

O.A. 623/2017 (S.B.)

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

Dated : 09/08/2021.

C.A. Nos. 516 & 515 of 2019 -

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

For the reasons stated in the applications, the C.A. Nos. 516 & 515 of 2019 are allowed.

O.A. 623/2017 –

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

Put up before Division Bench.

Vice-Chairman

dnk.

O.A. 581/2019 with C.A. 150/2021 (S.B.)

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

Dated : 09/08/2021.

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

The Id. P.O. files reply of R-4 to 6 on C.A. and O.A. 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. 23/8/2021.

Vice-Chairman

dnk.

O.A. 1053/2019 (S.B.)

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

Dated : 09/08/2021.

Shri S. N. Gaikwad, Id .counsel for the applicant and Shri V.A. Kulkarni, 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. 1085/2019 (S.B.)

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

Dated : 09/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 144/2020 (S.B.)

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

Dated : 09/08/2021.

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

As submitted by the Id. counsel as per clause no.8 of interim relief on page no.10 of the O.A., the charge sheet was served to the applicant on 27/12/2018 and as per para-2 of page no.1 of the O.A. the applicant retired of 31/5/2019.

The Id. P.O. seeks three weeks time to file reply. Time is granted as prayed for.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 145/2020 (S.B.)

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

Dated : 09/08/2021.

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

As submitted by the Id. counsel as per clause no.7 of relief on page no.11 of the O.A., the charge sheet was served to the applicant on 23/2/2018 and as per para-2 of page no.1 of the O.A. the applicant retired of 31/5/2019.

The Id. P.O. seeks three weeks time to file reply. Time is granted as prayed for.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 242/2020 (S.B.)

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

Dated : 09/08/2021.

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

Put up before Division Bench.

Vice-Chairman

dnk.

O.A. 243/2020 (S.B.)

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

Dated : 09/08/2021.

Shri G.G. Bade, Id .counsel for the applicant and Shri V.A. Kulkarni, 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. 445/2021 (S.B.)

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

Dated : 09/08/2021.

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

2. The learned P.O. files reply of R-2&3. It is taken on record. Copy is served to the Id. counsel for the applicant. In para-6 of the reply they have explained about the reasons. However, contention of the applicant shall not be expected because on the date when the applicant was promoted nothing was in accordance with the DPC meeting and hence it was mandatory on the part of respondents to relieve the applicant after promotion and if they desire, they should have taken action after his joining at the promotion post as per the existing rules of the Department.

3. In view of this situation, the respondent no.3 is directed to relieve the applicant for joining his promotion as API as per prayer clause 8 (i) on page no.16.

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

Steno copy is granted..

Vice-Chairman

dnk.

O.A. 452/2021(S.B.)

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

Dated : 09/08/2021.

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

At the request of Id. P.O., **S.O. 30/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 476/2021 (S.B.)

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

Dated : 09/08/2021.

Shri B. Kulkarni, Id .counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 481/2021(S.B.)

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

Dated : 09/08/2021.

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

At the request of Id. C.P.O., **S.O.**
8/9/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 501/2021(S.B.)

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

Dated : 09/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 505/2021(S.B.)

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

Dated : 09/08/2021.

Shri K.J. Khanorkar, Id .counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

(S.B.)

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

Dated : 09/08/2021.

C.A. 228/2021 in Rev.A. St.1420/21 in O.A.94/2021

=

Shri V.A. Kulkarni, Id. P.O. for the applicants (Original respondents PWD Department) and Shri S.V. Deshmukh, Id. counsel for the respondent no.1 (Original applicant).

2. It appears that the delay is about only 5 days, therefore, C.A. No. 228/2021 is allowed and disposed of.

Rev.A. St.1420/21 in O.A.94/2021 –

Heard Shri V.A. Kulkarni, Id. P.O. for the applicants (Original respondents PWD Department) and Shri S.V. Deshmukh, Id. counsel for the respondent no.1 (Original applicant).

2. The respondent no.1 is permitted to wait till filing of reply on Review Application for implementation of the Judgment dated 28/6/2021.in O.A. 94/2021.

3. Issue notice on Rev. App. to the respondents returnable **after three weeks**. The respondent no.1 already served with the notice. 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.

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

Steno copy is granted...

Vice-Chairman

dnk.

