

O.A. 154/2019 (S.B.)

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

**Dated : 19/03/2021.**

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

**S.O. four weeks** to carry out amendment as per order dated 12/3/2020.

**Vice-Chairman**

dnk.

**O.A. 857/2019 (S.B.)**

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

**Dated : 19/03/2021.**

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

**S.O. four weeks** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 916/2019 (S.B.)**

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

**Dated : 19/03/2021.**

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

The Id. P.O. files reply on behalf of R-1 to 4. It is taken on record. He submits that he will supply copy to the Id. counsel for the applicant.

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

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

**S.O. three weeks.**

**Vice-Chairman**

dnk.

**O.A. 56/2020 (S.B.)**

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

**Dated : 19/03/2021.**

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

The Id. P.O. files reply on behalf of R-2&3. It is taken on record. Copy is supplied to the Id. counsel for the applicant.

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

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

**S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 96/2020 (S.B.)

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

**Dated : 19/03/2021.**

Shri N.S. Warulkar, 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. three weeks.**

**Vice-Chairman**

dnk.

O.A. 98/2020 (S.B.)

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

**Dated : 19/03/2021.**

**C.A. 201/2020 -**

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

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

**Vice-Chairman**

dnk.

O.A. 144/2020 (S.B.)

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

**Dated : 19/03/2021.**

Shri S.M. Khan, 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. four weeks** for filing reply.

**Vice-Chairman**

dnk.

O.A. 145/2020 (S.B.)

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

**Dated : 19/03/2021.**

Shri S.M. Khan, 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. four weeks** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 280/2020 (S.B.)**

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

**Dated : 19/03/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent nos.1 to 3. None for other respondents.

At the request of Id. P.O., **S.O. 1/4/2021** for filing reply as a last chance.

**Vice-Chairman**

dnk.

**O.A. 718/2020 (S.B.)**

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

**Dated : 19/03/2021.**

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

The Id. P.O. files reply on behalf of R-2 to 5. It is taken on record. Copy is supplied to the Id. counsel for the applicant.

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

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

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 911/2020 (S.B.)

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

**Dated : 19/03/2021.**

None for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri B.N. Jaipurkar, Id. counsel for R-3.

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

**Vice-Chairman**

dnk.

O.A. 43/2021 (S.B.)

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

**Dated : 19/03/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 51/2021 (S.B.)**

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

**Dated : 19/03/2021.**

Heard Shri N.L. Jaiswal, Id. counsel for the applicant, Shri A.M. Khadatkhar, Id. P.O. for respondent nos.1&2 and none for R-3.

The Id. P.O. submits that he will file reply during the course of day and supply copy to the other side.

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

The Id. P.O. waives notice for R-1&2.

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

**Vice-Chairman**

dnk.

O.As. 132,133,134,135 & 136 of 2021 (S.B.)

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

**Dated : 19/03/2021.**

Shri V.R. Borkar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 179/2021 (S.B.)**

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

**Dated : 19/03/2021.**

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

It appears that as per order dated 5/3/2021, the learned counsel for the applicant has not filed pursis to withdraw the O.A.

The Id. P.O. submitted that the applicant has not followed the order dated 5/3/2021 therefore the matter may be disposed of as withdrawn. Today none appeared for the applicant.

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

**Vice-Chairman**

dnk.

O.A. 1085/2019 (S.B.)

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

**Dated : 19/03/2021.**

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

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 239/2020 (S.B.)**

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

**Dated : 19/03/2021.**

Heard Shri V. Dahat, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for the State and Shri Kukde, Id. counsel for R-2.

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

**Vice-Chairman**

dnk.

**O.A. 743/2020 (S.B.)**

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

**Dated : 19/03/2021.**

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

The respondents are directed to follow all the paras of G.R. dated 5/2/2021 (P-45) and ensure that the applicant's grievance is settled as per para-3 also within two months from the date of receipt of this order.

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

**Vice-Chairman**

dnk.

O.A. 114/2021 (S.B.)

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

**Dated : 19/03/2021.**

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

**Closed for orders.**

**Vice-Chairman**

dnk.

**O.A. 175/2021 (S.B.)**

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

**Dated : 19/03/2021.**

Heard Shri V. Dahat, 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 State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

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

**Vice-Chairman**

dnk.

**O.A. 919/2020 (S.B.)**

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

**Dated : 19/03/2021.**

It is informed that Shri S.N. Gaikwad, Id. counsel for the applicant is diagnosed from Covid. Heard Shri M.I. Khan, Id. P.O. for the respondents.

