

O.A. 890/2019 (S.B.)

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

Dated : 15/09/2021.

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. files reply of R-1 to 3 along with other documents. Same are taken on record and copies are supplied to the other side.

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

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

S.O. 13/9/2021.

Vice-Chairman

dnk.

O.A. 254/2020 (S.B.)

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

Dated : 15/09/2021.

Shri V.A. Kothale, Id. counsel for the applicants, Shri M.I. Khan, Id. P.O. for respondent nos.1 to 3 and Shri T.M. Zaheer, Id. counsel for R-4.

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

Vice-Chairman

dnk.

O.A. 343/2020 (S.B.)

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

Dated : 15/09/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 489/2020 (S.B.)

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

Dated : 15/09/2021.

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

At the request of Id. P.O., **S.O. 1/10/2021** for filing reply as a last chance.

Vice-Chairman

dnk.

O.A. 708/2020 (S.B.)

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

Dated : 15/09/2021.

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

2. The Id. P.O. has filed letter dated 30/7/2021 issued by the respondent no.2. It is taken on record and marked Exh-X for identification. Copy is supplied to the learned counsel for the applicant. The learned counsel has agreed that in view of this order, the grievance of the applicant has been solved.

3. In view thereof, the O.A. stands disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 380/2021 (S.B.)

(B. H. Dudhal Vs. State of Mah. & Ors.)

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

Dated : 15/09/2021.

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

2. As submitted by the learned counsel, during pendency of the O.A. the applicant has been posted at Gadchiroli and the applicant has no grievance to join at Gadchiroli. The only prayer remains of the applicant as per prayer clause (ii) (a) on page no.15 of the O.A. As per this prayer, the applicant requested that the respondent no.3 be directed to relieve him to join his new place of posting.

3. The relief clause (ii) (a) is allowed. The respondent no.3, i.e. the Commissioner of Police, Nagpur is directed to relieve the applicant with immediate effect to join his new place of posting as per order dated 14/8/2021 (A-10,P-54). The applicant is at Sr.No.40.

4. With this direction, the O.A. stands disposed off. No order as to costs.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 390/2021 (S.B.)

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

Dated : 15/09/2021.

C.A.No. 227/2021 -

Heard Shri M.R. Pillai, Id. counsel along with Shri S.U. Ambagade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned counsel has filed C.A. No.227/2021 and submits that the order of respondent nos.1&3 was not in existence and therefore he desires to amend the O.A.

3. For the reasons stated in the application, the C.A. for amendment is allowed and disposed off. The Id. counsel is directed to make necessary amendment within two weeks and supply amended copy to the other side.

O.A. 390/2021 –

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 405/2021 (S.B.)

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

Dated : 15/09/2021.

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

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

Vice-Chairman

dnk.

O.A. 463/2021 (S.B.)

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

Dated : 15/09/2021.

Shri A.P. Chaware, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri M.R. Patil, Id. counsel for R-4.

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

Vice-Chairman

dnk.

O.A. 599/2021 (S.B.)

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

Dated : 15/09/2021.

Shri S.K. Wankhede, Id. counsel for the applicants 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. 618/2021 (S.B.)

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

Dated : 15/09/2021.

Shri R.V. Shiralkar, 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. 22/9/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 647/2021 (S.B.)

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

Dated : 15/09/2021.

Shri A.C. Dharmadhikari, 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. four weeks** for filing reply.

Vice-Chairman

dnk.

Rev. A. 15/21 in O.A. 818/2017 (S.B.)

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

Dated : 15/09/2021.

Smt. M. Iyer, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O.,
S.O. 06/10/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 281/2021 (S.B.)

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

Dated : 15/09/2021.

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

2. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for the 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. 426/2021 (S.B.)

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

Dated : 15/09/2021.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Smt. S.P. Giratkar, Id. counsel for R-4.

2. As per record, the matter was heard on 6/9/2021 and it appears that the applicant was suspended vide order dated 10/2/2021 (A-2,P-14&15) by CEO, Z.P., Gadchiroli who is respondent no.4. Today, Smt. S.P. Giratkar, learned counsel has filed reply on behalf of R-4. It is taken on record. Copies are supplied to the other sides.

3. The learned P.O. desires to take instructions whether the charge sheet has been served or not. At his request, **S.O. 29/9/2021.**

Vice-Chairman

dnk.

O.A. 671/2021 (S.B.)

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

Dated : 15/09/2021.

