

O.A. No. 923/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Heard Ms. S.S. Dhone, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1,2&5 and Shri S. Majid, Id .counsel for R-3&4.

Closed for orders.

Member (J)

dnk.

O.A. No. 173/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Heard Shri C.J. Joshi, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Ms. Gayatri Reve, Id. counsel holding for Shri B.N. Jaipurkar, Id. counsel for R-2.

2. The learned counsel appearing for R-2 submitted that the reply is ready and she will file reply during the course of day.

The matter be taken up for hearing on **01/02/2021**.

Member (J)

dnk.

O.A. No. 323/2020 with C.A. 166/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

C.A. 167/2020 -

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

For the reasons stated in the application, the C.A. No. 167/2020 to file Joint application is allowed.

O.A. 323/2020 –

The learned P.O. files reply on behalf of R-2&3. It is taken on record.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 337/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Heard Shri P.P. Khaparde, Id .counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 6.

2. The learned P.O. submitted that he would file reply on behalf of R-2&3 during the course of day.

3. The learned counsel for the applicant submitted that he will file service affidavit till next date.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 368/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Shri V.R. Borkar, 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. two weeks** for filing reply.

Member (J)

dnk.

O.A. No. 372/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Heard Ms. Poonam Tembhare, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 4 and none for other respondents.

The learned counsel for the applicant submitted that there is error in the name of respondent no.7, it should have been as 'Taluka Health Officer'. Leave granted to correct the same.

S.O. three weeks.

Member (J)

dnk.

O.A. Nos. 374 & 375 of 2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Shri V.B. Gawali, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 6.

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

Member (J)

dnk.

O.A. No. 417/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Smt. K.N. Saboo, 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. three weeks** for filing reply.

Member (J)

dnk.

O.A. No. 505/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

None for the applicant. Shri A.M.Khadatkar, Id. P.O. for R-1. Await service of R-2.

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

Member (J)

dnk.

O.A. No. 525/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Shri A.S. Shukla, 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. two weeks** for filing reply.

Member (J)

dnk.

O.A. No. 729/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2.

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

Member (J)

dnk.

O.A. No. 894/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Shri S.N. Gaikwad, Id. counsel holding
for Shri D.M. Kakani, Id. counsel for the
applicant, Shri A.M. Khadatkar, Id. P.O. for
R-1 to 3 and none for R-4.

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

Member (J)

dnk.

O.A. No. 1079/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

Shri P.P. Khaparde, 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. three weeks** for filing reply.

Member (J)

dnk.

O.A. No. 03/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

MCA No. 06/2020 in O.A. 03/2020 -

None for the applicant. Shri
A.M.Khadatkar, Id. P.O. for R-1 to 3. Await
service of R-4 in O.A.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 504/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 15.01.2021.

None for the applicant. Heard Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri N.R. Saboo, Id. counsel for R-3.

Shri N.R. Saboo, Id. counsel files reply on behalf of R-3. It is taken on record.

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

The Id. Counsel for respondent P.O. waives notice on behalf of R-1&2. Shri Saboo, Id. counsel also waives notice on behalf of R-3.

S.O. four weeks.

Member (J)

dnk.

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

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri A.S. Deshpande,
learned counsel for the applicant and Shri
A.P. Potnis, learned P.O. for
respondents.

2. Learned P.O. seeks time for filing
affidavit in reply on behalf of respondents.
Time granted.

3. **S.O. next week.**

kpb.

Vice-Chairman

O.A. 1002/2019 (S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri P.D. Sharma, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for respondents.

2. In order dated 28.09.2020 in para No. 2 it was pointed out that the subsistence allowance was also not paid to the applicant.

2. Today, learned P.O. submits that subsistence allowance has been paid to the applicant and he requested one week's time for filing affidavit in reply.

3. Learned P.O. is directed to placed on record document regarding payment of subsistence allowance and copy of the said document be supplied to the learned counsel for the applicant.

4. **S.O. to 22.01.2021.**

Vice-Chairman

kpb.

O.A. 621/2020 (S.B.)

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

Dated : 15/01/2021.

Heard Shri S.V. Shirpurkar,
learned counsel for the applicant and Shri
A.M. Ghogre, learned P.O. for
respondents.

2. Learned P.O. seeks time for filing
affidavit in reply on behalf of respondents.
Time granted.

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

Vice-Chairman

kpb.

