

**C.A.363/19inRev.Appl.19/17 in O.A.No.710/14  
(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :04/10/ 2019.**

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

2. The Id. counsel for the applicant filed C.A. No. 363/2019 for amendment along with this he has annexed Additional D.G. (Administration) circular dated 24/10/2007, vide this circular, department has taken the stand that if after D.E. minor punishment is awarded to the applicant, then his suspension period will not remain a suspension period. It is to be treated as duty period for all purposes. The Id. counsel for the applicant has also filed one letter of S.P., Amravati which is not very clear. The Id. counsel for the applicant is directed to file a typed copy of the same.

3. **C.A. No. 363/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within a week time. **S.O. 10.10.2019.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.116/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the State. There is a leave note of respondent nos. 2 & 3.

2. Since the reply/pleadings of respondent nos. 2 & 3 is necessary. The Id. P.O. submits that reply of respondent no. 1 is not necessary. **S.O. 09/10/2019.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.Nos.288,289,290,291,292,293,294&295/  
2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :04/10/ 2019.**

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

2. The Id. counsel for the applicant filed the Hon'ble High Court, Mumbai Bench at Nagpur Judgment in W.P.No.6294/2016 dated 04/10/2017. The Id. counsel for the applicant has invited my attention on P.B., Pg. No. 92, where a representation has been filed vide dated 30/09/2019 by association and in the bottom 10 persons have signed. In the list of these 10 persons, the applicant's name does not appear. The Id. counsel for the applicant is directed that let the applicant first file the representation before the concerned authority then matter will be heard and suitable order will be pass.

**3. S.O. 10.10.2019.**

**Vice Chairman**

**Date:-04/10/2019.**

aps.

**O.A.No.229/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

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

2. As per the Id. counsel for the applicant, the applicant was put under suspension vide order dated 01/10/2018 (Annexure-A-4, P.B., Pg. No. 14) and suspension order was revoked by order dated 16/07/2019.

3. The Id. P.O. relied on P.B. Pg. No. 17 of the MAT, Nagpur order and he has also placed on record letter dated 16/07/2019 by Additional Tribal Commissioner, Tribal Development, Nagpur. By this letter, applicant has been posted back to Nagpur as Junior Clerk in Tribal Boys Hostel, kalamana, Nagpur on 30/05/2019.

4. The Id. counsel for the applicant submits that applicant has received subsistence allowance of his suspension period. As per this document, relief clause 7(i),(ii),(iii) and (iv) on page 9 are redressed.

5. The Id. counsel for the applicant submits that suspension order itself was illegal but that can be decided in the D.E., after completion of D.E. and punishment awarding in the D.E.. The Id. counsel for the applicant may file separate O.A. and that time it will be decide that whether the suspension period was wrong or right.

6. By record it appears that though suspension order issued on 01/10/2018 and revocation was done on 16/07/2019, almost 09 months period lapsed and respondents were not bothered to initiate enquiry.

7. By record it also appears that there is no process of D.E. started till now. Respondents are directed that if they are contemplating any D.E. against the applicant, they must initiate and finish within 60 days of this order; otherwise it will be treated as quashed.

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

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.345/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

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

2. The applicant has entered into the Government service of the Zilla Parishad, Gadchiroli as a Lab Technician from 26/07/2005 and worked at Gadchiroli for the period of about 6 years.

3. The applicant has appeared for the examination conducted by the State of Maharashtra for entering into service of the State Government of Maharashtra. The Chief Executive Officer, Zilla Parishad, Gadchiroli, after the applicant has declared successful in the examination, by order dated 16/09/2011 relieved the applicant w.e.f. 19/09/2011 from office of Zilla Parishad, Gadchiroli.

4. Thereafter, she entered into service with State Govt. of Maharashtra as a Lab Technician and has joined the services as a Lab Technician on 20/09/2011 at Primary Health Centre, Wadegaon, District Gondia and since then she is continuously working as a Lab Technician with the State of Maharashtra. At present applicant is working with the National Filaria Control Unit at Nagpur.

5. Applicant for the first time made a representation with the respondent no. 3 on 09/10/2014 regarding her continuous service which

she has rendered with the Zilla Parishad, Gadchiroli earlier.