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

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

**S.O. four weeks for order .**

**Vice-Chairman**

dnk.

**O.A. 920/2020 (S.B.)**

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

**Dated : 19/03/2021.**

It is informed that Shri S.N. Gaikwad, Id. counsel for the applicant is diagnosed from Covid. Heard Shri M.I. Khan, Id. P.O. for the respondents.

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

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

**S.O. four weeks for order .**

**Vice-Chairman**

dnk.

O.A. 17/2021 (S.B.)

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

**Dated : 19/03/2021.**

Shri S.P. Palshikar, 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. 25/3/2021.**

**Vice-Chairman**

dnk.

**O.A. 129/2016 (S.B.)**

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

**Dated : 19/03/2021.**

It is informed that Shri S.N. Gaikwad, Id. counsel for the applicant is diagnosed from Covid. Heard Shri A.P. Potnis, Id. P.O. for the respondents.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

O.A. 927/2017 (S.B.)

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

**Dated : 19/03/2021.**

Shri P.P. Kotwal, 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. 15/4/2021.**

**Vice-Chairman**

dnk.

**O.A. 849/2018 (S.B.)**

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

**Dated : 19/03/2021.**

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

At the request of Id .counsel for the applicant ,**S.O. 25/3/2021.**

**Vice-Chairman**

dnk.

**O.A. 924/2018 (S.B.)**

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

**Dated : 19/03/2021.**

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

At the request of Id .counsel for the applicant ,**S.O. 8/4/2021.**

**Vice-Chairman**

dnk.

O.A. 991/2019 (S.B.)

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

**Dated : 19/03/2021.**

Shri S.D. Borkute, 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. 5/4/2021.**

**Vice-Chairman**

dnk.

**O.A. 65/2017 (S.B.)**

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

**Dated : 19/03/2021.**

Shri G.G. Mishra, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 761/2019 (S.B.)

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

**Dated : 19/03/2021.**

Shri A. Deshpande, 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. two weeks.**

**Vice-Chairman**

dnk.

Rev. A. 32/2019 in O.A. 433/2016 (S.B.)

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

**Dated : 19/03/2021.**

Shri D.S. Sawarkar, 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. 5/4/2021.**

**Vice-Chairman**

dnk.

(S.B.)

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

**Dated : 19/03/2021.**

**O.A.Nos. 545,546,547,548,549,550,551,578 &  
579 of 2020 -**

It is informed that Shri S.N. Gaikwad, Id. counsel for the applicant is diagnosed from Covid. Heard Shri H.K. Pande, Id. P.O. for the respondents.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

O.A. 1013/2019 (S.B.)

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

**Dated : 19/03/2021.**

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

**S.O. four weeks.**

**Vice-Chairman**

\*dnk.

**O.A.No.684/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. The Id. counsel for the applicant has filed pursis dated 08.03.2021 along with this he has also filed death certificate of the applicant. He further prays to withdraw the O.A.

3. In view of this, **the O.A. stands disposed of as withdrawn.**

**Vice Chairman**

**Date:-19/03/2021.**

aps.

O.A.No.676/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

Heard Shri R.M.Fating holding for Shri S.Pande, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

**Vice Chairman**

**Date:-19/03/2021.**

aps.

**O.A.No.927/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

**C.A.No.80/2021:-**

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

2. Specific question was asked by the Id. counsel for the applicant that whether 2019 G.R. related to sealed envelope is filed on record or not? The same G.R. is not seen on record.

3. However, the Id. counsel for the applicant submits that he will file the same G.R. on Monday. The Id. P.O. desires to file reply. However, considering the provisions of G.R. matter be kept on Monday for filing 2019 G.R..

4. **S.O. 22.03.2021.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

O.A.No.942/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

**C.A.No.63/2021:-**

Heard Shri J.S.Wankhede, 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 has relied on order in O.A. No. 943/2019 dated 28.11.2019 on P.B., Pg. No. 9. The grievance of the applicant is that in this O.A. also as per relief clause nos. 8(1)&(2) on page 30 applicant grievance is against G.R. dated 07.08.2012 and same is granted. Hence, **C.A. No. 63/2021 is allowed.**

3. The Id. P.O. desires time to file reply. In view of this situation, as interim relief granted in O.A. No. 943/2019 dated 28.11.2019 which covers the grievances of the applicant will be applicable to the applicant.

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

5. *Put up this matter along with O.A. Nos. 752, 753 & 764/2020.*

**Vice Chairman**

**Date:-19/03/2021.**

aps.

