

O.A. No. 894/2020 (S.B.)

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

Dated : 17/12/2020.

Heard Shri D.M. Kakani, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the State.

2. The learned counsel for the applicant has pointed out that the transfer order dated 15/12/2020 (A-1,P-17) wherein Shri N.R. Ingole (R/4) has been posted from Sub Divisional Officer, Morshi, Dist. Amravati to Resident Deputy Collector, Yavatmal. He has also pointed out that Shri N.R. Ingole (R/4) was posted from Sub Divisional Officer, Pusad to Sub Divisional Officer, Morshi, Dist. Amravati vide order dated 20/02/2019 (A-3,P-20) as well as the applicant is at Sr.No.9 where he was posted from Resident Deputy Collector, Buldhana to Resident Deputy Collector, Yavatmal. It is submitted that vide impugned order dated 15/12/2020 (A-1,P-17) Shri N.R. Ingole, Sub Divisional Officer, Morshi, Dist. Amravati (R/4) is again posted to Resident Deputy Collector, Yavatmal within less than one year, means before completion of his normal tenure at Morshi, Dist. Amravati. In the impugned order dated 15/12/2020 (A-1,P-17)

there is no mention about provisions of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005").

3. In view of this, it appears that the impugned order dated 15/12/2020 (A-1,P-17) is arbitrary and without following of procedure laid down by the Government. The learned P.O. submits that he desires to take instructions regarding relieving order. Even though relieving orders have been issued since transfer order itself is violative of law, relieving has no relevant in this regard..

4. In view thereof, the impugned order dated 15/12/2020 (A-1,P-17) is stayed with immediate effect till filing of the reply by the respondents.

5. Issue notice to the respondents, returnable on **15/1/2021**. Learned P.O. waives notice for the 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. 15/1/2021.

Steno copy be supplied...

Vice-Chairman

dnk.

Rev. A. 13/2020 in O.A. No. 698/2019 (S.B.)

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

Dated : 17/12/2020.

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

At the request of Id. CPO, **S.O. 4/1/2021** for filing reply.

Vice-Chairman

dnk.

O.A. No. 85/2018 (S.B.)

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

Dated : 17/12/2020.

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

The learned P.O. submitted that the concerned file is not traceable, therefore, further time may be granted.

At the request of Id. P.O., **S.O.**
13/1/2021.

Vice-Chairman

dnk.

O.A. No. 980/2019 (S.B.)

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

Dated : 17/12/2020.

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. No. 627/2019 (S.B.)

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

Dated : 17/12/2020.

C.A. No. 307/2020 -

Heard Shri N.R. Saboo, Id. counsel for the applicants (except applicant no.3), Shri S.N. Gaikwad, Id. counsel holding for R.V. Shiralkar, Id. counsel for applicant no.3 and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel for applicant no.3 has filed C.A.No. 307/2020 and submitted that he desires to withdraw the O.A. of applicant no.3. In view of this, the O.A. related to applicant no.3 is allowed to withdraw.

3. In view thereof, the C.A.No.307/2020 stands disposed of.

O.A. 627/2019 -

Heard Shri N.R. Saboo, Id. counsel for the applicants (except applicant no.3), Shri S.N. Gaikwad, Id. counsel holding for R.V. Shiralkar, Id. counsel for applicant no.3 and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. files separate reply of respondent nos.2&5. Same are taken on record. Copies are supplied to the other side.

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

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

S.O. after four weeks.

In the meantime, interim relief is continued, if any.

Vice-Chairman

dnk.

O.A. No. 159/2020 (S.B.)

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

Dated : 17/12/2020.

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

2. The learned P.O. seeks time to file reply. However, the learned counsel for the applicant submitted that the applicant's representation dated 14/11/2019 (A-10,P-89) needs to be decided at the earliest.

3. In view of this, three weeks time is granted to the P.O. to file reply. At the same time, the respondents are at liberty to decide the applicant's representation dated 14/11/2019 (A-10,P-89) before the next date.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. No. 269/2020 (S.B.)

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

Dated : 17/12/2020.

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

At the request of Id.,P.O., **S.O. 5/1/2021** for filing reply.

Vice-Chairman

dnk.

O.A. No. 34/2019 (S.B.)

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

Dated : 17/12/2020.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1&5. Await service of R-2 to 4.