6. As per the record (Annexure-A-2, P.B., Pg. No. 25) applicant was relieved by C.E.O., Z.P., Gadchiroli vide his letter dated 16/09/2011 for joining the applicant as Lab Technician at Primary Health Centre, Wadegaon, District Gondia. In para no. 2 it has been clearly mentioned that there was no enquiry, no pending dues against the applicant. As per this letter applicant was relieved on 19/09/2011 afternoon from Z.P..

7. The Id. counsel for the applicant has also filed appointment letter of applicant to the post of Lab Technician at Annexure-A-3, P.B., Pg. No. 26 dated 03/09/2011. The Id. counsel for the applicant is directed to file on record joining letter of applicant as Lab Technician in Primary Health Centre, Wadegaon, District Gondia. The Id. counsel for the applicant has also filed on record Annexure-A-4, P.B., Pg. No. 28 where it seems that Joint Director, Public Health Centre, Pune has written to Secretary, Public Health Services, and mentioning in para no. 1 that

**A.** Applicant will be entitled for M.C.S., Pension Rule, 1982.

**B.** Applicant previous G.P.F. account will be continued as it was in Z.P.. In view of that she should be considered to be continued in service from 26/07/2005.

8. The Id. P.O. submits that he will file reply **within two weeks** as a last chance. **S.O. 18/10/2019.**

9. *If reply is not filed till next date, the matter is heard on merit.*

10. *Steno copy is granted.*

**Vice Chairman**

**Date:-04/10/2019.**  
aps.



**O.A.No.416/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :04/10/ 2019.**

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

2. The Id. P.O. submits that his reply is ready.  
At his request, **S.O. two weeks.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.449/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

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

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

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.545/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

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. two weeks.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.565/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :04/10/ 2019.**

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri A.M.Khadatkar , the Id. P.O. for the respondents.

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

**Date:-04/10/2019.**  
aps.

**Vice Chairman**

**O.A.Nos.567 & 568/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :04/10/ 2019.**

Heard Shri G.G.Bade holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :04/10/ 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 respondent no. 3 in his impugned order dated 20.01.2017 (Annexure-A-1) P.B. Pg. No. 15 in para no. 2 has mentioned following facts:-

"vki .k vfhky[k 'kk[kr ue.kdhl vl u ikyhl Hkjrhl I mHkzhy [kpkh ns ds oGhr eatjhl djhrk I knj dj.ks vkr.k eatjhl feGK; kurj rif'kyokj ns d] egky[kdkj ; kpdMs I knj dj.; kI kBh] eatjhl i klr ns d y[k 'kk[kdMs i kBo.ksgsvki ysdh; ghrs vki .k oGhr I njph ns dseatjhl djhrk I knj dsh ul Y; kusvki .kl dz I yv@i kshk-2016@5536@2016] fnuhd 25-05-2016 o fnuhd 22-07-2016 ; ki ek.k2 Lej.ki =sns; kr vkyyh vkgr- i jnrvki .k fnuhd 4-8-2016 i ; r : 11]60]826@ brD; k [kpkh ns dseatj d: u y[k 'kk[kdMs I knj dsh vl u mojr : 7]42]894@ brD; k f'KYd jDdeB; k vutlakusns dseatjhl I knj dshy ukghr-"

3. In para no. 3, respondent no. 3, has also mentioned that due to above behaviour of the applicant there was problem for the Treasury office regarding salary bills of Officers and Employees of that establishment.

4. In view of this situation, respondent no. 3 issued show cause notice to the applicant vide letter dated 05/08/2016 (Annexure-A-3, P.B., Pg. No. 19) to that show cause notice applicant submitted reply vide his letter dated 30/11/2016 and as per the para no 3 of impugned order dated 20/01/2017

(Annexure-A-1, Pg. No. 15) he has accepted his mistake upto 5 to 10 %.

5. In view of this discussions, in foregoing paras, respondent no. 3 issued impugned order dated 20/01/2017 (Annexure-A-1, Pg. No. 16) and same was confirmed by respondent no. 2 vide his letter dated 15/09/2017.

6. However, the Id. counsel for the applicant has been asked to clarify the above regarding "Qjrikl .h vuk\$ ulgh" mentioned on Pg. No. 18 of order dated 15/09/2017 by respondent no. 2.