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

2. On the earlier occasion i.e. on 1/9/2021 the Id. P.O. sought time to take necessary instructions. Today also Id. P.O. desires two weeks time to take necessary instructions. At the request of Id. P.O., **S.O. two weeks.**

Vice-Chairman

dnk.

O.A. 808/2021 (S.B.)

(Vinod G. Donadkar Vs. State of Mah.)

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

Dated : 15/09/2021.

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

2. The recovery order dated 2/9/2021 (A-1,P-13) is passed by the Additional Treasury Officer, Nagpur (R/4) wherein it is mentioned that total Rs.79,913/- excess amount has been paid to the applicant which is recoverable. It is also mentioned that the recovery will be from the pension of the applicant @Rs. 3,000/- from August,2021 to October,2021 and Rs. 2,897/- from November,2021. However, it appears that the recovery order has been issued without giving any opportunity of hearing to the applicant. In similar matters, the stay has been granted till filing of reply. On the parity of justice, **the impugned order dated 2/9/2021 (A-1,P-13) is stayed. Further recovery is stayed till filing of reply.**

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

Vice-Chairman

dnk

O.A. 892/2019 (S.B.)

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

Dated : 15/09/2021.

Heard Shri A.T. Purohit, 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. 6/10/2021.**

Vice-Chairman

dnk.

O.A. 85/2018 (S.B.)

(Sampat L. Sambare Vs. State of Mah.)

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

Dated : 15/09/2021.

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

2. Earlier the applicant had approached to this Tribunal vide O.A.No. 270/2016 for second time bound promotional pay scale and order was delivered on 23/6/2017. The operative part is reproduced below –

“(1) The O.A. is allowed.

(2) The impugned order dated 30/01/2016 arising out of order dated 03/11/2015 issued by respondent no.2 in appeal arising out of order dated 20/04/2015 passed by respondent no.3 is quashed and set aside.

(3) The Respondent no.3 is directed to grant benefit of second time bound promotional pay scale to the applicant w.e.f. 26/10/2011 instead of 01/10/2014.

*(4) The arrears to which the applicant is entitled be paid to him within **three months** from the date of this order.*

(5) No order as to costs”.

3. The order was complied and applicant was paid second time bound promotion as per the Tribunal's order from 26/10/2011. The applicant stood retired on 31/08/2016 (A-7,P-39). The respondents have filed reply on 12/11/2018 (P-40 to 44). The applicant was appointed in service on 6/2/1985 and he completed 12 years of service on 6/2/1997. However, till that time he had not passed Revenue Qualifying Examination. In reply para-1 respondents have mentioned that the applicant was not fulfilling the criteria as per G.R. dated 8/6/1995. The respondents have also mentioned in para-3 of the reply that meeting under the Chairmanship of Collector, Nagpur took place on 25/5/1999 during which the said Committee observed that since the applicant had not passed the Revenue Qualifying Examination nor availed the exemption and therefore he was not

granted first time bound promotion and it was communicated to the applicant vide letter dated 30/10/1999. In correspondence dated 6th May,2017 (A-6,P-37) the respondents have mentioned in para-3 that applicant passed the Revenue Qualifying Examination on 26/10/1999. The applicant has filed O.A.No.85/2018 on 24/1/2018 and as per relief clause no.8 (I) on page no.11 of the O.A., he claims first time bound promotion w.e.f. 6/2/1997 which was granted to him by the respondents from 26/10/1999 as per letter dated 6th May,2017 (A-6,P-37&38). The O.A. was heard and vide order dated 6/11/2019, the O.A. was dismissed. The applicant preferred Writ Petition No.406/2020 in the Hon'ble High Court, Bench at Nagpur and as per para-5 of the order, *the Hon'ble High Court has quashed and set aside the MAT order dated 6/11/2019 and matter is remitted back to the Tribunal to consider the controversy involved on its own merits as per para-5 of the Judgment.*

4. The matter pertains to the Division Bench, therefore, it will be appropriate to be placed before the regular Division Bench as suggested by the Id. CPO.

5. In view of this situation, the matter be placed before the regular Division Bench as and when available at the earliest.

Vice-Chairman

dnk.

O.A. 253/2018 (S.B.)

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

Dated : 15/09/2021.

Heard Shri S.P. Palshikar, 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. 22/09/2021.**

Vice-Chairman

dnk.

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

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

Dated : 15/09/2021.