O.A. 622/2020 (S.B.)

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

Dated : 15/01/2021.

Heard Shri S.V. Shirpurkar,
learned counsel for the applicant and Shri
H.K. Pande, learned P.O. for
respondents.

2. Learned P.O. seeks time for filing
affidavit in reply on behalf of respondents.
Time granted.

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

kpb.

Vice-Chairman

O.A. 786/2020 (S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri S.V. Shirpurkar,
learned counsel for the applicant and Shri
H.K. Pande, learned P.O. for
respondents.

2. Learned P.O. seeks time for filing
affidavit in reply on behalf of respondents.
Time granted.

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

kpb.

Vice-Chairman

Rev. 16/20 in O.A. 251/18 (S.B.)

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

Dated : 15/01/2021.

Heard Shri P.D. Sharma, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of respondents. Time granted.

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

Vice-Chairman

kpb.

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

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

Dated : 15/01/2021.

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

2. **S.O. after two weeks.**

Vice-Chairman

kpb.

O.A. 725/2016 (S.B.)

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

Dated : 15/01/2021.

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

2. **S.O. after two weeks.**

Vice-Chairman

kpb.

O.A. 682/2017 (S.B.)

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

Dated : 15/01/2021.

Heard Shri D.R. Karnik, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for respondents.

2. **S.O. after three weeks.**

Vice-Chairman

kpb.

O.A. 101/2020 (S.B.)

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

Dated : 15/01/2021.

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

2. **S.O. to 21.01.2021.**

kpb.

Vice-Chairman

O.A. 89/2020 (S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri C.N. Adgokar, learned counsel for the applicant, Shri A.P. Potnis, learned P.O. for respondent Nos. 1 & 6 and Smt. J.J. Alkari, learned Advocate for respondent Nos. 2 to 5.

2. Learned counsel for respondent Nos. 2 to 5 seeks time for filing affidavit in reply. Time granted.

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

Vice-Chairman

kpb.

O.A. 99/2020 (S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri M.V. Mohokar, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for respondents.

2. At the request of learned counsel for the applicant, the office is directed to issue fresh notices to the 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.

S.O. after four weeks.

Vice-Chairman

kpb.

O.A. 163/2020 (S.B.)
(Bramha R. Chopkar Vs. State of Mah. & Ors.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri S.C. Deshmukh, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for respondents.

2. As submitted by the learned Advocate for the applicant, the proposal is pending with the respondent No. 1. The proposal dated 07.07.2018 (Annexure A-5, P.B. page No. 21 collectively) and proposal dated 18.11.2019 (Annexure A-6, P.B. Page no. 23 collectively) submitted by the respondent Nos. 2 and 3 are yet to be decided. In view of inordinate delay, the respondent No. 1 is directed to decide the proposals dated 07.07.2018 and 18.11.2019 within a period of two months from the date of this order.

3. In view of the above direction, the O.A. stands disposed of with no order as to costs.

Vice-Chairman

kpb.

O.A. 331/2020 (S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

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

2. Learned P.O. has filed affidavit in reply on behalf of respondent No. 2 i.e. S.P., Gadchiroli. Same is taken on record and copy thereof has been served on the other side.

3. The present matter is admitted and it be kept for final hearing **18.01.2021.**

4. The present matter be kept along with connected matters i.e. O.A. Nos. 302/18, 178/18, 253/19, 744/19 & 331/20.

Vice-Chairman

kpb.

Rev. 34/19 in O.A. 995/17(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

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

2. Learned P.O. submits that while
deciding O.A. No. 995/2017 in order
dated 05.12.2019 para no. 2 of the order
is taken care of the prayer.

3. As none present for the applicant,
S.O. after one week.

Vice-Chairman

kpb.

O.A. 39/2021(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri G.N. Khanzode, learned counsel for the applicant and Shri Shrikant Deo, learned C.P.O. for respondents.

2. Issue notices to the respondents, returnable **after four weeks**. Learned C.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.

S.O. after four weeks.

Vice-Chairman

kpb.

O.A. 354/2019 (S.B.)

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

Dated : 15/01/2021.

None for the applicant. Heard Shri
S.A. Sainis, learned P.O. for respondents.

2. As none present for the applicant,
S.O. after four weeks.

Vice-Chairman

kpb.

