

O.A. No. 583/2018(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri A. Ansari, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. to 14.01.2020.**

**Member (J)**

kpb.

O.A. No. 262/2018(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri M.R. Khan, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. to 15.01.2020.**

**Member (J)**

kpb.

O.A. No. 483/2018(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri Y.P. Kaslikar, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 and 3 and submitted that it is sufficient to decide the O.A. Same is taken on record and copy thereof has been served on the other side.

3. The present O.A. is admitted and it be kept for final hearing **on 01.01.2020.**

**Member (J)**

kpb.

O.A. No. 808/2019(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri P.S. Raut, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and submitted that it is sufficient to decide the O.A. Same is taken on record and copy thereof has been served on the other side.

3. The present O.A. is admitted and it be kept for final hearing **on 06.01.2020.**

**Member (J)**

kpb.

O.A. No. 875/2018(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

None for the applicant. Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that during the course of the day he would file reply and affidavit of respondents.

3. The present O.A. is admitted and it be kept for final hearing in due course.

**Member (J)**

kpb.

O.A. No. 837/2019(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri Y.P. Kaslikar, learned Advocate holding for Shri P.S. Patil, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that the service on respondent Nos. 2 & 3 is awaited.
3. S.O. **two weeks.**

**Member (J)**

kpb.

C.A. No. 431/2019 in  
O.A. 898/2019(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

**C.A. No. 431/2019.**

Heard Shri A.A. Dhawas, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

**O.A. No. 898/2019**

3. **S.O. three weeks** for service report of respondent Nos. 2 and 3.

**Member (J)**

kpb.

O.A. No. 373/2018(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

None for the applicant. Shri H.K. Pande, learned Presenting Officer for respondents.

2. As none present for the applicant,  
**S.O. to 27.01.2020.**

**Member (J)**

kpb.



O.A. No. 767/2016(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

None for the applicant. Shri S.A. Sainis, learned Presenting Officer for respondents.

2. As none present for the applicant,  
**S.O. to 21.01.2020.**

**Member (J)**

kpb.

O.A. No. 963/2017(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri O.Y. Kashid, learned counsel for the applicant and Shri S.A. Sainis, learned Presenting Officer for respondents.

2. The present O.A. is closed for order.

**Member (J)**

kpb.

O.A. No. 81/2018(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Ms. Juiy Kuhite, learned Advocate holding for Shri M.P. Kariya, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. to 21.01.2020.**

**Member (J)**

kpb.

O.A. 374/2019 with  
C.A. 219/2019(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri S.M. Bhagde, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer has filed a copy of W.P. No. 4859/2008 and order passed in it. Same is taken on record.

4. The present matter be taken up for hearing on **10.01.2020**.

**Member (J)**

kpb.

O.A. No. 740/2019(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri M.R. Khan, learned Advocate holding for Shri S.P. Palshikar, learned counsel for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. **18.12.2019.**

**Member (J)**

kpb.

O.A. No. 83/2019(SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri M.R. Khan, learned Advocate holding for Shri S.P. Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. **18.12.2019.**

**Member (J)**

kpb.

O.A. No. 440/2019(SB)  
(Sachin Khrushnarao Borale)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 16.12.2019.**

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondent Nos. 1 and 2. None present for respondent No. 3.

2. It is submitted that the applicant is transferred from Yavatmal to Latur as Warden and the respondent No. 3 was transferred from Latur to Yavatmal. The respondent No. 3 thereafter made request to the respondent Nos. 1 and 2 to cancel his transfer on the ground of education of his daughter and illness of his wife. It is submitted that till today the respondent No. 3 is not yet relieved. It is submitted by the applicant that the wife of the applicant is transferred from Government Ashram School, Vasantpur Tq. Pusad, Dist. Yavatmal to the Government Ashram School, Harshi, Tq. Pusad, Dist. Yavatmal. It is grievance of the applicant that the respondent Nos. 1 and 2 were in obligation to follow their

own G.R. and were bound to adjusted the applicant and his wife in one district. It is submitted that the representation made by the applicant to the respondents on 25.09.2019 requesting that the post of Shri S.K. Kale would become vacant due to his promotion and therefore, the applicant can be adjusted at Kalamb where Shri S.K. Kale is working, is not yet decided. Therefore, the respondent Nos. 1 and 2 be directed to decide it.

