

O.A. No. 468/2019 **(SB)**

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

Dated : 25.06.2019

Shri S.N. Gaikwad, Id. counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for the State.

At the request of learned counsel
for the applicant, **S.O. After four weeks.**

Member (J)

dnk.

O.A. Nos. 422,431,432,433,434, & 473 of
2016. **(SB)**

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

Dated : 25.06.2019

Shri S.N. Gaikwad, learned
counsel for the applicants and Shri A.M.
Ghogre, learned P.O. for the
respondents.

At the request of ld. counsel for the
applicants, **S.O. 04/07/2019 at 3.00 p.m.**

Member (J)

dnk.

O.A. Nos. 664 & 966 of 2017 **(SB)**

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

Dated : 25.06.2019

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

At the request of Id. counsel for the applicants, **S.O. 15/07/2019.**

Put up along with O.A.592/2017.

Member (J)

dnk.

O.A. No. 592 of 2017

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

Dated : 25.06.2019

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

S.O. 15/07/2019.

Put up along with O.As.664 & 966
of 2017.

Member (J)

dnk.

O.A. No. 471/2019

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

Dated : 25.06.2019

Shri S.P. Chavan, Id. counsel holding for Shri S.A. Marathe, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

At the request of Id. counsel for the applicant, **S.O. 27/06/2019**.

Member (J)

dnk.

O.A. No. 472/2019

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

Dated : 25.06.2019

Shri S.P. Chavan, Id. counsel holding for Shri S.A. Marathe, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

At the request of Id. counsel for the applicant, **S.O. 27/06/2019**.

Member (J)

dnk.

O.A. No. 649/2017

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

Dated : 25.06.2019

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

At the request of Id. P.O., **S.O.**
10/07/2019 as a last chance.

Member (J)

dnk.

O.A. No. 199/2018

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

Dated : 25.06.2019

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

The Id. P.O. files reply on behalf of R-1 to 3. It is taken on record.

Heard. Admit.

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

S.O. in due course.

Member (J)

dnk.

O.A. No. 715/2018

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

Dated : 25.06.2019

Shri P.V. Thakre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

dnk.

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

Dated : 25.06.2019

**C.A. 369/18 in O.A. 943/18, C.A. 370/18
in O.A. 944/18 & C.A. 371/18 in O.A.
945/18**

None for the applicants. Shri H.K. Pande, Id. P.O. for R-1,2&4 and Shri A.M.Sudame, Id. counsel for R-3.

The matters be kept **on**
01/07/2019.

Member (J)

dnk.

O.A. No. 378/2019

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

Dated : 25.06.2019

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

The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The matter can be decided on the basis of this reply.

Heard. Admit.

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

S.O. 9/7/2019.

Member (J)

dnk.

O.A. No. 379/2019

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

Dated : 25.06.2019

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

The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The matter can be decided on the basis of this reply.

Heard. Admit.

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

S.O. 9/7/2019.

Member (J)

dnk.

O.A. No. 405/2019

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

Dated : 25.06.2019

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

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

Member (J)

dnk.

O.A. No. 415/2019

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

Dated : 25.06.2019

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

2. One week time is granted to the respondents to make submission regarding direction issued in para-6 of the order dated 11/06/2019.

S.O. 5/7/2019.

Member (J)

dnk.

O.A. No. 495/2018

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

Dated : 25.06.2019

Heard Shri S.C. Deshmukh, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

Heard. Admit.

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

S.O. 16/7/2019.

Member (J)

dnk.

O.A. No. 46/2019

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

Dated : 25.06.2019

None for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

2. Today none appeared the applicant or his counsel.

3. It is submitted by the Id. P.O. that by virtue of the interim order the applicant is continued in service though he has crossed the date of superannuation. In these circumstances, a last chance is given to the applicant to proceed with the matter.

S.O. 5/7/2019.

Member (J)

dnk.

C.A. 223/19 in O.A. No. 461/2019

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

Dated : 25.06.2019

Heard Shri A.P. Chaware, Id.
counsel for the applicant and Shri S.A.
Deo, Id. CPO for the State.

Closed for orders.

Member (J)

dnk.

