

**O.A.No.718/2018 (S.B.)**

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

**Dated :18/12/ 2019.**

Heard Shri S.N.Gaikwad holding for Shri A.S.Deshpande, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

**Vice Chairman**

**Date:-18/12/2019.**

aps.

O.A.No.812/2018 (S.B.)

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

**Dated :18/12/ 2019.**

Heard Shri G.N.Khanzode, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. is directed to file reply by 2<sup>nd</sup> week of January, 2020.

3. **S.O. 20/01/2020.**

4. *If reply is not file, matter will be heard on merit.*

**Vice Chairman**

**Date:-18/12/2019.**

aps.

**O.A.No.307/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

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

2. The Id. P.O. filed reply on behalf of the respondent no. 1. It is taken on record. He submits that he will serve the copy to the other side. The Id. P.O. further submits that other respondents reply is not necessary.

3. Matter is **admitted** and kept for final hearing.

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

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

**Vice Chairman**

**Date:-18/12/2019.**

aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 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. Though it was observed in order dated 13/09/2019 that if reply is not filed in next date, matter will heard on merit. Even today reply has not been filed and one letter dated 07/11/2019 was filed by Id. P.O. on 19/11/2019 which was just misleading and not related to the O.A..

3. In view of this, the Id. P.O. is directed to file the reply and matter will be heard on 03<sup>rd</sup> Week of January, 2020.

4. **S.O. 21/01/2020.**

5. *If reply is not file till next date of hearing, matter will be heard on merit without reply.*

**Vice Chairman**

**Date:-18/12/2019.**  
aps.

**O.A.No.642/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

Heard Shri Vishal Anand, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he has received parawise reply today only and he further submits that he will file reply before next date of hearing.

3. **S.O. 08/01/2020.**

**Vice Chairman**

**Date:-18/12/2019.**  
aps.

**O.A.No.771/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

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

2. The Id. P.O. has submitted that applicant has not been paid subsistence allowance of the suspension period. Respondents are directed to pay subsistence allowance of suspension period as per existing rules and regulations.

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

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

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

6. Meanwhile, the Id. P.O. is directed to take instructions from the department, whether any decision has been taken as per the enquiry report on P.B., Pg. Nos. 20 to 26 (Annexure-A-6, dated 11/05/2017)? Since copy be granted to the Id. P.O..

7. **S.O. 09/01/2020.**

**Vice Chairman**

**Date:-18/12/2019.**

aps.



**O.A.No.351/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

**C.A.No.185/2019:-**

Heard Shri S.N.Gaikwad holding for Shri R.D.Wakode, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent no. 2.

2. **C.A.No.185/2019 for Jt. O.A. is allowed as agreed by both the counsels.**

3. Since applicants have been punished by the same order i.e. 23/12/2015 (Annexure-A-5, P.B., Pg. No. 70). The Id. P.O. desires time to file reply.

4. **S.O. in last week of January, 2020 for reply.**

**Vice Chairman**

**Date:-18/12/2019.**

aps.



**O.A.No.129/2016 (S.B.)**

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

**Dated :18/12/ 2019.**

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

2. As per the request of Id. counsel for the applicant, **S.O. after winter vacation.**

**Vice Chairman**

**Date:-18/12/2019.**

aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

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

2. In order dated 14/10/2019, in the order sheet it is very much clear in para no. 2, which is reproduced below:-

*"It appear that in last round of litigation in O.A. No. 224/2014 with C.A. No. 98/2015 in M.A.T. Nagpur order was delivered on 27/04/2015, which covers all the issues. Respondents are directed to comply the order fully and file it on record the action taken report."*

3. The Id. P.O. is directed to take instructions in writing from respondent no. 2 that applicant pay-scale has been fixed as per Civil Engineering Assistant and as per Six-Pay-Commission. On this points, Id. P.O. will clarify and file his affidavit.

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

**Vice Chairman**

**Date:-18/12/2019.**

aps.