O.A. 512/2020(S.B.)
(Dr. SahasS. Bendle Vs. State of Mah. & Ors.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri S.N. Gaikwad, learned counsel for the applicant, Shri A.M. Khadatkhar, learned P.O. for respondent Nos. 1 to 3 and Shri R.V. Shiralkar, learned counsel for respondent No. 4.

2. The applicant is a Medical Officer, Chamorshi and he has been placed under suspension vide order dated 24.01.2020 (Annexure A-2, P.B. page No. 12). In view of various judgments of the Hon'ble Supreme Court, which are reproduced below :-

(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. 24 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.

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(iv) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 (Annexure-A-6, Pg. No. 47), was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

3. The learned counsel has relied upon G.R. dated 09.07.2019. Now it is established legal status that if within 90 days charge sheet is not served or D.E. is not started and case is not filed in Court, then the suspension order has to be

revoked. In the present case the learned counsel for the applicant relied upon the G.R. dated 09.07.2019 (Annexure A-6, P.B. page No. 18 collectively) and para 1 (ii) read as follows:-

“(ii) fuyfcr ‘kkI dh; I ddk; k T; k idj.kh 3 efgU; kpk dkyko/khr foHkxh; pksl’kh I q d: u nskkjki i= ctko.; kr vkys ukgh] v’kk idj.kh ek- Iokp U; k; ky; kpsvknsk i kgrk] fuyæu I ektr dj.; kf’kok; vU; i; kz jkgr ukgh- R; keqs fuyfcr ‘kkI dh; I ddkcr foHkxh; pksl’kph dk; bkgb I q d: u nskjki i= ctko.; kph dk; bk; h fuyæuki kl u 90 fnoI k; k vkr dKvdkji .ks dsh tkbzy ; kph n{krk@ [kcjnkjh?ks; kr ; koh”

4. In view of this situation, the impugned order of suspension is revoked with immediate effect. The respondents are directed to issue necessary order and post him to any post.

5. In view of the above direction, the O.A. stands disposed of with no order as to costs.

Vice-Chairman

kpb.

O.A. 549/2018 (S.B.)
(Gajanan V. Palkar Vs. State of Mah. & Ors.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for respondents.

2. The applicant aggrieved with the order of withdrawal of second A.C.P. vide order dated 05.02.2018 passed by the respondent No. 3. Earlier the applicant was granted second time bound promotion, but by the impugned order it was withdrawn. Aggrieved with this, the applicant approached this Tribunal. It is contention of the applicant that the order dated 05.02.2018 passed by the respondent No. 3 was without hearing of applicant's side.

3. In view of this, the order dated 05.02.2018 (Annexure A-2, P.B. page No. 16 collectively) to the extent of the applicant is here by quashed and set aside. The case of the applicant is remanded back to the respondent No. 2 i.e. Special Inspector General of Police,

M.T. Aundha, Pune-7 for giving personal hearing and decide this issue within a period of 30 days from the date of this order.

4. In view of this, the O.A. stands disposed of with no order as to costs.

kpb.

Vice-Chairman

O.A. 963/2019 (S.B.)
(Murlidhar C. Gaikwad Vs. State of Mah. & Ors.)

Coram: Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for respondents.

2. The impugned order dated 20.09.2019 (Annexure A-7, P.B. page No. 33 collectively) is sworn by the applicant. At page No. 34 of the said order, following chart is given :-

v- dz	fo"K;	T; kpkeluo fnukd ekxryyk vlgS R; kpk l okrif'ky@ ulo Jh Mh , u- rGirs	vihy/fhZ Jh ejy/lj xk; doMM
1-	fyi hd Vdyd'kd l dxkr i ds k fnukd	fnukd 05- 03-1982	fn- 10-10- 1990
2-	foHkcxh; nq; e l ok mRrh.kZekgs@o"lã	fn- 18-01- 1988 o 20-07- 1993 P; k	Tkkusokjh 2005 ¼i fgY; k l d'khr-½
3-	Egl wy vgrk ifj{kk mRrh.kZekgs@o"lã	fu; ekud kj foHkcxh; nq; e l ok ifj{kr-¼ l d/ r l p o; kph 45 o"lã fn- 02-03- 2003 jksth i qkZ >kY; kus	vkkdVkcj 2005 ¼i fgY; k l d'khr-½

		egly vgrk ij (kru l y)	
4-	v0oy dkj d u l 0 x k r i n k l u r f n -	29-08- 2006	03-03- 2011
5-	f n - 01-01-2006 f y i h d V a l y s k d l 0 x k r h y i k : i l 0 k T ; s B r k ; k n h r h y L F k k u	v u p l e k d 22	v u p l e k d 151

