

O.A. Nos. 466 & 469 of 2020 **(SB)**

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

Dated : 05.10.2020

Shri S.B. Raut, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. Nos. 467 & 468 of 2020 **(SB)**

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

Dated : 05.10.2020

Shri S.B. Raut, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 406 of 2020 **(SB)**

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

Dated : 05.10.2020

C.A.No. 217/2020 -

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

2. Notice on application be issued returnable in **two weeks**.

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

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 the O.A.

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 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.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 531 of 2020 (SB)

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

Dated : 05.10.2020

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

2. The Id. P.O. submitted that the Deputy Director, Health Department has written letter to the Government informing that the post of Additional Civil Surgeon at Wardha was already occupied by the applicant and there was no post to accommodate the respondent no.5 and requested the Government to pass suitable order.

3. In view thereof, the matter be kept on board after three weeks.

S.O. after three weeks.

Member (J)

dnk.

O.A. No. 574 of 2020 (SB)

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

Dated : 05.10.2020

Heard Shri V.B. Bhise, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for the State. Hamdast allowed.

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Member (J)

dnk.

O.A. No. 575 of 2020 (SB)

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

Dated : 05.10.2020

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

2. I have perused the Annex-A-9 it seems that the applicant is already relieved.

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

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as

limitation and alternate remedy are kept open.

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

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Member (J)

dnk.

O.A. No. 582 of 2020 (SB)

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

Dated : 05.10.2020

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

2. The Id. CPO submitted that in pursuance of the transfer order dated 25th September, 2020, the applicant is already relieved from the duty by the Medical College, Nagpur on 1/10/2020.

3. In view thereof, issue notice to the respondents returnable **after three weeks**. Learned C.P.O. waives notice for the State. Hamdast allowed.

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra

Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after three weeks.

Member (J)

dnk.

O.A. No. 410 of 2020 **(SB)**

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

Dated : 05.10.2020

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

Closed for orders.

Member (J)

dnk.

O.A. No. 411 of 2020 **(SB)**

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

Dated : 05.10.2020

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. PO for the respondents.

S.O. 15/10/2020.

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 : 05.10.2020

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

At the request of Id. P.O., **S.O.**
12/10/2020.

Member (J)

dnk.

O.A. No. 584 of 2020 (SB)

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

Dated : 05.10.2020

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

2. The applicant is challenging her transfer from Government Medical College, Nagpur to Government Medical College, Yavatmal. It is contention of the applicant that the transfer is illegal as it is in violation of the Transfer Act,2005. It is also contended in the application that the officer who is transferred from Chandrapur and posted at Government Medical College, Nagpur is not interested as there is heavy workload at Chandrapur and therefore interim relief be granted. The Id. P.O. submitted that the applicant is already relieved from the post and he is in possession of relieving order.

3. In this situation, issue notice to the respondents returnable **after two weeks**. Learned C.P.O. waives notice for the State. Hamdast allowed.

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

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

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

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

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 585 of 2020 **(SB)**

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

Dated : 05.10.2020

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

2. The Id. P.O. submitted that the applicant is already relieved from the post and he is in possession of the relieving order.

3. In view thereof, issue notice to the respondents returnable **after three weeks**. Learned C.P.O. waives notice for the State. Hamdast allowed.

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

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

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry

within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after three weeks.

Lateron –

Heard Shri P.S. Wathore, Id .counsel appeared for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The learned counsel for the applicant appeared and submitted that the applicant has made contention in the O.A. that in the event interim relief is not granted, then the applicant be permitted to make representation to the respondents for the desired posting. In view of this, the applicant is at liberty to make representation to the respondents for desired posting.

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

Member (J)

dnk.

O.A. No. 586 of 2020 **(SB)**

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

Dated : 05.10.2020

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

2. The applicant is challenging the impugned order which is at page no.17. It is contention of the applicant that as per the order dated 10/8/2020, the applicant was posted as Taluka Health Officer, Umarched, Dist. Yavatmal and by the impugned order the applicant is directed to work at Primary Health Center, Mulawa, Tq. Umarched till further orders. Apparently, the impugned order is not transfer order, but it is a administrative arrangement to cope up with the situation.

3. In view thereof, the O.A. has no merit and it is dismissed. No order as to costs.

Member (J)

dnk.

O.A. No. 587 of 2020 (SB)

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

Dated : 05.10.2020

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. PO for R-1 and Shri R.V. Shiralkar / S.N. Gaikwad, Id. counsel for R-4 (Caveator).

2. The applicant is challenging the impugned transfer order dated 30th September, 2020. It is contended that the posting of respondent no.4 as Sub Divisional Police Officer, Wani, Dist. Yavatmal is illegal for the reason that the applicant was not due for transfer. The second thing is that in para-2 of the impugned order, there is a note that 15 Police Officers be given posting after their transfers by issuing separate orders. It is contended by the applicant that in the impugned order is referring only Section 22 (N) without any clarification as to what were the administrative exigencies as provided under Section 22(N) for the premature transfer.