Rev. A. 17/2021 in O.A. 868/2020 (S.B.)

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

Dated : 09/08/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri M.M. Sudame, Id. counsel for R-3.

2. The Id. counsel for the applicant submitted that the applicant has filed O.A.No. 868/2020. The applicant has filed Pursis dated 17/12/2020 (A-2,P-12) and thereafter the matter was heard on 4/1/2021 and in view of pursis filed by the applicant, the O.A. was allowed to be withdrawn and hence the O.A. was disposed of as withdrawn. Now the applicant again wants to review of that order, in the interest of justice it is not proper to allow the same. Hence, the Review Application is not maintainable.

3. In view of above, the Review Application is disposed of. No order as to costs.

Vice-Chairman

dnk.

Rev. A. 04/2021 in O.A. 351/2019 (S.B.)

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

Dated : 09/08/2021.

Shri S.N. Gaikwad, Id .counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. Issue notice on Rev. Application to the respondents returnable **in 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.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 577/2017 (S.B.)

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

Dated : 09/08/2021.

Heard Shri D.M. Surjuse, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Smt. Alkari, Id .counsel holding for Shri N.A. Palshikar, Id. counsel for R-2 to 6.

Smt. Alkari, Id. counsel submits that Shri V.G. Palshikar, Id. counsel appearing for R-2 to 6 is unable to attend to this Tribunal today therefore two weeks time may be granted. Time is granted. However it is made clear that if the learned counsel for R-2 to 6 is not present on the next date, the matter will be heard finally.

S.O. 27/9/2021.

Vice-Chairman

dnk.

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

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

Dated : 09/08/2021.

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

2. Today the Id. P.O. has filed correspondence dated 4/8/2021 issued by the Deputy Director of Health Services, Akola Circle, Akola to the Principal Secretary, Public Health Department, Mumbai in which several chances have been given, but the decision is still awaited. It is submitted that the inquiry report has been submitted on 30/7/2021 and as per Hon'ble Apex Court Judgment in case of **Prem Nath Bali Vs. Registrar High Court of Delhi & Ano. decided on 16/12/2015 in Civil Appeal No.958 of 2010** the D.E. should be completed within six months.

3. In view of this situation, since inquiry report has been already submitted to the respondent no.1, the respondent no.1 is directed to issue final order within three weeks from the date of receipt of this order or else the applicant will be considered to be exonerated from the charges.

S.O. 30/8/2021.

Steno copy is granted...

Vice-Chairman

dnk.

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

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

Dated : 09/08/2021.

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

At the request of Id .counsel, **S.O.**
23/8/2021.

Vice-Chairman

dnk.

O.A. 253/2019 (S.B.)

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

Dated : 09/08/2021.

Heard Shri R.V. Shiralkar, 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. 27/8/2021.**

Vice-Chairman

dnk.

O.A. 302/2018 (S.B.)

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

Dated : 09/08/2021.

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

At the request of Id. counsel for the applicant, **S.O. 8/9/2021.**

Vice-Chairman

dnk.

O.A. 744/2019 (S.B.)

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

Dated : 09/08/2021.

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

At the request of Id. counsel for the applicant, **S.O. 8/9/2021.**

Vice-Chairman

dnk.

O.As. 331/2020 & 376/2020 (S.B.)

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

Dated : 09/08/2021.

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

2. In the Government order dated 21/5/2020 (P-57) (In O.A.No. 331/2020) the issue of special allowance is involved. The same issue is involved in these O.As. also. Hence, the respondents are directed to comply the Government order dated 21/5/2020 (P-57) (In O.A.No. 331/2020) in which the same issued is involved.

3. With this direction, the O.As. stand disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 308/2017 (S.B.)

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

Dated : 09/08/2021.

Heard 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. counsel for the applicant, **S.O. 25/8/2021.**

Vice-Chairman

dnk.

O.A. 171/2018 (S.B.)

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

Dated : 09/08/2021.

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

At the request of Id. counsel for the applicant, **S.O. 23/8/2021.**

Vice-Chairman

dnk.

O.A. 619/2018 (S.B.)

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

Dated : 09/08/2021.

Heard Shri G.G. Bade, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 23/8/2021.**

Vice-Chairman

dnk.

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

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

Dated : 09/08/2021.

Heard 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.

