

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

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

Dated : 14/06/2021.

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

2. The learned P.O. submits that the reply of respondent no.2 is filed which is sufficient to decide the O.A. It is taken on record and copy is given to the learned counsel for the applicant.

3. The learned counsel has filed rejoinder on behalf of the applicant. It is taken on record. Copy is given to the learned P.O.

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

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

S.O. 21/06/2021.

Vice-Chairman

dnk.

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

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

Dated : 14/06/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for respondent nos. 1 to 3 and none for R-4.

With the consent of learned counsel for both the parties, the matter be kept **on** **21/06/2021** for final hearing.

Vice-Chairman

dnk.

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

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

Dated : 14/06/2021.

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

At the request of learned counsel for the applicant, **S.O. 21/06/2021.**

Vice-Chairman

dnk.

O.A. 441/2021 (S.B.)

(Naresh G. Burde Vs. State of Mah. & Ors.)

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

Dated : 14/06/2021.

Heard Shri M.R. Khan, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the State.

2. The applicant retired on 28/02/2021 and subsequently the respondent no.2 has issued letter dated 04/06/2021 (A-1,P-15) regarding recovery from the pension of the applicant.

3. Since the applicant is retired person, in the interest of justice the **impugned order dated 04/06/2021 (A-1,P-15) is stayed** till filing of reply by the respondents.

4. Issue notice to the respondents returnable **in six 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. six weeks.

Vice-Chairman

dnk.

Rev. A. 05/2021 in O.A. 532/2020 (S.B.)

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

Dated : 14/06/2021.

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

2. In order dated 22/03/2021 all the details have been mentioned and it has been further pointed out that order dated 8/9/2020 (A-1,P-7) is just to circumvent the Transfers Act,2005 which has been passed by the Government of Maharashtra. Today, the learned counsel for the applicant submits that still the applicant is working as Talathi , Saza No.14, Kodsepalli, Tq. Aheri since 9/9/2020. Now almost 9 months have been lapsed and the respondents are continuing with the same position. The learned P.O. submits that he will take instructions in this regard and for that purpose he seeks one week time.

3. In view of above, at the request of learned P.O., **S.O. 21/06/2021.**

Vice-Chairman

*dnk.

O.A. 589/2020 (S.B.)

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

Dated : 14/06/2021.

Heard the applicant in person and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The learned P.O. has filed letter dated 5/5/2021 (P-40) issued by the Under Secretary, Public Health Department, Govt. of Maharashtra, Mumbai. Vide this letter, the Government has sanctioned the amount of Rs.10,11,468/-. However, the applicant submits that she is contesting for Rs.14,40,539/- and for that she has asked for calculation sheet from the A.G. under the RTI and for that she desires further one week time.

3. If the applicant is ready to take amount of Rs.10,11,468/- as sanctioned by the Government of Maharashtra vide letter dated 5/5/2021 she should co-operate to the office of Civil Surgeon, Bhandara and fill necessary forms for bills to be sent to the Treasury. If she does not co-operate in this regard, she will be at fault for not receiving this amount.

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

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

S.O. 23/07/2021.

Vice-Chairman

dnk.

O.A. 304/2021 (S.B.)

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

Dated : 14/06/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1, Shri D.M. Kale, Id. counsel for R-2 and Shri S.M. Bhagde, Id. counsel for R-3.

2. The learned counsel for R-3 submits that the reply is ready and he will file the same within one week. The learned counsel for R-2 submits that his client is suffering from Covid,19 and he desires more time to file reply, but learned counsel for applicant is contesting this point and opposing to grant more time. Even for sake of argument it is presumed that respondent no.2 is suffering from Covid,19 his incharge person in the office should file reply.

3. In this situation, only one week time is granted for filing reply of R-2. It is made clear that if the reply is not filed till the next date, the matter will be heard on merits.

S.O. 23/06/2021.

Vice-Chairman

dnk.

O.A. 442/2021 (S.B.)

(Siddheshwar G. Parihar Vs. State of Mah.)

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

Dated : 14/06/2021.