2. At the request of Id. counsel for the applicant, issue fresh notices to the respondent nos.2&4, returnable **after four weeks.** 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. No. 948/2019 (S.B.)

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

Dated : 17/12/2020.

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

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

Vice-Chairman

dnk.

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

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

Dated : 17/12/2020.

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

2. The matter pertains to first time bound promotion w.e.f. 26/7/1996 and also second time bound promotion (ACPS) w.e.f. 26/7/2008 after completion of 12 & 24 years continuous service. The Id. P.O. seeks three weeks time to file reply.

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

Vice-Chairman

dnk.

O.A. No. 580/2020 (S.B.)

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

Dated : 17/12/2020.

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

2. The Id. P.O. pointed out that applicant desires deemed date of promotion from 2011 and the O.A. has been filed in 2020.

3. In view of this, the learned counsel for the applicant is directed to file C.A. for condonation of delay.

S.O. after two weeks.

Vice-Chairman

dnk.

O.A. No. 589/2020 (S.B.)

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

Dated : 17/12/2020.

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

At the request of Id. P.O., **S.O. 18/1/2021** for filing reply.

Vice-Chairman

dnk.

O.A. No. 661/2020 (S.B.)

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

Dated : 17/12/2020.

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

At the request of Id. P.O., **S.O. 19/1/2021** for filing reply.

Vice-Chairman

dnk.

O.A. No. 57/2017 (S.B.)

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

Dated : 17/12/2020.

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

The matter is already admitted. It be kept for hearing **on 21/1/2021** along with O.A.763/2018.

Vice-Chairman

dnk.

O.A. No. 763/2018 (S.B.)

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

Dated : 17/12/2020.

Heard Shri R.A. Haque, Id. counsel for the applicant and Shri S.A. Sainis, 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. 21/1/2021 along with O.A. 57/2017.

Vice-Chairman

dnk.

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

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

Dated : 17/12/2020.

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

At the request of Id. counsel for the applicant, **S.O. 5/1/2021.**

Vice-Chairman

dnk.

(S.B.)

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

Dated : 17/12/2020.

**O.A.Nos. 294,295,296,297,298,299,300,301,
302,303,304,311 & 315 of 2020.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for the respondents in all O.As. except in O.A.No.300 of 2020.

2. Shri S.N. Gaikwad, Id. counsel for applicant no.1, Shri Aditya Joshi, Id. counsel for applicant nos.2&3 (Intervener) and Shri M.I. Khan, Id. P.O. for the respondents in O.A. 300 of 2020.

3. The Id. P.O. has pointed that the O.A. No.16/2020 is already closed for orders and all the present O.As. are on the same issue which is involved in O.A. 16/2020.

4. Hence, all the present O.As. are closed for orders on the lines of Judgment in O.A.No. 16/2020.

Vice-Chairman

dnk.

O.A. No. 990/2017 (S.B.)

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

Dated : 17/12/2020.

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

The Id. counsel for the applicant submitted that the matter pertains to time bound promotion and therefore some documents are required to be taken on record.

At the request of Id. counsel for the applicant, **S.O. 14/1/2021.**

Vice-Chairman

dnk.

O.A. No. 631/2019 (S.B.)

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

Dated : 17/12/2020.

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

2. At the request of Id. counsel for the applicant, the matter is taken up on board today.

3. The O.A. was heard at length and order was passed on 7/12/2020 with a direction to comply the order within 60 days from the date of that order. Today, the Id. counsel and Id. P.O. submitted certain clarification. In view of this, the matter is treated as P.H. and it will be heard on 18/2/2021.

S.O. 18/2/2021.

Vice-Chairman

dnk.

***O.A. No. 541/2020 (S.B.)**

(A.G. Dunge Vs. State of Mah. & Ors.)

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

Dated : 17/12/2020.

Heard Shri A.D. Tote, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicant was placed under suspension vide order 16/3/2020 (A-3,P-17). The respondents have filed their reply on 3/11/2020 (P-20). The Hon'ble Apex Court has already laid down principles regarding continuation of suspension of any employee by following Judgments –

(i) The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which

he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 23 had observed as follows:-

24. This Court in Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.

3. In view of procedure laid down in para-24 of above Judgment of Hon'ble Apex Court, following order is passed –

ORDER

(i) The O.A. is partly allowed in terms of relief clause 10 (a),

(ii) The respondents are directed to revoke the suspension order dated 16/3/2020 (A-3, P-17) with immediate effect and post the applicant to non functional post as observations made in the Hon'ble Apex Court Judgement in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018 (para 24).**

(iii) The respondents are at liberty to continue with the disciplinary procedure as per existing rules and regulations.

