

O.A. 154/2019 (S.B.)

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

**Dated : 27/10/2021.**

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

The Id. counsel submitted that the necessary amendment is carried out.

**S.O. After Vacation.**

**Vice-Chairman**

dnk.

**O.A. 325/2019 (S.B.)**

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

**Dated : 27/10/2021.**

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

The Id .P.O. files reply of R-2 to 5. It is taken on record. Copy is served on the applicant.

The matter is admitted and kept for final hearing.

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

**S.O. 15/11/2021.**

**Vice-Chairman**

dnk.

O.A. 136/2020 (S.B.)

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

**Dated : 27/10/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 964/2020 (S.B.)**

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

**Dated : 27/10/2021.**

**C.A. 54/2021 -**

None for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. Considering the similar grievance of the applicants, the C.A. No.54/2021 for filing Jt. O.A. is allowed and disposed off.

**O.A. 964/2020 –**

None for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. Issue formal notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

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

**Vice-Chairman**

dnk.

O.A. 129/2021 (S.B.)

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

**Dated : 27/10/2021.**

Shri N.R. Saboo, 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.**  
**22/11/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 457/2021 (S.B.)

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

**Dated : 27/10/2021.**

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

At the request of Id. P.O., **S.O.**  
**22/11/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 541/2021 (S.B.)

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

**Dated : 27/10/2021.**

Shri S.I. Khan, 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.**  
**22/11/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 596/2021 (S.B.)**

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

**Dated : 27/10/2021.**

Shri S.N. Gaikwad, Id. counsel for the  
applicant and Shri A.P. Potnis, Id. P.O. for R-1.  
Await service of R-2&3.

**S.O. 22/11/2021.**

**Vice-Chairman**

dnk.

**O.A. 641/2021 (S.B.)**

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

**Dated : 27/10/2021.**

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

2. The Id. P.O. files reply of R-3&4. It is taken on record. Copy is served on the applicant.

3. The respondents are directed to consider the representation of applicant 30/8/2021 (A-2,P-33) within three weeks and if possible consider him at vacant post at Yavatmal according to rules and regulations.

4. The matter is admitted and kept for final hearing. The Id. P.O .waives notice for the respondents.

**S.O. After Vacation.**

Till then, Interim relief granted on 9/8/2021 is continued.

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 695/2021 (S.B.)**

( Dr. P.B. Daigvhane Vs. State of Mah. )

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

**Dated : 27/10/2021.**

**C.A. 346/2021 -**

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

2. The Id. counsel has filed C.A. No.346/2021 for direction.
3. As per order dated 9/8/2021 (A-3,P-13) where the applicant's name appears at Sr.No.5 and he was transferred from the office of DAHO, Z.P., Wardha to the office of Regional Joint Commissioner of Animal Husbandary, Nagpur. Within two days he was informed about modification of transfer order dated 11/8/2021 (A-4,P-17) by the office of respondent no.2. which is incorrect.
4. The matter was heard on 17/8/2021 and in last part of the para-2 of the order, it was directed that the respondents are at liberty to continue posting of applicant as per order dated 9/8/2021 (A-3,P-13), but till now the applicant has not been relieved from Wardha to join at Nagpur.
5. Issue Notice on civil application be issued returnable **after three weeks.**
6. The learned P.O. waives notice for the respondents.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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 the O.A.
9. 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.
10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once

week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

11. However, till that time the respondents are directed not to fill up the post in the office of Regional Joint Commissioner of Animal Husbandary, Nagpur. It is made clear that if the respondents allow to join the applicant at Nagpur as per order dated 9/8/2021 (A-3,P-13), they can go ahead by relieving the applicant from Wardha.

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

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 735/2021 (S.B.)**

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

**Dated : 27/10/2021.**

**C.A. 344/2021 -**

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

2. The learned counsel desires to amend the O.A. due to subsequent development i.e. rejection of applicant's representation vide communication dated 8/10/2021 by the respondent no.1. The learned counsel is permitted to amend the O.A.

3. In view of above, the C.A. is allowed and disposed off.

4. Amendment copy be supplied to the Id. P.O.

**O.A. 735/2021 -**

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 749/2021 with C.A. 310/2021 (S.B.)**

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

**Dated : 27/10/2021.**

Heard Shri K.P. Mahalle, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for the respondents and Shri A.S. Deshpande, Id. counsel for Intervener.

2. The learned counsel for the applicant submits that the applicant has joined at the transferred place and now the applicant wants to withdraw the O.A. Meanwhile, Shri A.S. Deshpande, Id. counsel has filed C.A. No.310/2021 for intervention/ direction which has no meaning now after withdrawal of O.A. itself.

3. In view of this, the O.A. is disposed off as withdrawn. No order as to costs.

4. Accordingly, the C.A.No.310/2021 also stands disposed off.

**Vice-Chairman**

dnk.

O.A. 839/2021 (S.B.)

