

O.A. 336/2019 (S.B.)

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

Dated : 06/08/2021.

Heard Shri D.S. Sawarkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Shri R. Tajne, Id. counsel for R-2&3.

2. The Id. counsel has filed Pursis dated 4/8/2021 mentioning that the applicant wants to withdraw the O.A.

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 In view of Pursis, the O.A. stands disposed of as withdrawn.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

Vice-Chairman

dnk.

O.A. 948/2019 (S.B.)

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

Dated : 06/08/2021.

Heard Shri G.K. Bhusari, Id. counsel
for the applicant and Shri V.A. Kulkarni, Id. P.O.
for the respondents.

Put up before D.B.

Vice-Chairman

dnk.

O.A. 27/2020 (S.B.)

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

Dated : 06/08/2021.

Heard Shri B. Kulkarni, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id. P.O.
for the respondents.

Put up before D.B.

Vice-Chairman

dnk.

O.A. 50/2020 (S.B.)

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

Dated : 06/08/2021.

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

2. The Id. P.O. files reply of R-2. It is taken on record. Copy is served on the applicant. The relevant para-5 of the reply which is reproduced as below –

“(5) In view of the aforesaid facts, the applicant becomes entitle for deemed date of promotion. However, as per the second paragraph of the G.R. dated 6/6/2002 if the deemed date is to be granted then it is necessary to give the actual promotion, it is necessary to give the actual promotion which is not possible as the applicant has already been superannuated on 30/6/2006. The said condition can be relaxed as per the provisions of Rule 32 of the General Conditions Rules, 1981 by the State Govt. only as such powers are conferred upon the State Government only as per Rule 4 of the said Rules. As such the present answering respondent has submitted a proposal to the State Government on 14/9/2019 for grant of deemed date of promotion under the aforesaid

provisions. The orders from the Govt. are still awaited and the applicant is very much aware about the said facts. A copy of proposal dated 14/9/2019 and reminder dated 3/3/2020 are collectively annexed herewith as A-R-1.”

3. It is cleared that the respondent no.2 has submitted the proposal to the Government on 14/9/2019. However as per Annex-9 it appears that the respondent no.2 has submitted the proposal to the respondent no.1 on 14/5/2019 (A-9,P-37). Now two years period has lapsed and the decision is yet awaited.

4. In view of this, the respondent no.1 is directed to decide the proposal of respondent no.2 dated 14/5/2019 (A-9,P-37) within 60 days from the date of receipt of this order.

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

S.O. after two months.

Vice-Chairman

dnk.

O.A. 437/2020 (S.B.)

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

Dated : 06/08/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 212/2021 (S.B.)

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

Dated : 06/08/2021.

Shri B. Kulkarni, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri Mrs. U.A. Patil, Id. counsel for R-3.

At the request of Id. P.O., **S.O. 25/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 288/2021 (S.B.)

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

Dated : 06/08/2021.

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

2. The Id. counsel has filed Pursis dated 4/8/2021 mentioning that the applicant wants to withdraw the O.A.

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

Vice-Chairman

dnk.

O.A. 289/2021 (S.B.)

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

Dated : 06/08/2021.

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

2. The Id. counsel has filed Pursis dated 4/8/2021 mentioning that the applicant wants to withdraw the O.A.

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

Vice-Chairman

dnk.

O.A. 290/2021 (S.B.)

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

Dated : 06/08/2021.

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

2. The Id. counsel has filed Pursis dated 4/8/2021 mentioning that the applicant wants to withdraw the O.A.

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

Vice-Chairman

dnk.

O.A. 407/2021 (S.B.)

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

Dated : 06/08/2021.

Shri G.G. Bade, 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. 13/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 471/2021 (S.B.)

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

Dated : 06/08/2021.

Shri V.N. Patre, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

Rev. A. 14/2020 in O.A. 605/2018 (S.B.)

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

Dated : 06/08/2021.

Shri S.U. Bhuyar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue fresh notice on Review Application to the respondent no.2 returnable **in two 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. two weeks.