Heard 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.**
13/10/2021.

Vice-Chairman

dnk.

O.A. 34/2021 (S.B.)

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

Dated : 15/09/2021.

Heard Shri M.R. Rajgure, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2 to 4.

With the consent of Id .counsel for both the parties, **S.O. four weeks.**

Vice-Chairman

dnk.

O.A. 800/2021 (S.B.)

(Ku. Rani G. Garud Vs. State of Mah.)

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

Dated : 15/09/2021.

C.A. No.279/2021 -

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

2. The learned Counsel has filed C.A.No. 279/2021. The applicant was transferred vide order dated 30/08/2021 (A-1,P-14 to 16) wherein the applicant's name appears at Sr.No.6 and she has been transferred from Palidum Beat, Bairagud Circle, Dharni Range to Narnala Wild Life Division, Akot. However, in order dated 8/9/2021 in para-2 it is mentioned "wild life wing and tribal area". The learned counsel pointed out that "wild life" should be corrected as "Territorial". Simultaneously, in last but one line also instead of "wild life area", there should be "Territorial area".

3. In view of above, the C.A. No.279/2021 is allowed and disposed off with above corrections in the order dated 8/9/2021. No order as to costs.

Steno copy is granted...

Vice-Chairman

dnk.* *

O.A.No.194/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

C.A.No.437/2017:-

Heard Shri V.S.Raut, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents. None for the respondent no. 3.

2. At the request of Id. counsel for the applicant, **S.O. 29.09.2021.**

Vice Chairman

Date:-15/09/2021.
aps.

O.A.No.396/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/2021.

C.A.No.514/2019:-

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

2. As submission made by Id. counsel, Respondent nos. 3 & 4 have submitted service book. However, applicant has taken objection that he has not been paid salary and D.A. as per 7th Pay Commission. However, while submitting service book to present office, Respondent nos. 3 & 4 have shown that this amount have been paid. He has submitted representation on dated 08.09.2021. It is taken on record. Copy is served to the other side.

3. The Id. P.O. desires three weeks time to take instructions on this representation and file it on record. He is directed to supply the copy to the Id. counsel for the applicant in advance. **S.O. three weeks.**

Vice Chairman

Date:-15/09/2021.

aps.

O.A.No.949/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

Heard Shri P.P.Khaparde, 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. four weeks to file reply.**

Vice Chairman

Date:-15/09/2021.
aps.

O.A.Nos.326&327/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/2021.

C.A.Nos.162&163/2021:-

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 to 4 in C.A..

2. The Id. counsel for the applicant has filed C.A. Nos. 162&163/2021 for I.R.. However, prayer of C.A. will be decided along with O.A. only. The matter pertains to advertisement by M.P.S.C. on 16.02.2018. The O.A. was filed on 29.04.2021 which is also after lapse of 10 years.

3. However, in the interest of justice, O.A. was heard but condonation of delay C.A. was not filed. The Id. P.O. is directed to file reply within three weeks.

4. **S.O. 06.10.2021.**

5. *The Id. counsel for the applicant will file service affidavit of C.A. within one week.*

Vice Chairman

Date:-15/09/2021.
aps.

O.A.No.477/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

None for the applicant. Shri A.P.Potnis, 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:-15/09/2021.
aps.

O.A.No.584/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

Heard Dr.A.Y.Humne, the applicant in person. Shri S.A.Sainis, the Id. P.O. for the State.

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

Vice Chairman

Date:-15/09/2021.

aps.

O.A.Nos.609,613&614/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

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

2. As per Tribunal's order; applicants have been invited and there results have been kept in sealed envelope. In the Interest of other candidates, it is better that M.P.S.C. shall be permitted to declare the results along with the applicant and if applicant succeed then there eligibility will be decided as per decision in O.A..

3. S.O. two weeks.

4. Steno copy is granted.

Vice Chairman

Date:-15/09/2021.

aps.

O.A.No.624/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri A.P.Potnis, 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:-15/09/2021.

aps.

O.A.No.632/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 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. As per record matter was heard on 13.08.2021 and in para no. 2; it was mentioned that applicant has submitted final statement on 20.08.2020 (A-7, Pg. Nos. 39 to 64). The enquiry was started on 08.10.2018 (A-2, Pg. No. 24). Now, almost three years has lapsed and as per guideline of **Hon'ble Apex Court in case of Prem Nath Bali Vs. Reg., High Court of Delhi & Anr. decided on 16 December, 2015 in Civil Appeal No. 958 of 2010.** As per the above Judgment, outer limit of D.E. was only for 1 year. In this case even after submission of final statement on 20.08.2020; more than 1 year has passed but no decision has been taken.