(iv) No order as to costs.

Steno copy be supplied...

Vice-Chairman

dnk.

***O.A. No. 643/2020 (S.B.)**

(M. B. Koyal Vs. State of Mah. & Ors.)

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

Dated : 17/12/2020.

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

2. Today the Id. P.O. seeks time to file reply of R-3. However, the Id. Counsel for the applicant has pointed out that reply of R-3 will not be sufficient to decide the O.A.

3. The learned counsel for the applicant has pointed out that the letter dated 9/10/2017 (A-8,P-25) issued by the Under Secretary of Home Department (M.S.) to the Director General of Police, (M.S.) Mumbai (R/2). In this letter, it has been pointed out that the respondent no.2 is the Competent Authority to decide this matter and that's why the respondent no.1 has directed to the respondent no.2 to decide this issue and communicate to the respondent no.1.

4. It is surprising that the respondent no.2 has not decided the matter since 9/10/2017 till today i.e. even after more than three years and that too directions given by the respondent no.1.

5. In view of this situation, the respondent no.2 is directed to decide the issue as per the letter dated 9/10/2017 (A-8,P-25) issued by the respondent no.1 within four weeks from the date of this order and file reply as early as possible.

S.O. 13/1/2021.

Steno copy is granted.

Vice-Chairman

dnk.

***O.A. No. 416/2020 (S.B.)**

(P. G. Bokde Vs. state of Mah. & Ors.)

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

Dated : 17/12/2020.

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

2. Today, the Id. P.O. has produced letter from the Under Secretary, Revenue and Forest Department dated 14/12/2020 which is taken on record and marked Exh-X for the purposes of identification. In this letter, orders of this Tribunal dated 6/8/2020 and also dated 8/10/2020 are mentioned. At the same time, it has been clarified that the Settlement Commissioner and Director of Land Records, Pune is the Chairman of DPC, then further procedure is given about validity of caste certificate and further sanction from the GAD are mentioned. For all these process the respondents have pleaded for more time for six weeks period. It is made clear that first step is to open the envelope of DPC dated 3/9/2019 regarding the applicant to see that whether the applicant was fit or unfit in DPC dated 3/9/2019. This Tribunal does not find or understand any hurdle in opening the sealed envelope related to

the applicant kept in sealed cover in DPC dated 3/9/2019.

3. In this situation, the Settlement Commissioner and Director of Land Records, Pune is directed to comply the order dated 6/8/2020 and also dated 8/10/2020 of this Tribunal within 10 days from the date of this order. If they fail to comply the order, they are directed to be personally present before this Tribunal during next hearing to explain for not opening the envelope of DPC dated 3/9/2019.

S.O. 11/1/2021.

Steno copy be supplied...

Vice-Chairman

*dnk.

C.P.No.43/20 in O.A.No.419/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

Heard Shri S.K.Verma, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 1 to 5, 7 & 8 are await services.

2. As pointed out by the Id. counsel for the applicant C.P. No. 43/2020 in O.A. No. 419/2020, C.P. No. 44/2020 in O.A. No. 498/2020 and C.P. No. 40/2020 in O.A. No. 426/2020 are connected and these can be heard together.

3. As pointed out by Id. counsel for the applicant, when O.A. was decided; Treasury was not the party, now treasury has been made party in Contempt Petition and reply of Treasury is very important in Contempt Petition. Notice has been already issued and served to the Treasury.

4. Three weeks time is given to the Treasury as a last chance to file reply. **Till filing of the reply, Treasury should not recover the amount.**

5. *Put up this matter along with the C.P. No. 44/2020 in O.A. No. 498/2020.*

6. *S.O. three weeks.*

Vice Chairman

Date:-17/12/2020.
aps.

C.P.No.44/20 in O.A.No.498/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/ 2020.

Heard Shri S.K.Verma, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 1 to 5 & 7 are await services.

2. As pointed out by the Id. counsel for the applicant C.P. No. 43/2020 in O.A. No. 419/2020, C.P. No. 44/2020 in O.A. No. 498/2020 and C.P. No. 40/2020 in O.A. No. 426/2020 are connected and these can be heard together.