**O.A.No.268/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

Heard Shri A.H.Jamal, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. As per the order dated 21/11/2019, the Id. P.O. has filed documents which is marked Exh. "X" for the purpose of identifications. It is taken on record. Copy is served to the other side.

3. **S.O. 22/01/2020.**

**Vice Chairman**

**Date:-18/12/2019.**  
aps.

O.A.No.267/2015 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The G.R. in question dated 07/08/2012 for non-practising allowance is pending before Hon'ble High Court, though Hon'ble High Court stayed this G.R. but final order is still awaited.

3. Hence, **matter will be taken after the decision of Hon'ble High Court.**

**Vice Chairman**

**Date:-18/12/2019.**  
aps.

**O.A.No.682/2018 (S.B.)**

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

**Dated :18/12/ 2019.**

Heard Shri G.N.Khazode, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. None for the respondent nos. 2 & 3.

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

**Vice Chairman**

**Date:-18/12/2019.**

aps.

**O.A.Nos.836 & 837/2017 (S.B.)**

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

**Dated :18/12/ 2019.**

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

2. The Id. P.O. requested time, as per his request, **S.O. after winter vacation.**

**Vice Chairman**

**Date:-18/12/2019.**

aps.

**O.A.No.184/2019 (S.B.)**

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

**Dated :18/12/ 2019.**

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 & 2 and Shri M.Shaikh, the Id. counsel for the respondent no. 3.

2. **S.O. tomorrow high on board.**

**Vice Chairman**

**Date:-18/12/2019.**

aps.

**O.A.No.73/2017 (S.B.)**

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

**Dated :18/12/ 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

2. **S.O. tomorrow high on board.**

**Vice Chairman**

**Date:-18/12/2019.**

aps.



**O.A.No.613/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :18/12/ 2019.**

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

2. The Id. P.O. filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it will suffice the purpose of other respondents.

3. **S.O. after winter vacation.**

**Vice Chairman**

**Date:-18/12/2019.**  
aps.

O.A. 159/2013 (D.B.)

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

**Dated : 18/12/2019.**

Shri S.P. Palshikar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 265/2010 (D.B.)**

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

**Dated : 18/12/2019.**

**C.A.447/2019 -**

None for the applicant. Heard Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3.

For the reasons stated in the application, the C.A.No. 447/2019 is allowed.

**O.A. 265/2010 –**

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 663/2017 (D.B.)

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

**Dated :** 18/12/2019.

None for the applicants. Shri H.K. Pande, Id. P.O. for R-1. None for R-4,5,9& 10. Await service of R-2,3,6,7 & 8.

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

**Member (J)**

dnk.

**Vice-Chairman**

**O.A. 937/2019 (D.B.)**

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

**Dated : 18/12/2019.**

**C.A. 474/2019 -**

Heard Shri A.P. Tathod, 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. 474/2019 is allowed. The necessary amendment carried out

**O.A. 937/19 with C.A. 475/2019 –**

**S.O. 20/12/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 935/2019 (D.B.)

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

**Dated : 18/12/2019.**

None for the applicant. Shri A.P. Potnis,  
Id. P.O. for R-1.

Notice of respondent no.2 is not  
collected.

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

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 357/2019 (D.B.)**

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

**Dated : 18/12/2019.**

**C.A. 472/2019 -**

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

2. For the reasons stated in the application, the C.A.No. 472/2019 is allowed.

**O.A.357/2019 –**

The applicant to amend the O.A. and after effecting the amendment, issue notices to the newly added respondent nos. 6 & 7 returnable **after four weeks**. Hamdast allowed.

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

3. 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.

4. 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.

5. 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.

6. 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.

7. **S.O. after four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 878/2019 (D.B.)**

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

**Dated : 18/12/2019.**

**C.A. 473/2019 -**

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

2. It is grievance of the applicants that the respondents have already promoted one junior person to them and now the respondents are intending to promote the candidate who is at Sr.No.195 in the seniority list and that person is junior to both the applicants.