With the consent of learned counsel for the parties, **S.O. 13/8/2021 (PH).**

Vice-Chairman

dnk.

O.A. 116/2020 (S.B.)

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

Dated : 09/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 210/2020 (S.B.)

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

Dated : 09/08/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri N.S. Khandewale, Id. counsel for R-3.

At the request of Id. counsel for the applicant as well as Id. counsel for R-3, **S.O.**
6/9/2021 (PH).

Vice-Chairman

dnk.

O.A. 772/2020 (S.B.)

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

Dated : 09/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 73/2017 (S.B.)

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

Dated : 09/08/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O .for R-1 to 4 and Shri A.Y. Kapgate, Id. counsel for R-5.

With the consent of Id. counsel for the parties, **S.O. 13/8/2021 (PH)**

The matter be kept on high on board.

Vice-Chairman

dnk.
**

O.A.No.450/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

C.A.Nos.308/17 & 203/2021:-

Heard Shri I.G.Meshram, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. On last occasion matter was heard on 26.07.2021. That day, Id. counsel for the applicant submits that he relied on Judgment of Hon'ble Apex Court. However, today he has filed Judgment of Hon'ble High Court, Nagpur Bench in W.P. No. 10145/2014 along with pursis. He further submits that in the last hearing he wrongly mentioned about the Judgment of Hon'ble Apex Court; it was Judgment of Hon'ble High Court. However, Judgment is taken on record. Copy is served to the other side.

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

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.209/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri R.V.Shiralkar, 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. four weeks to file reply. If reply is not filed till next date, the matter be heard on merit. S.O. four weeks.**

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.684/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents. None for the respondent no. 3.

2. The matter was heard on 16.07.2021 and in para no. 2 following observation was made:-

*"2. At the request of Id. P.O., **S.O. 09.08.2021 to file reply.** However, as submitted by Id. counsel for the applicant, applicant's representation dated 20.08.2019 (Annexure-A-9, P.B., Pg. No. 27); Respondents are at liberty to decide the same representation before filing reply."*

3. At the request of Id. P.O., **S.O. four weeks to file reply as a last chance.**

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.807/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

C.A.Nos.423/2019 & 193/2021:-

Heard Ms. T.Dhait holding for Shri A.Sambre, 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:-09/08/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. At the request of Id. counsel for the applicant, **S.O. 23.08.2021.**

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.149/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Ms. Kolhe, 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 reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

3. Hence, O.A. is **admitted** and kept for final hearing.

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

5. **S.O. in due course.**

6. However, the Id. counsel for the applicant is directed to remove all office objections.

7. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.193/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri S.P.Palshikar, 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. 23.08.2021 to file reply.**

Vice Chairman

Date:-09/08/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

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

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. in due course.**

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.07/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri B.Kulkarni, 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. three weeks to file reply.**

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.385/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. At the request of Id. P.O., **S.O. 30.08.2021 to file reply.**

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.386/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, 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:-09/08/2021.

aps.

O.A.No.434/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri A.A.Mardikar, 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, next examination is scheduled in August, 2021. In view of this, the Id. P.O. is directed to file reply within two weeks, **S.O. two weeks.**

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.495/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri V.Anand, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that, applicant stood retired on superannuation on 31.03.2021. However in the interest of justice, the relief sought no. 8 (b) i.e. granting provisional pension is allowed and respondents are directed to start provisional pension with immediate effect. Meanwhile, the Id. P.O. is directed to file reply within six weeks time.

3. The Id. counsel for the applicant has filed letter dated 25.02.2021. It is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.

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

Vice Chairman

Date:-09/08/2021.
aps.

O.A.St.No.2387/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

C.A.Nos.501,502&503/2019:-

Heard Shri A.S.Shukla, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. At the request of Id. counsel for the applicant, **S.O. 30.08.2021.**

Vice Chairman

Date:-09/08/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. The Id. counsel for the applicant submits that he has already carryout the amendment. At the request of Id. P.O., **S.O. three weeks to file reply.**

Vice Chairman

Date:-09/08/2021.
aps.

C.P.27/2021 in O.A.No.651/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. The Id. P.O. has filed order dated 06.08.2021 of Urban Development Department and also certificate regarding no dues and no pending D.E. against the applicant dated 06.08.2021.

