

O.A. 1079/2019 (S.B.)

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

Dated : 21/06/2021.

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

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

Vice-Chairman

dnk.

O.A. 214/2020 (S.B.)

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

Dated : 21/06/2021.

Heard the applicant in person and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. seeks further two weeks time to file reply. It seems that several times have been given to file reply. In this situation, at the request of Id. P.O. time is granted as a last chance. It is made clear that if the reply is not filed on the next date, the matter would be heard finally.

S.O. 5/7/2021.

Vice-Chairman

dnk.

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

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

Dated : 21/06/2021.

Shri R.M. Fating, 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. three weeks** for filing reply.

Vice-Chairman

dnk.

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

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

Dated : 21/06/2021.

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

The Id. P.O. files reply on behalf of R-1 to 3. It is taken on record. Copy is given to the learned counsel for the applicant.

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

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

The learned counsel for the applicant is at liberty to file rejoinder, if any.

S.O. after three weeks.

Vice-Chairman

dnk.

O.A. 860/2020 (S.B.)

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

Dated : 21/06/2021.

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

The Id. P.O. seeks further time to file reply. Time is granted.

The applicants have filed representations dated 30/1/2020 (A-6a,P-32) and 18/08/2020 (A-6b,P-34) submitting their grievances to the respondents. The respondents are directed to decide the said representations before issuing subsequent general transfer orders.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 884/2020 (S.B.)

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

Dated : 21/06/2021.

Shri P.D. Meghe, Id. counsel for the applicant and Shri A.M. Khadatkar, Id .P.O. for the respondents.

At the request of Id. P.O. S.O., **30/6/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 912/2020 (S.B.)

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

Dated : 21/06/2021.

C.A. No. 352/2020 -

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

As agreed by the learned counsel for both the parties, the C.A.No.352/2020 is allowed.

O.A. 912/2020 -

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

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

Put up before Division Bench.

Vice-Chairman

dnk.

O.A. 65/2021 (S.B.)

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

Dated : 21/06/2021.

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri S.A. Deo, Id .C.P.O. for the respondents.

Since the matter is related to time bound promotion, it be kept before Division Bench.

S.O. 5/7/2021.

Vice-Chairman

dnk.

O.A. 108/2021 (S.B.)

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

Dated : 21/06/2021.

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri A.M. Khadatkhar, 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. 336/2021 (S.B.)

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

Dated : 21/06/2021.

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

The matter be kept before Division Bench.

Vice-Chairman

dnk.

O.A. 337/2021 (S.B.)

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

Dated : 21/06/2021.

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

The matter be kept before Division Bench.

Vice-Chairman

dnk.

O.A. 338/2021 (S.B.)

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

Dated : 21/06/2021.

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

The matter be kept before Division Bench.

Vice-Chairman

dnk.

O.A. 116/2021 (S.B.)

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

Dated : 21/06/2021.

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

S.O. 25/6/2021.

Vice-Chairman

dnk.

Rev. A. 32/19 in O.A. 433/2016 (S.B.)

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

Dated : 21/06/2021.

Shri D.S. Sawarkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

S.O. 28/6/2021.

Vice-Chairman

dnk.

O.A. 360/2020 (S.B.)

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

Dated : 21/06/2021.

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

The learned counsel for the applicant has filed Pursis dated 21/6/2021 mentioning that the applicant wants to withdraw the O.A.

In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 361/2020 (S.B.)

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

Dated : 21/06/2021.

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

The learned counsel for the applicant has filed Pursis dated 21/6/2021 mentioning that the applicant wants to withdraw the O.A.

In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 582/2020 (S.B.)

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

Dated : 21/06/2021.

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

The learned P.O. has filed reply of R-1 to 3. Copy is already served to the Id. counsel and learned counsel also filed rejoinder.

S.O. 25/7/2021 (PH)

Vice-Chairman

dnk.

O.A. 742/2019 (S.B.)

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

Dated : 21/06/2021.

Shri A.P. Sadavarte, 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. four weeks** for filing reply of R-1.