3. In view of the submission made by the learned Advocate for the applicant, the respondent Nos. 1 and 2 are directed to decide the representation dated 25.09.2019 within three months from the receipt of this order.

4. Accordingly, the O.A. stands disposed of with no order as to costs.

5. Till the decision on the representation dated 25.09.2019, the applicant be permitted to work at Yavatmal, as the respondent No. 3 is not yet relieved from Latur.

**Member (J)**

kpb.





O.A. 566/2013 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicants, Shri H.K. Pande, Id. P.O. for R-1 to 3. None for other respondents.

At the request of Id .counsel for the applicants, **S.O. After Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 864/17 with C.As. 05/19 & 345/19  
(D.B.)

**Coram:** Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)

**Dated : 16/12/2019.**

Shri P.P. Khaparde, Id. counsel for the  
applicant, Shri H.K. Pande, Id. P.O. for R-1  
and none for R-2.

At the request of Id .counsel for the  
applicants, **S.O. After Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 610/2018 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

Shri A.P. Sadavarte, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 5. None for other respondents.

At the request of Id. P.O., **S.O.**  
**13/01/2020.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 781/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

Shri A.P. Gase, Id. counsel holding for  
Shri R.V. Shiralkar, Id .counsel for the  
applicant and shri V.A. Kulkarni, Id. P.O. for  
the respondents.

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

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. Nos.822,823,824,825,826,827 & 828 of  
2019 (D.B.)

**Coram:**Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)

**Dated :** 16/12/2019.

Shri Vishal Anand, Id .counsel for the  
applicants and Shri S.A. Sainis, Id .P.O. for  
the respondents.

At the request of Id. P.O., **S.O. After  
Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 914/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2.

**S.O. three weeks.**

**Member (J)  
Chairman**

**Vice-**

dnk.

**O.A. 813/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

**C.A. 415/2019 -**

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

For the reasons stated in the  
application, the C.A.No.415/2019 is allowed.  
The necessary amendment be carried out  
within one week.

**O.A.813/2019 -**

**S.O. After Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.



**O.A. 601/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

**C.A. 464/2019 -**

Heard MS. S.U. Gunjare, Id. counsel  
for the applicant and Shri A.M. Khadatkar, Id.  
P.O. for the respondents.

For the reasons stated in the  
application, the C.A.No.464/2019 is allowed.  
The necessary amendment be carried out  
within one week.

**O.A.601/2019 -**

**S.O. After Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 848/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

Shri Y. Venkatraman, Id. counsel holding for Mrs. R.S. Sirpurkar, Id .counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. None for R-3 & 8. Await service of R-2&4 to 7.

At the request of Id. counsel for the applicant, **S.O. After Vacation** for filing service affidavit.

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**Rev. A. St. 2552/19 in O.A. 581/17 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

**C.A. 457/2019 -**

Heard Shri D.R. Karnik, Id. counsel for the applicant (Original respondent no.4), Shri A.P. Potnis, Id .P.O. for R-2 to 4 (Org. Respondents) and none for respondent no.1 (Original applicant).

For the reasons stated in the application, the C.A. 457/2019 is allowed.

**Rev. A. St. 2552/19 in O.A. 581/17 -**

**S.O. After Vacation.**

**Member (J)  
Chairman**

**Vice-**

dnk.

O.A. 68/2016 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

Shri Y. Venkatraman, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. wants to file certain documents on record. At his request, **S.O.**  
**After Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 660/2014 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

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

At the request of Id. counsel for the  
applicant, **S.O. 18/12/2019.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

O.A. 846/2012 with C.A. 258/2018 (D.B.)

**Coram:** Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)

**Dated :** 16/12/2019.

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

**S.O. After Vacation.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**O.A. Nos. 917 & 918 of 2017 (D.B.)**

(A.B. Potdukhe (O.A.917/17) & J.B. Bondre  
(O.A.918/17) Vs. State of Maharashtra )

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

Heard Shri Y.P. Kaslikar, Id. counsel  
for the applicants and Shri V.A. Kulkarni, Id.  
P.O. for R-1&2. None for R-3.