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

**Dated : 27/10/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 890/2021 (S.B.)**

( Dr. S.B. Shambharkar Vs. State of Mah. )

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

**Dated : 27/10/2021.**

**C.A. No. 347/2021 -**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicant after selection by DSB appointed on ad-hoc basis on the post of Assistant Surgeon (RLFC) and subsequently the Dean, GMC, Nagpur (R/3) has forwarded various proposals for regularising the services of the applicant on permanent basis. After the proposal forwarded by the respondent no.3 to the respondent no.2, i.e., the Director of Medical Education and Research, Mumbai, the said proposal was forwarded to the respondent no.1, the Secretary, Medical Education and Research, Mumbai vide proposal dated 19/3/2019 (A-15,P-48) to regularise services of applicant on permanent basis since he has been working for more than six years and nine months as per last column in the table attached to the correspondence dated 18/2/2019 (A-13,P-37). As per proposal dated 19/3/2019 (A-15,P-48) in the chart the respondent no.2, the Director also disclosed sanctioned post, post filled in temporary as well as vacant post. But, the respondent no.2 proposed for regularising to fill sanctioned post of ad-hoc medical officers who worked more than two years as per correspondence dated 19/3/2019 (A-15,P-48).

3. In view of above, the respondent no.1 is directed to decide the proposal submitted by the respondent no.2, i.e., the Director of Medical Education and Research, Mumbai as per correspondence dated 19/3/2019 (A-15,P-48) within three months from the date of receipt of this order.

4. The learned counsel has filed C.A. No. 347/2021 and in the relief clause he prayed as under—

*“ It is therefore prayed that time Hon’ble Tribunal be pleased issue direction to respondent no.3 to continue his service as Assistant Surgeon (RLFC) in the Department of Orthopaedics in the Govt. Medical College, Dist. Nagpur pending disposal of O.A.”*

5. In view thereof, the respondent no.3 is directed to continue the services of applicant as Assistant Surgeon (RLFC) in the Department of Orthopaedics in the Govt. Medical College, Dist. Nagpur till outcome of the O.A.

6. With this direction, the C.A. stands disposed off.

**O.A. 890/2021 –**

**S.O. four weeks.**

Steno copy is granted...

**Vice-Chairman**

dnk.

(S.B.)

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

**Dated : 27/10/2021.**

**C.A. 241/2021 in O.A. St. 1520/2021 -**

Heard Shri P.H. Khobragade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The learned counsel has filed additional affidavit of applicant dated 17/9/2021 on record. However, he does not want to press the same. The matter is listed first time and delay is about 5 years and 2 months. The learned counsel has filed C.A. for condonation of delay. The Id. P.O. desires to file reply on C.A.

3. In the meanwhile, issue notice on civil application returnable in **four weeks**.

4. The learned P.O. waives notice for State.. Hamdast granted.

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

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

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 801/2021 (S.B.)**

( A.J. Tiwari & 6 ors. Vs. State of Mah. )

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

**Dated : 27/10/2021.**

**C.A. No. 321/2021 in O.A. 801/2021 -**

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

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

3. However the matter was heard on 13/10/2021 and the order was passed in para-3 following observations were made –

*“3. In para-4 of the order dated 8/9/2021, the transfer order dated 3/9/2021 was stayed till filing of reply. The order of transfer was issued by the respondent no.3 in O.A.Nos. 801 & 802 of 2021. However, as per letter dated 23/9/2021 (P-10) it appears that the respondent no.3 has tried to circumvent order and one Mr. Sanjay Padhare, Police Inspector, Motor Transport Department, Nagpur must be working under the respondent no.3 only, has relieved these applicants under signature of this letter. This is totally against the Tribunal's order. Since the said Police Inspector is not party in the present O.A., and he was nowhere in the picture of transfer order. The respondent no.3 has preferred to take a different view by-passing the order of this*

*Tribunal dated 8/9/2021 by getting relieving order issued by his subordinate officer”.*

4. The respondent no.3 is directed to clarify how his subordinate Officer issued relieving order without his permission and circumvented the interim order of this Tribunal.

5. The respondent no.3 is further directed that unless he clarifies this point and justifies the relieving order, the matter will be referred to the Director General of Police (M.S.), Additional Chief Secretary (Home) and Commandant for disciplinary action.

6. In order dated 8/9/2021 in para-4 the transfer order dated 3/9/2021 (A-3,P-37) was stayed till filing of reply that is continued till outcome of the O.A.

**S.O. four weeks.**

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 802/2021 (S.B.)**

( V.D. Singh & Ors. Vs. State of Mah. )

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

**Dated : 27/10/2021.**

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

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

3. However the matter was heard on 13/10/2021 and the order was passed in para-3 following observations were made –

3. *In para-4 of the order dated 8/9/2021, the transfer order dated 3/8/2021 was stayed till filing of reply. The order of transfer was issued by the respondent no.3 in O.A.Nos. 801 & 802 of 2021. However, as per letter dated 23/9/2021 it appears that the respondent no.3 has tried to circumvent order and one Mr. Sanjay Padhare, Police Inspector, Motor Transport Department, Nagpur must be working under the respondent no.3 only, has relieved these applicants under signature of this letter. This is totally against the Tribunal's order. Since the said Police Inspector is not party in the present O.A., and he was nowhere in the picture of transfer order. The respondent no.3 has preferred to take a different*

*view bye-passing the order of this Tribunal dated 8/9/2021 by getting relieving order issued by his subordinate officer”*

4. The respondent no.3 is directed to clarify how his subordinate Officer issued relieving order without his permission and circumvented the interim order of this Tribunal.