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant was transferred vide order dated 10/08/2020 (A-1,.P-9) and his name appears at Sr.No.40, vide this order he has been transferred from Deolapar to Nagpur. Since nobody was posted there, the applicant continued there. Subsequently, he has submitted representation dated 13/1/2021(A-3, P-28) and along with that the applicant has also attached death certificate of his wife which shows that she expired on 9/9/2020. The applicant has also submitted document dated 17/02/2014 (A-2,P-17) issued by the Chief Judicial Magistrate, Nagpur by which it appears that his daughter is admitted at Regional Mental Hospital, Nagpur. The applicant has pointed out these facts vide his representation dated 13/1/2021 (A-3,P-28) and 10/05/2021 (A-4,P-31) to the respondents. Apart from this personal problems, the applicant is to retire on 31/3/2022 as submitted by the learned counsel for the applicant. Meanwhile, the respondents issued

order dated 8/6/2021 (A-5,P-33) posting somebody from Kolhapur to Deolapar (as order dated 8/6/2021 (A-5,P-33) is marked on page no.35 to CCF, Kolhapur and CCF, Nagpur both. If the applicant is disturbed from Deolapar at this stage while he is already suffering from personal problems, his further period of retirement of about 9 months will be very much disturbing. The learned counsel for the applicant also submits that the applicant is yet not relieved from Deolapar.

3. In view of this, the respondents are directed not to relieve the applicant from Deolapar as per order dated 8/6/2021 (A-5,P-33) till decision of the O.A.

4. Issue notice to the respondents returnable **in six 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. six weeks.

Vice-Chairman

dnk....

O.A.No.436/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/06/ 2021.

Heard Shri N.P.Lambat, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant pointed out order dated 20.04.2021 (Annexure-A-12, P.B., Pg. No. 74); where applicant's promotion has been cancelled. Aggrieved with this order, applicant had approached to this Tribunal.

3. **Respondents are directed to maintain Status-quo till filing of the reply.**

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

Vice Chairman

Date:-14/06/2021.

aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/06/ 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 Id. P.O. is directed to make aware Id. P.O., Shri Kulkarni/ Id. C.P.O., Shri Dev that any one of them should appear on next date.

3. **S.O. 21.06.2021.**

Vice Chairman

Date:-14/06/2021.

aps.

O.A.No.879/2017(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/06/ 2021.

M.C.A.No.32/2020:-

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 Id. counsel for the applicant pointed out that the original date of Judgment was 11.03.2020. As per Judgment; three months time was granted and which was already completed on 11.06.2020. Afterwards, on 10.08.2020; M.C.A. was filed by Id. P.O. and demanded 'extension for six more months'. Since, M.C.A. was filed on 10.08.2020 for extension of six months time and as on today; ten months time is over. Hence, **M.C.A. now becomes infructuous.**

Vice Chairman

Date:-14/06/2021.
aps.

O.A.No.310/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/06/ 2021.

Heard Shri N.R.Saboo, 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 Judgment of Hon'ble High Court Bombay, Bench at Aurangabad in W.P. No. 2026 of 2019. He has also filed letter from Deputy Secretary, Revenue and Forest Department dated 11.06.2021. As per this letter; Government has requested for 15 days more time to file reply. In view of this letter, 15 days time is granted to file reply.

3. **S.O. 30.06.2021.**

4. *Both the counsels are requested to go through the Judgment of Hon'ble High Court.*

Vice Chairman

Date:-14/06/2021.

aps.

O.A.No.122/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/06/ 2021.

M.C.A.No.09/2021:-

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., Shri M.I.Khan was present on earlier date i.e. 20.05.2021. The Id. Counsel for the applicant informs the Bench that he was not informed him about circulation.

3. **S.O. 16.06.2021.**

4. *At the next hearing if Id. P.O., Shri M.I.Khan will not be present than matter be heard on merit.*

Vice Chairman

Date:-14/06/2021.

aps.

O.A.No.743/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/06/ 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. As submitted by Id. counsel for the applicant, applicant grievances have been redressed. In view of this, Id. counsel for the applicant wanted to withdraw the O.A. as per instructions received by applicant.

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

4. **Steno copy is granted.**

Vice Chairman

Date:-14/06/2021.

aps.

O.A.No.434/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 14/06/ 2021.

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

2. As prayed by Id. counsel for the applicant in clause no. 9 of Interim relief; Respondents are directed not to destroy question paper along with answer sheet and other related documents by applicant and any other candidates who are involved in the examination held in March 2020 for Assistant Engineer, Grade-I by Maharashtra Engineering Training Academy till decision of the Original Application.

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. **Steno copy is granted.**

Vice Chairman

Date:-14/06/2021.

aps.