2. The matters are partly heard. The  
learned P.O. submitted that he requires time  
to seek instructions from the Department as  
to why the applicants were not promoted  
though they were shown senior to the  
respondent no.3 in the seniority list which is  
at Annex-A-6.

**S.O. After Vacation.**

Steno copy is granted to the Id. P.O...

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**O.A. 551/2018 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

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

2. The Annex-A-9 is filed by the applicant. It is order passed by the Hon'ble High Court, Bench at Nagpur in Writ Petition No.3350/2010 on 6/8/2010. The Hon'ble High Court issued direction to the Caste Scrutiny Committee to decide the caste claim of the applicant within a period of six months from the date fixed before the Committee. The second direction was given to the respondent no.3, the Deputy Director, GSDA, Nashik to appoint the applicant on the post of



Rigman subject to his furnishing undertaking that he would not claim any benefit, in the event his claim not validated by the Caste Scrutiny Committee. It is contention of the applicant that till today scrutiny is not made by the Caste Scrutiny Committee. It is contention of the applicant that the order passed by the Hon'ble High Court in Writ Petition No.3350/2010 was not complied and there was breach committed by the respondents, therefore, representation was made by the applicant to the Director, GSDA (M.S.), Pune on 15/7/2017. The applicant has also filed the Annex-A-17 which is order passed by the Deputy Director, GSDA, Amravati in which it was alleged that the applicant unauthorizedly entered his name in the Muster Roll and signed the Muster Roll from 1/3/2011 to 31/3/2011 and he did not furnish explanation, consequently his appointment was on temporary basis was cancelled. Thus, it seems that the case of the applicant is already decided and specific direction was given in Writ Petition No.3350/2010 to the Caste Scrutiny Committee to decide the caste claim of the applicant within a period of six months. It is contention of the applicant that till today the Caste Scrutiny Committee has not verified and exempting his claim to the caste. In our opinion, the position is such then it is obvious Contempt of the order passed by the Hon'ble

High Court in Writ Petition No.3350/2010 on 16/8/2010. In this background, we permit the applicant to file Contempt Petition before the Hon'ble High Court.

**S.O. four weeks.**

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**O.A. Nos.998 & 999 of 2019 (D.B.)**

(Sau. M.R. Ghodichor (O.A.998/19) & Sau. J.J. Rajgire (O.A.999/19) Vs. State of Mah. )

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 16/12/2019.**

Heard Shri V.B. Gawali, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the State.

2. It is submitted that in these matters the Writ Petition Nos. 6805/2017 & 6806/2017 were filed by the applicants and direction was given by the Hon'ble High Court on 13/10/2017 that no further steps be taken against the applicants till next date. It is

submitted that thereafter the matters came before the Hon'ble High Court on 2/12/2019 and the Hon'ble High Court observed that if the applicants are employees of the Government, then they may approach the MAT and consequently keeping open the question was pleased to dismiss the petitions. It is submitted that the interim order was operating till 02/12/2019 and yet the applicants are working on the same posts. In view of this, we direct that the parties to maintain status-quo as on today.

3. Issue notice to R-2 & 3, returnable **After Vacation.** Learned 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. Applicants are 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. Applicants are 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.**

Steno copy is granted...

**Member (J)**  
**Chairman**

**Vice-**

dnk.

**MCA Nos. 08 & 09 of 2019 in O.A. 499/2002 (DB) -**

**(Shaikh Nisar Ali S/o Jahangir Ali Vs. State of Maharashtra & Ors.)**

**Coram :- Shri Shree Bhagwan,  
Vice-Chairman and  
Shri Anand Karanjkar, Member (J).**

**Dated :- 16<sup>th</sup> December, 2019.**

**ORDER**

**Per : Anand Karanjkar : Member (J).**

**MCA Nos. 08/2019 & 09/2019 -**

Heard Shri Bharat Kulkarni, learned counsel for the applicant and  
Shri V.A. Kulkarni, learned P.O. for the respondents.