3. As pointed out by Id. counsel for the applicant, when O.A. was decided; Treasury was not the party, now treasury has been made party in Contempt Petition and reply of Treasury is very important in Contempt Petition. Notice has been already issued and served to the Treasury.

4. Three weeks time is given to the Treasury as a last chance, to file reply. **Till filing of the reply, Treasury should not recover the amount.**

5. *Put up this matter along with the C.P. No. 43/2020 in O.A. No. 419/2020.*

6. **S.O. three weeks.**

Vice Chairman

Date:-17/12/2020.
aps.

O.A.No.461/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

Heard Shri D.M.Kakani, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 & 2, Shri S.G.Jagtap, the Id. counsel for the respondent nos. 3 to 7 and Shri R.M.Vaidhya, the Id. counsel for the respondent no. 8.

2. Respondents are directed that if any promotion is made in between the concerned should be made clear that those promotion will be subject to outcome of the O.A.

3. The Id. counsel for the applicant is permitted to supply the second set of all the documents to the other side.

4. The matter will be finally heard on **05.01.2021.**

Vice Chairman

Date:-17/12/2020.

aps.

O.A.No.864/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

C.A.Nos.05&345/2019:-

Heard Shri G.G.Bade, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the State and Shri Bharat Kulkarni, the Id. counsel for the respondent no. 2.

2. **C.A. No. 345/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within two weeks. At this stage the Id. counsel for the applicant is not pressing the C.A. No. 05/2019.

3. The Id. counsel for the respondent no. 2 submitted that he desires to file written notes of arguments and he is permitted to do so.

4. **S.O. 18.01.2021.**

Vice Chairman

Date:-17/12/2020.

aps.

O.A.No.25/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

Heard Shri S.N.Gaikwad, 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 of respondent nos. 1 and 2. It is taken on record. Copy is supplied 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. 20.01.2021.**

Vice Chairman

Date:-17/12/2020.

aps.

O.A.No.114/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

C.A.Nos.50&51/2020:-

Heard Shri Ajay Tote holding for Shri P.A.Kadu, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the State, Shri Bharat Kulkarni, the Id. counsel for the respondent no. 3 and Shri J.S.Wankhede, the Id. counsel for the Intervenor.

2. **C.A. No. 50/2020 for Intervenor is allowed.**

3. The Id. Counsel for the intervenor is directed to supply the copy of his application to the other sides. He further submits that as pointed out in last para in order dated 26.11.2020, there was difference of Pg. No. 13 in both the files, he has removed the same office objection.

4. The Id. counsel for the respondent no. 3 has filed reply. It is taken on record. Copy is served to the other side.

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

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

7. **S.O. last week of January, 2021.**

Vice Chairman

Date:-17/12/2020.

aps.

O.A.No.203/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri M.I.Khan, 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 supplied 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. last week of January, 2021.**

Vice Chairman

Date:-17/12/2020.
aps.

O.A.No.885/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/ 2020.

C.A.No.345/2020:-

Heard Shri D.M.Kakani, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. P.O. for the State.

2. **C.A. No. 345/2020 for Jt. O.A. is allowed.**

O.A. No. 885/2020:-

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

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

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

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

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

obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

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

Vice Chairman

Date:-17/12/2020.

aps.

C.P.No.18/19inO.A.No.123/17 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant has pointed out order dated 30.07.2020, when C.S., Amravati was personally present and it was made clear, which is below:-

"The Civil Surgeon is directed to pay interest to the applicant within a period of four weeks from the date of this order."

3. The Id. P.O. desires to seek certain instructions, however, this Tribunal express displeasure about delay on the action of the department and if it is not complied till next date than Contempt Petition will be filed against the Respondents.