3. In view of this, it appears that respondents have committed two mistakes:- (i) They started D.E. on 08.10.2018 but didn't follow the guideline given by Hon'ble Apex Court and D.E. remains incomplete. (ii) Though applicant submitted final defense statement on 20.08.2020 even though respondents have again delayed in decision till today.

4. As submitted by Id. counsel for the applicant due to delayed and latches in enquiry to meet the ends of disputes to both the parties. It is better that

respondents should be directed to **maintain status-quo as on today till filing of the reply**. If they have taken any decision before today that should be communicated and if not taken any decision then they are not allowed to take decision. They forfeit the right to take any decision against the applicant before that they should file the reply.

5. **S.O. 29.09.2021.**

6. **Steno copy is granted.**

Vice Chairman

Date:-15/09/2021.

aps.

O.A.No.730/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

C.A.No.278/2021:-

Heard Smt. S.V.Kolhe, 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. for condonation of delay. As pointed out by Id. P.O., delay is more than six years and 25 days.

3. Notice on C.A. to Respondents be issued returnable **after four weeks**.

4. Shri A.M.Ghogre, 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. after four weeks.**

Vice Chairman

Date:-15/09/2021.

aps.

C.P.No.32/2021inO.A.No.614/2014 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.**

None for the applicant. Shri P.N.Warjekar,
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:-15/09/2021.
aps.

M.C.A.No.19/2021inO.A.No.122/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 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 has moved C.P. No. 40/2021. However, Id. P.O. has also moved M.C.A. No. 19/2021. The Id. P.O. has produced notesheet of State of Maharashtra and in para no. 6 of office noting of Mantralaya on Pg. No.9; it is mentioned that as per G.A.D. manual they have finalized the D.E. by the competent authority but approval from M.P.S.C. is required and for that they have move the proposal to M.P.S.C..

3. By M.C.A. No. 19/2021; the Id. P.O. desires further extension of 30 days for complying the order dated 16.06.2021. In the interest of justice to both the parties this request cannot be granted.

4. Time is granted to the Id. P.O. till 30.09.2021. Respondents should formalize the procedure; if they do not formalize as per order dated 16.06.2021; para no. 4 were applicant has been exonerated from all the charges and he will be entitled for all the benefits because of this inordinate delay by the respondents in formalizing the D.E. which was started in 2017.

5. However, the Id. counsel for the applicant is against the extension of this period because already

much delay has been caused in the background of direction given by Hon'ble Apex Court.

6. **Hence, M.C.A. No. 19/2021 stands disposed of.** If respondents is not filed final order till 01.10.2021; the Contempt Petition of the applicant will come into force.

7. **S.O. 01.10.2021.**

Vice Chairman

Date:-15/09/2021.
aps.

C.P.No.40/2021inO.A.No.122/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 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. **S.O. 01.10.2021.**

Date:-15/09/2021.
aps.

Vice Chairman

O.A.No.335/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

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

2. Reply have been filed by respondent nos. 1 & 3 on 30.08.2021. In the order dated 14.07.2021; the impugned order was stayed till filing of the reply. Today, the Id. counsel for the applicant submits that applicant is going to retire in the end of this month only and due to non-availability of D.B. matter cannot be put for regular hearing in D.B.

3. Since the applicant gets retired in the end of the month, interim relief granted on 14.07.2021 will remain in-force in the favour of applicant.

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

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

6. **S.O. in due course.**

Vice Chairman

Date:-15/09/2021.
aps.

Rev.No.02/2021inO.A.No.384/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

Heard Shri P.M.Tembhurnikar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondents and Ms. M.Patil, the Id. counsel for the respondent no. 4.

2. The matter was heard on 11.01.2021 and in para no. 2 following observations were made:-

"2. As pointed out by Id. P.O. relief clause 9 (A) at P.B., Pg. No. 21 has been already solved for the applicant. Both the counsels agreed for the same. As relief sought in O.A. in para no. 9 (A) related has been solved; the O.A. becomes infructuous. Hence, O.A. is disposed of with no order as to costs."

