

O.A.No.854/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

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

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

**Vice Chairman**

rsm.

O.A.No.875/2021                      with  
O.A.No.907/2021                      with  
O.A.No.35/2022                      (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicants and Shri S.A.Sainis,  
ld. P.O. for the Respondents.

2.        At the request of ld. P.O., **S.O. after three  
weeks for filing reply.**

**Vice Chairman**

rsm.

O.A.No.970/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Heard Ms.Gosavi holding for Shri G.N.Khanzode, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. Respondents have not filed reply since long. Two weeks time is granted as last chance. No further time will be granted and matter will be admitted for final hearing.

3. **S.O. 06.12.2023.**

4. **Steno copy is granted.**

**Vice Chairman**

rsm.

O.A.No.1260/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri R.M.Fating, ld. counsel for the applicant  
and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. The learned C.P.O. seeks time to file reply to  
the amended portion.

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

**Vice Chairman**

rsm.

O.A.No.03/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri N.R.Saboo, ld. counsel for the applicant  
and Shri M.I.Khan, ld. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

O.A.No.329/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri R.M.Fating holding for Shri N.D.Thombre, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3. There is a leave note from S.Majid, ld .counsel for the respondent no.4.

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

**Vice Chairman**

rsm.

O.A.No.428/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri R.M.Fating, ld. counsel for the applicant,  
Shri A.M.Khadatkar, ld. P.O. for the Respondent no.1  
and Shri A.Deshpande, ld. counsel for the  
respondents 2 and 3.

2. The learned P.O. submits that reply of  
respondents 2 and 3 is already filed on record. It is  
sufficient to decide the O.A.. The O.A. is **admitted**  
and kept for final hearing.

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

**Vice Chairman**

rsm.

O.A.st.No.2375/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

**C.A.Nos.442/2022 & 443/2022**

Shri A.P.Sadavarte, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. 04.12.2023**  
**for filing reply.**

**Vice Chairman**

rsm.



O.A.No.674/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri C.D.Rohankar holding for Shri S.B.Solanke, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

O.A.No.892/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri R.M.Fating holding for Shri S.M.Khan, ld.  
counsel for the applicant and Shri H.K.Pande, ld. P.O.  
for the Respondents.

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

**Vice Chairman**

rsm.

O.A.No.948/2023                      with  
O.A.No.961/2023                      (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri R.M.Fating, ld. counsel for the applicants  
and Shri H.K.Pande, ld. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

O.A.No.986/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicant. Shri H.K.Pande, ld.  
P.O. for the Respondents.

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

**Vice Chairman**

rsm.

O.A.No1019/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri N.R.Saboo, ld. counsel for the applicant  
and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

O.A.No.1027/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicant. Shri A.M.Khadatkar,  
ld. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

O.A.No.1057/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri D.S.Sawarkar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. As per the submission of learned counsel for the applicant, the applicant is not getting salary.

3. The learned P.O. is directed to get instructions as to why salary is not paid to the applicant. Time is granted to file reply.

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

5. **Steno copy is granted.**

**Vice Chairman**

rsm.

O.A.No.1076/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicant. Shri S.A.Deo, ld. C.P.O.  
for the Respondents.

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

**Vice Chairman**

rsm.



O.A.No.1107/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicant. Shri S.A.Deo, ld. C.P.O. for the Respondents 1 and 2 and Shri D.M.Kakani, ld. counsel for the respondent no.3. None for the respondent no.4.

2. Advocate Shri D.M.Kakani has filed reply of respondent no.3. It is taken on record.

3. The learned C.P.O. seeks time to file reply of respondents 1 and 2.

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

**Vice Chairman**

rsm.

O.A.No.1112/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri N.R.Saboo, ld. counsel for the applicant  
and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. At the request of ld. C.P.O., **S.O. two weeks  
for filing reply.**

**Vice Chairman**

rsm.

**O.A.No.445/2015 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri N.B.Bargat, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3 & 5. None for the respondent no.4.

2. The learned P.O. submits that he has received parawise reply and he will file the same. The O.As. are already admitted for final hearing.

3. **S.O. 20.12.2023.**

**Vice Chairman**

rsm.

**O.A.No.446/2015 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri N.B.Bargat, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3 & 5. None for the respondent no.4.

2. The learned P.O. submits that he has received parawise reply and he will file the same. The O.As. are already admitted for final hearing.

3. **S.O. 20.12.2023.**

**Vice Chairman**

rsm.

O.A.No.447/2015 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri N.B.Bargat, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents 1 to 3 & 5. None for the respondent no.4.