O.A. No. 783/2017

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

Dated : 25.06.2019

Heard Shri P.S. Patil, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and none for Intervener (R/4).

2. The learned counsel for the applicant submitted that he is not intending to place C.A.Nos. 121 & 236 of 2018. Therefore, both the applications are disposed of.

3. So far as C.A. No. 53/2018 is concerned Shri S.N. Gaikwad, Id .counsel for Intervener (R/4) is absent. Hence, C.A.No. 53/2018 is dismissed.

The matter be kept **on 5/7/2019**.

Member (J)

dnk.

O.A. No. 470/2019

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

Dated : 25.06.2019

C.A. 222/2019 -

Heard Shri M.M. Sudame, Id. counsel holding for Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

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. 470/2019 -

Heard Shri M.M. Sudame, Id. counsel holding for Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. All the applicants are transferred vide order dated 19/06/2019 from the establishment of Superintendent of Police

(Railways), Nagpur to newly established office of the Superintendent of Police (Railways), Aurangabad. It is grievance of the applicants that all the applicants are ladies they have family difficulties and without considering the station seniority and without considering the provisions of the Maharashtra Police Act,1951 they are transferred by the Superintendent of Police (Railway), Nagpur.

3. It is submitted that the matter was not referred to the Police Establishment Board for the approval and therefore the impugned order is apparently in violation of law.

4. I have perused the G.R. dated 10/05/2018. As per this G.R. new office of Superintendent of Police (Railways), Aurangabad was established and therefore the Government of Maharashtra took decision to supply the staff and other things to the newly established office of Superintendent of Police (Railways), Aurangabad. Particularly in para-3 of the said G.R. direction is given that the necessary staff and other things be supplied by the office of Superintendent of Police (Railways),Nagpur to the

Superintendent of Police
(Railway), Aurangabad.

5. In addition after reading the G.R. dated 16/2/2019 it seems that total 743 posts on the establishment of Superintendent of Police (Railways), Nagpur are now transferred to the establishment of Superintendent of Police (Railways), Aurangabad. Thus it appears that it is not a routine transfer. In order to check the crime in Aurangabad Region, the Government has taken a conscious decision to establish new office of Superintendent of Police (Railways), Aurangabad and consequently it was necessary to supply staff and other things to newly establishment office. Under these circumstances, it is a special case and it is not a routine transfer. In view of these circumstances, if any interim relief is granted at this stage, there is a possibility of causing prejudice to the public.

6. In view of the fact that the applicants are serving in public utility

service and therefore the applicants should obey the directions issued by the Government for implementation of the decision taken by the Government. In such circumstances, the applicants to resume their duties as per the transfer order and this will not cause any prejudice to prosecute their O.A. The applicants are permitted to prosecute their cause.

7. Issue notice to R-2 to 4, returnable **after three weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

Member (J)

dnk.

O.A. No. 671/2015 (SB)

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

Dated : 25.06.2019

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

2. The facts are that the deceased husband of the applicant was serving as Police Naik. The husband of the applicant was accused in Crime No.194/1986 under Section 354 of the IPC. It was alleged that husband of the applicant outraged modesty of one Shashikalabai and on the basis of the complaint lodged by her crime was registered and criminal case was filed. It is submission of the applicant that learned JMFC, Washim vide Judgment dated 25/03/1986 acquitted her husband in that criminal case. It is submitted that there was departmental inquiry and the Disciplinary Authority held that the serious charge against the husband of the applicant was established and consequently the applicant's husband was dismissed from the service.

3. It is submission of the applicant that as her husband was acquitted in criminal case and therefore he should have been

exonerated in the departmental proceeding. In this regard, I would like to point out that the legal position is very much settled so far as the standard of proof is concerned, the standard of proof required to prove the charge in criminal trial is proof beyond reasonable doubt and so far as standard of proof so far as departmental inquiries are concerned, it is a reasonable evidence. It is pertinent to note that vide order dated 18/05/1989 the Disciplinary Authority dismissed the husband of the applicant from the service. The husband of the applicant died on 17/10/2013, during his life time he did not challenge the dismissal either by approaching the M.A.T. or by approaching the Hon'ble High Court.