3. In view of this, we direct that if any promotion order is issued, then it shall be subject to the final outcome of this O.A. The C.A. is disposed of accordingly.

**O.A. 878/2019 -**

**S.O. After Vacation.**

**Member (J)**

dnk.

**Vice-Chairman**

**O.A. 1011/19 (D.B.)**

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

**Dated : 18/12/2019.**

**C.A. 470/2019 -**

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri A.M. Ghogre, Id .P.O. 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. is disposed of accordingly.

**O.A. 1011/2019 -**

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri A.M. Ghogre, Id .P.O. for the State.

2. Issue notice to R-2 & 3, returnable **after four weeks** Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

8. **S.O. after four weeks**

Put up along with O.A.1012/2019.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 1012/19 (D.B.)**

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

**Dated : 18/12/2019.**

**C.A. 471/2019 -**

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri A.M. Ghogre, Id .P.O. 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. is disposed of accordingly.

**O.A. 1012/2019 -**

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri A.M. Ghogre, Id .P.O. for the State.

2. Issue notice to R-2 & 3, returnable **after four weeks** Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date

of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

8. **S.O. after four weeks**

Put up along with O.A.1011/2019.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 961/2012 (D.B.)**

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

**Dated : 18/12/2019.**

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

**S.O. four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 461/2017 (D.B.)**

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

**Dated : 18/12/2019.**

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

The learned counsel for the applicant seeks further time.

**S.O. After Vacation.**

**Member (J)**

dnk.

**Vice-Chairman**

**(D.B.)**

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

**Dated :** 18/12/2019.

**Rev. A. No.08/18 in O.A.18/08, Rev.A. 09/18 in  
O.A.19/08 and Rev.A.10/18 in O.A. 20/08**

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

The Review Applications be taken up for  
final hearing on 15/01/2020.

**S.O. 15/01/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 953/2019 (D.B.)**



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

**Dated : 18/12/2019.**

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

2. The matter was initially presented before the MAT, Principal Bench, Mumbai and it is transferred to Nagpur Bench. The reply of R-1 is already on record.

3. The matter is admitted and it be kept for final hearing.

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

5. In the meantime, liberty is given to the respondent no.2 to file reply.

6. The matter be taken up for hearing **on**  
**14/1/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

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

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

**Dated : 18/12/2019.**

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

2. The learned counsel for the applicant has filed the Chart dated 18/12/2019 prepared by him to show the dates on which the applicant and the respondent no.3 were appointed in service and when they passed the departmental qualifying examination or exempted from passing such examination.

3. The learned P.O. submitted that Shri A.M. Khadatkar, Id. P.O. is Incharge of this case, therefore, the matter be adjourned. At his request, **S.O. 3<sup>rd</sup> week of January, 2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 487/2018 (D.B.)**

**Coram:Shri Shree Bhagwan,**

**Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 18/12/2019.**

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

2. As pointed out by the learned counsel for the applicant, the Government order dated 20/7/2017 (A-1,P-22) it is mentioned on page no.22 that applicant was absent from duty from 1/6/2010 to 19/12/2011, i.e., 567 days without proper sanction of leave. Admittedly, the applicant had not intimated to his posting place i.e. Solapur about reasons for his absence.

3. As per O.A. page no. 14 para no.XIV increment of the applicant has been stopped without giving any show cause notice. Again the Government has initiated departmental enquiry for the said absence period vide its letter dated 27/4/2018 (A-2,P-27). The learned counsel for the applicant is directed to produce copy of the letter by which increment has been stopped and at the same time learned P.O. is directed to take necessary instructions about this stoppage of increment from the department.

**S.O. 02/01/2020. (PH).**

**Member (J)**

dnk.

**Vice-Chairman**

**O.A. 723/2018 (D.B.)**

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

**Dated : 18/12/2019.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

2. The learned counsel for the applicant has filed copy of representation dated 9/10/2019 along with copy of order dated 9/6/2018 and communication dated 26/7/2018 with Challan receipt dated 30/7/2018. He has also filed copy of order passed in O.A.883/2017 on 30/4/2019. Same are taken on record.