2. This is application for condonation of delay caused in moving the application for restoration of O.A.No.499/2002.

3. The O.A.No. 499/2002 was filed by the applicant. The applicant was represented by Advocate Shri R.K. Borkar and as he retired from the profession, therefore, he handed over the brief to his son Advocate Shri N.R. Borkar. The Advocate Shri N.R. Borkar thereafter joined the judicial service and he handed over the brief to his Assistant, Advocate Shri I.S. Charlewar. It is case of the applicant that he was under impression that Shri Charlewar, Advocate would inform him about the progress of the case, but he did not receive any information from Advocate Shri Charlewar, consequently, the applicant decided to change the Counsel. The applicant engaged Mr. Mohsin N. Sheikh, Advocate and when the inquiry was held, it was learnt that the O.A. was dismissed in default on 10/4/2013. It is submission of the applicant that the delay caused in moving the application is not intentional as Counsel was engaged by him, therefore, he was under impression that his Counsel would give him the information about the case. It is submitted that there is a merit in the case of the applicant and therefore the delay be condoned and original application be restored to file.

4. The respondents have resisted the application mainly on the ground that there is a delay of 5 years, 9 months and 20 days. It is quite inordinate delay, for which no reasonable cause is shown. It is submitted that the applicant was duty bound to contact his Counsel, but he did not contact his Counsel, consequently, there was a default committed by the Counsel and the matter was dismissed. It is submitted that no good reason is explained to condone the delay, therefore, the application be rejected.

5. We have perused the record and proceeding of the O.A. It appears that the applicant was represented by Shri Borkar, Advocate. It appears that on 13/12/2012 no one present was for the applicant, thereafter on 14/1/2013 adjournment was sought as Counsel for the applicant was out of Nagpur. On 21/1/2013 on request of the Counsel for the applicant, the matter was again adjourned. Thereafter on 23/1/2013 one more opportunity was given to the Counsel for the applicant.

6. It seems that on 30/1/2013 the Counsel for the applicant remained absent and the Bench passed the order that matter would be dismissed on failure of the Counsel for the applicant to advance the arguments on next date.

7. On 6/2/2013 Advocate Shri I.S. Charlewar made submission before the Bench that Shri R.K. Borkar was incharge of the case and he joined the judiciary. Advocate Shri Charlewar sought adjournment to seek instructions from the applicant in that matter.

8. When the matter was taken on board on 10/4/2013 Shri I.S. Charlewar, Advocate appeared before the Bench and informed that there were no instructions in the matter from the applicant and consequently the Bench dismissed the O.A. in default.

9. After perusing the record of the O.A., it seems that Advocate Shri I.S. Charlewar was holding the brief, he sought adjournment on 6/2/2013 for seeking instructions from the applicant, but on perusal of the record, it appears that nothing was placed on record to show how Shri Charlewar, Advocate had contacted the applicant. It is pertinent to note that it was professional obligation of the Advocate representing the applicant to give him notice in writing while giving up the brief or handing over the brief to another Lawyer. It appears that initially Shri R.K. Borkar, Advocate was looking after the matter and thereafter his son was looking after the matter. The son of Shri R.K. Borkar, Advocate joined judiciary and he handed over the brief to

Shri I.S. Charlewar, Advocate. This story of the applicant is well founded. In this case it is material to note that before joining judiciary no information in writing was given to the applicant by the Counsel that the applicant should make necessary arrangement to engage another Lawyer. Similarly it seems that Shri Charlewar, Advocate though informed the Bench that he had no instructions from the applicant, but Shri Charlewar, Advocate never gave intimation in writing to the applicant to appear before the Bench on 10/4/2013 or to make any other arrangement. Thus it seems that there was a fault on the part of the Counsel, who represented the applicant and it was violation of the professional norms.

10. It is common experience that a common man has to trust the Advocate engaged by him and he is permitted to believe that his Advocate will represent him in a judicial proceeding in a proper manner. In this case, it seems that when another Lawyer was engaged by the applicant, at that time it was learnt that the brief was dismissed in default. In view of this matter, in our opinion the circumstances are established by the applicant to accept his case that there was reasonable and probable cause for not making the application for restoration of the O.A. in time permitted by law.



11. Now it is established by the applicant that as he had no intimation about the matter, therefore, he could not appear before the Bench on 10/4/2013 when the matter was dismissed in default, consequently, the MCA No. 09/2019 is required to be allowed. Hence, the MCA Nos. 08/2019 and 09/2019 are allowed.