Vice-Chairman

dnk.

O.A. 718/2018 (S.B.)

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

Dated : 06/08/2021.

None for the applicant. Heard Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. P.O. files reply of the respondents. It is taken on record.

The matter is admitted and kept for final hearing.

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

S.O. in due course.

Vice-Chairman

dnk.

O.A. 221/2019 (S.B.)

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

Dated : 06/08/2021.

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

At the request of Id. counsel for the applicant, **S.O. 25/8/2021.**

Vice-Chairman

dnk.

O.A. 567/2021 (S.B.)

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

Dated : 06/08/2021.

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

2. The applicant has made appeal dated 6/12/2017 (A-5,P-25) from which it appears that the applicant was appointed in SRPF Group-9, Amravati on 14/6/1990 and in para-2 of the appeal he has mentioned that when he was undergoing for treatment in Hospital in 1995 suddenly he was terminated. As per record at Annex-A3 at page no.13 (a) it appears that the applicant was dismissed from the service on 10/2/1992 by the Commandant, SRPF, Amravati. Subsequently, the applicant had approached to this Tribunal challenging the order dated 10/2/1992 (A-3,P-13a) vide O.A. No. 152/1995 and this O.A. was decided and operative part of order is at page nos.23&24 which is reproduced below –

“ Petition is allowed. The order dated 10/2/1992 terminating the services of the petitioner from the office of the respondents be and is hereby quashed and the petitioner is reinstated in the service as Police Constable S.R. P. Group

No.IX, Amravati Division, Amravati. The Petitioner is also entitled to all service benefits as Police Constable from the office of the respondents. The parties however, are left to bear their own costs of this petition."

3. It appears that again the applicant has made appeal to the Government and the matter was heard by the Hon'ble State Minister (Home) on 1/11/2018 (A-1,P-11) and while hearing in para-1 the order of dismissal dated 10/6/1992 is mentioned and again in below para dismissal of applicant in the year 1995 is mentioned and that dismissal order of 1995 is not on record and it is also not clear. When the applicant was dismissed in 1992 and the O.A. was pending in the Tribunal and order was passed on 8/12/1995. Why the applicant went in appeal to the Government which was heard on 1/11/2018 and how two orders of dismissal have been passed.

4. The learned counsel is directed to take detail instructions from the applicant about both these orders and both orders of dismissal should be filed on record and subsequent event also. The learned counsel desires two weeks time to take instructions from the applicant.

5. At the request of learned counsel, **S.O. two weeks.**

Vice-Chairman

dnk.

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

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

Dated : 06/08/2021.

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

2. The matter was heard on 23/7/2021 and in para-2 it was mentioned that in impugned transfer order dated 28/6/2021 the name of employee is mentioned Mrs. Rajmohan Singh and in the O.A. the name is mentioned as Rajmohan Shivilalsingh Thakur, therefore, the Id. counsel was directed to correct the mistake. From the record, it appears that the learned counsel has corrected the name of the applicant in the O.A. as Rajmohan Singh which is also in the impugned order dated 28/6/2021 (A-1,P-9).

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

Vice-Chairman

dnk.

O.A. 73/2017 (S.B.)

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

Dated : 06/08/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and none for R-5.

At the request of Id. P.O., **S.O. 9/8/2021.**

Vice-Chairman

dnk.

O.A. 420/2017 (S.B.)

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

Dated : 06/08/2021.

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

At the request of Id. counsel for the applicant, **S.O. 11/8/2021.**

Vice-Chairman

dnk.

O.A. 982/2018 (S.B.)

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

Dated : 06/08/2021.

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

At the request of Id. counsel for the applicant, **S.O. 11/8/2021.**

Vice-Chairman

dnk.

O.A. 138/2020 (S.B.)

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

Dated : 06/08/2021.

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

The Id. counsel wants to amendment in the O.A. The Id. counsel is directed to file amendment application.

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 241/2020 (S.B.)

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

Dated : 06/08/2021.

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

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

Vice-Chairman

dnk.

O.A. 536/2020 (S.B.)