3. In view of this, the grievances of the applicant has been already resolved and C.P. becomes infructuous. However, for complying the order dated 06.08.2021; respondents requested six weeks time.

4. Six weeks time is granted to comply the order, **S.O. six weeks.**

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.169/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri R.V.Shiralkar holding for Shri V.B.Bhise, 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 has filed pursis dated 03.08.2021 to withdraw the O.A.. He is permitted for the same. Hence, **the O.A. is disposed of as withdrawn.**

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.291/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the respondents.

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

Date:-09/08/2021.
aps.

Vice Chairman

O.A.No.538/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri Deshmukh holding for Smt. Chandurkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he will remove all office objections till tomorrow. At the request of Id. P.O., **S.O. four weeks to file reply.**

Vice Chairman

Date:-09/08/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 1 to 3.

2. The Id. P.O. has filed Government order dated 05.07.2021. It is taken on record. Copy is served to the other side.

3. *Prima facie* it appears that applicant grievances has been solved. However, the Id. counsel for the applicant submits that the applicant's voluntary retirement application has been accepted and it is mentioned in para no. 2 of the above said Government order.

4. Government has issued order of accepting voluntary retirement of the applicant. Hence, Respondent no. 3 is directed to take further action as per as per Government order dated 05.07.2021 and release all the retiral benefits **within three months** from the date of this order.

5. **S.O. after three months.**

6. **Steno copy is granted.**

Vice Chairman

Date:-09/08/2021.

aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

The matter is taken up for final hearing with the consent of both the counsels.

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

3. The matter was heard on last occasion i.e. on 26.07.2021. The Id. P.O. desires to take instructions whether Hon'ble High Court Mumbai, Bench at Aurangabad order in W.P. No. 903/2020 & Ors. delivered on 04.05.2021 was challenged before Hon'ble Apex Court order or not?

4. Today, the Id. P.O. submits that he has not received any instructions till now. In view of this, as submitted by Id. counsel for the applicant in para no. 24, 25 and 26 of Hon'ble High Court order in W.P. No. 903/2020 & Ors. delivered on 04.05.2021 has become judicial finality and respondents are directed to take necessary action according to the para no. 27 of the Hon'ble High Court Judgment were following direction has been given:-

"27. In view of the aforesaid, the impugned communications placing the petitioners on supernumerary posts are quashed and set aside."

5. In view of the order in para no. 27 of the Hon'ble High Court, the O.A. becomes; the impugned order in O.A. becomes quashed and set aside. Hence, **Respondents are directed to take necessary action within two months from the date of this order.** Hence, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.773/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri Y.P.Kaslikar holding for Shri P.S.Patil, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.774/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri Y.P.Kaslikar holding for Shri P.S.Patil, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-09/08/2021.
aps.

C.P.46/2020inO.A.No.815/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. The Id. P.O. submits that he has received instructions from the department that suspension period of the applicant has been regularized but it is yet to be treated as duty period and for that he seeks three weeks time to file it on record the recent updates.

3. At the request of Id. P.O., **S.O. 30.08.2021 as a last chance.**

Vice Chairman

Date:-09/08/2021.
aps.

C.P.35/2021inO.A.No.354/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. Issue Notice to the respondents returnable in **four 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 S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

4. **S.O. four weeks.**

Vice Chairman

Date:-09/08/2021.

aps.

C.P.36/2021inO.A.No.116/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. Order of Tribunal was passed on 25.06.2021. As submission made by Id. counsel for the applicant, consequential order is yet to be passed by department.

3. Issue Notice to the respondents returnable in **three 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.

4. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. **S.O. three weeks.**

Vice Chairman

Date:-09/08/2021.
aps.

O.A.No.638/2021 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri S.A.Marathe, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The applicant has completed more than four years at Check Point-Asti, Zone-Markanda and he has some family problem and education of his children. So he either continues or to be transferred as per choice given at P.B., Pg. No. 20.