5. The respondent no.3 is further directed that unless he clarifies this point and justifies the relieving order, the matter will be referred to the Director General of Police (M.S.), Additional Chief Secretary (Home) and Commandant for disciplinary action.

6. In order dated 8/9/2021 in para-4 the transfer order dated 3/8/2021 (A-3,P-32) was stayed till filing of reply, that is continued till outcome of the O.A.

**S.O. four weeks.**

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 559/2021 (S.B.)**

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

**Dated : 27/10/2021.**

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

The Id. P.O. submits that he has received parawise reply and he will file the same shortly and for that he seeks further time.

**S.O. 15/11/2021.**

**Vice-Chairman**

dnk.

**O.A. 472/2021 (S.B.)**

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

**Dated : 27/10/2021.**

Heard Shri K. Deogade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. The matter was heard on 16/7/2021 and it was observed in para-2 that the applicant is father of deceased employee, he cannot claim the benefit of deceased employee, therefore, the O.A. is not tenable. However, today the learned counsel submits that the Hon'ble High Court has passed the Judgment on the same issue. By that Judgment, the father can claim the pension of deceased son.

3. The learned counsel is directed to file on record the copy of said Judgment passed by the Hon'ble High Court and supply copy to the Id. P.O. After examining the Judgment of Hon'ble High Court, the matter will be heard on the next date.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

O.A. 781/2021 (S.B.)

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

**Dated : 27/10/2021.**

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

With the consent of Id. counsel for both the parties, **S.O. 17/11/2021.**

**Vice-Chairman**

dnk.

**O.A. 847/2021 (S.B.)**

( Surendra T. Tikhe Vs. State of Mah. & Ors.)

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

**Dated : 27/10/2021.**

Heard the applicant in person, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri A.R. Fule, Id. counsel for R-2.

2. By record it appears that the applicant was working as Water Conservator Officer (Group-B) at Wadsa and he was promoted as Sub Divisional Water Conservator Officer and posted at Kurkheda vide order dated 30/6/2021 (A-2,P-11) and the applicant's name appears at Sr.No.71. Within one month the applicant was again transferred vide order dated 30/7/2021 (A-1,P-6) the applicant's name appears at Sr.No.8 and he was transferred to Aheri. The applicant is as obedient servant joined at Aheri, but this act on the part of the respondents transferring the applicant within one month is neither proper nor as per the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as "Transfers Act,2005" for brevity).

3. In view of this situation, the transfer order dated 30/7/2021 (A-1,P-6) is quashed and set aside. The applicant's transfer order dated 30/6/2021 (A-2,P-11) should be treated legal and this order is tenable in the eyes of law. The respondents should direct the applicant to join at Kurkheda immediately within thirty days of receipt of this order.

4. When the applicant was posted at Kurkheda vide order dated 30/6/2021 (A-2,P-11) the respondent did not relieve him to join at Kurkheda or shown any reason for that on record and his counsel has also not shown any relieving order issued to the applicant so that the applicant should have joined at Kurkheda. The respondent no.2 did not relieve the applicant from Wadsa to enable him to join at Kurkheda and the learned counsel for respondent no.2 is unable to produce any relevant document so that the applicant should have joined at Kurkheda. On the other hand, the respondent no.1 partial modified the order 30/6/2021 (A-2, P-11) and vide order dated 30/7/2021 (A-1,P-6) the applicant was posted to Aheri and subsequently the respondent no.2 relieved the applicant and therefore the applicant had no choice, but as obedient servant he joined at Aheri. So it

appears that the order 30/6/2021 (A-2,P-11) was circumvented by not relieving the applicant. So order dated 30/7/2021 (A-1,P-6) was issued with some prejudice mind and malafide intention. Hence, the order dated 30/7/2021 (A-1,P-6) is quashed and set aside, the respondents should direct the applicant to join at Kurkheda immediately. The order be complied within thirty days from the date of receipt of this order.

5. In view of above, the O.A. stands disposed off. No order as to costs.

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 938/2021 (S.B.)**

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

**Dated : 27/10/2021.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

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

**Vice-Chairman**

dnk.

**O.A. 958/2021 (S.B.)**

( B.B. Kshirsagar Vs. State of Mah. & Ors.)

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

**Dated : 27/10/2021.**

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M .Khadatkar, Id. P.O. for the State.

2. The learned counsel submits that the applicant is physically handicapped employee and he has been posted at far away distance which is against the policy of Govt. G.R. dated 9/4/2018 wherein the special provision has been mentioned for physically handicapped employee. It is submitted that till now the applicant is not relieved from the present post. In order dated 7/8/2020 (A-2,P-13) the applicant is at Sr.No.35 and the respondent no.5 is at Sr.No.37.

3. In view of this situation, **the transfer order dated 7/8/2020 (A-2,P-13) is stayed to the extent of applicant and respondent no.5 till outcome of the O.A.**

4. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

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

*Steno copy is granted..*

**Vice-Chairman**

dnk.