2. The learned P.O. submits that he has received parawise reply and he will file the same. The O.As. are already admitted for final hearing.

3. **S.O. 20.12.2023.**

**Vice Chairman**

rsm.

O.A.No.172/2019 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicant. Shri V.A.Kulkarni, ld.  
P.O. for the Respondents.

2. **S.O. three weeks.**

**Vice Chairman**

rsm.

O.A.No.581/2019 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri N.W.Almelkar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. At the request of ld. counsel for the applicant, **S.O. three weeks.**

**Vice Chairman**

rsm.

O.A.No.156/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri T.S.Dadhe, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents 1 to 3. None for the respondents 4 and 5.

2. At the request of ld. P.O., **S.O. 21.12.2023.**

**Vice Chairman**

rsm.



**O.A.No.669/2021 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri R.M.Fating holding for Shri S.M.Khan, ld.  
counsel for the applicant and Shri A.M.Khadatkar, ld.  
P.O. for the Respondents.

2. **S.O. 13.12.2023.**

**Vice Chairman**

rsm.

O.A.No.920/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicant. Shri A.M.Khadatkar,  
ld. P.O. for the Respondents.

2. **S.O. four weeks.**

**Vice Chairman**

rsm.

**O.A.No.619/2022 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri R.M.Fating holding for Shri S.M.Khan, ld.  
counsel for the applicant and Shri A.M.Khadatkar, ld.  
P.O. for the Respondents.

2. **S.O. 13.12.2023.**

**Vice Chairman**

rsm.

O.A.No.927/2022                      with  
O.A.No.1178/2022                    with  
O.A.No.1179/2022                  (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri A.M.Motlag holding for Adv.N.S.Pathan,  
ld. counsel for the applicant and Shri M.I.Khan, ld.  
P.O. for the Respondents.

2.        At the request of ld. counsel for the  
applicant, **S.O. 23.11.2023.**

**Vice Chairman**

rsm.

O.A.No.1057/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

None for the applicant. Shri A.M.Khadatkar,  
ld. P.O. for the Respondents.

2. **S.O. after four weeks.**

**Vice Chairman**

rsm.

O.A.No.40/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

There is a leave not of Shri S.Pande and B.Kulkarni, ld. counsel for the applicant. Shri M.I.Khan, ld. P.O. for the Respondents.

2. **S.O. after four weeks.**

**Vice Chairman**

rsm.

**O.A.No.200/2023 (S.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri A.P.Sadavarte, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. At the request of ld. P.O., **S.O. 15.12.2023.**

**Vice Chairman**

rsm.

O.A.No.332/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

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

2. **S.O. four weeks.**

**Vice Chairman**

rsm.



O.A.No.1042/2023 with  
O.A.No.1043/2023 with  
O.A.No.1044/2023 with  
O.A.No.1045/2023 with  
O.A.No.1046/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Heard Shri S.P.Palshikar, ld. counsel for the applicants and Shri M.I.Khan, ld. P.O. for the Respondents.

2. The learned counsel for the applicant has pointed out the Judgment passed in the similar matters by the Hon'ble Member(J) Shri Lovekar. It will be better to decide this O.A. by the same Bench.

3. Put up these matters before the Hon'ble Member(J) Shri Lovekar.

4. **S.O.05.12.2023.**

**Vice Chairman**

rsm.

**O.A.No.310/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**

**Dated : 22/11/2023.**

Heard Shri R.M.Fating, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

2. The learned counsel for the applicant has pointed out the copy of chargesheet dated 26.11.2008. Since then the applicant was under suspension till the retirement. The applicant came to be retired in the year 2010. The respondents have initiated departmental enquiry but the Enquiry Officer has not completed the enquiry. The Enquiry Officer was appointed on 09.05.2013. Since last 10 years the Enquiry Officer has not completed the enquiry. On last date i.e. 09.06.2023 following order was passed-

*2. As per the statement of Id. Counsel for the applicant, enquiry is pending since 2008 and till date it is not completed. Applicant is not getting pensionary benefit, he is getting only provisional pension. Hence, **respondents are directed to complete the departmental enquiry within a period of four months from the date of this order (as per the Judgment of Hon'ble Supreme Court in the case of Akhilesh Jha & Another Vs. State of Madhya Pradesh & Another).***

3. The learned P.O. seeks time to get instructions about the compliance of the order dated 09.06.2023.

4. **S.O. 04.12.2023.**

5. **Steno copy is granted.**

**Vice Chairman**

rsm.

