shri Aditya S. Pande, Id. counsel holding for Shri B. Kulkarni, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files reply of R-1 to 4. It is taken on record. Copy is served on the applicant.

The matter is admitted and kept for final hearing.

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

In the meanwhile, the Id. counsel for the applicant is at liberty to file rejoinder.

**Vice-Chairman**

dnk.

O.A. 149/2018 (S.B.)

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

**Dated : 30/06/2021.**

Shri M.R. Khan, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Shri H.D. Marathe, Id. counsel for R-2 to 5.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. Nos. 168 & 169 of 2018 (S.B.)

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

**Dated : 30/06/2021.**

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

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

**Vice-Chairman**

dnk.

O.A. 279/2018 (S.B.)

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

**Dated : 30/06/2021.**

Shri G.K. Bhusari, Id. counsel for the applicant, Shri A.,P. Potnis, Id. P.O. for R-1 to 3 and Shri B.N. Jaipurkar, Id. counsel for R-4.

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

**Vice-Chairman**

dnk.

**O.A. 454/2018 (S.B.)**

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

**Dated : 30/06/2021.**

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

2. As submitted by the both the learned counsel for parties, the grievance of the applicant in relief clause no. 7 (i) on page 9 of O.A. has been already solved. Now the grievance of relief clause 7 (ii) is pending. The respondents are directed to scrutinize the Travelling Allowances bill of the applicant to the tune of Rs.4,490/- as per existing rules and regulations within 45 days from the date of receipt of this order.

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

**Vice-Chairman**

dnk.

**O.A. 766/2018 (S.B.)**

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

**Dated : 30/06/2021.**

Heard Shri S.D. Malke, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Shri U.K. Bisen, Id. counsel for R-3. Await service of R-2.

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

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

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

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

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

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

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

**Vice-Chairman**

dnk.

**O.A. 31/2019 (S.B.)**

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

**Dated : 30/06/2021.**

Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. Id. P.O. for R-1 and Shri H.D. Marathe, Id. counsel for R-4. Await service of R-2,3&5.

**S.O. 23/7/2021** for filing service affidavit.

**Vice-Chairman**

dnk.

O.A. 56/2019 (S.B.)

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

**Dated : 30/06/2021.**

**C.A. No. 165/2020 -**

Heard Shri N.R. Saboo, Id. counsel for the applicants, Shri A.P. Potnis, Id. P.O. for the respondents.

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 331/2019 (S.B.)

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

**Dated : 30/06/2021.**

Heard Shri N.R. Saboo, 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 served on 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. 1052/2019 (S.B.)

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

**Dated : 30/06/2021.**

Shri S.N. Gaikwad, Id. counsel for the applicants 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. 337/2020 (S.B.)**

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

**Dated : 30/06/2021.**

**C.A. 169/2021 -**

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

By filing C.A.No. 169/2021 the learned counsel for the applicant intends to challenge the impugned order dated 16/10/2020 (A-9,P-6) of C.A.. In view of this, the C.A. for amendment is allowed and disposed of.

**O.A. 337/2020 –**

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

The Id. P.O. has filed separate reply of R-2&3 and R-4 to 6. Same are taken on record and copies are served on the applicant.

The matter is admitted and kept for final hearing.

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

In the meanwhile, the Id. P.O. to file reply on the amended part of the O.A.

**S.O. 28/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 645/2020 (S.B.)**

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

**Dated : 30/06/2021.**

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

The Id. P.O. files reply of R-2&3. It is taken on record. Copy is served on the applicant. The Id. P.O. submits that reply of R-2&3 is sufficient to decide the O.A.

The matter is admitted and kept for final hearing.

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

**S.O. 28/7/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 30/06/2021.**

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

The Id. P.O. files separate reply of R-2 to 4 and R-5. Same are taken on record. copies are served on the applicant.

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. 82/2021 (S.B.)

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

**Dated : 30/06/2021.**

Heard Shri A.M. Sharma, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **in two weeks**. Learned C.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. two weeks.**

**Vice-Chairman**

dnk.

**O.A. 285/2021 (S.B.)**

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

**Dated : 30/06/2021.**

Heard Shri N.B.Rathod, Id. counsel for the applicant and Shri S.A. Sainis, Id. PO for the State.

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

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

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

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

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

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

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

**S.O. three weeks.**

**Vice-Chairman**

dnk.

**O.A. 483/2021 (S.B.)**

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

**Dated : 30/06/2021.**

Heard Shri A.R. Ingole, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. PO for the State.