3. In view of this situation, it is contention of the learned counsel for respondent no.4 that he has already resumed duty, therefore suitable to maintain status-quo as on today. I therefore direct the parties to maintain status-quo as on today till further orders.

4. Issue notices to the respondent nos.2&3 returnable **after three weeks**. Learned P.O. waives notice for R-1 and Shri Shiralkar, learned counsel waives notice for respondent no.4 (Caveator). Hamdast allowed.

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

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

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

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

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after three weeks.

Steno copy be provided.

Member (J)

dnk...**

O.A.No.367/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/10/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, 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. It is sufficient for deciding the O.A.

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

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

5. **S.O. 19.10.2020.**

Chairman
Date:-05/10/2020.
aps.

Vice

O.A.No.583/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/10/ 2020.

Heard Shri S.R.Deshpande, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. Issue notice to R-2, returnable on 19.10.2020. 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. 19.10.2020.**

Chairman
Date:-05/10/2020.
aps.

Vice

O.A.No.68/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri M.R.Khan, the Id. Counsel for the applicant no. 1 and Shri R.R.Ramteke, the Id. counsel for the applicant no. 2 and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. submitted that he could file reply of the respondents on 15.10.2020. The Id. counsel for the applicant is permitted to file additional affidavit. **S.O. 15.10.2020.**

**Member(J)
Chairman
Date:-05/10/2020.
aps.**

Vice

O.A.No.276/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri A.S.Dhore, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submits that service affidavit has been filed. He will supply the copy of the same to the Id. P.O.. He further submits that he desires three weeks time.

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

**Member(J)
Chairman
Date:-05/10/2020.
aps.**

Vice

O.A.No.282/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/ 2020.

C.A.No.188/2020:-

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3 and Shri P.J.Mehta, the Id. counsel for the respondent no. 4.

2. The Id. counsel for the respondent no. 4 will file it's reply on 19.10.2020. **S.O. 19.10.2020.**

**Member(J)
Chairman
Date:-05/10/2020.
aps.**

Vice

O.A.No.330/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

None for the applicant. Shri P.N.Warjekar,
the Id. P.O. for the respondent nos. 1 to 3. Await
service of respondent no. 4.

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

**Member(J)
Chairman**

Date:-05/10/2020.

aps.

Vice

O.A.Nos.334,335&336/2020

(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

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

2. The impugned order dated 03.03.2020 be stayed till filing of the reply.

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

**Member(J)
Chairman**

Date:-05/10/2020.

aps.

Vice

O.A.No.526/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri S.G.Joshi, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The applicant was appointed in service in the year 1990. It is contention of the applicant that all of a sudden order dated 24.12.2019 was passed by the Respondent no. 3 and the applicant was brought on supernumerary post for a period of 11 months. We have heard submission of the Id. P.O., on perusal of the order it seems that without giving opportunity of hearing, the impugned order was passed, therefore, this order shall be stayed till filing of the reply by the respondents.

3. **S.O. four weeks to file reply.**

**Member(J)
Chairman**

Date:-05/10/2020.

aps.

Vice

O.A.No.577/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

C.A.No.216/2020:-

Heard Shri R.R.Chougale, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. C.A.No. 216/2020 for Jt. O.A. is allowed.

3. The Id. counsel for the applicant submitted that earlier applicants were in the list and they were considered for the post of 'Peon' but thereafter the Respondent no. 2 published notification on 22.09.2020 along with the list of the 'Kotwal' for being considered for filling the post of 'Peon'. It is submitted that names of the applicants are not included in this list for they were illegible. The applicants have made representations dated 23.09.2020 but no bid is paid by the respondent no. 2. It is submission of the applicants that Interviews are conducted but till today appointment orders are not issued. In view of this, it is suitable in the interest of justice to issue direction to Respondent no. 2 to decide the representations made by the applicants.

4. In our view, the submissions of the applicants are most reasonable and no prejudice

will cause to anyone, if direction is given to Respondent no. 2 to decide the representations made by the applicants. Hence, we direct that the Respondent no. 2 shall decide the representations made by the applicants at Annexure-A-E (P.B., Pg. Nos. 29 to 32) before issuing appointments order to Kotwals.

5. The **O.A. stands disposed of with no order as to costs.**

6. **Steno copy be supplied to both the counsels.**

Member(J)
Chairman
Date:-05/10/2020.
aps.

Vice

C.P.No.22/2020 in O.A.No.541/2016
(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/ 2020.