4. In view of this circumstances, I do not see any merit in this O.A. Hence, the O.A. stands dismissed. No order as to costs.

Member (J)

dnk.....

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

Dated : 25th June 2019

MCA No.8/2019 in MCA No.9/2019.

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

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

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

**O.A. (St.) No. 266/2019
(DB)**

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

Dated : 25th June 2019

C.A. No.53/2019.

Heard Shri R.R. Ramteke, the Ld.
counsel for the applicant and Shri V.A.
Kulkarni, the Ld. P.O. for the respondents.

S.O. 5th July 2019.

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 537/2018

(DB)

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

Dated : 25th June 2019

Heard Mrs. K.N Saboo, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

Ld. P.O. has filed reply on behalf of R. 1 to 3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

ADMIT.

Shri A.M. Ghogre, the Ld. P.O. waives notice for the respondents.

S.O. for final hearing **in due course.**

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 82/2019

(DB)

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

Dated : 25th June 2019

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

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

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 989/2017

(DB)

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

Dated : 25th June 2019

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

Ld. P.O. has filed reply on behalf of R.1 to 3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

ADMIT.

Shri A.M. Ghogre, the Ld. P.O.
waives notice for the respondents.

S.O. for final hearing in due course.

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 516/2018

(DB)

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

Dated : 25th June 2019

None for the applicant. Shri P.N.
Warjekar, the Ld. P.O. for the respondents.

In order dated 24.4.2019, Ld. P.O.
was directed to file rules and regulations

of 2015. Today he has filed on record correspondence dated 25.6.2019 by Dy. Director of Health Services, Akola. He pleads that those who have not passed the examination, their regularization order has been stopped. Ld. P.O. is directed to replace that document properly during the course of the day.

S.O. **one week.**

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 955/2018

(DB)

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

Dated : 25th June 2019

C.A. 376/2018.

Heard Shri V.B. Bhise, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that he has received a copy of reply from the Ld. P.O. today only.

At the request of the Ld. counsel for the applicant, S.O. **one week.**

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 03/2019

(DB)

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

Dated : 25th June 2019

Heard Shri S.G. Jagtap, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

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

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 448/2018

(DB)

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

Dated : 25th June 2019

R..A. No.16/2019.

Heard Shri S.K. Thengri, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant has preferred Review Application No. 16/2019 on 25.2.2019 and order is dated 22.1.2019 in O.A.No. 448/2018. However, we do not find any reason to review the order dated 22.1.2019. Hence, the Review Application stands rejected with no order as to costs.

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 466/2019

(DB)

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

Dated : 25th June 2019

Heard Shri R.P. Malviya, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

2. The Ld. counsel for the applicant has placed on record Annexure A-3 i.e. advertisement published by MPSC for the posts of Assistant Conservator of Forest (ACF) and the Range Forest Officer (RFO).

The applicant has appeared for preliminary examination and finally final list was prepared. He has also filed merit list and pleads that the applicant has scored 224 marks. However, respondents have recommended cut off marks for SC category for the post of RFO as 208 marks.. However, the Ld. counsel for the applicant has filed on record an application submitted by the applicant after preliminary examination for main examination. He has requested to file documents on record. Meanwhile, the Ld. P.O. is directed to take instructions from MPSC.

3. Issue notice to R.2 returnable on 27th June 2019.

4. Shri S.A. Deo, the Ld. C.P.O. waives notice for the respondent No.1. Hamdast granted.

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. **27th June 2019**.

11. Steno copies be provided to both parties.

Member (J)
Chairman

Vice-

Dt. 25.6.2019.
Pdg

O.A. No. 960/2018

(DB)

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

Dated : 25th June 2019

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

At the request of the Ld. counsel for the applicant S.O. **2nd July 2019.**

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 704/2015

(DB)

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

Dated : 25th June 2019

Heard Shri S.C. Deshmukh the Ld. counsel for the applicants and Shri P.N. Warjekar, the Ld. P.O. for the respondents 1 and 2. None for R.3 to 5.

At the request of the Ld. P.O., S.O. **9th July 2019** for filing reply.

Member (J)
Chairman

Vice-

Dt. 25.6.2019.