7. The Id. counsel for the applicant requested time to clarify this aspect. **S.O. 09/10/2019.**

**Vice Chairman**

**Date:-04/10/2019.**

aps.

**O.A.No.979/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

Shri I.G.Meshram, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the State and Shri S.Ukey, the Id. counsel for the respondent no. 2.

2. At the request of Id. counsel for the respondent no. 2, **S.O. 18/10/2019.**

**Later on :-**

Shri A.M.Kukday appeared for respondent no. 2 and expressed his regret for not communicating the adjournment to the Id. counsel for the applicant. He is directed that in future he should take cognizance before prosecuting for the adjournment.

**Vice Chairman**

**Date:-04/10/2019.**

aps.



**O.A.No.250/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

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

2. The Id. P.O. filed letter by Additional Director General of Police (Establishment), the order has been basically issued by Director General of Police, Maharashtra State dated 03/10/2019. Vide this order, the applicant's promotion order dated 28/07/2017 has been cancelled by Director General of Police.

3. The chronological issue is as follows:-

A. The applicant was promoted by order dated 28/07/2017 from A.P.I. to P.I. and applicant was not relieved by S.P., Amravati.

B. Meanwhile on 03/11/2017, applicant was trapped by A.C.B. and he was suspended. Aggrieved by this order the applicant approached to this tribunal with O.A. No. 250/2019.

C. As per the detailed order on 09/07/2019, the applicant has been reinstated and posted. However, the Id. counsel for the applicant is submitting that since applicant's promotion order was issued on 28/07/2017, if he would have been relieved by respondent no. 2 at relevant time, the applicant would have occupied the promotional post

but he was not relieved and after a gap of almost three months the A.C.B. trap has been happened.

4. Now, today the Id. P.O. has filed cancellation of promotional order. The Id. counsel for the applicant is advise to challenge the cancellation order of promotion of the applicant vide order dated 03/10/2019 by Director General of Police by filing a different O.A., after consulting his client. So that, why applicant was not relieved on 28/07/2017 and suspension order dated 03/11/2017 it can be clarify by the respondents.

5. The Id. counsel for the applicant is at liberty to challenge the cancellation order of promotion of the applicant dated 03/10/2019 and relieving order 28/07/2017.

6. **S.O. 10/10/2019.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.124/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has relied on appointment on compassionate ground post on Government Circular dated 14/04/1981. The said circular has been changed in 2003 and subsequently Hon'ble High Court Mumbai, Bench at Aurangabad bench in writ petition no. 11408/2014. It has been filed along with the reply of the respondents in para no. 11 following observations have been made :-

*"We further direct that no further recruitment/ appointment shall be made consequent to the issuance of Government Circular dated 14/04/1981. The order be communicated to all the District Collectors of State of Maharashtra."*

3. In view of this, O.A. does not survive. Hence,  
**O.A. is dismissed with no order as to costs.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.71/17withC.A.No.41/17 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

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

2. The only issue involved is whether *D-nov* enquiry has been started as details mentioned in order dated 29/08/2019 or not by respondent no. 2. The Id. P.O. is directed to take such instructions and place on record.

3. At the request of Id. P.O., **S.O. 09/10/2019.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**C.A.Nos.64&65/18inO.A.No.717/17with**

**O.A.No.718/17(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

Heard Ms.M.P.Munshi, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 11.10.2019.**

**Date:-04/10/2019.**  
aps.

**Vice Chairman**

**O.A.No.394/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

Heard Shri B.Kulkarni, 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 Government letter dated 03/10/2019 by Joint Director, Public Health Services, Pune. It is taken on record. Copy is supplied to the other side.

3. The Id. P.O. seeks time to file reply. At his request, **S.O.18/10/2019.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.473/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. Following points needs to be examined:-

**A.** G.A.D., Govt. Of Maharashtra G.R. regarding G.R. dated 01/08/2019. In its Annexure no. 4 of the said G.R. para no. 6 G.R. dated 07/01/1961 is mentioned and this G.R. has not been repealed by G.R. dated 01/08/2019 in para no. 6 of Annexure 4 of this G.R. special sympathetic approach has been discussed and a table is given above which it is mentioned that 10 % extra weightage should be given to such employees in promotion.