Heard Shri Warulkar holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. Issue Notice to the respondent No. 2 returnable in **three 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. three weeks.**

**Member(J)
Chairman**

**Date:-05/10/2020.
aps.**

Vice

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

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant submits that notices are served and he will file service affidavit within one week.

3. It is apprehension of the applicant that there is the likelihood of issuing promotion order. In this situation, we direct that if any promotion orders are issued that it shall be subject to fate of final decision in this original application.

4. **S.O. three weeks to file reply.**

5. *Steno copy is granted.*

Member(J)

Chairman

Date:-05/10/2020.

aps.

Vice

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

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. P.O. requested for time to file reply. **S.O. three weeks.**

**Member(J)
Chairman**

Date:-05/10/2020.

aps.

Vice

O.A.No.576/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/ 2020.

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

2. The impugned order dated 04.02.2020 be stayed till filing of the reply.

3. Issue notice to R-2 to 4, 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:-05/10/2020.
aps.

Vice

C.P.No.40/2019inO.A.No.590/2017

(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/ 2020.

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

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

Member(J)

Chairman

Date:-05/10/2020.

aps.

Vice

C.P.No.20/2020inO.A.No.696/2013

(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/ 2020.

Heard Shri Warulkar holding for Shri S.P.Palshikar, 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 desires to file Rejoinder on affidavit filed the Id. P.O., **S.O. 15.10.2020.**

**Member(J)
Chairman
Date:-05/10/2020.
aps.**

Vice

O.A.No.127/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the State and Smt. J.J.Alkari, the Id. counsel for the respondent nos. 2 & 3.

2. It is submitted that as per interim order dated 27.02.2019, the applicant is not relieved from the service but the respondents have not paid salary to the applicant. The Id. counsel for the applicant has made statement that he approached to the Government and Government has issued necessary directions to the Respondent nos. 2 and 3 for releasing salary of the applicant. It is very strange why salary is not paid to the applicant where he was in service and there was interim direction not to relieve him from service? **We, therefore, direct the Respondent nos. 2 & 3 to release the salary of the applicant immediately.** The Respondent no. 4 has filed reply.

3. The O.A. is **admitted for final hearing.** The Id. P.O. waives notices for the respondents.

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

5. **Steno copy is granted.**

6. *I.R. to be continued.*

Member(J)
Chairman
Date:-05/10/2020.
aps.

Vice

O.A.No.581/2020 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The applicant is facing disciplinary action. The applicant was asked by the Enquiry Officer to inform the name of his next friend. Accordingly, name of Shri Madhukar M. Kumbhare retired A.C.P. was informed by the applicant on 01.08.2020. The Enquiry Officer accepted the name of the next friend as informed by the applicant. It is grievance of the applicant that he received letter dated 07.08.2020 from the Respondent no. 4 that Shri Madhukar M. Kumbhare could not act as a next friend as per the circular dated 29.07.2019 issued by the Respondent no. 2. In this proceeding, the applicant is challenging the circular dated 07.10.2015 issued by the Government of Maharashtra and Circular dated 29.07.2019 issued by the Respondent no. 2, it is submitted that the Enquiry Officer is making heat in completing the Enquiry and if the applicant is not permitted to be defended with the help of the next friend; the applicant will have to suffer irreparable loss.

3. The substantial question involved whether in view of the Maharashtra Police Act 1951 and the Bombay Police (Punishment and Appeal), Rule 1956 whether the Commissioner was empowered to issue the Circular dated 29.07.2019?

4. **In this background, we think it is suitable to stay the disciplinary proceedings till filing of the reply by the respondents.**

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

Member(J)
Chairman
Date:-05/10/2020.
aps.

Vice

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

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/ 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. It is contention of the applicant that Shri Kalpesh Santosh Bhoje, Punde Nikhil Dadarao, Pritesh Kumar Jaiswal, Samadhan Kerba Raut and Navnath Topa Kamble didn't obtained permission but they are shown in the final merit list.

3. In view of this, we think it is suitable to direct the Respondent no. 2 to file affidavit whether said candidates are selected in the final merit list though they didn't seek permission from the Deputy Director and whether Department is going to relieve them to join the Post Graduation Course? The affidavit be filed till 12.10.2020.

4. **S.O. 15.10.2020.**

5. **Steno copy is granted.**

6. **Matter be treated as P.H.**

**Member(J)
Chairman**

Vice

Date:-05/10/2020.
aps.

O.A.Nos.686,704&888/2018

(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :05/10/2020.

Heard Shri A.M.Borkar, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the Respondent nos. 1 & 3, Shri A.M.Kukday holding for Shri H.D.Marathe, the Id. counsel for the respondent no. 2. None for the respondent no. 4.

2. **S.O. 22.10.2020.**

**Member(J)
Chairman**

Date:-05/10/2020.

aps.

Vice