2. As submission made by the learned counsel, the applicant retired on 31/3/2020 and by impugned order dated 4/8/2020 (A-1,P-16 to 16B) the respondent no.2 issued the recovery order against the applicant to the tune of Rs.1,45,396/-. Aggrieved with this order, the applicant approached to this Tribunal. In the meanwhile, the impugned order dated 4/8/2020 (A-1,P-16 to 16B) is stayed till filing of the reply by the respondents.

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

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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.

**S.O. after three weeks.**

**Vice-Chairman**

dnk.

**Rev. A. 05/2021 in O.A. 532/2020 (S.B.)**

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

**Dated : 30/06/2021.**

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

2. The Id. P.O. has filed order dated 28/6/2021 issued by the Assistant Collector, Aheri and as per last para of the letter, the applicant has been posted back to Allapalli at his original post. It appears that the grievance of the applicant has been redressed. The copy of order dated 28/6/2021 is taken on record and marked Exh-X for the purposes of identification. However, learned counsel wants time to take instructions from the applicant in this regard.

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

**Vice-Chairman**

dnk.

O.A. 927/2017 (S.B.)

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

**Dated : 30/06/2021.**

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

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 82/2020 (S.B.)

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

**Dated : 30/06/2021.**

Heard Shri N.S. Warulkar, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and Smt. J.J. Alkari, Id. counsel for R-2.

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

**Vice-Chairman**

dnk.

O.A. 268/2020 (S.B.)

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

**Dated : 30/06/2021.**

Heard Shri N.S. Warulkar, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 304/2021 (S.B.)**

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

**Dated : 30/06/2021.**

Heard Shri N.S. Warulkar, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1, Shri D.M. Kale, Id. counsel for R-2 & Shri S.M. Bhagde, Id. counsel for R-3.

At the request of Id. counsel for the applicant, **S.O. 77/2021.**

**Vice-Chairman**

dnk.

O.A. Nos. 592 & 630 of 2019 (S.B.)

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

**Dated : 30/06/2021.**

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

**S.O. Next week.**

**Vice-Chairman**

dnk.

O.A. 852/2019 (S.B.)

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

**Dated : 30/06/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 910/2019 (S.B.)

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

**Dated : 30/06/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

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

**Vice-Chairman**

dnk.

O.A. 911/2019 (S.B.)

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

**Dated : 30/06/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

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

**Vice-Chairman**

dnk.

**O.A. 1005/2019 (S.B.)**

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

**Dated : 30/06/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

**S.O. three weeks** along with other connected matters.

**Vice-Chairman**

dnk.

O.A. 1006/2019 (S.B.)

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

**Dated : 30/06/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

**S.O. three weeks** along with other connected matters.

**Vice-Chairman**

dnk.

**O.A. 1007/2019 (S.B.)**

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

**Dated : 30/06/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

**S.O. three weeks** along with other connected matters.

**Vice-Chairman**

dnk.

O.A. 1008/2019 (S.B.)

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

**Dated : 30/06/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

**S.O. three weeks** along with other connected matters.

**Vice-Chairman**

dnk.

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

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

**Dated : 30/06/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 604/2019 (S.B.)**

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

**Dated : 30/06/2021.**

Heard Shri Vishal Anand, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned counsel has filed Pursis dated 30<sup>th</sup> June,2021 mentioning that the applicant has retired from the services on 30<sup>th</sup> April,2021 and he does not want to prosecute the present O.A. The Pursis is taken on record and marked Exh-X for the purposes of identification.

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

**Vice-Chairman**

dnk.

**O.A. 884/2020 (S.B.)**

(A.G. Pande Vs. State of Mah. & Ors. )

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

**Dated : 30/06/2021.**

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

2. The applicant was posted at Gadchiroli and he stood retired on 31/5/2020. Till now as submission made by the learned counsel, the applicant has not been paid GPF, Gratuity, GIS Leave Encashment and regular pension. The only objection by the respondents' side is that the applicant was not present in the office between 23/3/2020 to 31/5/2020 i.e. more than two months. The Id. P.O. has filed reply of the respondents and supplied the copy to the applicant. The reply is taken on record. The matter be fixed for final hearing.

3. However it appears that out of all the pensionary benefits there is no hurdle in paying some items i.e. GPF, GIS etc. As far as the respondents' contention is that the applicant was absent from 23/3/2020 to 31/5/2020 in the office. They are at liberty to sanction whatever leave balance to the applicant as per applicant's application and respondents can decide all the pensionary benefits.