Vice-Chairman

dnk.

O.A. 861/2019 (S.B.)

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

Dated : 21/06/2021.

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

At the request of Id. P.O., **S.O.**
28/6/2021.

Vice-Chairman

dnk.

O.A. 657/2015 (S.B.)

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

Dated : 21/06/2021.

Shri A.C. Dharmadhikari, Id. counsel for the applicant, and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. P.O. has filed reply on behalf of R-1&2. It is taken on record. Copy is served to the learned counsel for the applicant.

S.O. 28/6/2021.

Vice-Chairman

dnk.

O.A. 913/2020 (S.B.)

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

Dated : 21/06/2021.

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

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

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

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 149/2021 (S.B.)

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

Dated : 21/06/2021.

C.A. No. 60/2021 -

Heard Shri G.R. Sadar, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the State.

As agreed by both the learned counsel for the parties, the C.A.No. 60/21 is allowed.

O.A. 149/2021 –

Heard Shri G.R. Sadar, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the State.

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

Vice-Chairman

dnk.

O.A. 311/2021 (S.B.)

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

Dated : 21/06/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri A.P.Potnis, Id. P.O. for R-1 to 3 and Shri R.D. Karode, Id. counsel for R-4 to 6 (Intervener).

2. The learned P.O. has filed reply and along with that he has also filed documents which were directed to file as per para-6 of order dated 17/5/2021 Copy is supplied to other side.. Now the learned counsel for the applicant submits that he has received reply just now. He wants to go through the reply and seeks further time to file rejoinder.

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

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

5. As per para-7 of order dated 17/5/2021 interim relief to continue till final hearing.

S.O. 5/7/2021.

Vice-Chairman

*dnk.

O.A. 449/2021 (S.B.)

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

Dated : 21/06/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant was suspended vide order dated 4/6/2018 (A-1,P-14) by CEO, Zilla Parishad, Washim. The applicant preferred an appeal before the Divisional Commissioner and the Divisional Commissioner decided the appeal vide order dated 12/4/2019 (A-5,P-31) and order is passed. The order is on page no.34 and at sr.no.2 (P-34) following direction has been given—

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3. Now almost more than two years have been lapsed after the order in appeal was passed by the Divisional Commissioner. However it is not understood why the CEO, Zilla Parishad, Washim has not followed the order

which was passed by the Divisional Commissioner in appeal.

4. In this situation, the respondent no.3, the CEO, Zilla Parishad, Washim is directed to act in accordance with the order passed by the Divisional Commissioner (R/2) dated 12/4/2019 (A-5,P-31) within 30 days from the date of receipt of this order.

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

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

7. 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.

8. 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.

9. 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.

10. 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. 450/2021 (S.B.)

(K.S. Chandak Vs. State of Mah. & Ors.)

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

Dated : 21/06/2021.

Heard Shri N.S. Autkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As submitted by the learned counsel for the applicant, vide order dated 30/4/2021 (A-6,P-40) the applicant was promoted and posted from Pusad to Yavatmal. Subsequently, the applicant has made several representations for posting at Pusad in a vacant post, since his wife is working at Pusad as a Forester. The applicant has submitted last representation dated 31/5/2021 (A-8,P-42) to the respondents requesting for posting at Pusad since at Pusad there is already a vacant post of Chief Accountant. In the Government policy of transfer of employee, there is a provision that as far as possible husband and wife should be posted at the same place. The respondents may decide the applicant's representation considering the other issues. However, it is directed that if post of Chief Accountant at Pusad is filled, it will be subject to outcome of this O.A.

3. Issue notice to the respondents returnable **after four weeks**. Learned C.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.

Rev. A. 5/2021 in O.A. 532/2020 (S.B.)

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

Dated : 21/06/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. A details order has already been passed on 14/6/2021 and in para-2 similar observation has been made regarding order dated 8/9/2020 (A-1,P-7) by the respondents. Today, the learned P.O. desires one week time to take instructions. Time is granted as prayed for. It is made clear that if the instructions are not received before the next date, the matter will be heard on merits.