3. The learned P.O. has filed copy of order dated 16/7/2019 issued by the Establishment Officer, Divisional Joint Director of Agriculture, Nagpur Division, Nagpur. Same is taken on record.

4. It emerges that the DPC was held on 28/6/2018. The applicant's name was considered for promotion by the DPC and the applicant's name is kept in sealed cover envelop as per the rules which were in force in the year 2018. The learned counsel for the applicant submitted that when the DPC was held at that time the departmental inquiry was already concluded and final order was passed on 5/6/2018, the punishment was awarded to the

applicant and amount Rs.50,557 was recovered and one increment which was due in July, 2018 was permanently stopped. In this situation, the respondents are directed to open the sealed covered and decide whether the applicant is eligible for promotion. The respondents to take decision in this matter within six weeks.

**S.O. Six weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 188/2018 (D.B.)**

**Coram:Shri Shree Bhagwan,**

**Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 18/12/2019.**

Ms. Shweta Pardhi, Id. counsel holding  
for Shri S.V. Bhutada, 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. four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.  
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O.A. Nos. 713 & 714 both of 2018  
(SB)

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

**Dated : 18.12.2019.**

Heard Shri P.V. Thakare, learned counsel for the applicants in both the O.As. and S/shri P.N. Warjurkar and A.M. Khadatkar, learned Presenting Officers for respective respondents in respective O.As.

2. Learned Presenting Officer has accepted that till today the charge sheet is not served on the applicants.

3. In view of this, the learned P.O. is directed to satisfy whether there is a time limit remains to serve the charge sheet on the applicants in view of the provisions under Rule 27 (2)(b) of the Maharashtra Civil Services (Pension) Rules, 1982.

4. **S.O. 2<sup>nd</sup> week of January, 2020.**

5. Steno copy allowed to the learned P.O.

**Member (J)**

kpb.

O.A. No. 236/2019(SB)

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

**Dated : 18.12.2019.**

Heard Shri R.V. Shiralkar, learned counsel for the applicant, Shri S.A. Sanis, learned Presenting Officer for respondent Nos. 1 & 2 and Shri S.V. Narsapurkar, learned Advocate for respondent No. 3.

2. Learned Presenting Officer and learned Advocate for respondent No. 3 seeks time for filing affidavit in reply. Time granted.

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

**Member (J)**

kpb.



O.A. No. 521/2019(SB)

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

**Dated : 18.12.2019.**

Heard Shri R.V. Shiralkar, 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 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 in due course.

**Member (J)**

kpb.

O.A. No. 895/2019(SB)

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

**Dated : 18.12.2019.**

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for respondent Nos. 1 & 2. None present for respondent No. 3.

2. Learned Advocate for the applicant has placed on record a copy of order dated 30.11.2019 passed by the Superintendent of Police, Amravati Rural. Same is taken on record.

3. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

4. **S.O. three weeks.**

**Member (J)**

kpb.

Rev. 33/19 in O.A. No.  
702/2019(SB)

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

**Dated : 18.12.2019.**

Heard Shri S.P. Palshikar, learned counsel for the applicant (original respondent No. 3), Shri S.A. Sanis, learned Presenting Officer for respondent Nos. 1 & 2 and Shri N.R. Saboo, learned Advocate for respondent No. 3 (original applicant).

2. Learned Advocate for the applicant submits that the respondents are served and he will file service affidavit.

3. Learned Advocate Shri N.R. Saboo, appeared for respondent No. 3 and submits that he has to file affidavit in reply to the Review Application.

4. The present matter be kept in the **first week of January, 2020.**

**Member (J)**

kpb.

O.A. No. 1010/2019(SB)  
(Baba Urkuda Ratnaparkhi)

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

**Dated : 18.12.2019.**

Heard Shri G.G. Bade, learned counsel for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. The respondents are directed to decide the representation dated 30.04.2019 made by the applicant within a period of **two months** from the date of this order.