**O.A.Nos.752,753&764/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 19/03/ 2021.**

**C.A.Nos.285/2020,64/2021,286&289/2020:-**

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

2. At the request of Id. counsel for the applicant, **C.A.Nos.285,286&289/2020 for Jt. O.As. are allowed. C.A.No.64/2021 for amendment in O.A. No. 752/2020 is also allowed.** The Id. counsel for the applicant is directed to carry out the amendment within two weeks. He is further directed to supply the copy of amended portion to the other side.

3. The grievances of the applicant in this O.A. as per the relief clause nos. 8 (1)&(2); applicant grievances is against G.R. dated 09.08.2012 and the same is granted. Hence

4. The Id. P.O. desires time to file reply. In view of this situation, as interim relief granted in O.A. No. 943/2019 dated 28.11.2019 which covers the grievances of the applicant will be applicable to the applicant.

5. At the request of Id. P.O., **S.O. four weeks to file reply.**

6. *Put up this matter along with O.A. No. 942/2019.*

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

**O.A.No.755/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

**C.A.No.81/2021:-**

Heard 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 has filed C.A. No. 81/2021 on P.B., Pg. No. 2 of the Civil Application; it is mentioned that applicant stood retired on attaining the age of superannuation on 31.08.2015 on the same day about 05.30 p.m. applicant was served with the chargesheet. Subsequently, on 30.07.2016; State of Maharashtra delegated powers in favour of Divisional Commissioner to appoint Enquiry Officer and Presenting Officer. On civil application; the Id. counsel for the applicant has given 12 dates on which Presenting Officer remains absent. The applicant retired on 31.08.2015 and almost after six years of his retirement D.E. is not completed.

3. As per para no. 6 of Civil Application; Enquiry Officer report has been submitted to the applicant on 22.02.2021 and the same has been received by the applicant on 24.02.2021. The respondents sought time to file reply. By this civil application, the Id. counsel for the applicant submits that he should be protected against any action of the respondents till filing of the reply. The Id. counsel for

the applicant is also relied upon the Hon'ble Apex Court Judgment on P.B., Pg. No. 62 in the case of **AIR 2016 Supreme Court 101 in Civil Appeal No. 958 of 2010 dated 16.12.2015 in Prem Nath Bali Vs. Registrar, High Court of Delhi and Anr.** in para no. 33 of the said Judgment it has clearly mentioned that D.E. should be completed within six months and outer limit is of one year.

4. In this O.A., the chargesheet was served on 31.08.2015 as per Hon'ble Apex Court Judgment it was mandatory on part of the respondents to complete the D.E. by 31.08.2016 which has been already violated from more than five years and during course of enquiry also repeatedly P.O. remained absent which shows that respondents are not serious to complete the D.E. in time.

5. The Id. P.O. has relied upon Judgment of this Tribunal in O.A. No. 122/2021 dated 12.03.2021. However, considering the date of retirement of the applicant serving on chargesheet on the same day and delaying the D.E. for more than six years. It was great injustice to the applicant.

6. The Id. P.O. submits that instead of granting relief as per C.A., respondents may be directed to complete the D.E. within stipulated time. However, since much time has been taken by the respondents. After serving the chargesheet on the date of retirement to the applicant the great injustice already caused to the applicant and much harassment has been caused to the applicant by delaying D.E. for more than six years. Even, when

O.A. was filed on 04.11.2020 more than four months has been elapsed and respondents are not bothered to file reply.

7. The first prejudice is seen by serving chargesheet on the date of retirement. The second prejudice is seen by delaying the D.E. for more than six years and if respondents are serious about D.E. then they may file reply.

8. Considering all this injustice to the applicant, respondents are directed not to take any action against the applicant till filing of the reply. The Id. counsel for the applicant further submitted that as per P.B., Pg. No. 11 of the C.A. enquiry report was signed by enquiry officer on 15.09.2020 and submitted to Revenue and Forest Department on 06.11.2020 to the Departmental Authority which was served to the applicant on 24.02.2021 to submit final defence statement. So, even finalization of D.E. is delayed at every stage.

9. All these facts are very much prejudiced against the applicant and considering all these facts following order:-

#### **ORDER**

1. Respondents are directed not to take any action against applicant till filing of the reply. **Hence, C.A. is allowed and disposed of.**
2. **S.O. four weeks.**

3. **Steno copy is allowed.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

O.A.No.768/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

O.A.Nos.971&972/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

Heard Smt. G.Venkatraman, 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. At the request of Id. P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

O.A.No.18/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. At the request of Id. P.O., **S.O. four weeks to  
file reply.**

**Date:-19/03/2021.**  
aps.

**Vice Chairman**

O.A.No.55/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents. None for the respondent no. 4.