**O.A. 962/2021 (S.B.)**

( M.V. Kohat Vs. State of Mah. & Ors.)

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

**Dated : 27/10/2021.**

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

2. The applicant retired on 31/7/2019 as per page no.3 of the O.A. The recovery order has been issued to the tune of Rs.3,24,125/- vide order dated 20/9/2021 (A-1,P-9) by the Incharge Deputy Superintendent of Police office of Superintendent of Police, Gondia. It appears that the recovery order is passed without giving opportunity of hearing to the applicant. Hence, **the recovery order dated 20/9/2021 (A-1,P-9) is stayed fill filing of reply.**

3. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

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

*Steno copy is granted.*

**Vice-Chairman**

dnk.

**O.A. 973/2021 (S.B.)**

( G.R. Gore Vs. State of Mah. & Ors.)

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

**Dated : 27/10/2021.**

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

2. As submitted by the learned counsel, vide order dated 10/8/2020 (A-2,P-14) the applicant was first transferred from Risod, Dist. Washim to Washim, Dist. Washim. Subsequently, almost within one year the applicant is transferred from Nagar Parishad, Washim to Nagar Parishad, Mangrulpir vide order dated 21/9/2021 (A-3,P-15). Aggrieved with this order, the applicant has approached to this Tribunal. In the impugned transfer order 21/9/2021 (A-3,P-15) the applicant is at Sr.No.3, nothing is mentioned about provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as "Transfers Act,2005" for brevity).

3. In view of this situation, **impugned transfer order 21/9/2021 (A-3,P-15) to the extent of applicant is stayed till filing of reply.** It is also made clear that as per Govt. order dated 29/7/2021 the transfer was to be effected only till 30/8/2021 and this order is dated 21/9/2021 which prima facie appears to be illegal.

4. Issue notice to the respondents returnable **after four weeks.** Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

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

*Steno copy is granted...*

**Vice-Chairman**

dnk.

**O.A. 978/2021 (S.B.)**

( U.V. Ganvir Vs. State of Mah. & Ors.)

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

**Dated : 27/10/2021.**

Heard Mrs. A.R. Taiwade, Id. counsel  
for the applicant and Shri A.M. Khadatkar, Id.  
P.O .for the State.

**S.O. After Vacation.**

**Vice-Chairman**

dnk.

**O.A. 720/2020 with C.A. 321/2020 (S.B.)**

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

**Dated : 27/10/2021.**

Heard Shri I.A. Fidvi, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri S.P. Palshikar, Id .counsel for R-3.

With the consent of Id. counsel for both the parties, **S.O. 22/11/2021.**

**Vice-Chairman**

dnk.

O.A. 382/2017 (S.B.)

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

**Dated : 27/10/2021.**

Shri I.G. Meshram, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

With the consent of Id. counsel for both the parties, **S.O. 22/11/2021.**

**Vice-Chairman**

dnk.

O.A. 866/2018 (S.B.)

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

**Dated : 27/10/2021.**

Shri K.J. Khanorkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

With the consent of Id. counsel for both the parties, **S.O. 17/11/2021.**

**Vice-Chairman**

dnk.

**O.A. 302/2018 with C.A. 204/2020 (S.B.)**

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

**Dated : 27/10/2021.**

Shri R.V. Shiralkar, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

With the consent of Id. counsel for both the parties, **S.O. 17/11/2021.**

**Vice-Chairman**

dnk.

O.A. 744/2019 (S.B.)

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

**Dated : 27/10/2021.**

Shri R.V. Shiralkar, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

With the consent of Id. counsel for both the parties, **S.O. 17/11/2021.**

**Vice-Chairman**

dnk.

O.A. 640/2020 (S.B.)

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

**Dated : 27/10/2021.**

Shri R.M. Fating, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

With the consent of Id. counsel for both the parties, **S.O. 15/11/2021.**

**Vice-Chairman**

dnk.

O.A. 308/2017 (S.B.)

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

**Dated : 27/10/2021.**

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

With the consent of Id. counsel for both the parties, **S.O. 15/11/2021.**

**Vice-Chairman**

dnk.

O.A. 719/2017 (S.B.)

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

**Dated : 27/10/2021.**

Shri R.V. Shiralkar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

With the consent of Id. counsel for both the parties, **S.O. 22/11/2021.**

**Vice-Chairman**

dnk.

O.A. 552/2018 (S.B.)

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

**Dated : 27/10/2021.**

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

With the consent of Id. counsel for both the parties, **S.O. 22/11/2021.**

**Vice-Chairman**

dnk.

**O.A. 936/2019 (S.B.)**

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

**Dated : 27/10/2021.**

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

2. The Id. P.O. has filed on record the letter dated 04/10/2021, it is marked Exh-X along with that he has attached letter of Department dated 26/7/2021, it is marked Exh-X1. In the order of Department dated 26/7/2021 it is mentioned that the applicant has been given appointment on compassionate ground in Open category and in vertical quota of OBC.

3. The applicant has been given appointment on the vacant post of Class-D as per GAD G.R. dated 21/9/2017 (P-35). Vide order dated 26/7/2021 which is marked Exh-X1. It is also explained in appointment letter that she will be given Class-3 post as and when vacancy will occur. Since the grievance of the applicant has been solved by letter dated 26/7/2021, nothing survives in the O.A. Hence, the O.A. stands disposed off. No order as to costs.