**B.** Government in its G.R. dated 07/01/1961 has also mentioned about special sympathy to be shown to such employees in its content.

**C.** In Civil Appeal No. 32 / 2013 Rukhsana Shaheen Khan Vs. Union of India and Ors. the Hon'ble Supreme Court while delivering the Judgment on 28/08/2018 in its para no. 3 A has mentioned following observations:-

*"The competent authority is directed to ignore the uncommunicated adverse ACRs and take a fresh decision in accordance with law."*

3. In present case respondents have not filed any documents which proves that adverse C.Rs. were communicated to the applicant. This violates Hon'ble Apex Court Judgment as discussed in para no. 2 (C).

4. In present O.A., the Id. P.O. has filed today documents related to C.R. of applicant from 1996-1997 to 2000-2001. On the notesheet at Pg. No. 166, it is mentioned as follows:-

1996-1997 average

1997-1998 below average

1998-1999 confirmed good (B+)

1999 to 2000 average (B-)

2000 to 2001 excellent (A)

5. As per proforma prescribed by Govt. Of Maharashtra Gen 254 of B.m.e. following categories were given in the C.R. forms. It is shown in following tabular form and for objectivity no. is also given:-

1. vfr mrd"B Outstanding 5 Marks
2. mrd"B Very Good 4 Marks
3. plaxysGood 3 Marks
4. I k/kj .k Average 2 Marks
5. I k/kj .k i \$kk deh Below Average 1 Marks

As per the above gradations, now C.R. of applicant is calculated in following table:-

1996-1997 average (02 marks)



1997-1998 below average (01 marks)

1998-1999 confirmed good (B+) (04 marks)

1999 to 2000 average (B-) (02 marks)

2000 to 2001 excellent (A) (04 marks)

Total = 13 marks (Total marks obtained by candidate from 1996 to 2001)

6. Based on this, average marks obtained in last five years will be  $13/5=2.6$  marks which is rounded to 03 marks and so his average C.R. for five years from 1996-1997 to 2000 – 2001 becomes ~~plaxys~~Good 3 Marks.
7. The applicant is an S.C. candidate as per the joining letter filed on record at Annexure-A-1, Pg. No. 12 to 15, applicant's name appears at Sr. No. 48 on Pg. No. 13.
8. Now as per G.R. dated 07/01/1961 and latest G.R. dated 01/08/2019 (para no. 6 of annexure-4) the applicant will get extra weightage of 10 % marks.
9. In view of foregoing discussions, applicant becomes eligible for assured progressive scheme as per grading of C.R. from 1996-1997 to 2000-2001. Hence, following order:-

O R D E R

1. The O.A. is partly allowed
2. O.A. is fully in terms of relief clause 10(i) and (ii).
3. Regarding prayer clause 10 (iii) respondents are directed to pay interest on dues as per prevailing rules and regulations **within three months** from the date of this order.

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.228/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

None for the applicant. Shri S.A.Sainis, the Id.  
P.O. for the respondent nos. 1 & 2. None for the  
respondent no. 3.

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

**Date:-04/10/2019.**  
aps.

**Vice Chairman**

**O.A.No.805/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :04/10/ 2019.**

Heard Shri A.Deshpande, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. after deepawali vacation.**

**Vice Chairman**

**Date:-04/10/2019.**  
aps.

**O.A.No.195/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :04/10/ 2019.**

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

2. The Id. P.O. submits that the applicant's case was placed before review committee on 31/05/2019. However, it was rejected on 31/05/2019 and subsequently again it was placed before review committee on 06/06/2019.

3. However, review committee is directed to take meeting as early as possible. The Id. P.O. is directed to file on record and supply the copy of the same to the Id. counsel for the applicant.

**4. S.O. 18/10/2019.**

**Vice Chairman**

**Date:-04/10/2019.**

aps.

O.A.No.418/2019 (SB)

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

**Dated : 04.10.2019**

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

Ld. counsel for the applicant has submitted that A.G. has revised the pension. Therefore, nothing remains in this application.

Hence, O.A. stands disposed of as infructuous. No order as to costs.