S.O. 30/6/2021.

Vice-Chairman

dnk.

O.A. 238/2021 (S.B.)

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

Dated : 21/06/2021.

Heard Shri N.D. Thombre, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. As submitted by the learned counsel, the applicant is working on the post of Talathi and he was dismissed from the service by the SDO, Gondia vide order dated 31/12/2019 the dismissal order is not on record. The learned counsel is directed to file copy of dismissal order dated 31/12/2019 on record. The applicant preferred the appeal before the respondent no.2 and along with that he has also filed application for condonation of delay. Vide order dated 13/1/2021 (A-3,P-45) the respondent no.2 rejected the application for condonation of delay and along with that appeal was also rejected. However, it appears that due to pandemic situation in the country, the Hon'ble Supreme Court in Suo Moto Writ Petition (Civil) No.03/2020 vide order dated 23/3/2020 as metnioned in para-c of page-7 of the O.A. has directed that period of limitation in all proceeding whether condonable or not shall stand extended w.e.f. 15/3/2020 till further orders. It appears

that same has not been followed by the respondent no.2 while passing order dated 13/1/2021 (A-3,P-45).

3. The learned P.O. desires three weeks time to file reply. Time is granted as prayed for.

S.O. 14/7/2021.

Vice-Chairman

dnk.

O.A. 37/2021 (S.B.)

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

Dated : 21/06/2021.

Heard Shri D.S. Sawarkar, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As pointed out by the Id. CPO, the applicant has first approached to the MAT, Nagpur Bench in O.A.305/2013 which was heard along with O.A. 615/2011 (A-11,P-60). Order was passed on 11th September, 2014. The order of MAT was challenged before the Hon'ble High Court and it was dismissed. However, these documents are not on record.

3. The contempt petition St.1595/2015 alongwith C.A. 391/2015 was filed before this Tribunal and order was passed on 5/10/2017 and as per last lines of para-6 "C.A. as well as Cont. Petition (Stamp) stand disposed of." However, it was observed in para-6 that if the applicant is aggrieved by his placement in the seniority list or denial of his promotion on any ground, he will be at liberty to file separate O.A. for that purpose. The applicant has preferred to file this O.A. as per liberty granted above.

4. Prima facie the O.A. does not survive. The learned counsel for the applicant is directed

to file C.A. for condonation of delay which is about four years.

S.O. after six weeks

Vice-Chairman

dnk.**

O.A.No.756/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 12.07.2021 to file reply on amended part.**

Vice Chairman

Date:-21/06/2021.
aps.

O.A.No.93/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

Heard Shri C.V.Jagdale, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-21/06/2021.
aps.

O.A.No.193/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

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

2. As requested by Id. counsel for the applicant, office is directed to issue fresh notice to Respondent No. - 2, returnable on three 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. three weeks.**

Vice Chairman

Date:-21/06/2021.

aps.

O.A.No.305/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

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

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

Vice Chairman

Date:-21/06/2021.
aps.

O.A.No.350/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

C.A.No.157/2021:-

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

2. The Id. counsel for the applicant has filed C.A. No. 157/2021 along with that he has filed representation of applicant dated 10.05.2021 (Annexure-A-12, P.B., Pg. No. 9). As submitted by Id. counsel for the applicant, order was passed by this Tribunal on 03.05.2021 and documents filed by Id. P.O.. However, Applicant was given appointment on 18.05.2021 (Annexure-A-11, P.B., Pg. No. 7) and the main grievance of the applicant was solved.

3. Now, applicant grievance only remains to the extent of posting and applicant had made representation dated 10.05.2021 (Annexure-A-12, P.B., Pg. No. 9 of the C.A.). It appears that while giving appointment order dated 18.05.2021, the problem in representation dated 10.05.2021 of the applicant was not taken into consideration.