**Vice-Chairman**

dnk.

O.A. 620/2020 (S.B.)

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

**Dated : 27/10/2021.**

Shri R.M. Fating, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

With the consent of Id. counsel for both the parties, **S.O. 15/11/2021.**

**Vice-Chairman**

dnk.

O.A. 723/2020 (S.B.)

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

**Dated : 27/10/2021.**

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

With the consent of Id. counsel for both the parties, **S.O. 22/11/2021.**

**Vice-Chairman**

dnk.

**O.A. 881/2020 (S.B.)**

( Dr. A.D. Deshraj Vs. State of Mah. )

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

**Dated : 27/10/2021.**

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

2. The Id. counsel has filed Pursis dated 26/10/2021 mentioning that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 26/10/2021, the O.A. stands disposed off as withdrawn. No order as to costs.

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 988/2021 (S.B.)**

( Dr. P.V. Solanke Vs. State of Mah. )

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

**Dated : 27/10/2021.**

Heard Shri N. R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant is physically challenged person. The applicant has submitted representation dated 23/3/2021 (A-1,P-12) considering his representation as physically challenged person and for that he has attached physically handicapped certificate dated 17/12/2008 as per A-3,P-14. The applicant was transferred vide order dated 27/9/2021 (A-4,P-15) from Buldana to Amravati. The applicant was relieved vide order dated 8/10/2021 (A-5,P-17) and the applicant joined also at Amravati on 11/10/2021 as per joining letter as per Annexure-A-6,P-19.

3. Subsequently, vide order dated 25/10/2021 (A-7,P-22) the respondent no.1 cancelled the order dated 27/9/2021 (A-4,P-15) and directed to join at Buldana. On page no.22 the order was passed, on the pretext that applicant was punished under Rule 10 of the MCS (D&A) Rules,1979 vide order dated 15/7/2019. The order dated 15/7/2019 is attached at Annexure-A-9,P-25 and punishment was as below –

*^ MKW i # "MKRre foBBYjko l kGd] rRdkyhu ftYgk i 'kl o/kU vf/kdkjh] ftYgk i fj"kn] vejkorh ; kph i q-hy oruok< R; ki q-hy oruok<toj i fj.kke u djrk , d o"kk] kBh jk[k. ; kr ; r vkgS \*\**

4. With this order dated 15/7/2019 (A-9,P-25) the punishment period of applicant was already over, therefore, on the date of order dated 25/10/2021 (A-7,P-22), the applicant was not under punishment. Taking recourse of this punishment, which was not effective on the relevant date is totally illegal.

5. In view of this situation, the order dated 25/10/2021 (A-7,P-22) issued by the respondent no.1 and order dated 26/10/2021 (A-8,P-24) issued by the office of respondent no.2 are stayed till filing of reply.

6. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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.
9. 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.
10. 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.
11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Steno copy is granted..

**Vice-Chairman**

dnk.\*\*

O.A.No.978/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

**C.A.Nos.367/20 & 19/21:-**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the respondent no. 5.

2. The Id. P.O. has filed reply on C.A. No. 19/2021 on behalf of the respondent nos. 1 & 3. It is taken on record. Copy is served to the other side.

3. At the request of Id. counsel for the applicant, **S.O. after Diwali Vacation.**

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.165/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. At the request of Id. counsel for the applicant, Issue fresh notice to Respondent nos. 2 & 3, returnable on six 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. six weeks.**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

**O.A.No.253/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

**C.A.No.326/2021:-**

The applicant in person. Shri S.A.Sainis, the Id. P.O. for the respondents.

2. As submitted by Id. counsel for the applicant, the applicant was appointed vide letter dated 28.10.1991 as "Sandesh Vahak" in open category in Malaria Prevention and Training at Nagpur. On perusal of appointment letter; it is mentioned that applicant was appointed on compassionate ground but it is not clear that whether applicant was appointed in which category; whether Open Category or S.B.C. Category?

3. When applicant was due for promotion as Junior Clerk, Class-III post; correspondence was issued to the applicant on 18.05.2018 (A-C, Pg. No. 21) and at point no. 2 it is mentioned that applicant has to produce Caste Verification Certificate along with other documents.

4. Now, it is necessary to see the service book of applicant to ensure that whether applicant was appointed under Open Category or in S.B.C. Category? As per applicant he was appointed under Open Category but subsequently department change his category from Open to S.B.C. category and this can be clear after filing service book of applicant.

5. The Id. P.O. desires three weeks time to file reply, **S.O. after Diwali Vacation.**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

O.A.No.319/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. The Id. counsel for the applicant wants to carry out the amendment as per order dated 09.07.2021. At his request, **S.O. after Diwali Vacation.**

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.338/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/ 2021.**

**C.A.No.311/2021:-**

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

2. The applicant was working as Assistant Professor in Government Vidharbha Institute of Science and Humanities, Amravati and he retired on 30.06.2020 after the age of 60 years. As per correspondence dated 13.08.2020; para no. 2 of the G.R. Subsequently, mentioned that as per G.R. dated 12.07.2016 previous G.R. dated 05.03.2011 has been cancelled and it has been made clear that all the Assistant Professor should retired at the age of 60 years.