2. In order dated 09.03.2021 in last few paras following directions were given:-

*"Since the course has already started, the respondent nos. 1 to 3 are directed to recommend the applicant's name for the said course and if they have any difficulty, they should file reply immediately within one week. Since, the course has already started, the respondent nos. 1 to 3 have not taken any cognizance to file reply, so one week time is granted to file reply as a last chance."*

3. Today, again the Id. P.O. seeks two weeks time to file reply and respondents are not complied the order dated 09.03.2021. Before that also in order dated 21.01.2021 in para no. 2 it was subsequently pointed out that applicant has scored 68.85 marks and respondent no. 4 has scored 68.82 marks. Today, specific question was asked to the Id. P.O., if there is any document which shows that respondent has scored more than applicant the answer was negative.

4. In view of discussions in above paras, following directions are given:-

## **ORDER**

A. Respondents are directed to immediately recommend applicant to the course of M.Sc. (Nursing) and if they have any adverse documents against the marksheet file it along with reply.

B. **S.O. four weeks.**

C. **Steno copy is granted.**

*D. During course of hearing on 09.03.2021 also none for the respondent no. 4 it shows that respondent no. 4 has understood the facts of the case and does not seem to prosecute the issue.*

**Vice Chairman**

**Date:-19/03/2021.**

aps.

O.A.No.64/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

O.A.No.99/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. At the request of Id. P.O., **S.O. four weeks to  
file reply.**

**Date:-19/03/2021.**  
aps.

**Vice Chairman**

**C.P.25/20inO.A.33/18withC.P.26/20in**

**O.A.219/18withC.P.27/20inO.A.96/18 (D.B.)**

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

**Dated : 19/03/ 2021.**

Heard Shri N.R.Saboo, 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 reply of R-2 to 4. It is taken on record. Copy is served to the other side.

3. At the request of Id. counsel for the applicant, **S.O. 05.04.2021.**

**Vice Chairman**

**Date:-19/03/2021.**

aps.

**O.A.No.233/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. The applicant was appointed as Forest Guard vide order dated 26.02.2013 (Annexure-A-1, P.B., Pg. No. 9). Subsequently, respondents were found that she have three children and applicant was dismissed from the service vide order dated 06.10.2015 (Annexure-A-3, P.B., Pg. No. 21). Applicant challenged this order before Labour Court, Chandrapur vide ULP Complaint No. 134/2015 (Annexure-A-4, P.B., Pg. No. 23) the operative part is at P.B., Pg. No. 35 and application Exh.-U-2 was rejected by Labour Court. It has been pointed out that the above order does not lie in her favour.

3. Subsequently, applicant challenged order rejecting interim relief to Industrial Court on P.B., Pg. No. 36; the Judgment passed on 20.09.2017 and revision was dismissed again and it has been mentioned that complainant failed to prove any *Prima Facie* case or balance of convenience in her favour. Learned Labour Judge has rightly held that complainant is not entitled for the relief which would be in nature of final relief.

4. Applicant preferred an appeal on 29.10.2015 before respondent no. 4 who was actual appellate

authority. Meanwhile, applicant also made an appeal to respondent no. 2 dated 30.10.2015 on Annexure-A-7, P.B., Pg. No. 50. Respondent no. 2 has called remarks from respondent no. 4 which has been submitted by respondent no. 4 by letter dated 13.04.2016 (Annexure-A-6, P.B., Pg. NO. 48). The respondent no. 2 has passed a detail order dated 12.03.2020 (Annexure-A-9, P.B., Pg. No. 76) and applicant's appeal has been dismissed and it has been filed on record. At this stage since applicant has lost in labour court for interim relief and also in Industrial Court and finally in appeal before respondent no. 2 who has taken opinion from respondent no. 4. Hence, no further relief can be granted to the applicant except that the Id. counsel for the applicant is at liberty to challenge the order dated 12.03.2020 passed by respondent no. 2. With this direction, **O.A. stands disposed of with no order as to costs.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

**O.A.No.234/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. The applicant was first appointed on contract basis as submitted by Id. C.P.O.; applicant was first appointed on 10.12.2012 on contract basis and in last para of the appointment at P.B., Pg. No. 19; it is clearly mentioned that applicant's service condition was purely on contract basis. After completion of 2 years contract service; applicant's services was terminated on 09.12.2014 (Annexure-A-8, P.B., Pg. No. 35) by I/c Principal, Vocational Training Institute, Nagpur. By letter dated 04.11.2020 (Annexure-A-15, P.B., Pg. No. 57) the Director wrote a letter to the applicant and it is clearly mentioned that the course has been closed and applicant cannot be taken. The Id. counsel for the applicant insisting to interfere in the policy of the Government decision which is not acceptable and since course is closed as per Government of India order and it has been communicated by Director and copy is submitted to the Hon'ble Minister also. There is no case made out by the applicant. Hence, **O.A. is dismissed with no order as to costs.**

**Vice Chairman**

**Date:-19/03/2021.**

aps.