4. The Id. counsel for the applicant has also pointed out that pursis dated 03.12.2020 and along with the pursis he has filed documents on P.B., Pg. No. 79, the said letter was issued by C.S. (General Hospital), Amravati to Treasury Officer, Nagpur in the last para following directions has been given:-

; kLro vki .kkl fourth dhj MKW , p- , e-gjkGdj I otkfuorR
ftYgk 'kY; fpfdRI d] I k: vejkorh ; kuk ekgs es 2006 rs Qscokjh
2015 lk; ir njegk ns; kr vkysyh Qj d kph j Dde o ekgs ekp 2015 rs
vkkLV 2019 lk; ir R; k dkyko/khr njegk vkysyfuorRhoru foj .ki =

foulfoyc ; k dk; ky; kl i kBo.; kr ; kos tsksd: u 0; kt kph i fjx.kuk
d: u i Lrko 'kkl ukl l knj dj .ksl kbpsgkby-

5. It is directed that if within two weeks interest is not paid than same officer i.e. C.S., Amravati who was present on 30.07.2020, should be present at next hearing and will explain what is the reason for not complying the order.

6. S.O. 07.01.2021.

7. Steno copy is granted.

Vice Chairman

Date:-17/12/2020.

aps.

C.P.No.40/19inO.A.No.590/17 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

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

2. In view of the pursis filed by the Respondents, the Id. counsel for the applicant desires to file Rejoinder. It is taken on record. Copy is served to the other side.

3. **S.O. two weeks.**

Vice Chairman

Date:-17/12/2020.
aps.

C.P.No.22/20inO.A.No.541/16 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

Heard Shri S.P.Palshikar, 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 letter from Under Secretary, Public Health Department dated 16.12.2020. The Id. counsel for the applicant has pointed out para no. 4 of the said letter; where it appears that respondents are explaining about larger procedure for which they are requiring some more time.

3. However, it is made clear that respondents must decide about the applicant within four weeks, they may take policy decision regarding whole of the state separately. In the garb of the further policy decision, payment of applicant should not be withheld.

4. As submitted by Id. P.O., four weeks time is granted to comply the order. **S.O. 14.01.2021.**

5. **Steno copy is granted.**

Vice Chairman

Date:-17/12/2020.
aps.

O.A.No.528/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/2020.

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

2. Since regular D.B. is not available, **S.O. 11.01.2021.**

Vice Chairman

Date:-17/12/2020.
aps.

O.A.No.697/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondent nos. 1 to 3, Shri S.G.Jagtap, the Id. counsel for the respondent no. 4 and Shri N.R.Saboo, the Id. counsel for the respondent no. 5.

2. Since regular D.B. is not available, **S.O. 11.01.2021.**

3. *Put up this matter along with the O.A. No. 407/2018.*

Vice Chairman

Date:-17/12/2020.

aps.

O.A.No.407/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/ 2020.

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

2. Since regular D.B. is not available, **S.O. 11.01.2021.**

3. *Put up this matter along with the O.A. No. 697/2019.*

Vice Chairman

Date:-17/12/2020.
aps.

O.A.No.792/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/ 2020.

C.A.No.346/2020:-

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

2. The Id. P.O. is yet to examine the issue. However, as submitted by Id. counsel for the applicant and prayed in C.A. No. 346/2020, respondents are directed not to fill the post of Joint Commissioner, Scheduled Caste Scrutiny Committee, Nagpur till the outcome of the original application. Hence, **C.A. No. 346/2020 for direction is allowed.**

3. **S.O. 07.01.2021.**

Vice Chairman

Date:-17/12/2020.
aps.

O.A.No.893/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/12/ 2020.

Heard Shri Sandeep Marathe, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out letter dated 01.09.2020 at P.B., Pg. No. 39, where applicant was appointed for the period of 01.09.2020 to 29.12.2020 (120 days) as a Dental Surgeon at the pay scale of Rs.15,600-39100/- with grade of pay Rs.5400/-. The Id. counsel for the applicant has also pointed out letter dated 26.11.2020 (Annexure-A-5, P.B., Pg. No. 47) where Dean, Vasantnao Naik, Government Medical College and Hospital, Yavatmal has written a letter to Director, Medical Education and Research, Mumbai to regularise such candidates who have worked for at least two years. Applicant name is included on P.B., Pg. No. 48.

3. In view of this, following order:-

ORDER

A. Respondents are directed to decide the letter dated 26.11.2020 (Annexure-A-5, P.B. Pg. No. 47) written by Dean, Vasantnao Naik, Government Medical College and Hospital, Yavatmal **within three weeks** from the date of this order.

B. Till filing of the reply, status-quo be maintained.

4. Issue notice to Respondents, returnable on 20.01.2021. Learned 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. 20.01.2021**.

11. **Steno copy is granted.**

Date:-17/12/2020.
aps.

Vice Chairman

**