

O.A. Nos. 388,389,390,391,392,393,394,
395,396,397 & 398 of 2020 **(SB)**

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

Dated : 28.09.2020

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for R-1&2. None for R-3.

The learned counsel for the applicants submitted that the applicants are filing rejoinder and therefore the matters are admitted and it be kept for final hearing. The Id. P.O. waives notice for R-1&2,

S.O. 08/10/2020.

Member (J)

dnk.

O.A. No. 410/2020 (SB)

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

Dated : 28.09.2020

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

The Id. CPO has filed separate reply on behalf of R-1&2. Same are taken on record. Copies are served to the other side.

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

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

S.O. 05/10/2020.

Member (J)

dnk.

O.A. No. 381/2020 **(SB)**

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

Dated : 28.09.2020

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

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

Member (J)

dnk.

O.A. No. 249/2020 (SB)

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

Dated : 28.09.2020

Heard Shri S.M. Vaishnav, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The respondents are directed to pay provisional pension as per rules to the applicant.

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

Member (J)

dnk.

O.A. No. 564/2020 (SB)

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

Dated : 28.09.2020

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Issue notices to the respondents returnable **after three weeks**. Learned P.O. waives notice for 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 three weeks.

Member (J)

dnk.

O.A. Nos. 445,446,447,448,449,450 & 451 of
2020 (SB)

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

Dated : 28.09.2020

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for R-1 to 3 and none for R-4&5.

Shri N.R. Saboo, Id. counsel has filed rejoinder on behalf of the applicants. Same are taken on record.

The Id. P.O. waives notice on behalf of R-1 to 3.

S.O. 05/10/2020.

Member (J)

dnk.

**

O.A.No.491/2020
(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and
Shri A.D.Karanjkar, Member(J)
Dated :28/09/2020.**

Heard Shri A.R.Ingole, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 to 5.

2. The Id. counsel for the applicant submits that today he will file the service affidavit. The Id. C.P.O. seeks a week time to file reply.

3. **S.O. 12.10.2020.**

Member(J)
Chairman
Date:-28/09/2020.
aps.

Vice

O.A.No.905/2019 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
and

Shri A.D.Karanjkar, Member(J)

Dated :28/09/2020.

C.A.No.214/2020:-

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

2. The Id. P.O. submitted that he would file
reply within two weeks. **S.O. two weeks.**

**Member(J)
Chairman**

Date:-28/09/2020.

aps.

Vice

O.A.No.354/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :28/09/2020.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. The Id. P.O. files the reply on behalf of the respondents. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. 05.10.2020.**

Member(J)

Chairman

Date:-28/09/2020.

aps.

Vice

O.A.No.556/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :28/09/2020.

C.A.No.213/2020:-

Heard Shri D.S.Sawarkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The applicant entered in service in the year 1994 and he was appointed on a post reserved for Scheduled Tribe. Later on, it was found that the applicant was not member of the Scheduled Tribe, his Caste Certificate was invalidated by the Caste Scrutiny Committee. Consequently, vide order dated 04.02.2020, the respondents terminated the service of the applicant and posted him on supernumerary post for a period of 11 months. As the impugned order is passed without hearing to the applicant; **the impugned order be stayed till filing of the reply.**

3. Issue notice to R-2 to 4, 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.**

Member(J)
Chairman
Date:-28/09/2020.
aps.

Vice

O.A.Nos.554&555/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :28/09/2020.

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

2. Issue notice to R-2, returnable on 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.

8. **S.O. four weeks.**

Member(J)
Chairman
Date:-28/09/2020.
aps.

Vice

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

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

Shri A.D.Karanjkar, Member(J)

Dated :28/09/2020.

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

2. Issue notice to R-2, returnable on 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.

8. **S.O. four weeks.**

Member(J)
Chairman
Date:-28/09/2020.
aps.

Vice

O.A.No.567/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :28/09/2020.

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

2. Issue notice to R-2 & 3, returnable on 05.10.2020. 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.

8. **S.O. 05.10.2020.**

Member(J)
Chairman
Date:-28/09/2020.
aps.

Vice

O.A.No.568/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :28/09/2020.

C.A.No.215/2020:-

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

2. C.A. No. 215/2020 for Jt. O.A. is allowed.

3. Issue notice to R-2 & 3, 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.**

Member(J)
Chairman
Date:-28/09/2020.
aps.

Vice

O.A.No.407/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/09/2020.

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

2. As requested by Id. P.O., three weeks time is granted. **S.O. 19.10.2020.**

Chairman
Date:-28/09/2020.
aps.

Vice

O.A.No.1002/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/09/ 2020.

Heard Shri Prateek Sharma filed vakalatnama today, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant pointed out suspension order dated 01.02.2019 (Annexure-A-2, P.B., Pg. No. 14). In the said order in para no. IV, last line, it is mentioned that if applicant is engaged in any other Service or Business than he will not be entitled for subsistence allowance. However, in the suspension order, it is not mentioned that subsistence allowance should be paid or not which is incorrect. When any employee is put under suspension; for his survival, there is a provision in **"The Maharashtra Civil Services (Joining Time, Foreign Services and Payment during Suspension, Dismissal and Removal) Rules, 1981"** in Rule 68 (1).

3. It appears that in this case as submitted by Id. counsel for the applicant; the applicant has not been paid subsistence allowance as per para 10 of the interim relief of the O.A. at P.B., Pg. No. 9.

4. The respondents are directed to pay the subsistence allowance with immediate effect as

per Rule 68 (1) of **"The Maharashtra Civil Services (Joining Time, Foreign Services and Payment during Suspension, Dismissal and Removal) Rules, 1981"**.

5. The Id. counsel for the applicant is further directed to file on record the specific format of suspension order in which subsistence allowance is mentioned.

6. **S.O. four weeks.**

7. **Steno copy is granted.**

Vice

Chairman

Date:-28/09/2020.

aps.

O.A.No.570/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/09/ 2020.

Heard Shri N.S.Warulkar holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. Issue notice to R-2, returnable on two 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. two weeks.**

9. *The Id. P.O. is directed to file the report along with the Review Committee Meeting Report, if any has taken place.*

Vice

Chairman

Date:-28/09/2020.

aps.