4. The matter is heard and kept for final hearing. The Id. P.O. waives notice for the respondents.

5. The matter will be finally heard after three weeks. **S.O. after three weeks (PH).**

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 197/2018 (S.B.)**

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

**Dated : 30/06/2021.**

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

2. The matter is part heard and with the consent of both the learned counsel for parties the matter is heard. As document filed by the Joint Director, Technical Education (M.S.), Mumbai dated 26/8/2019 (P-75&76). On page no.76 at point no.4 it is mentioned that revised recruitment rules for Librarian has been submitted to the MPSC by the Government of Maharashtra. The submission of learned counsel is that till new rule come into force the old rules of 1964 should be applied. The learned counsel and Id. P.O. both are directed to file copy of Rule 1964 which should be legible clearly.

3. The learned counsel is further directed to make Pay Verification Unit as party / respondent. The respondents are directed to get the pay fixation verified by the Pay Verification Unit. The Id. P.O. has filed letter dated 29/2/2016 by the Director, Technical Education, Mumbai where it is written that Librarian is Group-C post however pay scale of this post is equivalent Group-A.

**S.O. 19/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 499/2017 (S.B.)**

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

**Dated : 30/06/2021.**

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

2. The applicant was first recruited on the post of Police Constable (Group-IV) on 13/7/1981 in SRPF, Nagpur and detailed order has been passed on 28/1/2021. The grievance of the applicant is that he was not given benefit of first Assured Progressive Scheme in 1994 as per G.R. of 1995. The respondents have filed reply on 7/10/2017 and in para-4&7 they have made following submissions –

*“ (4) Thereafter, at the request of the applicant he was transferred from SRPF Group-IX, Amravati to District Police Force, Amravati Rural. It is submitted that in the year 1987 Director General of Police, Mumbai issued a Circular dated 16/2/1987. The said circular provides procedure of fixing seniority of SRPF personnel on transfer to the Districts/Commissionerate Police Force and vice-versa. It is submitted that the applicant had made a request for his transfer and prior to the joining his duties under District Police Force had*

*voluntarily submitted his consent letter dated 29/6/2002 and thereby stating that he understood the terms and conditions of transfer made under the said Circular and the said terms and conditions would be obeyed by him.*

*(7) From the record available with the office of respondent no.3 it clearly appears that on 18/4/1992, the applicant had applied for C.L. for 4 days however he did not come on duty till 27/6/1992. On 28/6/1992 the applicant resumed his duties and he was assigned the work of Nazal Bandobast and during that period the applicant was seen lying by the side of road under the influence of liquor on 17/7/1992 at about 19.30 hours. For the said reason the applicant was awarded punishment and he was kept on the basic pay for a period of two years. Despite the same, the applicant was remained absent from duties for a period of 1506 days i.e. 4 years, 1 month and 16 days and he was kept without pay therefore he was not eligible for getting any benefits on the basis of his seniority. However, considering the seniority of the applicant, he was promoted for two times in Amravati Rural Police Force. The first promotion was effected on 16/12/2003 on the post of Police Naik and second was on the post of Police Head Constable on 1/12/2010 under the Amravati District Police Force.”*

3. As submission made by the respondents in para-7 “The first promotion was effected on

*16/12/2003 on the post of Police Naik and second was on the post of Police Head Constable on 1/12/2010 under the Amravati District Police Force.”* It appears that the applicant was first promoted in his career on 16/12/2003 on the post of Police Naik and he was given second promotion as Police Head Constable on 1/12/2010 under Amravati District Police Force.

4. Now his main grievance remains about first Assured Progressive Scheme which was not granted in 1994 as per 1995 G.R. The respondents have not given any reason for not granting first Assured Progressive Scheme from 1994 since he had already completed 12 years of service in 1993.

5. The learned P.O. is directed to take necessary instructions from the respondents on this point and if any minutes of meeting exists that should be filed on record.

**S.O. 12/7/2021 (PH)**

**Vice-Chairman**

dnk.

**O.A. 996/2018 (S.B.)**

(B.N. Saindane Vs. State of Mah. & Ors. )

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

**Dated : 30/06/2021.**

Heard Shri T.U. Tathod, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. As per Deputy Commissioner (Revenue), Divisional Commissioner Office, Amravati para-1 of letter dated 24/09/2018 (A-4,P-29) the applicant retired on superannuation on 31/7/2018 as SDO, Murtizapur, District Akola. In the third para which is continued to page no.2 (P-30) it has been mentioned that as per MCS (Leave) Rules, 1981 Section 68 (6) (A) if DE is in progress leave encashment cannot be paid as per Govt. Notification dated 29/6/2006. The learned counsel has mentioned MCS (Leave) Rules, 1981 this rule on page no.8 of the O.A. which is reproduced below –

*“(6) (a) The authority competent to grant leave may withhold while or part of cash equivalent of earned leave in the case of government service who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is possibility of some money becoming*

*recoverable from him on conclusion of the proceedings against him. On conclusion of the proceeding, he shall become eligible to the amount so withheld after adjustment of government dues, if any.”*

3. The learned counsel submits that he has filed Pursis along with that he has filed certain documents. However, Pursis is not on record. The learned counsel is directed to file pursis on record.