3. As per above chart, it is clear that the applicant entered in the service on 10.10.1990 and one Shri D.N. Talpate appointed on 05.03.1982. There are two criteria of department for passing D.S.S. and R.Q.E. Examination. Shri D.N. Talpate passed D.S.S. examination on 18.01.1988 and he did not pass R.Q.E. examination. After 45 years he was exempted as per rules on 02.03.2003. The applicant passed D.S.S. examination in January, 2005 in first attempt and also passed R.Q.E. examination in October, 2005 in first attempt. Since, the applicant passed in first attempt seniority remained as per appointment, whereas Shri D.N. Talpate lost seniority because he did not pass the examination in given chances and he has been exempted after 45 years of age. It seems that Shri D.N. Talpate, has been given senior position to the applicant in seniority list without

//3//

considering this aspect of passing D.D.S. examination and R.Q.E. examination by both the employees and as prescribed in the rule.

4. Learned Advocate for the applicant has submitted that similar issue is involved in O.A. Nos. 282/2018 & 283/2018 and order passed by this Tribunal on 19.03.2019 is on the same line. The respondent No. 2 should decide the question of grant of deemed date in view of the said judgment.

5. In view of this, the order dated 20.09.2019 passed by the respondent No. 2 is hereby quashed and set aside. The case of the applicant is remanded back to the respondent No. 2 for fresh consideration after giving personal hearing to the applicant within a period of 60 days from the date of this order.

6. In view of this, O.A. stands disposed of with no order as to costs.

Vice-Chairman

kpb.

O.A. 373/2020(S.B.)
(Pramod D. Raut Vs. State of Mah. & Ors.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 15/01/2021.

Heard Shri A.Z. Jibhkate, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for respondents.

2. The applicant was appointed vide order dated 23.12.1994 (Annexure A-2, P.B. page no. 17) by the Deputy Director Education, Amravati and in the service book his date of birth has been mentioned as 08.01.1963. In the representation dated 30.06.1999 (P.B. page No. 36) in para No. 2 the applicant has admitted that this date of birth of 08.01.1963 was written as per his School Leaving Certificate. However, he has contended that this date of birth was wrongly mentioned by his father and he has relied on the Municipal Council, Wardha birth record, which is at page No. 39 of P.B., whereas his date of birth has been mentioned as 07.01.1964. This matter was heard by this Tribunal on 27.07.2020 and in para no. 2 following order was passed :-

“2. It is submitted that the applicant has given first representation for correction of his date of birth in the service record in the year 1999 and repeatedly he made representation to the respondents for correction of his date of birth, but it is not done. It is submitted that as per the service record of the applicant, his date of retirement is January, 2021 and therefore, the respondents be directed to decide the representation within reasonable period. The respondents are directed to decide the representation made by the applicant within a period of two months from the date of this order.”

3. Admittedly, the respondent gave hearing and passed order on 14.10.2020 (Annexure A-10, P.B. Page Nos. 73 & 74). They had asked some documents out of which one document was inward and outward register of Chief Officer, Nagar Parishad, Ghatanji to see the representation was within five years of entry in service or not . That time Municipal Council, Ghatanji could not produce those documents, but subsequently the Chief Officer, Nagar Parishad, Gatanji vide letter dated 28.12.2020 had written letter to the Deputy Director of Education, Amravati

that he got outward register and submitted vide letter dated 28.12.2020 and annexed copy of outward register which is at page No. 85 of P.B. Whereas Sr. No. 193, it has been mentioned the correction in the date of birth in service book submitted to the Deputy Director of Education, Amravati. However, since this document was not available, the Deputy Director of Education, Amravati passed the order 14.10.2020 in absence of this document. Now this document is on record.

4. In view of this, the respondents are directed to decide the representation dated 30.06.1999. The respondent No. 3 is directed to review his own order dated 14.10.2020 within a period of 10 days from the date of this order.

5. In view of the above direction, the O.A. stands disposed of with no order as to costs.

Steno copy allowed.

Vice-Chairman

kpb.

O.A.No.900/2019
(D.B.)

Coram : Shri Shree Bhagwan, Vice
Chairman
Dated : 15/01/2021.