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

**Member (J)**

kpb.

O.A. Nos. 648/2019, 652/2019,  
653/2019, 654/2019 & 655/2019,  
(SB)

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

**Dated : 18.12.2019.**

Heard Shri G.K. Bhusari, learned counsel for the applicants in all these O.As. and S/shri A.M. Ghogre, A.M. Khadatkar, A.P. Potnis, H.K. Pande and S.A. Sanis, learned Presenting Officers for respective respondents in respective O.As.

2. Pursis along with the documents filed by the respondents. Same is taken on record and copy thereof has been served on the other side.

3. **S.O. second week of January, 2020.**

**Member (J)**

kpb.

O.A. No. 420/2019(SB)

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

**Dated : 18.12.2019.**

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. **S.O. second week of January, 2020.**

**Member (J)**

kpb.

O.A. No. 520/2019(SB)

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

**Dated : 18.12.2019.**

Heard Ms. Surabhi Mudliar, learned counsel for the applicant, Shri S.A. Sanis, learned Presenting Officer for respondent No. 1 and Smt. J.J. Alkari, learned Advocate for respondent Nos. 2, 3 & 4. None present for respondent No. 5.

2. Along with the list documents are filed by the learned Advocate for the applicant. Same are taken on record. The applicant is directed to serve copy of the documents to the respondents.

3. **S.O. 3<sup>rd</sup> week of January, 2020.**

**Member (J)**

kpb.

O.A. No. 559/2019(SB)

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

**Dated : 18.12.2019.**

Heard 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. 3<sup>rd</sup> week of January, 2020.**

**Member (J)**

kpb.



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

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

**Dated : 18.12.2019.**

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

2. Learned Presenting Officer is directed to inform whether the order dated 29.11.2019 passed by this Tribunal is complied by the respondents and if not complied, then inform the respondents to submit reasons for non-compliance of the said order.

3. Learned Advocate for the applicant submits that the applicant is present in the Court and as per the instructions of the applicant, the order dated 29.11.2019 is not complied by the respondents till today.

4. **S.O. 1<sup>st</sup> week of January, 2020.**

**Member (J)**

kpb.

O.A. No. 997/2019(SB)

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

**Dated : 18.12.2019.**

Heard Shri M.R. Khan, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondent No. 1.

2. The respondents are directed not to recover the amount of Rs. 1,91,628/- from the gratuity of the applicant till further orders.

3. Issue notice the respondents, returnable within **four weeks**. Hamdast allowed.

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

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

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

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

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

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

9. **S.O. four weeks.**

**Member (J)**

kpb.

O.A. No. 1009/2019(SB)

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

**Dated : 17.12.2019.**

Heard Smt. Aarti Singh, learned Advocate holding for Shri P.D. Meghe, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondent No. 1.

2. The orders dated 04.09.2018 and 16.11.2019 are passed by the respondents without hearing the applicant, therefore, the order dated 16.11.2019 is hereby stayed till filing of the affidavit in reply by the respondents.

3. Issue notice the respondents, returnable after **four weeks**. Hamdast allowed.

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

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

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

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

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

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

9. **S.O. after four weeks.**

**Member (J)**

kpb.

O.A. No. 552/2016(SB)

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

**Dated : 18.12.2019.**

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

2. It is brought to notice that when the order dated 22.11.2019 was dictated to the Stenographer, the direction was given to the respondents to decide the representation made by the applicant within "two months", but due to oversight, it is typed as "two weeks".

3. Learned Presenting Officer and learned Advocate for the applicant have jointly filed Pursis dated 18.12.2019 to rectify and correct the error. Same is taken on record.

4. Hence, in place of 'weeks' word 'months' be substituted in the order dated 22.11.2019. The Registry is directed to comply the order.

**Member (J)**

kpb.