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

Dated : 06/08/2021.

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

At the request of Id. counsel for the
applicant, **S.O. 27/8/2021.**

Vice-Chairman

dnk.

O.A. 791/2017 (S.B.)

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

Dated : 06/08/2021.

Heard Shri B. Kulkarni, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1. And Shri C.V. Mahurkar, Id. counsel for R-2 to 4.

At the request of Id. counsel for the applicant, **S.O. 13/8/2021.**

Vice-Chairman

dnk.

O.A. 351/2018 (S.B.)

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

Dated : 06/08/2021.

None for the applicant. Shri S.A. Sainis,
Id. P.O. for R-1 to 3 and Shri A.S .Fale, Id.
counsel for R-4.

At the request of Id. counsel for R-2 to 4.,

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 521/2018 (S.B.)

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

Dated : 06/08/2021.

Heard Shri B. Kulkarni, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

Put up before D.B.

Vice-Chairman

dnk.

O.A. 917/2018 (S.B.)

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

Dated : 06/08/2021.

ORDER

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

2. The matter was first filed in the Hon'ble High Court, Bench at Nagpur in the form of Writ Petition No. 743/1990. Subsequently, it was transferred to MAT. In the MAT it was heard as Transfer Application No. 1275/1992 (A-2,P-9) and the Judgment was delivered on 28/10/1994. In the said Judgment the operative order in para-27 on page no.69 is reproduced below –

“ (27) In the result, this petition has to be allowed. The Govt. Circular in Revenue and Forests Deptt.No.85/CR/275/85/F-8, dated 29/9/1987 and the Govt. Resolution in Revenue and Forests Department bearing No. FS 1585/CR 275/85/F-8, dated 6/2/1990 are hereby quashed. The respondent nos.1&2 are directed to consider the objections put in by the petitioners to the provisional seniority list of 6/2/1990 and to republish the seniority list between the direct recruits and the promotees to the posts of Assistant Conservator of Forests Class-II following the quota rule and in the light of what is held above. All this process shall be completed within a period of six months from the date of this order. The Rule is accordingly made absolute with no order as to costs”.

3. The matter was filed before Hon'ble Supreme Court ***in State of Maharashtra & Ano., A.W. Dhope & Ors as appellant Vs. Shri Sanjay Thakre & Ors as respondents in Appeal (Civil) No. 3364-3365 of 1995 (arising out of SLP (C) Nos. 4880/95 & 5642/95)*** (A-3,P-71). The Hon'ble Supreme court vide order dated 7/3/1995 as per para 9 & 10 on page no.75 dismissed the appeal and following observations are made –

“ (9) It was also faintly submitted on behalf of the appellants that the promotes in the present cases had not been appointed fortuitously. This submission has to be made to be rejected, because of

what has been stated by the Tribunal in paragraph 17 of the Judgment which is to the following effect-

“..... we are constrained to mention that neither the petitioners nor any of these respondents have produced the relevant promotion orders on the basis of which it could have been possible to discern whether they were promoted fortuitously to the said posts or not. Thus, we are left in dark.”

The Tribunal has further mentioned in paragraph 18 that even the State Government was silent as to whether the promotions were fortuitous. So, the material placed on record of the Tribunal would not permit us to accept the contention on behalf of the promotes that their promotions were not fortuitous.

10. The result is that there is no force in these appeals which stand dismissed. On the facts and circumstances of the case, we, however, make no order as to costs”.

4. Hence the order of MAT was continued. Again the matter was heard in Writ Petition NO.6368/2016 before the Hon'ble Bombay High Court Bench at Nagpur and order was passed on 26/10/2016 (A-5,P-81) and directions were given to the respondents **to decide the representation made by the petitioner as expeditiously as possible and preferably within a period of eight weeks from the date of order.** In between the Principal, Central Forest Rangers College, Chandrapur has made correspondence dated 21/8/1996 to the Principal Secretary, Revenue & Forest Department (Forest), Mantralaya, Mumbai (A-4,P-76) and giving reference of Judgment of Transfer Application No. 1275/1992 (A-2,P-9) of M.A.T., Bench at Nagpur and other orders of Govt. and in last para he has requested to pay difference amount of Rs.2,72,700/- as arrears of pay and allowances. The matter was again heard before Hon'ble High Court in Writ Petition No.4418/2018 (A-6,P-82) and Hon'ble High Court has remanded back as disposed of Writ Petition with liberty to approach to the M.A.T. With this background, the applicant has approached to this Tribunal.