C.A.Nos.339/2020 & 41/2020:-

Shri M.M.Sawang, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. **S.O. four weeks.**

Chairman
Date:-15/01/2021.
aps.

Vice

O.A.No.1004/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice
Chairman

Dated : 15/01/2021.

C.A.Nos.496/2019:-

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

2. **C.A. No. 496/2019 is allowed.**

3. The Id. counsel for the applicant is challenging G.R. dated 07.08.2012 regarding N.P.A., which has been already stayed by Hon'ble High Court in W.P. No. 6857/2014 dated 11.12.2014. The Id. counsel for the applicant is also relied on order of this Tribunal in O.A. No. 265/2019, dated 16.4.2019 (P.B., Pg. No. 113) in para no. 2 the same is clearly mentioned. On the basis of parity and justice, interim relief clause no. (1) i.e. on P.B., Pg. No. 31 of the O.A. is granted 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:-15/01/2021.

aps.

O.A.No.777/2020 (D.B.)

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

Dated : 15/01/2021.

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

2. The Id. P.O. submits that representations of applicant are in the process of deciding. In view of this, **S.O. three weeks for deciding the representations of the applicants.**

Vice

Chairman

Date:-15/01/2021.

aps.

O.A.No.728/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice
Chairman

Dated : 15/01/2021.

C.A.No.354/2020:-

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

2. **C.A. No. 354/2020 is allowed.**
3. **S.O. four weeks.**

Vice

Chairman
Date:-15/01/2021.
aps.

O.A.No.197/2020 (D.B.)

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

Dated : 15/01/2021.

Shri A.P.Sadavarte, 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.

2. The Id. counsel for the applicant submits that today only he will file the service affidavit.

S.O. four weeks.

Vice

Chairman
Date:-15/01/2021.
aps.

O.A.No.150/2020 (D.B.)

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

Dated : 15/01/2021.

None for the applicant. Shri S.A.Sainis, the
Id. P.O. for the respondents.

2. **S.O. four weeks.**

Vice

Chairman

Date:-15/01/2021.

aps.

O.A.No.995/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice
Chairman

Dated : 15/01/2021.

C.A.No.351/2020:-

Shri D.M.Kakani, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondents and Shri H.D.Marathe, the Id. counsel for the respondent no. 2.

2. The chargesheet has been served on applicant vide Government of Maharashtra, G.R. dated 17.05.2018 (P.B., Pg. No. 28-57, both inclusives). The Id. counsel for the applicant has filed C.A. and in C.A. his prayer nos. (i) & (ii) are following:-

“(i) Direct the respondents to forward the communication to the Union Bank of India, Hyderabad regarding not to release the mortgaged by him while taking a Bank Guarantee from the said bank until further orders of the Government.

(ii) Direct the respondent not to release the amount Rs. 1.68 crores which was deducted from the running bills of the contractor at the rate of 2 % to him as well as not to release the security deposit submitted by the said contractor while taking a contract until the entire matter of the applicant is settled.”

3. Hence, prayer clause nos. 1 & 2 of C.A. are allowed.

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

5. Shri H.K.Pande, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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

7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of the O.A.

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

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed

without reference to Tribunal and papers be
consigned to record.

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

Chairman
Date:-15/01/2021.
aps.

Vice

**O.A.No.204/2019withC.A.No.101/2019
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman
Dated : 15/01/2021.**

Shri A.C.Dharamadhikari, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. None for the respondent nos. 1 & 2. Shri N.S.Khubalkar, the Id. counsel for the respondent nos. 3 to 127.

2. In last order, the Id. P.O. was directed to place on record the staffing pattern in para no. 2 of the order dated 07.01.2021. Today the Id. P.O. submits that he has received the staffing pattern. However, the Id. special counsel for the respondent nos. 1 & 2 desires to go through it and then place on record.

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

4. *Interim relief is continued.*

Vice

Chairman
Date:-15/01/2021.
aps.

O.A.No.315/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 15/01/2021.

C.A. No.266/2020:-

Shri M.V.Mohokar, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. By record it appears that applicant was served charge sheet on 28.04.2011, till now Departmental Enquiry has not been completed which is clear violation of **Hon'ble Supreme Court Judgment in Prem Nath Bali vs Reg.,High Court Of Delhi & Anr, in Civil Appeal No. 958/2010 on 16 December, 2015.**

3. In view of this situation, respondents are directed to finish the Departmental Enquiry and issue final order **within 90 days from the date of receipt of this order.** At the same time applicant is also directed to appear before Enquiry Officer as and when date is fixed and he is further directed to co-operate the department for the same, so that enquiry should be finish as early as possible. Hence, **C.A. No. 266/2020 is disposed of.**

4. Respondents are directed to supply those documents as it is demanded by the applicant and it must be relevant to the charge sheet.