**Member (J)**

yuk

O.A.No.395/2019 **(SB)**

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

**Dated : 04.10.2019**

Shri G.K.Bhusari, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

It is submitted by the Id. counsel for the applicant that the grievance of the applicant is redressed.

Therefore, O.A. stands disposed of as infructuous. No order as to costs.

**Member (J)**

yuk

O.A.No.413/2018 (SB)

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

**Dated : 04.10.2019**

Shri S.V.Khondalay, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the respondents and Shri S. Borkar for respondent no.14.

It seems that inspite of repeated chances, the respondent nos.1 and 2 have not filed their reply which is necessary. Therefore, matter is admitted. It be kept for final hearing.

**S.O. 22-10-2019.**

**Member (J)**

yuk



O.A.No.477/2018 (SB)

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

**Dated : 04.10.2019**

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

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

**Member (J)**

yuk

O.A.No.787/2018 (SB)

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

**Dated : 04.10.2019**

Shri G.K.Bhusari, Id. counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the respondents and Shri S.N.Gaikwad Id. counsel for respondent no.4. None for respondent no.5.

At the request of Id. counsel for respondent no.4., **S.O. two weeks** for filing reply.

**Member (J)**

yuk

O.A.No.928/2018 **(SB)**

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

**Dated : 04.10.2019**

Shri Bharat Kulkarni, 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. two weeks** for filing reply.

**Member (J)**

yuk

O.A.No.1012/2018 (SB)

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

**Dated : 04.10.2019**

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

Await service of respondent no.2 to 5.

**S.O. three weeks.**

**Member (J)**

yuk

O.A.No.452/2019 (SB)

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

**Dated : 04.10.2019**

Shri A.S.Dhore, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. None is present for respondent nos.7 & 8.

At the request of Id. P.O., **S.O. one weeks** for filing reply as a last chance.

**Member (J)**

yuk

O.A.No.598/2019 (SB)

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

**Dated : 04.10.2019**

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

Await service of respondent no.5.

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

**Member (J)**

yuk

O.A.No.614/2019 **(SB)**

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

**Dated : 04.10.2019**

Shri Sanjajee Jagtap h/f. Shri  
M.M.Sudame, Id. counsel for the applicant and  
Shri M.I.Khan, Id. P.O. for the respondents.

Case is admitted. Be kept for final  
hearing.

**S.O.11-10-2019.**

**Member (J)**

yuk

O.A.No.618/2019 **(SB)**

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

**Dated : 04.10.2019**

Shri D. Chatterjee, 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.

**Member (J)**

yuk



O.A.No.661/2019 **(SB)**

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

**Dated : 04.10.2019**

Shri P.V.Thakre, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

Reply is filed by the respondents.

For hearing, **S.O. to 14-10-2019.**

**Member (J)**

yuk

MCA No.66/2019 IN O.A.No.08/2018 (C)(SB)

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

**Dated : 04.10.2019**

Shri A. Ramteke, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents. None present for respondent no.3.

It is submitted that the O.A. was dismissed in default on 29-08-2019 as none was present for the applicant. The application for restoration was filed on 18-09-2019. In the interest of justice, O.A. be restored to file. M.C.A. is disposed of. No costs.

**Member (J)**

yuk

O.A.No.649/2019 (SB)

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

**Dated : 04.10.2019**

Shri C.H.Sharma, Id. counsel for the applicant, Shri H.K.Pande, Id. P.O. for the respondents and Shri S.A.Sahu for respondent no.1.

It is submitted that all the respondents are served in the matter and he prayed for one week's time to file service affidavit.

**S.O. one week.**

**Member (J)**

yuk

O.A.No.702/2019 (SB)

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

**Dated : 04.10.2019**

None is present for the applicant. Shri S.A.Sainis, Id. P.O. for the respondents and Shri S.P.Palshikar Id. counsel for respondent no.3.

Reply is filed by the respondents. Matter be kept for final hearing on Monday i.e. **07-10-2019**.

**Member (J)**

yuk

O.A.No.402/2016 (SB)

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

**Dated : 04.10.2019**

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

Learned P.O. has submitted that the pay of the applicant as per the 6<sup>th</sup> Pay Commission was fixed in the year 2009 and all benefits of the same were paid to him and he would file relevant documents on the next date.