3. Today, the Id. counsel for the applicant canvassing the relief clause 9(B), 9(D), 9(E), 9(F) & 9 (G). Further Id. counsel for the respondent no. 4 and Id. P.O. submits that the main grievance of the applicant has been already solved, now he make representation to the respondents and if aggrieved with the decision he can file separate O.A..

4. Hence, **Review Application stands disposed of with no order as to costs.**

Vice Chairman

Date:-15/09/2021.

aps.

C.P.No.18/2019inO.A.No.123/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 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. As pointed out by Id. counsel for the applicant as well as Id. P.O., there are two orders by this Tribunal; one is dated 10.06.2021 and other is dated 30.07.2021. In order dated 10.06.2021; it has been clarified that interest part will be decided as per M.C.S. (Pension), Rule 1982, Section 129-B which is very much clear about payment of interest on delayed payment of pension and further dues. In order dated 30.07.2021 it has been pointed out that in O.A. No. 123/2017 decided on 17.11.2017 which is at Pg. Nos. 11 to 23 in the Contempt Petition No. 18/2019. The operative part of order at Pg. No. 23 which is reproduced below:-

"(i) The application is allowed in terms of prayer clause 8 (i) and 8 (ii) and amended prayer clause no. 8 (i) (a).

(ii) The respondents are directed to refund the amount of gratuity to the applicant within three months from the date of this order, failing which the applicant will be entitled to claim interest as per Maharashtra Civil Services (Pension) Rules, 1982 by filing representation to that effect. No order as to costs."

3. As per both the orders i.e. order dated 17.11.2017 and 10.06.2021; it is clear that interest part of the applicant will be as per M.C.S. (Pension), Rule 1982, Section 129-B.

4. The Id. counsel for the applicant is concerned about his relief clause 8 (ii) in which he has claimed pension from April, 2006 till date. As submitted by both the counsels, it is also clear that applicant is already paid provisional pension from April, 2006. Now, decision about regular pension is also to be issued for the applicant. The Id. P.O. is directed to take instructions regarding relief clause 8 (ii) also with regular pension of applicant to be paid from April, 2006 till the date only.

5. **S.O. 29.09.2021.**

Vice Chairman

Date:-15/09/2021.
aps.

C.P.No.46/2020inO.A.No.815/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/09/ 2021.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed G.R., dated 25.08.2021 which is marked Exh. X for the purpose of identification. The G.R. is about the suspension period of the applicant, the operative part of the decision of the Government is in the para no. 7 and which is reproduced below:-

"7. ek- U; k; kf/kdj.kkuseG vtZdelad 815@2019 e/; svoeku ; kfpdk delad 46@2020 e/; sfnuad 09-08-2021 jksth fnyyh vire I akh o R; k vuqlakus I knjdrkZ vf/kdkjh ; kauh fnuad 23-08-2021 jksthp; k i =klo; sfnyys vfHki k; fopkjr ?krk] MNWvfuy ch >kejdj] rRdkyhu oSkdh; vf/kdkjh] xteh.k : X.kky;] plmjcktkj] ft vejkorh ; kpk fnuad 19-09-2016 rsfnuad 14-09-2018 gk fuyæu dkyko/kh I oiz kst ukFkZ drD; dkyko/kh Eg.kuu fu; fer dj.; ; kpk 'kkI ukusi qhyi ek.ksfu.kZ ?kr-yk vkgs

fu.kZ %&

MNWvfuy ch >kejdj] rRdkyhu oSkdh; vf/kdkjh] xteh.k : X.kky;] plmjcktkj] ft- vejkorh ; kpk fnuad 19-09-2016 rs fnuad 14-09-2018 gk fuyæu dkyko/kh] I oiz kst ukFkZ drD; dkyko/kh Eg.kuu xtg /kj.; kl o ; k dkyko/khr R; kawk ns; kr vkys; k fuokg HRR; kph jDde I ek; kstr d: u] moZjr oru o HRRsvnk dj.; ; kl ekU; rk ns; kr ; s vkgs"

3. As per the above decision, Government has treated suspension period of applicant Shri Anil B. Zamarkar, Medical Officer, Rural Hospital, Chandurbazar, Dist. Amravati from 19.09.2016 to 14.09.2018 as duty period for all the purpose of his services and it has also been mentioned that all the payments should be done after adjusting subsistence allowance paid to him during suspension period.

4. With the above decision, grievance of the applicant has been solved. Hence, **C.P. stands disposed of with no order as to costs.**

Vice Chairman

Date:-15/09/2021.
aps.