**S.O. 9/7/2021 (PH).**

Steno copy is granted...

**Vice-Chairman**

dnk.  
\*\*

O.A.St.No.2369/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

**C.A.No.440/2019:-**

Heard Shri V.S.Mishra, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. next week to remove office objection.**

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

**O.A.No.94/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/2021.**

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

2. The Id. counsel for the applicant has pointed out that in order dated 02.03.2021 in para no. 2, it is mentioned "**question no. 83**" actually it should be "**question no. 68**", necessary correction should be done.

3. The Id. P.O. desires time to file reply, **S.O. four weeks.**

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

O.A.No.501/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

**C.A.No.369/2020:-**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. two weeks to file reply on C.A. No. 369/2020.**

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

O.A.No.537/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri A.P.Potnis, 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:-30/06/2021.**

aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Ms. S.Thakur, 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 letter dated 29.01.2021 from Desk Officer, Urban Development Department through Joint Director, Town Planning, Pune which is marked Exh. "X" for the purpose of identification and in para no. 2, it has been mentioned that proposed D.E. cannot be started now since the time gap is about 08 years. Since applicant stood retired, so the enquiry has been dropped.

3. As submitted by Id. counsel for the applicant and Id. P.O., pension paper is already submitted to A.G. in 2020 and applicant retired on 31.10.2019.

4. Respondents are directed to continue with the provisional pension till applicant's final pension is decided as it was observed in para no. 2 of the order dated 29.01.2021.

5. The Id. P.O. should take necessary action through the department and submit it on record.

**6. S.O. 19.07.2021.**

7. Steno copy is granted.

Date:-30/06/2021.  
aps.

Vice Chairman

O.A.No.768/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/2021.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri P.N.Warjekar, 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:-30/06/2021.**  
aps.

O.A.No.949/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

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

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

**O.A.No.38/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri A.C.Dharmadhikari, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. As submitted by Id. counsel for the applicant, applicant Dr. Ashish M. Mahalle has made representation dated 14.12.2020 (Annexure-A-35, P.B., Pg. Nos. 380-383). Respondents are directed to decide the representation as early as possible.

3. As requested by Id. P.O., **S.O. three weeks.**

**Vice Chairman**

**Date:-30/06/2021.**

aps.

O.A.No.205/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri S.N.Gaikwad holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

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

**Vice Chairman**

**Date:-30/06/2021.**

aps.

**O.A.No.239/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri S.N.Gaikwad holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply of respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

3. At the request of Id. P.O., matter is **admitted** and kept for final hearing.

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

5. **S.O. four weeks to file Rejoinder, if any.**

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

O.A.No.310/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. 12.07.2021 to file reply.**

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 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. C.P.O. has filed G.R. dated 29.06.2021 which is marked Exh. "X-1" for the purpose of identification. It is taken on record. Copy is served to the other side.

3. As per this G.R., applicant Shri T.S.Bahekar has been promoted as Assistant Director, Town Planning, his name is at Sr. No. 5. Vide same G.R., other applicant Shri Ashok V. Raut has also been promoted as Assistant Director, Town Planning, his name is at Sr. No. 2.

4. In view of this, grievances of the applicants in this O.A. are redressed. Now, nothing survives in the O.A..

5. Hence, **O.A. stands disposed of with no order as to costs.**

6. *The Id. C.P.O. has taken a lot of efforts for getting this G.R. dated 29.06.2021 and Justice to the applicants in this G.R.. His efforts are appreciated on record.*

**Vice Chairman**

**Date:-30/06/2021.**  
aps.



**O.A.No.494/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

**C.A.No.172/2021:-**

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

2. **C.A. No. 172/2021 for Jt. O.A. is allowed.**

3. As per para 6 (A) of O.A., applicants who were presently working as Agriculture Supervisor are eligible for promotion on the post of Agriculture Officer, Group-B, Junior. As per recruitment rules, D.P.C. took place on 16.03.2021 as per provisions of previous letter dated 29.12.2017 (Annexure-A-6, P.B., Pg. No. 52) and directions given in the said order of the G.A.D., letter.

4. As per pleadings it appears that, after D.P.C. though rights were created of the persons but subsequent action has not been taken and since subsequent action has not been taken, now status-quo be maintained as on today. Since, subsequently Government has changed the policy as per G.R. dated 07.05.2021 (Annexure-A-8, P.B., Pg. No. 66).