5. S.O. two weeks.

Vice

Chairman

Date:-15/01/2021.

aps.

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

Coram : Shri Shree Bhagwan, Vice
Chairman

Dated : 15/01/2021.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondents.

2. S.O. four weeks.

Vice

Chairman

Date:-15/01/2021.

aps.

**C.P.NO.02/2021 in O.A.No.487/2018
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman
Dated : 15/01/2021.**

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. Issue Notice to the respondent Nos. 2 to 4 returnable in **12.02.2021** 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. 12.02.2021.**

Chairman
Date:-15/01/2021.
aps.

Vice

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

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

Dated : 15/01/2021.

Shri V.B.Gawali, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has placed on record G.R. dated 01.08.2019. In this G.R. Section (e) condition are laid down by G.A.D. and condition no. 5.1.2. It is mentioned that minimum three years service is required for next promotion. The Id. counsel for the applicant has pointed out seniority list of Amravati Division at P.B., Pg. No. 21. This seniority list is as on 01.01.2020 of Amravati Division and applicant is at Sr. No. 8 and last column remark is given that applicant will complete three years service in February, 2021. Since, applicant last promotion vide order dated 26.02.2018 (Annexure-A-2, P.B., Pg. NO. 18). In this situation, applicant will complete three years on 26.02.2021; only then applicant will be considered for promotion. In view of this situation, legal position is not in the favour of applicant for promotion as per G.R. dated 01.08.2019 of G.A.D. and applicant's interim relief claim in para no. 8 (a)(i) is rejected which has been sought by way of amendment.

3. **S.O. four weeks.**

4. **Steno copy is granted.**

Vice

Chairman

Date:-15/01/2021.

aps.

O.A.No.720/2018 (D.B.)

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

Dated : 15/01/2021.

Shri S.K.Verma, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The order dated 03.12.2020, respondents were directed to file on record regarding the lapses of waiting list date, whether the date is 13.08.2018/13.08.2017; that is yet to be file on record.

3. The Id. P.O. desires two weeks time to file on record, **S.O. two weeks as a last chance.**

Vice

Chairman

Date:-15/01/2021.

aps.

**C.P.No.42/2019 in O.A.No.694/2017
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice
Chairman
Dated : 15/01/2021.**

Shri M.M.Sawang, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

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

3. As per the order of M.A.T. dated 11.01.2019, representation of the applicant has been decided. Hence, C.P. does not survive. If applicant aggrieved with the decision in the representation, he may file separate O.A. for the grievance. Hence, **C.P. stands disposed of.**

Vice

Chairman
Date:-15/01/2021.
aps.

C.P.No.48/2020 in O.A.No.15/2019 (D.B.)

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

Dated : 15/01/2021.

Shri R.M.Ahirrao, 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 submits that he desires to amend the O.A.. He is directed to file amendment application and permitted to amend the O.A. and supply the copy to the Id. P.O..

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

Vice

Chairman

Date:-15/01/2021.

aps.

O.A.Nos.40,41&42/2021 (D.B.)

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

Dated : 15/01/2021.

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

2. In similar case, this Tribunal has observed that without hearing the applicant's order has been passed. In view of that order dated 31.12.2020 be stayed till filing of the reply of respondents.

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.**

Chairman
Date:-15/01/2021.
aps.

Vice

O.A.No.563/2020 (D.B.)

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

Dated : 15/01/2021.

Shri G.G.Bade, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. desires two weeks time to file reply, **S.O. two weeks.**

Vice

Chairman

Date:-15/01/2021.

aps.

O.A.No.318/2020 (D.B.)

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

Dated : 15/01/2021.

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

2. The Id. P.O. desires two weeks time to file reply, **S.O. two weeks.**

Vice

Chairman

Date:-15/01/2021.

aps.

O.A.No.267/2020 (D.B.)

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

Dated : 15/01/2021.

Shri D.M.Kakani, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. six weeks.**

Vice

Chairman

Date:-15/01/2021.

aps.