**O.A. 499/2002 –**

The O.A. be taken up on board for hearing in **the 2<sup>nd</sup> week of January, 2020.**

**(Anand Karanjkar)  
Member(J).**

**(Shree Bhagwan)  
Vice-Chairman.**

**Dated :- 16/12/2019.**

\*dnk..

**O.A.No.19/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. The Id. counsel for the applicant desires to file certain documents on record. At his request, **S.O. After Winter Vacation.**

**Vice**

**Chairman**  
**Date:-16/12/2019.**  
aps.

O.A.No.820/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

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

2. As per the records the applicant was suspended by letter dated 11/01/2019 (Annexure-A-1) and it has been given effect from 15/12/2018. So it is clear that more than one year has been passed.

3. The Id. counsel for the applicant has relied upon Government of Maharashtra, G.R. dated 09/07/2019 (Annexure-A-3, P.B., Pg. No. 18) bearing no. fuidt&1118@idz11@11v- Keeping in view at P.B., Pg. No. 19 of the G.R. dated 09/07/2019 at Para No. 1 (i) (ii), respondents are directed to take decision and communicate to the applicant and this Tribunal too through Id. P.O. **within one week** from the date of this order.

4. **S.O. 02/01/2020.**

**Vice**

**Chairman**  
**Date:-16/12/2019.**  
aps.

O.A.No.896/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

None for the applicant. Shri A.M.Ghogre,  
the Id. P.O. for the State. Await service of  
respondent nos. 2 & 3.

2. **S.O. After Winter Vacation.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**

O.A.No.893/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

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

2. At the request of Id. P.O., **S.O. after winter vacation for reply.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**

O.A.No.591/2015 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

**C.A.No. 446/2019:-**

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

2. The Id. P.O. submitted that there is a delay of more than four years and he is opposing for that; it was suggested to the Id. counsel for the applicant to file C.A. for condonation of delay; the matter will be heard on condonation of delay. While filing condonation of delay application, the Id. counsel for the applicant may supply the copy of the said condonation of delay to the Id. P.O.; so that it will be easier for Id. P.O. to file reply on C.A. for condonation of delay.

3. The Id. counsel for the applicant has filed C.A. No. 446/2019 for amendment. **The C.A. No. 446/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment **within one week** from the date of this order.

4. **S.O. after winter vacation.**

**Vice**

**Chairman**  
**Date:-16/12/2019.**  
aps.

O.A.No.591/2015 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

**C.A.No. 446/2019:-**

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

2. The Id. P.O. submitted that there is a delay of more than four years and he is opposing for that; it was suggested to the Id. counsel for the applicant to file C.A. for condonation of delay; the matter will be heard on condonation of delay. While filing condonation of delay application, the Id. counsel for the applicant may supply the copy of the said condonation of delay to the Id. P.O.; so that it will be easier for Id. P.O. to file reply on C.A. for condonation of delay.

3. The Id. counsel for the applicant has filed C.A. No. 446/2019 for amendment. **The C.A. No. 446/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment **within one week** from the date of this order.

4. **S.O. after winter vacation.**

**Vice**

**Chairman**  
**Date:-16/12/2019.**  
aps.

O.A.No.892/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

Heard Shri Vinod Mahant, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. **S.O. after winter vacation.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**



**O.A.No.846/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

**C.A.No. 454/2019:-**

Heard Shri U.J.Deshpande, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. C.A. No. 454/2019 for permission to Intervention and join as a respondent is not supplied neither to the applicant nor to the Id. P.O.. However, Id. P.O. desires time to file reply.

3. **S.O. 01<sup>st</sup> week to January, 2020.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**

**O.A.No.540/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

Heard Shri S.C.Joshi holding for Shri C.A.Joshi, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. As requested by Id. counsel for the applicant, **S.O. 18/12/2019.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**

O.A.Nos.877&880/17, 107&108/2018  
(S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

Heard Shri N.R.Saboo & Shri  
M.R.Joharapurkar, the Id. Counsel for the  
applicants and Shri P.N.Warjekar, the Id. P.O. for  
the respondents.