3. The Id. counsel for the applicant submitting that there was D.P.C. and his name was considered as Director. However, respondents have filed their reply on 25.06.2021 and in reply para no. 3 on pg. No. 52 they have submitted that no such D.P.C. has been held and name of the applicant has not been recommended for Director at any stage.

4. Considering all these issues, it is better that O.A. along with C.A. be heard before regular D.B. for final hearing.

5. **Put up this matter before regular D.B..**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

**O.A.No.581/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/ 2021.**

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 to 4. It is taken on record. Copy is served to the other side.

3. In this O.A.; the circular issued by Joint Commissioner Nagpur Police dated 29.07.2019 is under challenge. On perusal of the circular it is seen that it has been mentioned in first paragraph about M.C.S. (Discipline and Appeal) Rules, 1979, Section 8 (8) and Maharashtra Police manual, Part- 1, Rule 454 and G.A.D. G.R. dated 07.10.2015. This Circular has to be examined in the background of all these provisions. If the Circular is having backing of statute then Circular will be valid. It is found valid then in D.E. such friend cannot be engaged for defence.

4. The Id. P.O. is directed to take necessary instructions from the respondents regarding provisions of M.C.S. (Discipline and Appeal) Rules, 1979 Section 8 (8) Maharashtra Police, Manual and G.A.D. G.R. dated 07.10.2015 which are having backing of issuing Circular dated 29.07.2019. This has been also observed in para no. 3 of order dated 05.10.2020 that substantial question involved is

regarding validity of Circular dated 29.07.2019 that has to be examined.

**5. S.O. 24.11.2021.**

**6. Steno copy is granted.**

*7. I.R. granted on 05.10.2020 in para no. 4 will continue till next date of hearing.*

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.929/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. The Id. counsel for the applicant has filed pursis dated 22.10.2021 and submits applicant wants to withdraw the O.A.. Hence, he filed pursis to withdraw the O.A..

3. Hence, **O.A. is disposed of as withdrawn.**

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

O.A.No.71/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1, 3 & 4. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. 26.11.2021.**

6. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice Chairman**

**Date:-27/10/2021.**  
aps.



O.A.No.484/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

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

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.485/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. The Id. counsel for the applicant submits that further development taken place where department has been communicated by Government vide letter dated 18.10.2021. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant further submits that since he desires to challenge the said correspondence; he wants to amend the O.A. He is directed to file C.A. in this regard.

4. **S.O. after Diwali Vacation.**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

**O.A.No.838/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/ 2021.**

Heard Smt. S.W.Deshpande, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the respondents and Ms. P.D.Sharma, is going to file vakalatnama on behalf of respondent nos. 5 to 10.

2. The Id. counsel for the respondent nos. 5 to 10 as well as Id. P.O. seeks time to file reply, **S.O. 24.11.2021.**

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.905/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

**C.A.Nos.341 & 342/2021:-**

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

2. The Id. counsel for the applicant has filed C.A. No. 341/2021 for Stay and he has also filed C.A. No. 342/2021 for Amendment.

3. Notice on C.As. to Respondents be issued returnable in **six weeks**.

4. Shri S.A.Sainis, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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

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

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be

obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

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

10. **S.O. six weeks.**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

**O.A.No.969/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

**C.A.No.343/2021:-**

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The Id. counsel for the applicant has relied in order of this Tribunal in O.A. No. 383/2021 (A-18, Pg. No. 211). He further relied on order of this Tribunal in O.A. No. 357/2021 (A-17, Pg. No. 207) and further submits that the Judgment of Hon'ble Apex Court which has been relied upon in this order also covers the grievances of present O.A.. Since applicants are having same cause and same method of redressal. **Hence, C.A. No. 343/2021 for Jt. O.A. is allowed and disposed of.**

3. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. 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.**

10. *The Id. counsel for the applicant is directed to remove office objection as pointed by office.*

**Vice Chairman**

**Date:-27/10/2021.**

aps.

O.A.No.296/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

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

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.709/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. The Id. P.O. has placed on record letter dated 26.10.2021 by Deputy Director (Education), Nagpur by which it appears that G.I.S. amount of Rs. 55,312/- due to the applicant, is in the process of payment. Department has submitted the bill to Treasury. Now, respondents are directed to follow with the Treasury, remove if any objections and ensure that this amount is deposited in the account of applicant and file affidavit in this regard.

3. Regarding pension of the applicant, A.G. Mumbai has not sent Form-V to the A.G., Nagpur. The Id. P.O. submits that Commissioner has directed to concerned Deputy Director to follow with A.G., Mumbai and ensure with these papers shall be sent to A.G., Nagpur. It should be done by hand delivery.

4. Respondents are directed that both these issues pertaining to the applicant should be followed with concerned officer and payment should be made as early as possible.

5. S.O. 17.11.2021.

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.777/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. The matter was heard on 08.10.2021 and as submitted by Id. P.O. applicant has been granted senior scale from 15.06.2007 and selection grade from 06.10.2016, that day the Id. counsel for the applicant was not present. Today the Id. counsel for the applicant present and submits that he is not satisfied with that order because consequential benefits has not been paid to the applicant.