Pdg

O.A. No. 66/2013

(DB)

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

Dated : 25th June 2019

C.A. Nos. 174/2019 and 198/2019.

Heard Shri A.S. Murty, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents 1 to 4. None for R.5.

The applicant is intending to file additional documents on record. C.A. Nos. 174/2019 and 198/2019 are allowed. Permission is granted to file documents.

C.A. No. 175/2019

Heard both sides.

C.A. No. 175/2019 is allowed.

Objections of the respondents as per prayer clause to be amended are barred by limitation is concerned, this objection will be decided alongwith the O.A.

S.O. **5th August 2019.**

Member (J)
Chairman

Vice-

Dt. 25.6.2019

.Pdg

O.A. No. 218/2012

(DB)

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

Dated : 25th June 2019

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

O.A. is dismissed in default.

Member (J)
Chairman

Vice-

Dt. 25.6.2019

.Pdg

O.A. No. 265/2010

(DB)

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

Dated : 25th June 2019

Miss Divya Joshi, Adv. holding for Dr. (Mrs.) R.S. Sirpurkar, Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents 1 and 2. None for R.3.

The Ld. counsel for the applicant has filed rejoinder on record and its copy is supplied to the Ld. P.O. Ld. P.O. seeks time to file reply to the rejoinder.

S.O. **two weeks.**

Member (J)
Chairman

Vice-

Dt. 25.6.2019

.Pdg

O.A. 238 of 2019 (SB)

**(Shailendra Himmatlal Chotai Vs.
State of Maharashtra & Ors.)**

**Coram :- Hon'ble Shri Anand
Karanjkar,
Member (J).**

Dated :- 25/06/2019.

ORDER

Heard Shri S.P.

Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant joined the service in the year 1985 as Forester and in the year 2010 he was promoted as Range Forest Officer. The applicant was performing duty at Umri, Forest Division Pandharkawada. It is case of the applicant that though nothing wrong was committed by him all of

a sudden he was suspended vide order dated 19/01/2019. It is submission of the applicant that his suspension after expiry of 90 days is illegal as the Departmental Head did not review and decide whether it is really necessary to continue the suspension. It is submitted that the guidelines issued by the Hon'ble Apex Court in case of **Ajay Kumar Choudhari VS. Union of India,2015 (7) SCC, 291** are violated by the respondents and consequently the suspension be revoked.

3. The respondents have opposed the application and justified suspension mainly on the ground that the charge sheet is

already served on the applicant as he is involved in serious misconduct involving misappropriation of the forest property and illegal work. It is also submitted that offence is registered against the applicant on the basis of FIR lodged in Police Station, Pandharkawada, District Yavatmal. It is submitted that the applicant misappropriated the Forest Timber valued Rs.82,700/- and Rs.5,19,812/- thereby causing loss to the Government and considering this misconduct applicant is not entitled for relief mainly on the ground that he is likely to retire on 30/06/2019.

4. I have heard oral submissions on behalf of the applicant and the respondents. While deciding the O.A.No. 29/2019 on 03/04/2019 similar situation was examined, wherein the G.R. dated 14/10/2011 was brought to the notice of this Bench. In G.R. dated 14/10/2011 special procedure is laid down how to review the suspension cases of the Government servants who are involved in a serious crime, such as disproportionate assets, involving moral turpitude, bribery, murder, attempt to commit murder, rape. So far as Group-A and Group-B Officers are concerned, the Chief Secretary is the Chairman of the

Reviewing Committee and Additional Chief Secretary is the Member etc. It is mentioned in para-3 of the G.R. that in such matters if employee is suspended, then such matters be placed for the consideration before the Review Committee after expiry of one year from the date of suspension. In view of the specific G.R. issued by the Government of Maharashtra, it is not possible to accept that only on the basis of the ratio in case of **Ajay Kumar Choudhari VS. Union of India** (cited supra) the suspension is liable to be revoked, as till today the G.R. dated 14/10/2011 is not declared ultra virus. In view of this legal position

in my opinion it is not possible to grant relief to the applicant. Hence, the following order –

ORDER

The O.A. stands dismissed with no order as to costs.

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

Dated – 25/06/2019.

*dnk.