**O.A.No.239/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. The applicant is aggrieved with non-granting of promotion. Subsequently, he has got certificate at P.B., Pg. No. 36 (Annexure-A-7) which is equivalent Certificate to (Diploma in ETX) and applicant claims that now on the basis of this he can be considered for higher post. Applicant has made representation dated 02.02.2021, Annexure-A-9, P.B., Pg. No. 38 to Hon'ble Minister, Higher and Technical Education, Mumbai and it is noted on representation's top left side to put up this notice before D.P.C..

3. In view of this, respondents are directed to put up representation dated 02.02.2021 at Annexure-A-9, P.B., Pg. No. 38 as and when D.P.C. take place for the Higher Post.

4. Issue notice to Respondents, returnable on six 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. six weeks.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

**O.A.No.240/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. The matter pertains to the examination conducted by M.P.S.C..

3. Issue notice to Respondents, returnable on six 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. six weeks.**

**Vice Chairman**

**Date:-19/03/2021.**

aps.

**O.A.No.241/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. The applicant is a M.B.B.S. candidate and relied on G.R. dated 19.03.2019 (Annexure-A-6, P.B., Pg. No. 36). He was given permission by letter dated 25.11.2019 (Annexure-A-7, P.B., Pg. No. 47) by Deputy Director, Medical Services, Akola Division, Akola for appearing in NEET, P.G. exam. Applicant appeared in the said exam and as per P.B., Pg. No. 48 he is at Sr. No. 12. Applicant subsequently passed the NEET exam and after getting passed from examination he became eligible for that. However, subsequently by order dated 19.01.2021, where applicant's name appears at Sr. No. 13; it is mentioned that as per G.R. dated 26.03.2020 (Anexure-A-13, P.B., Pg. No. 68) section 6.5; applicant is not illegible on deputation and he cannot be given any benefit. Aggrieved with this decision, applicant has approached to this Tribunal.

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.**

10. *Question of interim relief is kept open for the next date of hearing.*

**Vice Chairman**

**Date:-19/03/2021.**

aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Civil Surgeon, Amravati personally present.

2. The Id. P.O. has filed letter dated 18.03.2021 by Civil Surgeon, Amravati along with Annexures are attached. It were taken on record. Copies are served to the other side today only.

3. The Id. counsel for the applicant desires time to go through it. Meanwhile, Civil Surgeon Amravati is directed to take necessary instructions on the Tribunal's order dated 07.01.2021 and communicate the same to the Id. P.O.. He is not required to present personally.

4. **S.O. 22.03.2021.**

**Vice Chairman**

**Date:-19/03/2021.**

aps.

**C.P.No.15/2021inO.A.No.619/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. As per the order dated 12.10.2020 of this Tribunal's order at P.B., Pg. No. 11 order pertains to Respondent no. 3. Hence, applicant is directed to file C.P. only against respondent no. 3 and delete the name of Respondent nos. 2 & 4 immediately.

3. Issue Notice to the respondent No. 3 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.

4. Shri M.I.Khan, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. **S.O. four weeks.**

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

**O.A.No.612/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. Since, there is no Division Bench in the MAT; matter be put up as and when D.B. will be available.

**Vice Chairman**

**Date:-19/03/2021.**  
aps.

**O.A.No.245/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 19/03/ 2021.**

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

2. As per Annexure-A-3, P.B., Pg. No. 21 as pointed out by Id. counsel for the applicant and at P.B., Pg. No. 28 applicant's name is at Sr. No. 1 in the section of "Hkx b ¼1½ vjkt if=r vf/kdkjh ¼oxZd½" and his appointment date is shown as 22.05.1996 and respondent no. 3 name is shown at Sr. No. 2 of the same section and his appointment date is shown as 15.02.1998.

3. Issue notice to Respondents, returnable on three 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. three weeks.**

10. *The respondents are directed to produce minutes of D.P.C. held on 2004, 2012 and 2020.*

**Vice Chairman**

**Date:-19/03/2021.**

aps.