3. The Id. P.O. desires six weeks time to file reply about the consequential benefits, **S.O. six weeks.**

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.672/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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 Id. P.O. has filed letter dated 26.10.2021. It is marked Exh. "x" for the purpose of identification. It is taken on record. Copy is served to the other side.

3. With the above letter the respondents have asked two weeks time to consider the case of applicant, **S.O. 22.11.2021.**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

**O.A.No.949/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/ 2021.**

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

2. Issue notice to Respondents, returnable on 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. four weeks.**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

**O.A.No.968/2021 (D.B.)**

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

**Dated : 27/10/2021.**

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

2. As per O.A., Pg. No. 14, para no. XI, applicant D.O.B. is 18.04.1964 and he will retire on superannuation on 30.04.2022. The applicant was transferred from Bhandara to Nagpur city by Respondent no. 2 order dated 29.10.2020 as mentioned in letter dated 07.10.2021 (A-4, Pg. No. 35) by office of respondent no. 3. It is also mentioned that applicant was relieved from Bhandara on 31.10.2020 afternoon and he joined on 07.10.2021 in Nagpur City, his period from 31.10.2020 to 06.10.2021 total 341 days was to be regularized. Applicant was submitted leave application dated 07.10.2021 (A-3, Pg. No. 34). As per letter dated 07.10.2021. Respondent no. 3 has sanctioned commutation leave of 180 days from 31.10.2020 to 28.04.2021 for which he was empowered, the total period is from 31.10.2020 to 06.10.2021 i.e. 341 days. Now, as per M.C.S., Leave Rule 81, Section 61 (B), Respondent no. 3 has sanctioned commutation leave from 31.10.2020 to 28.04.2021 and his further period of 161 days i.e. from 29.04.2021 to 06.10.2021, he has recommended to respondent no. 2 by same letter for sanction. Respondent no. 3 is directed to direct the office to persue office of respondent no. 2 to get the leave sanctioned. Office of respondent no. 2 desired to hold D.P.C. and promote the officers who are holding post of Police Inspector to the post of Dy.S.P./A.C.P. and for that they have sought information vide letter dated 24.06.2021 (A-1, Pg. NO. 28) in the first para it is mentioned that they require certain information i.e. Caste Verification certificate, Relaxation in Computer Education, Relaxation in Hindi-Marathi, Permanency Certificate Etc. While perusing the letter it appears that before this letter they have given three reminders i.e. 11.02.2021, 28.05.2021, 17.06.2021. As per record of letter dated 07.10.2021 of respondent no. 3 office, it appears that applicant joined on 07.10.2021 in the establishment of respondent no. 3. Further information for D.P.C. has not been sent to respondent no. 2 office as desired by respondent no. 2 in time.

3. On perusal of documents; it appears that applicant has written letter dated 29.09.2021 (A-8, Pg. No. 47) and in that he has mentioned that my service book and documents are with the respondent no. 3 office and when he approached to person concerned in the establishment Clerk i.e. Shri Ahirkar orally, Shri Ahirkar asked for his Caste Validity Certificate. Applicant submitted that since he belongs to Maratha Community he does not require that certificate. It is not understood that why informations related to D.P.C. was not submitted to respondent no. 2 regarding applicant by respondent no. 3 office after repeated reminders by respondent no. 2.

4. This kind of negligence can be taken as insubordination in the administration. In the absence of applicant's documents respondent no. 2 published select list for year 2020-2021 vide letter dated 24.09.2021 (A-7, Pg. No. 39) after D.P.C. dated 03.08.2021 (O.A. Pg. No. 15) where applicant's name was not mentioned in the list.

5. As per submission made by Id. counsel for the applicant in O.A. at Pg. Nos. 7 & 8 para IV though applicant joined in the establishment of respondent no. 3 dated 07.10.2021 his service book and records together were sent from Bhandara sometime on 01.02.2021 to respondent no. 3. So it must be with respondent no. 3 from February, 2021 and there was no reason for respondent no. 3 not to submit information sought by respondent no. 2 vide letter dated 24.06.2021 and consequent to that previous letter dated 11.02.2021, 28.05.2021, 17.06.2021. Since service book was with respondent no. 3. As per submission made by Id. counsel for the applicant in O.A. at Pg. No. 9, D.P.C. for P.I. to Dy. S.P./ A.C.P. was held on 03.08.2021 (O.A. Pg. No. 15).

6. As per discussion in above para, since service book was available with respondent no. 3 from February, 2021, there was no hurdle in submitting the information to respondent no. 2 as desired for D.P.C.. It appears that because of no fault on the part of applicant his name was not considered in the D.P.C. meeting dated 03.08.2021 due to lack of information. The record was with respondent no. 3 and has been asked by respondent no. 2 it was mandatory on the part of respondent no. 3 to submit this information in compliance of orders from superior officers. The applicant

is having very short time in service, he is about to retire on superannuation on 30.04.2022 only.