**S.O. two weeks.**

**Member (J)**

yuk

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

**Dated : 04.10.2019**

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

2. It is submitted that the applicant was appointed as Assistant Sub Inspector of Police on 26<sup>th</sup> December, 1983 in the Wireless Department of the Police. Ld. counsel for the applicant has submitted that the original application no.422/2016, 431/2016, 432/2016, 433/2016, 434/2016 and 473/2016 were filed by the Assistant Police Sub Inspectors, Wireless Department of Police for the same benefits and all these applications are allowed by this Bench vide order dated 18<sup>th</sup> September, 2019.

3. In view of the above, I am convinced that the applicant is also entitled to the said reliefs in terms of order which is passed in O.A.No.422/2016 & Ors. Hence, I pass following order:

**ORDER**

The respondents are directed to issue time bound promotion/Assured Career Progression benefit to the applicant from the

O.A.No.423/2016 **(SB)**

date he has completed the age of 45 years. The respondents shall fix the salary of the applicants, pay them the arrears and revise their pension. The respondents are directed to comply this order within six months from the date of this order. No order as to costs.

**Member (J)**

yuk

O.A.No.752/2016 (SB)

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

**Dated : 04.10.2019**

Shri G.G.Bade, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

Matter be taken up on **05-11-2019**.

**Member (J)**

yuk



O.A.No.923/2017 **(SB)**

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

**Dated : 04.10.2019**

Shri G.K.Bhusari Id. counsel h/f. Smt. S.S.Dhone, 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. to 10-10-2019.

**Member (J)**

yuk

O.A.No.11/2019 (SB)

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

**Dated : 04.10.2019**

Shri S.N.Gaikwad, 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. 10-10-2019**.

**Member (J)**

yuk

O.A.No.454/2019 **(SB)**

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

**Dated : 04.10.2019**

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

S.O. to 16-10-2019.

**Member (J)**

yuk

O.A. 219/2019 (D.B.)

**Coram:** Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)  
**Dated :** 04/10/2019.

Shri R.V. Shiralkar, 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)**

**Vice-Chairman**

dnk.

O.A. 281/2019 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)  
Dated : 04/10/2019.**

None for the applicant. Shri H.K. Pande,  
Id. P.O. for the respondents.

The learned P.O. submitted that he will  
file reply during the course of day.

**S.O. two weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 579/2019 (D.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)  
Dated : 04/10/2019.**

Heard Shri S.M. Bhagde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

2. The learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant.

3. The learned P.O. submitted that reply of R-3 is sufficient to decide the matter. Hence, the matter is **admitted** for final hearing.

4. The Id. P.O. waives notice for R-1 to 3.

**S.O. 16/10/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 610/2019 (D.B.)**

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

**Dated : 04/10/2019.**

Shri S.P. Palshikar, 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. two weeks** for filing reply as a last chance.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 635/2019 (D.B.)**

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

**Shri A.D. Karanjkar,  
Member(J)  
Dated : 04/10/2019.**

Shri A.A. Das, Id. counsel holding for  
Shri B.M. Dafle, Id. counsel for the applicant and  
Shri A.M. Khadatkar, Id. P.O. for R-1,3&4.  
Await service of R-2.

The learned counsel for the applicant  
submitted that respondent no.2 is served and he  
will file service affidavit.

**S.O. two weeks.**

Status-quo to continue till then.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 691/2019 (D.B.)**

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



**Shri A.D. Karanjkar,  
Member(J)  
Dated : 04/10/2019.**

Shri G.G. Bade, Id. counsel holding for  
Shri N.R. Saboo, Id. counsel for the applicant  
and Shri A.M. Khadatkar, Id. P.O. for R-1. Await  
service of R-2. None for R-3.

At the request of learned counsel for the  
applicant, **S.O. two weeks** for filing service  
affidavit of R-2.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 692/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,**

**Member(J)**  
**Dated : 04/10/2019.**

None for the applicants. Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 6.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**Rev. A. 08/18 in O.A. 18/2008 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,**

**Member(J)**  
**Dated : 04/10/2019.**

Heard Shri G.G. Bade, 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-1. It is taken on record. Copy is served on the applicant.