5. As pointed out by the Id. P.O., the impugned order was passed on 21/7/2017 (A-1,P-17) and in first para it has been made clear by the respondents that the applicant joined on 7/2/1983 on the post of Assistant Conservator of Forests (ACF) and after three years of completion i.e. on 6/2/1986 he became eligible to be promoted as Divisional Forest Officer (DFO). As per para-4, on 12/2/1996 he was promoted as DFO and he was confirmed on the post of DFO on 3/2/1996. In para-5, it is

mentioned that the applicant has made applications dated 21/8/1996 & 6/1/2016 in which it has been mentioned that between 1984-1994, 62 junior officers than applicant were promoted before him. However, names of those officers have not been given. The seniority list has also not been filed on record and it is not pointed out by the Id. Counsel that who was junior officer than the applicant in the seniority list, but he was promoted before applicant. The respondents have also clarified in para-8 that as per G.R. 6/6/2002 if deemed date has to be given, it has to be given while considering its effect on other aspects also.

6. As per para-4 on page no.3 of the O.A. the applicant stood retired as Chief Conservator of Forest on 30/6/2017 from Nagpur. The applicant has made representation to the respondent no.1 on 6/1/2016 which is almost at his fag end of career and the Government replied vide impugned order dated 21/7/2017 (A-1,P-17) within one month after his retirement. In para-3 of the order the Govt. has also mentioned the names of officers who have been promoted between 1984 to 1985 which are as under –

(1) C.G. Singam (2) S.R. Madam (3) D.V. Ramteke (4) D.C. Bhalerao (5) G.J. Kamble, (6) S.G. Raut (7) A.R. Bharati & (8) D.B. Bharti The Govt. has clarified its position in para-3 itself.

7. In para-4 it is mentioned that after MAT order and it's confirmation by the Hon'ble Supreme Court, seniority list was published on 7/9/1995 of ACFs considering 1:1 ratio which was not challenged by the applicant either to respondent no.1 or before this Tribunal till his retirement on 30/6/2017. Unless the seniority list is proved wrong relief cannot be granted to the applicant.

Closed for orders.

Vice-Chairman

dnk.

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

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

Dated : 06/08/2021.

Heard Shri A.T. Purohit, 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. one week** as a last chance.

Vice-Chairman

dnk.

O.A. 279/2020 (S.B.)

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

Dated : 06/08/2021.

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

2. The learned counsel for the applicant is challenging the impugned transfer order dated 22/5/2020 (A-4,P-24) from which the applicant has been transferred from Pauni, Dist. Bhandara to Gadchiroli on vacant post. It appears that the applicant has completed normal tenure at the previous place and since the applicant has completed normal tenure he was transferred. In the impugned order it is also mentioned that the order is issued as per the provisions of Section 4 (4) & 4 (5) of the Transfers Act,2005. Since the impugned order is passed as per the provisions of Section 4 (4) & 4 (5) of the Transfers Act,2005, nothing survives in the O.A. Hence, the O.A. stands dismissed. No order as to costs.

Vice-Chairman

dnk.

O.A. 19/2021 (S.B.)

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

Dated : 06/08/2021.

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

At the request of Id. counsel for the
applicant, **S.O. four weeks.**

Vice-Chairman

dnk.

O.A. 622/2021 (D.B.)

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

Dated : 06/08/2021.