**O.A.No.1055/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri A.M.Motlag, Id. Counsel for the applicant  
and Shri S.A.Sainis, Id. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

**O.A.No.1134/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

There is a leave note from Shri S.Pande & B.Kulkarni, Id. Counsel for the applicant. Shri A.M.Khadatkar, Id. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

**O.A.No.721/2023, O.A.No.722/2023 & O.A.No.723/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**

**Dated : 22/11/2023.**

**C.A.No.577/2023, C.A.No.579/2023 & C.A.No.578/2023**

Heard Shri D.M.Kakani, Id. Counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the Respondents.

2. The learned P.O. has filed reply of respondent no.1 in all three matters. It is taken on record.
3. The learned counsel for the applicant has submitted that the applicants are under suspension from 27.06.2023. He pressed to decide the C.A.No.577/2023, C.A.No.579/2023 & C.A.No.578/2023.
4. As per the submission of learned counsel for the applicants, respondents have not served the chargesheet till date to all the applicants. The applicants have stated in their C.A. in para 7 stating that the respondents have not served a chargesheet to the applicants.
5. The learned counsel for the applicants has pointed out the Judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291**. The Hon'ble Supreme Court has held that if the charge sheet is not served within 90 days from the date of the order of suspension then suspension is to be revoked. The applicants are under suspension from 27.06.2023. Since last more than 90 days they are under suspension. The Government of Maharashtra also issued G.R. dated 09.07.2019. As per this G.R. dated 09.07.2019 following decision is taken by the Government of Maharashtra –

शासन निर्णय :-

१. या अनुषंगाने शासकीय कर्मचाऱ्यांच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.

- i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे. अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिकाऱ्यांच्या स्तरावर घेण्यात यावा.

ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा. सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/खबरदारी घेण्यात यावी.

(iii) फोजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधीत प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

या आदेशातील तरतुदीमुळे या विषयावरील संदर्भ १ व २ येथील आदेशांतील तरतुदी या आदेशाच्या मर्यादेत सुधारण्यात आल्या आहेत असे समजण्यात यावे.

6. The learned counsel for the applicants submit that applicants do not want to press other relief at present and, therefore, O.As. be disposed of. As the applicants do not press for other relief. Hence, the O.As. are disposed of with liberty to the applicant as per Rules.

7. The respondents have not served any chargesheet to the applicants within 90 days. Therefore, suspension order is to be revoked. Hence, the following order-

### **ORDER**

1. C.As. are allowed.
2. The suspension order dated 27.06.2023 is hereby revoked.
3. The respondents are directed to reinstate the applicant within a period of one month from the date of this order.
4. The O.A.No.721/2023, O.A.No.722/2023 & O.A.No.723/2023 are disposed of as the applicants do not press for other reliefs with liberty to the applicants available as per law/rules.
5. No order as to costs.

**Vice Chairman**

rsm.

**O.A.No.722/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

**C.A.No.579/2023**

Shri G.K.Bhusari, Id. Counsel for the applicant and Shri , Id. P.O. for the Respondents.

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

**Vice Chairman**

rsm.

**O.A.No.723/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

**C.A.No.578/2023**

Shri G.K.Bhusari, Id. Counsel for the applicant and Shri , Id. P.O. for the Respondents.

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

**Vice Chairman**

rsm.





Rev.A.st.No.1142/2023            in  
O.A.No.318/2021 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

**M.C.A.No.25/2023**

Heard    Shri    S.P.Palshikar    (Original Applicant), ld. Counsel for the respondent and Shri V.A.Kulkarni(Original Respondents), ld. P.O. for the applicants.

2.        The learned counsel for the Original applicant seeks time to file reply to the condonation of delay application as well as review application.

3.        **S.O. 06.12.2023.**

**Vice Chairman**

rsm.

**O.A.No.927/2021 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 22/11/2023.**

Shri D.M.Kakani, Id. Counsel for the applicant  
and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. **S.O. before regular D.B..**

**Vice Chairman**

rsm.

**O.A.No.427/2023 (D.B.)**

**Coram:Shri Justice M.G.Giratkar,Vice Chairman**  
**Dated : 22/11/2023.**

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

2. The learned counsel for the applicant has filed copy of the Judgment in Writ Petition No.1672/2022 decided on 05.10.2023. The learned counsel for the applicant submits that in view of this Judgment, applicant is entitled for the relief.

3. The learned P.O. seeks time to argue the matter.

4. **S.O. 06.12.2023.**

5. **P.H.**

**Vice Chairman**

rsm.