The learned P.O. submitted that reply of R-1 is sufficient to decide the matter. Hence, the matter is admitted for final hearing.

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

**S.O. After Diwali Vacation.**

Put up along with other connected matters.

**Member (J)**

**Vice-Chairman**

dnk.

**Rev. A. 09/18 in O.A. 19/2008 (D.B.)**

**Coram:Shri Shree Bhagwan,**  
**Vice-Chairman and**  
**Shri A.D. Karanjkar,**  
**Member(J)**  
**Dated : 04/10/2019.**

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

The learned P.O. submitted that reply of R-1 is sufficient to decide the matter. Hence, the matter is admitted for final hearing.

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

**S.O. After Diwali Vacation.**

Put up along with other connected matters.

**Member (J)**

**Vice-Chairman**

dnk.

**Rev. A. 10/18 in O.A. 20/2008 (D.B.)**

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

**Dated : 04/10/2019.**

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

The learned P.O. submitted that reply of R-1 is sufficient to decide the matter. Hence, the matter is admitted for final hearing.

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

**S.O. After Diwali Vacation.**

Put up along with other connected matters.

**Member (J)**

**Vice-Chairman**

dnk.

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

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

**Dated : 04/10/2019.**

**C.A. 367/2019 -**

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.

The learned P.O. is intending to file reply to the C.A. At his request, **S.O. 15/10/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 805/2019 (D.B.)**

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

**Dated : 04/10/2019.**

**C.A. 380/2019 -**

Shri H.B. Madankar, Id. counsel holding for Shri S.R. Charpe, Id .counsel for the

applicants and Shri A.M. Khadatkar, Id. P.O. for the State.

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

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 724/2014 (D.B.)**

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

**Dated : 04/10/2019.**

Shri S.D. Malke, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

**S.O. two weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 547/2018 (D.B.)**

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

**Dated : 04/10/2019.**

None for the applicant. Shri S.A. Sainis,  
Id. P.O. for R-1 and Shri S. Ukey, Id. counsel for  
R-2.

At the request of learned counsel for R-2,  
**S.O. three weeks.**



Put up along with O.A. 550/2018

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 550/2018 (D.B.)**

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

**Dated : 04/10/2019.**

None for the applicant. Shri S.A. Sainis,  
Id. P.O. for R-1 and none for R-2.

**S.O. three weeks.**

Put up along with O.A. 547/2018

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 466/2019 (D.B.)**

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

**Dated : 04/10/2019.**

Ms. A.R. Manhare, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned counsel for the applicant submitted that some relevant documents are available in the office, but she wants some time to file on record. She is permitted to do so.

The learned counsel for the applicant to supply the documents to learned P.O..

**S.O. 7/10/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 26/19 with C.A. 176/19 (D.B.)**

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

**Dated : 04/10/2019.**

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

2. The respondent has filed today affidavit along with the report of Committee. Same are taken on record.

3. The learned counsel for the applicant has also filed some documents. Same are taken on record.

4. Shri P.P. Badgeri, Deputy Secretary, Industries, Energy and Labour Department who is present before the Bench, has made statement that provisional seniority list was prepared and it was placed before the concerned Minister, but it is yet not finalised. The Deputy Secretary is directed to file affidavit in this regard till 3.00 p.m. The matter will be taken up for hearing **on 09/10/2019.**

Put up along with C.P. 19/19 in O.A.26/2019.

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 19/2019 in O.A. 26/2019 (D.B.)**

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

**Dated : 04/10/2019.**

**C.A. 212/2019 -**

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

**S.O. 9/10/2019.**

Put up along with O.A.26/19 with C.A.176/19.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 204/2019 (D.B.)**

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

**Dated : 04/10/2019.**

**C.A.No.101/2019 -**

Heard Shri A.C. Dharmadhikari, Id. counsel for the applicants, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri N.S. Khubalkar, Id. counsel for R-3 to 127.

2. The learned P.O. submitted that the additional affidavit is filed by the applicant and some new issues are raised and it is necessary to rebut those contentions, therefore, one week time is required.