3. Since, he has spent more than four years span of time at the same place. As submitted by Id. counsel for the applicant, applicant has made representation dated 01.08.2021 (P.B., Pg. No. 47); Respondent no. 2 is directed to consider the application of applicant dated 01.08.2021 or if there is any administrative problem then he would be transferred according to the P.B., Pg. No. 20. **The decision should be taken within three weeks from the date of this order till that time status-quo as on today be maintained.**

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

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

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

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

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

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

10. **S.O. three weeks.**

11. **Steno copy is granted.**

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.639/2021 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The applicant has been transferred vide order dated 06.08.2021 (Annexure-A-1, P.B., Pg. No. 11) and applicant's name is at Sr. No. 16. He has completed tenure as A.C.F. in Evaluation Division, Yavatmal. Applicant has been transferred to a vacant post. The applicant had already completed tenure as submitted by Id. counsel for the applicant. The Id. counsel for the applicant is relying on G.R. dated 22.05.2017 (Annexure-A-5, P.B., Pg. No. 22) and mainly para no. 4 of the para no. 'v' and on P.B., Pg. No. 35, para no. 12.

3. The Id. counsel for the applicant has submitted representation dated 22.04.2021 as per (Annexure-A-7, P.B., Pg. No. 41). The Id. counsel for the applicant further submits that applicant is yet not relieved and his transferring authority is Respondent No. 1. Considering, the applicant's representation dated 22.04.2021 and his father's problem who is of 68 years old. Respondent No. 1 is directed to consider the applicant's application dated 22.04.2021 and issue transfer order accordingly as per Rules and Regulations. Hence,

Status-quo as on today be granted till filing of the reply.

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

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

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

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

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

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

10. S.O. three weeks.

11. Steno copy is granted.

Date:-09/08/2021.
aps.

Vice Chairman

O.A.No.640/2021 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

C.A.No.230/2021:-

Heard Shri Y.P.Kaslikar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The applicant has been transferred vide order dated 02.08.2021 as per P.B., Pg. No. 36. On P.B., Pg. No. 35, Applicant name is at Sr. No. 2. Admittedly, applicant had completed tenure at previous posting. Now, he has been transferred.

3. As per Annexure-A-2, P.B., Pg. No. 25, applicant had been asked for counselling and after counselling applicant had given choice at P.B., Pg. No. 28 i.e. all the three choices were from Amravati District only. As submitted by the Id. counsel for the applicant all the three places were vacant. However, applicant has been transferred in other places. The applicant was posted as Sub-Divisional Officer, Achalpur which was vacant. The Id. counsel for the applicant has filed C.A. No. 230/2021 for I.R.. However, that is not considered at this stage. It may be considered along with O.A. after reply of the respondents. Meanwhile, applicant is also directed to submit representation to the respondents explaining his problem and seek redressal.

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

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

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

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

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

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

10. S.O. three weeks.

11. Steno copy is granted.

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.641/2021 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. The applicant was transferred vide order dated 04.08.2021 (Annexure-A-3, P.B., Pg. No. 13) and applicant's name appeared at Sr. No. 2. As submitted by Id. counsel for the applicant, out of 5 transfers, 4 are in Yavatmal only. However, applicant has been transferred from Yavatmal to Nagpur. The Id. counsel for the applicant submits that reference no. 2 of the G.R. were its provision are not followed by transferring authority.

3. As submitted by Id. counsel for the applicant, on applicant's place of State Excise Wani, Yavatmal nobody posted against the applicant. Hence, **applicant's transfer order dated 04.08.2021 to the extent of applicant is stayed till filing of the reply.**

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

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

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

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

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

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

10. **S.O. three weeks.**

11. **Steno copy is granted.**

Vice Chairman

Date:-09/08/2021.

aps.

O.A.No.642/2021 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 09/08/ 2021.

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

2. Applicant has been transferred vide order dated 06.08.2021 (Annexure-A-3, P.B., Pg. No. 27) from Pusad, Forest Division to Yavatmal Division by Respondent No. 2. However, the Id. counsel for the applicant is relying on G.R. dated 22.05.2017 (Annexure-A-1, P.B., Pg. No. 13). He mainly relied on para no. 2 on P.B., Pg. No. 18 and submits that applicant was due for transfer.

3. The Id. counsel for the applicant submits that nobody had been transferred in the place of applicant in Pusad Division. Since nobody has been posted against applicant. Hence, **transfer order dated 06.08.2021 by respondent no. 2 is stayed to the extent of applicant only till filing of the reply.**

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

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

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

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

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

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

10. **S.O. three weeks.**

11. **Steno copy is granted.**

Vice Chairman

Date:-09/08/2021.

aps.