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

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

**Dated : 18.12.2019.**

Heard Ms. S.S. Dhone, learned counsel for the applicant, Shri A.P. Potnis, learned Presenting Officer for respondent Nos. 1, 2 & 5 and Shri S. Majid, learned Advocate for respondent Nos. 3 & 4.

2. The application (page No. 139) is moved by the applicant for issuing direction to the respondent Nos. 3 & 4 to produce O.P.D. papers maintained by the Hospital in the month of April 2017. It is contention of the applicant that he has examined the patients and O.P.D. papers are signed by him.

3. Learned Advocate for respondent Nos. 3 and 4 submits that he is in custody of O.P.D. register.

4. Therefore, learned Advocate for the respondent Nos. 3 & 4 is directed to place those documents/papers on record.

5. The present matter be kept for final hearing on 08.01.2020.

**Member (J)**

kpb.



O.A. No. 740/2019(SB)  
(Shubhangi Gajanan Thakare)

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

**Dated : 18.12.2019.**

**ORAL ORDER :-**

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

2. The applicant is challenging the impugned order of transfer dated 04.09.2019, by which she was transferred from the Police Station Daryapur to Police Station Morshi. The transfer order is mainly attacked on the ground that vide order dated 16.07.2019, the applicant was transferred from Police Station, Paratwada to Police Station Daryapur and she resumed the post in August, 2019 i.e. on 30.08.2019. It is submitted that the applicant was not due for transfer and therefore, her transfer from Daryapur to Morshi was in violation of provisions of Section 22N of the Maharashtra Police Act, therefore, the impugned order is required to be quashed and set aside.

3. The respondent No. 2 has submitted their reply. It is contention of the respondent No. 2 that vide order dated 10.10.2017, the applicant was confirmed as P.S.I. after completion of probation period and she was posted at Paratwada. The applicant was transferred vide order dated 16.07.2019 to Daryapur and the applicant joined there on 30.08.2019. It is contention of respondent No. 2 that in view of Circular dated 20.08.2019 issued by the Election Commission, the applicant was again transferred from Daryapur to Morshi and therefore, there is no illegality in the impugned order.

4. I have perused Section 22N of the Maharashtra Police Act. As per the Section 22N (1)(c) of the Maharashtra Police Act, a normal tenure of P.S.I. is two years at one Police Station and four years in a District. Apparently, as the applicant had joined duty at Daryapur on 30.08.2019, therefore, she was not due for transfer from Daryapur. Now it is necessary to examine whether the applicant was liable to be transferred in view of the Circular issued by the Election Commission. As per the para 2(iii) of the

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said the Circular, the Police Inspector/PSI who had worked for a period of three years or more and who were connected with election work of Legislative Assembly directly or indirectly, were required to be transferred to different constituency. It is not disputed that the Paratwada and Daryapur were two separate constituencies. The applicant was working in Amravati District since the year 2017 and she had not completed three years tenure in Amravati district or at Paratwada. Admittedly, the applicant was transferred from Paratwada and she had joined duty on 30.08.2019, therefore, as the applicant had not completed three years service in Amravati district and not completed two years service at Daryapur, therefore, she was not required to be transferred from Daryapur.

5. During the course of argument, the learned Presenting Officer was unable to satisfy how the case of the applicant was covered in proviso to Section 22N(1) or

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Section 22N (2) of the Maharashtra Police Act. In view of this, I am compelled to say that the transfer of the applicant from Daryapur was unwarranted and without any justification she was transferred from Daryapur to Morshi and is in violation of provisions of Section 22N of the Maharashtra Police Act. When initially the matter was heard on 16.09.2019, direction was given that the applicant should resume duty at Police Station Morshi and the posting on her place at Daryapur will be subject to final outcome of the present O.A.

6. In view of this, the Original Application is allowed. The impugned transfer order dated 04.09.2019 transferring the applicant from Police Station Daryapur to Police Station Morshi is hereby quashed and set aside. The respondents are directed to relieve the applicant from Police Station Morshi and allow her to resume duty at Police Station Daryapur. There shall be no order as to costs.

**Member (J)**

kpb.