**S.O. 11/10/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

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**Review Application No.20/2019 in O.A. Nos. 02/2013 & 03/2013(DB) –**

**( Shri Arvind Shriram Ugale (O.A.No.02/2013) & Shri Samadhan s/o Dagduji Gawai (O.A.03/2013 Vs. State of Maharashtra & Ors.)**

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

**Dated : 04/10/2019.**

**ORDER**

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

Heard Shri D.T. Shinde, learned counsel for the applicants and Shri S.A. Sainis, learned P.O. for respondent nos. 1 to 3. None for remaining respondents.

2. It is grievance of the applicants that this Tribunal did not consider the material evidence and conclusion is drawn that there was no promotional avenue to the post of Helper. The learned counsel for the applicants submitted that as per the Judgment

delivered by the Full Bench of Hon'ble Bombay High Court in case of **Chandrakant Sakharam Karkhanis & Ors. Vs. State of Maharashtra & Ors.,1977 (2) SLR,142**, the Circulars issued by the Government under Article 309 of the Constitution of India have a force of law. The learned counsel for the applicants invited our attention to Annex-A-2. The Annex-A-2 is the G.R. dated 08/10/1986. After reading this G.R., it is not possible to accept that any authority was given to the Director the respondents No.2 frame the service rules. Similarly, the learned counsel for the applicants was unable to point out any service rules approved by the Government, by which the applicants were entitled for the promotion on the post of Rigman. The learned counsel for the applicants also invited our attention to Page No.93. We have already examined this document which is at Annex-A-14. This document is signed by Shri A.D. Joshi, the then Deputy Engineer (Mechanical), Land Survey and Development Agency. After reading this document, we are unable to accept that this has anything to do with Article 309 of the Constitution of India. Our attention is also invited to the Circular Annex-A-15, dated 17/2/1994. In this Circular, at Sr.Nos.1 to 5 the posts are arranged in sequence of hierarchy. First Junior Engineer (Grade-III), then ; k=dh] then I gk,; d v[kond] then fjxeu and at the last enrull - In this Circular it is nowhere mentioned that this was the promotional channel available to the Helper.

3. In view of this, we do not see any merit in the contention that without examination of the evidence, conclusion is drawn that the post of Rigman was not promotional post for the Helper. On the contrary, we will reiterate that in Para-11 of the

Judgment after considering the correspondence between the Deputy Director, GSDA, Aurangabad and Director, GSDA, Pune view was taken that the post of Rigman was not promotional post available to Helper and proposal was forwarded to the Head of the Department with a request to forward it to the Government for the approval. The learned counsel for the applicants accepted that till today no approval is given by the Governor to the said proposal, therefore, it is not possible for us to accept that without considering the evidence, conclusion is drawn that post of the Helper had no promotional avenue.

4. It is contention of the applicants that they were entitled for the benefit of the G.R. dated 15/4/1991. We have gone through Para-13 of the Judgment in which it is categorically mentioned that the Helpers were entitled for the benefit of this G.R. provided they were possessing the qualification to be appointed on the post of Clerk and they were in seniority eligible for the post. The learned counsel for the applicants was unable to point out that any Helper who was junior to them was appointed on the post of Clerk. We have already discussed this matter, therefore, it is not possible to accept that there is any error in the observations.

5. It is submitted by the learned counsel for the applicants that illegality is committed in fixing the pay of the applicants while giving benefit of time bound promotion. In this regard, we would like to point out that the post of the applicants had no promotional avenue, consequently, considering the G.R., pay of the applicants was



fixed as per the guidelines. It is contention of the applicants that as per 5<sup>th</sup> Pay Commission, they were eligible to claim the pay scale Rs.3200-85-4900/- and as per the 6<sup>th</sup> Pay Commission were eligible to the pay scale of Rs.5200-20200+G.P.Rs.2400/-. The learned P.O. has pointed out that the applicants are intending to claim the pay scale admissible to the post of Rigman, but as the post of the applicants i.e. Helper had no promotional avenue, therefore, while giving benefit of time bound promotion this pay scale was not given to the applicants.

6. In view of this discussion, we do not see any merit in the application for Review. Hence, the application for Review stands rejected. No order as to costs.

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

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

**\*Dated** :- 04/10/2019.

dnk.