4. In view of this, Respondent No. 3 is directed to consider representation dated 10.05.2021 by applicant and considering the problem faced by applicant; suitable posting order should be issued **within four weeks.**

5. With the above directions, **C.A. along with O.A. both are disposed of with no order as to costs.**

Vice Chairman

Date:-21/06/2021.
aps.

C.P.No.01/2021 in O.A.No.879/2017 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.**

C.A.No.67/2021:-

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

2. The order was passed by this Tribunal on 11.03.2020 (Annexure-A-1, P.B., Pg. No. 10) and the relevant portion of the order is at P.B., Pg. No. 17 which is reproduced below:-

"The application is partly allowed. The respondent no. 2 is directed to arrange the DPC for consideration of the case of the applicant in view of the directions issued in the G.R. dated 15.12.2017 in para-1 (6) and 1 (9). The decision shall be taken by the respondent no. 2 within a period of three months from the date of this order. No order as to costs."

3. The order was to be complied within a period of three months means the order should have been complied by 11.06.2020. It is crystal clear that respondents have totally failed in following their own G.R. and it's provision in para nos. 1.6 and 1.9. Further as pointed out by the Id. counsel for the applicant, Respondent no. 2 has filed reply on 07.06.2021 from P.B., Pg. Nos. 58 to 70 in Contempt Petition. Admittedly in Reply on Pg. Nos. 67 & 68, para 11.2.A says as follows:-

*"it is submitted that the applicant was placed under suspension because of registration of aforementioned serious offence against him. Although the regular departmental enquiry has not been initiated against him, still it is undisputed position that the aforementioned criminal case is still subjudice and hence the **decision of keeping the case of the applicant in "sealed cover" by the D.P.Cs.** for the year 2016-17 held on 26 and 27.03.2017 and for the year 2018-2019 held on 05.03.2019."*

4. Again in para 11.3(a) following submission has been made, which is below:-

*(a) So far as para no. 1 (6) (a) of the G.R. dated 15.12.2017 issued by the Govt. In G.A.D. is concerned, it is submitted that since the applicant is facing serious sections of the I.P.C. as stated above and the case is still sub-judice before the concerned Hon'ble Tribunal, the **possibility of delay in deciding the said case is cannot be ruled out.**"*

5. In reply, para 11.2(b) following submission has been made:-

"Hence, the Review D.P.C. held in compliance with the order passed by this Hon'ble Tribunal on 18.11.2020 after taking into consideration all the information kept before it also took a "conscious" decision to keep the case of the applicant "sealed cover" and the said decision has been intimated to the applicant vide this office letter dated 03.02.2021."

6. As per G.R. dated 15.12.2017 which is on record in C.P. as Annexure-Doc-1, P.B., Pg. No. 8 reads in para no. 1.9 which is below:-

"foHkxh; inWurh l fertP; k eG cBdP; k fnukckl kl u nku o"K >KY; kurjgh elgkjc m i kchVkr fu" d"KzBoY; k vf/kckjh@depk&; k; k] f'kLrHkfo"K; d@ U; k; ky; hu dk; bkg h idj.kh vire fu.kz >kyyk ul Y; kl] v'kk idj.kh fu; D rh i kf/kckjh Lofoodkuq kj l cti/kr vf/kckjh@depk&; kyk rnfKzi nWurh nsk; kckr tk.khoi dZ fu.kz ?kby- vl k fu.kz ?kuk fu; D rh i kf/kckjh] [kyhy eq sfopk]kr ?kby-"

7. With the above discussions, it is clear that admittedly applicant's name was first kept in sealed envelope during D.P.C. dated 26 and 27.04.2017 for the year 2016-2017. Again during second D.P.C. on 05.03.2019 for the year 2018-2019 it continued. Then the third D.P.C. which was taken by Circulation on 18.11.2020 applicant case was fully covered by para 1.9 of G.R. dated 15.12.2017. Since, from the date of 26/27.04.2017 to 18.11.2020 the duration is more than three and half years. Whereas, para 1.9 of G.R. dated 15.12.2017 becomes effective only after two years of keeping the name of applicant in sealed cover during D.P.C..