2. **Closed for orders.**

**Chairman** **Vice**  
**Date:-16/12/2019.**  
aps.

**O.A.No.84/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

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

2. The Id. P.O. has filed letter dated 13/12/2019 by D.C.P., Nagpur. The same is taken on record. Copy is supplied to the other side.

3. **Closed for orders.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**

**O.A.No.984/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

Heard Shri S.M.Bhagde, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The respondent no. 4 i.e. The Principal, Government Polytechnic, Shendurwafa, Sakoli, Dist. Bhandara is directed to remain present personally on next date of hearing and explain the reason for not following Tribunal order dated 11/12/2019.

3. **S.O. 19/12/2019.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**

**O.A.No.593/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

Heard Shri O.Y.Kashid, 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 has filed pursis today alongwith that he has filed Judgment in O.A. No. 184/2016 of M.A.T., Nagpur, Judgment in O.A. No. 352/2018 of M.A.T., Nagpur and Writ Petition No. 4640/2018. All the Judgments are taken on records. Copy has supplied to the other side.

3. The Id. P.O. desires to file reply on the above same Judgments. **S.O. 13/01/2020.**

**Chairman**  
**Date:-16/12/2019.**  
aps.

**Vice**

O.A.No.981/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

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

2. The applicant was put under suspension under Anti Corruption Bureau case vide order dated 07/12/2018 (Annexure-A-1, P.B., Pg. No. 13). As submitted by Id. counsel for the applicant in O.A. at P.B., Pg. No. 6 para no. (vi) departmental enquiry has been completed and the enquiry officer has submitted report in November, 2019 but respondent no. 2 decision is still awaited.

3. The Id. counsel for the applicant has relied upon provisions contained in Government of Maharashtra, G.A.D. order fuidk1118@idk 11@11v dated 09/07/2019 (Annexure-A-3, P.B., Pg. No. 16) wherein DoPT letter dated 23/08/2016 is referred at Sr. No. 3 and finally order of Hon'ble High Court of Nagpur Bench in W.P. No. 7506/2018 delivered on 17/07/2019 (P.B., Pg. Nos. 21-22, Annexure-A-4).

4. In view of above discussions and facts, respondents are directed to take decision regarding revoking the suspension of applicant **within one week** from the date of this order. Respondents are directed to decide the order in D.E. within four weeks from the date of this

order; since enquiry officer report is pending with respondent no. 2 only.

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

**Vice**

**Chairman**  
**Date:-16/12/2019.**  
aps.



O.A.No.181/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :16/12/ 2019.**

**M.C.A.No.76/2019:-**

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

2. The Id. P.O. has placed on record the final show cause notice drafted by Additional D.G. (Administration). It is taken on record and marked Exh. "X" for the purpose of identifications. However, this letter has been address to S.P., Bhandara and S.P., A.C.B., Nagpur (the same letter is yet not received by applicant). However, Id. P.O. is supplying copy of this final show cause to the applicant just before the Tribunal.

3. However, in view of already much delay caused by respondents i.e. S.P., Bhandara and S.P., A.C.B., Nagpur. They are directed to finally supply this final show cause notice to the applicant **within one week from the date of this order.** Since both the offices are having the addresses with their offices during the course of D.E. they had supplied documents to the applicant, through these channels. Applicant is also directed to provide his reply **within one week** from the date of receipt of show cause notice from S.P., Bhandara and S.P., A.C.B., Nagpur. After receiving

reply of applicant, respondents are directed to take decision **within ten days** from the date of receipt of reply of applicant.

4. In view of this discussion, the final decision on the D.E. and its communication to the applicant will not take **more than 25 days**. After that they should process his retiral benefits as per the rules as soon as possible.

5. If any problem is faces by respondents they should communicate to the Tribunal through Id. P.O.. Respondents are also directed that since applicant has been given copy of final show cause issued by Additional D.G. in the Tribunal today, if applicant is going to submit the reply as earliest then respondents are directed to take decision **within ten days** from the date of receipt of reply of applicant.

6. In view of this, **M.C.A. No. 76/2019 is allowed.**

**Vice**

**Chairman**

**Date:-16/12/2019.**

aps.