7. Hence, the respondent no. 2 was definitely asking for his documents for considering applicant's name in D.P.C. meeting dated 03.08.2021. But because of no fault on applicant his name could not be considered due to lack of information. Now, as submitted by Id. counsel for the applicant, all the informations are submitted by respondent no. 3 to respondent no. 2 vide letter dated 20.07.2021 (A-5, Pg. No. 36).

8. Now, in the interest of justice, respondent no. 2 should either organise the Special D.P.C. or do it by circulation method but he should consider the case of applicant for the post of Dy.S.P./ A.C.P. as prayed in the interim relief . Interim relief is granted as prayed on Pg. No. 23 in the interest of justice to the applicant. The Id. P.O. is opposing for the interim relief but the documents on the record are very clear, hence injustice cannot be done to the applicant. The Id. P.O. is at liberty to file reply and take instructions as and when he feels.

9. Issue notice to Respondents, returnable on six weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

11. 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.

12. 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.

13. 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.

14. 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.

15. **S.O. six weeks.**

16. **Steno copy is granted.**

**Vice Chairman**

**Date:-27/10/2021.**

aps.

**O.A.No.419/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. The Id. counsel for the applicant desires to file some C.A.. He is directed to file the same in the office.

3. **S.O. 29.10.2021.**

**Date:-27/10/2021.**  
aps.

**Vice Chairman**

**O.A.No.851/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/10/2021.**

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

2. At the request of Id. counsel for the applicant, Put up this matter along with O.A. No. 296/2021. **S.O. after Diwali Vacation.**

**Vice Chairman**

**Date:-27/10/2021.**  
aps.

**O.A.No.1055/2019with C.A.354/2021 (D.B.)**

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

**Dated : 27/10/2021.**

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

2. As submission made by Id. counsel for the applicant, the applicant came to be appointed on the post of Constable on 14.08.1982 and he was promoted to the post of Sub-Inspector, State Excise on 19.11.2011.

3. As per record; Respondent no. 2 i.e. Commissioner, State Excise, Mumbai vide his letter dated 25.07.2018 (A-1, Pg. No. 9) had asked to Respondent No. 3 and other Officers in the State to submit C.Rs. of Officers whose name was to be considered for the year 2017-2018 selection list of Inspector, Group-B. In this list, applicant name is at Sr. No. 32. Respondent no. 3 has issued letter dated 30.07.2018 (A-2, Pg. No. 12) to applicant to submit his C.R. for the year 2014-2015, 2015-2016 for preparing the selection list of Inspectors for the year 2017-2018 after receiving the letter from Respondent no. 2 dated 30.07.2018 which is mentioned in the reference. Respondent no. 2 vide letter dated 06.07.2018 (A-3, Pg. No. 13) has communicated the select list for the year 2017-2018 for Inspector Group-B, in this list applicant's name is at Sr. No. 32. Respondent no. 2 has asked some information by letter dated 06.07.2018 about probable candidates to be considered for select list 2017-2018.

4. Respondent no. 2 vide his letter dated 26.08.2019 (A-4, Pg. NO. 17) has communicated the list of officers who were taken in select list for promotion as Inspector Group-B for the year 2018-2019 after approval from G.A.D.. In this list, applicant's name was not included. Respondents have filed their reply on 04.01.2021 and in para no. 2 they have submitted that applicant was in the zone of consideration for promotion to the post of Inspector, Group-B, State Excise for the year 2018-2019. Therefore, he was asked to submit his confidential report for the previous years. In para no. 3; they have submitted that the meeting of D.P.C. for preparing the list for the year 2018-2019 was conducted on 13.08.2019 during this meeting the A.C.Rs. where checked/ graded of all the candidates who were in the zone of consideration. The

applicant being in the zone of consideration his Annual Confidential Reports were checked/graded. Since an enquiry was pending against him under Rule-10 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, the committee decided to keep his gradation in sealed envelope.

5. Today, the Id. counsel for the applicant has placed decision in the D.E. which is marked 'X' for the purpose of identification which was issued on 10.12.2020 and it appears that applicant was awarded only strict "Censure" to be recorded in his service book in para no. 5. Respondents have submitted that procedure regarding promotion of the Officer who were facing the D.E. is prescribed vide G.R. dated 15.12.2017. The said G.R. and it's provision were considered and due to the pending D.E. against the applicant D.P.C. decided to keep the gradation of applicant in the sealed envelope and not to promote the applicant. They have also submitted that sealed envelope cover is available with the Respondent No. 1 and will be produced on demand by the Hon'ble Tribunal.

6. In view of this situation, the Id. P.O. is directed to ask for the sealed envelope of applicant which was kept in the D.P.C. dated 13.08.2019 for the select list for the year 2018-2019 and also what happened about D.P.C. for the year 2019-2020 and 2020-2021. When D.P.C. took place and what decision were taken? Since, D.E. was decided on 10.12.2020; whether applicant's name was considered after 10.12.2020 for the year 2020-2021.

7. Notice on C.A. to Respondents be issued returnable in **24.11.2021**.

8. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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

10. 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 the O.A.

11. 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.

12. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

13. 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.

14. **S.O. 24.11.2021.**

**Vice Chairman**

**Date:-27/10/2021.**  
aps.