8. When the order of MAT dated 11.03.2020 was crystal clear that decision was to be taken as per para nos. 1.6 and 1.9 than during the D.P.C. dated 18.11.2020 what was the hurdle to open the sealed envelope and take decision as per G.R..

9. In view of discussions in above para, Respondents are directed to open sealed envelope by arranging special D.P.C. within 15 days from the date of receipt of this order and take decision as per

provisions of G.R. dated 15.12.2017. It is further directed that respondents communicate the decision to the applicant and file on record before this Tribunal through Id. P.O..

10. **S.O. 12.07.2021.**

11. **Steno Copy is Granted.**

Vice Chairman

Date:-21/06/2021.
aps.

O.A.No.641/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

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

2. The Id. P.O. has filed reply of Respondent no.
3. It is taken on record. Copy is served to the other side.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. two weeks.**

6. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder and supply the copy of the same to the Id. P.O. before next date of hearing.*

Vice Chairman

Date:-21/06/2021.
aps.

O.A.No.412/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

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

2. The Id. P.O. desires three weeks time to file reply. As submitted by Id. counsel for the applicant, Respondents should go ahead with the process. However, selected and appointed candidate should be made clear that there selections will be subject to the final outcome of the O.A..

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

Vice Chairman

Date:-21/06/2021.
aps.

O.A.No.416/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

C.A.No.160/2021:-

Heard Shri N.R.Saboo, 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 C.A. No. 160/2021 and submits that D.P.C. for promotion of R.F.O. took place on 18.11.2020 and that time the G.R. used was 29.12.2017 (Annexure-A-3, P.B., Pg. No. 49). Further this G.R. dated 29.12.2017 was cancelled by G.R. dated 18.02.2021 (Annexure-A-5, P.B., Pg. No. 60) by para no. 4.

3. In view of this, the Id. counsel for the applicant submits that D.P.C. dated 18.11.2020 was for limited post was held. Now, in view of recent G.R.; D.P.C. should consider all the vacancies. In view of this situation, **Respondents are directed to maintain Status-Quo on D.P.C. dated 18.11.2020 and do not take further action.**

4. Notice on C.A. to Respondents be issued returnable in **four weeks**.

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. **S.O. four weeks.**

Vice Chairman

Date:-21/06/2021.

aps.

C.P.No.23/2021 in O.A.No.278/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. Counsel for the applicant has pointed out order dated 30.08.2020 (O.A. No. 278/2018) on P.B., Pg. No. 7. Department has not communicated to the applicant about their action. The Id. P.O. desires time to file instructions and file reply.

3. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

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

5. **S.O. four weeks.**

Vice Chairman

Date:-21/06/2021.

aps.

O.A.No.458/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 21/06/ 2021.

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Applicant was granted time bound promotion in the year 01.06.1996 as per P.B., Pg. No. 39 and as per impugned order dated 16.12.2020 (Anexure-A-11, P.B., Pg. No. 59); applicant was granted 2nd time bound promotion on 01.01.2011 and applicant was further received 3rd time bound promotion on 01.01.2017. Applicant is aggrieved by order dated 16.03.2021 (Annexure-A-12, P.B., Pg. No. 61) by Deputy Superintending Engineer, Nagpur regarding 3rd time bound promotion from the year 01.01.2017.

3. However, the Id. C.P.O. pointed out that 2nd time bound promotion was granted to the applicant from 01.01.2011 by dated 29.01.2013 (Annexure-A-9, P.B., Pg. No. 53). Applicant accepted that and didn't agitate before Tribunal. After getting 3rd time bound promotion; applicant is challenging 3rd time bound promotion and in the garb of 3rd time bound promotion; he is also challenging 2nd time bound promotion; which is granted on 29.01.2013. However, point of limitation is kept open till final hearing. The Id. counsel for the applicant is further directed to file C.A. for condonation of delay.

4. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. 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.
10. **S.O. six weeks.**

Vice Chairman

Date:-21/06/2021.

aps.