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

2. The applicant was appointed as Assistant Public Prosecutor in 2002 through MPSC and he was not given benefit of Assured Progressive Scheme after 12 years of service. He was due for promotion as Additional Public Prosecutor. As submitted by the learned counsel, the applicant is also facing departmental inquiry as per order dated 22/9/2013 (A-6,P-25). The promotion orders were issued on 23/7/2021 (A-14,P-125) in which 210 people have been promoted and they have been posted also. The prayer clause 8 (A) (B) on page no.11 of the O.A. is as follows –

“ (8) (A) During the pendency of the O.A stay the effect, operation and implementation of the promotion order dated 23/7/2021 at Annex-A-14 and/ or direct the respondents keep one post of Additional Public Prosecutor vacant till the decision of the present applicant and further direct the respondents to process the claim of the applicant for being promoted to the post of Additional Public Prosecutor so also his claim for the time bound promotion and granting of promotional pay scale to him, in the interest of justice.

(B) Grant ad-interim relief in terms of prayer clause (A) above". .

3. Stopping promotion order of 210 people will not be proper since their rights have been created. However, the respondents are directed that the last person in the list should be made clear that if the applicant succeeds in the O.A. that person would be reverted and the applicant will be given chance on that post, otherwise, if there are any other vacancy, the applicant should be considered as per existing rules and regulations.

4. The candidate who will be made aware that his promotion and posting will be subject to the outcome of this O.A., should be made party in the O.A. by amendment. The learned counsel should make necessary amendment within one week and the office is directed to issue notice to the newly added respondent also.

5. Issue notice to the respondents and newly added respondent returnable **after four weeks**. Learned C.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. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

*

O.A.No.372/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

C.A.No.96/2018:-

Heard Shri S.Khandekar, 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. 96/2018 and in prayer it is mentioned that 'disburse the salary of the applicant for the period from 01.04.2017 till 21.06.2017'.

3. Respondents are directed that he should verify and if applicant has actually worked for this period; his salary should be disbursed within 90 days.

4. With the above directions, **C.A. No. 96/2018 is allowed.**

5. **S.O. two weeks for reply.**

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.73/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of Respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. two weeks to file service affidavit.**

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.899/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. two weeks to file service affidavit.**

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.40/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Shri P.J.Mehta, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

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

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

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

5. **S.O. in due course.**

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

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.706/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 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.**

Date:-06/08/2021.
aps.

Vice Chairman

O.A.No.53/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

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

2. At the request of Id. P.O., **S.O. 03.09.2021 to file reply as a last chance.**

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.160/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Shri B.Kulkarni, 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:-06/08/2021.

aps.

O.A.No.324/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Smt. Saboo, 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:-06/08/2021.

aps.

O.A.No.519/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

None for the applicant. Shri S.A.Sainis, the Id.
P.O. for the State. Await service of respondent nos. 2
& 3.

2. **S.O. four weeks to file service affidavit.**

Vice Chairman

Date:-06/08/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Shri R.V.Shiralkar, 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 letter dated 16.07.2020 by Administrative Officer, Divisional Agriculture, Joint Director and reply of respondent no. 5. Both are taken on record. Copies are served to the other side.

3. As per letter dated 16.07.2020, it is mentioned that as per reference no. 2; Government has decided to give interest of Rs.1,69,241/- and the proposal has been sent to A.G. office, Nagpur for further action.

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

Vice Chairman

Date:-06/08/2021.

aps.

C.P.25/21inRev.09/18inO.A.19/2008(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. counsel for the applicant has filed letter dated 05.08.2021. The said letter is written by Superintending Engineer, P.W.D., Nagpur and it appears that Government has preceded appeal against the order of MAT dated 05.08.2021 in Hon'ble High Court by W.P.St.No.9117/2021.

3. The matter be heard after decision of Hon'ble High Court, **S.O. three weeks.**

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.600/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

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

2. It is admitted fact that the applicant has retired in 31st July, 2021 and till retirement he was not promoted as a Group-A, Medical Officer. However, Id. counsel for the applicant submits that the case was to be considered for Group-A and pay-scale was to be given to him. The Id. counsel for the applicant is directed to file G.R. of 2002 accordingly. The Id. counsel for the applicant is further submitted that his name was to be considered in the next select list.