5. The directions given in G.R. dated 07.05.201 is different than correspondence or directions given by G.A.D. vide letter dated 29.12.2019 (Annexure-A-6, P.B., Pg. No. 52). When there is a difference of opinion in G.R. and letter, G.R. takes precedence over the letter. If respondents are not taken further action

after D.P.C. dated 16.03.2021, they are directed not to proceed further and organise D.P.C. as per Government policy stated in G.R. dated 07.05.2021 (Annexure-A-8, P.B., Pg. No. 66).

6. The Id. counsel for the applicant is directed to make such persons also as respondents whose rights are likely to be affected by D.P.C. dated 16.03.2021, they should also be made party as the respondents and their sides should also be heard before deciding the O.A.

7. The Id. counsel for the applicant has filed order of this Tribunal in O.A. No. 416/2021 dated 21.06.2021 and Judgment in O.A. No. 953/2019 of this Tribunal decided on 13.02.2020.

8. Issue notice to Respondents, returnable on two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

10. 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.

11. 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.

12. 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.

13. 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.

14. **S.O. two weeks.**

**Vice Chairman**

**Date:-30/06/2021.**

aps.

**O.A.No.484/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

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

2. As submitted by Id. counsel for the applicant, after D.E. order was passed dismissing the applicant vide order dated 18.10.2019 of G.A.D. order dated 18.10.2019 (Annexure-A-6, P.B., Pg. No. 112). The applicant preferred an appeal before Hon'ble Governor vide his letter dated 15.11.2019 (Annexure-A-7, P.B., Pg. No. 115). In this case Hon'ble Governor has personally heard the matter and passed the order dated 24.09.2020 (Annexure-A-9, P.B., Pg. No. 136 to 142) and at Pg. No. 142 in the last line, it is mentioned that appeal filed by the applicant has been dismissed. The said matter has been communicated to the applicant vide Government order dated 14.05.2021 (Annexure-A-8, P.B., Pg. No. 134).

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

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with

complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

9. **S.O. six weeks.**

**Vice Chairman**

**Date:-30/06/2021.**

aps.

**C.P.No.18/2019inO.A.No.123/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri S.N.Gaikwad holding for Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondents and Shri D.V.Karwar, Chief Administrative Officer personally.

2. The Id. P.O. has filed documents on record i.e. letter dated 08.06.2021 (which is marked Exh. 'X' for the purpose of identification) and letter dated 29.06.2021 (which is marked Exh. 'X-1' for the purpose of identification) by District Health Officer, Amravati. According to this letters, Respondents have paid interest amount on gratuity to the tune of Rs. 30,586/- (vide cheque no. 037852) from the date of Judgment i.e. 17.11.2017 in O.A. No. 123/2017. The applicant superannuated on 31.05.2005 and the Respondents have hold the gratuity amount Rs. 2,50,000/- due to enquiry pending against the applicant. The applicant got exonerated from charges by Judgment of this Tribunal dated 17.11.2017 in O.A. No. 123/2017. The Respondents should pay interest on gratuity from the date of retirement/Superannuation i.e. from 31.05.2005 till applicant got exonerated from the charges by order of the Tribunal dated 17.11.2017 as per Section 129-B of Maharashtra Civil Services (Pension) Rules, 1982. Hence, interest amount to be paid to the applicant from 31.05.2005 to 17.11.2017.

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

**Date:-30/06/2021.**  
aps.

**Vice Chairman**

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri N.B.Rathod, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the Respondents and Shri Prakash D. Rathod, Assistant Commissioner, Divisional Commissioner Office, Nagpur personally.

2. The Id. P.O. submits that within one week time order of appointment will be issued to the applicant. In view of submission made by the Id. P.O., though the Id. counsel for the applicant is objected for one week but it is in the fairness of the decision that one week time is granted to respondents to receive the appointment letter.

3. **S.O. 07.07.2021.**

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

**O.A.No.46/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 30/06/ 2021.**

Heard Shri P.S.Wathore, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant submits that he has various Judgments from Principal Bench, Hon'ble High Court and Hon'ble Apex Court to get appointment. Two times said proposal has been made to M.P.S.C. by Government but no action has been taken place.

3. The Id. P.O. submits that matter be heard in regular D.B.. Hence, it is decided that matter be put up before regular D.B..

4. *However, if availability of regular D.B. is delayed by two months, the Id. counsel for the applicant is at liberty to circulate the matter.*

**Vice Chairman**

**Date:-30/06/2021.**  
aps.