3. Issue notice to Respondents, returnable on four weeks. Learned C.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.**

Vice Chairman

Date:-06/08/2021.

aps.

O.A.No.616/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

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

2. As submitted by Id. C.P.O., the applicant was appointed against S.T. category and as per documents on record, applicant got certificate of O.B.C. (Annexure-A-2, P.B., Pg. No. 16) and which was verified as per Annexure-A-3, P.B., Pg. No. 17. So, it seems that applicant is an O.B.C. category candidate. However, he was appointed against S.T. Category.

3. Respondents have issued letter dated 17.06.2021 (P.B., Pg. No. 31) and applicant feel aggrieved with this order. It is better that Id. counsel for the applicant as well as Id. C.P.O. should produce appointment letter of the applicant as well as copy of the service book of the applicant which make his category clear.

4. As submitted by applicant in O.A., P.B., Pg. No. 2, para no. 3 the applicant is challenging the communication issued by the respondent no. 3 dated 17.06.2021 (received on 29.07.2021). As per letter dated 17.06.2021; it appears that respondents have given only five days time but since the letter is received on 29.07.2021; the Id. counsel for the applicant seeks protection.

5. **Respondents are directed not to act upon the letter dated 17.06.2021 till filing of the reply.**

As submitted by Id. counsel for the applicant, applicant is still continued in service.

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

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

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

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

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

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. S.O. six weeks.

13. Steno copy is granted.

Date:-06/08/2021.
aps.

Vice Chairman

C.P.29/21inO.A.1054/19withC.P.30/21in

O.A.976/19withC.P.31/21inO.A.977/19 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 06/08/ 2021.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. 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.

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

4. **S.O. four weeks.**

Vice Chairman

Date:-06/08/2021.

aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 20.08.2021.**

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.609/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the Respondents. None for the respondent
nos. 4 to 14.

2. **S.O. due course.**

Vice Chairman

Date:-06/08/2021.
aps.

O.A.No.625/2021 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The applicant is a Physically Handicapped person as per Annexure-A-1, P.B., Pg. No. 10. Applicant was transferred vide order dated 30.05.2019 to R.F.O., Virur, Central Chanda Division (Annexure-A-2, P.B., Pg. Nos. 11 & 12), the name appears at Sr. No. 7. Applicant is again transferred vide order dated 04.08.2021 (Annexure-A-4, P.B., Pg. No. 22) by Respondent no. 4 and applicant name is at Sr. No. 1 as R.F.O., Social Forestry, Chandrapur.

3. By separate order, Respondent no. 2 has transferred person at Sr. No. 20; Shri Devram Motiram Pawar at the place of applicant i.e. R.F.O., Virur. It appears from the P.B., Pg. No. 3 of the O.A. that applicant's wife is also working and transfer order dated 30.05.2019 was issued on request considering policy of Government to keep husband-wife together or nearby.

4. Since, applicant has not completed his tenure at previous place, in the interest of justice, **order dated 04.08.2021 (Annexure-A-4, P.B., Pg. No. 22) is stayed to the extent of applicant and at the same time order dated 02.08.2021 (Annexure-A-3, P.B., Pg. No. 13) is also stayed to**

the extent of respondent no. 4 till filing of the reply.

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

11. S.O. four weeks.

Date:-06/08/2021.
aps.

Vice Chairman

O.A.No.626/2021 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/08/ 2021.

Shri M.R.Khan, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. As per O.A., P.B., Pg. No. 4, para no. 6.1; applicant retired on 30.10.2013 as Assistant Police Inspector on attaining the age of superannuation. As per impugned order dated 30.03.2021; recovery order has been issued to the tune of Rs. 8,000/- from pension of the applicant.

3. It appears that at relevant time applicant was working in Tribal and Naxal Affected Area and as mentioned in the impugned order; Maharashtra Civil Services (Pension) Rules, 1982, Section-134 (A) which provides such kind of recovery. **In the interest of Justice, the impugned order dated 30.03.2021 is stayed 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:-06/08/2021.

aps.