

**O.A.No.498/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022.**

**C.A.No.172/2022**

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

2. The learned counsel submits that the applicants are claiming same relief and now they are retired. Hence, the C.A. for filing Jt. O.A. is allowed.

**O.A.No.498/2022 -**

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

2. The applicants to remove office objection. Issue notice to the respondents returnable **after vacation**. 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 vacation.**

**Member (J).**

RSM.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022.**

**C.A.No.142/2020 in O.A. 235/2020 -**

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

At the request of Id. counsel, **S.O. After Vacation** for removing office objections.

Put up along with other connected matters.

**Member (J).**

RSM.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022.**

**C.A.No.143/2020 in O.A. 236/2020 -**

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the State.

At the request of Id. counsel, **S.O. After Vacation** for removing office objections.

Put up along with other connected matters.

**Member (J).**

RSM.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022.**

**C.A.No.144/2020 in O.A. 237/2020 -**

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the State.

At the request of Id. counsel, **S.O. After Vacation** for removing office objections.

Put up along with other connected matters.

**Member (J).**

RSM.

**O.A.No.442/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022.**

Heard Shri P.V.Thakre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 & 2 and Shri A.P. Sadavarte, Id. counsel for R-3.

2. As per the submission for learned counsel for the applicant, the applicant is retired on 31/3/2022.

3. Heard Shri A.P. Sadavarte, Id. counsel for R-3. As per his submission, the respondent no.3 is now joined at Deolapar.

4. In view of above submission, the O.A. is disposed off. No order as to costs.

**Member (J).**

RSM.

O.A.No.589/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant submits that the respondents are served.

3. The learned counsel seeks time to get instructions from the applicant. At his request,  
**S.O. 09/06/2022.**

**Member (J).**

RSM.

**O.A.No.606/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. Learned P.O. files reply of the respondents. It is taken on record and copy is given to the applicant.

**S.O. 6/5/2022.**

Till then interim relief to continue.

**Member (J).**

RSM.



**O.A.No.607/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. In the application in para-6 (A) it is stated that the applicant was due for retirement on 31/3/2022. Now he is retired. It is a matter of transfer.

3. In view of submission, the O.A. is disposed off as infructuous. No order as to costs.

**Member (J).**

RSM.

**O.A.No.642/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

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

3. The learned counsel for the applicant has filed Pursis along with letter dated 9/8/2021. It is taken on record and marked Exh-X for identification.

4. The letter dated 9/8/2021 issued by the Deputy Conservator of Forest, Yavatmal which shows that the applicant is transferred / posted at Waki Beat, Forest Division, Yavatmal. The applicant has stated in the pursis that he is willing to join at Waki Beat as per the order dated 9/8/2001.

5. In that view of the matter, the O.A. is disposed off with direction to the respondents to allow the applicant to join at Waki Beat. No order as to costs.

**Member (J).**

RSM.

**O.A.No.658/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents nos.1 & 2 and Sanjana Rokade, Id. counsel holding for Shri S.M.Bhangde, Id. counsel for the R-3.

2. At the request of Id. P.O., **S.O. 15/6/2022** for filing reply as a last chance.

**Member (J).**

RSM.

**O.A.No.662/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. The learned counsel for the applicant submits that grievance of the applicant is now satisfied and therefore he wants to withdraw the O.A.

3. In view of above submission, the O.A. is disposed off as withdrawn. No order as to costs.

**Member (J).**

RSM.

**O.A.No.674/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. At the request Id. P.O., **S.O. 16/6/2022** for filing reply.

**Member (J).**

RSM.

O.A.No.696/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. At the request Id. P.O., **S.O. 16/6/2022** for filing reply.

**Member (J).**

RSM.

O.A.No.700/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

Heard Shri H.D. Marathe, Id. counsel holding for Shri S.G.Jagtap, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 6/5/2022.**

**Member (J).**

RSM.

**O.A.No.718/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. At the request Id. P.O., **S.O. 16/6/2022** for filing reply.

**Member (J).**

RSM.



**O.A.No.790/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. At the request Id. P.O., **S.O. 16/6/2022** for filing reply.

**Member (J).**

RSM.

**O.A.No.726/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

Heard Shri Pande, Id. counsel holding for Shri N.D.Thombre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. At the request Id. P.O., **S.O. 16/6/2022** for filing reply.

**Member (J).**

RSM.

**O.A.No.831/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. The learned counsel for the applicant submitted that as per the request of the applicant, he is transferred to Arvi and therefore nothing survives in the O.A.

3. In that view of the matter, the O.A. is disposed off as infructuous. No order as to costs.

**Member (J).**

RSM.

**(S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

**C.A.No.320/2021 in O.A. 892/2021 -**

Heard Shri A.P.Sadavarte, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondent nos.1 to 3. Shri Pande, Id. counsel holding for Shri N.D.Thombre, Id. counsel for R-4.

2. At the request Id. P.O., **S.O. 17/6/2022** for filing reply.

**Member (J).**

RSM.

**O.A.No.431/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. The applicant to remove office objections. Issue notice to the respondents returnable **after vacation**. 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 Vacation.**

**Member (J).**

RSM.

**O.A.No.491/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. The applicant to remove office objections. Issue notice to the respondents returnable **after vacation**. 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 Vacation.**

**Member (J).**

RSM.



**O.A.No.923/2017 (S.B.)**

**( Dr. M.G. Madavi Vs. State of Mah. & Ors.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

None for the applicant. Heard Shri A.M. Khadatkar, Id. counsel for R-1,2 & 5 and Shri S. Majid, Id. counsel for R-3&4.

2. It appears that the applicant is not interested in prosecuting the present matter, because, the applicant challenged the transfer order dated 29/4/2017 and prayed to direct the respondents to release and pay the salary to the applicant since the month of December,2016.

3. Heard Shri S. Majid, Id. counsel for R-3&4. He has submitted that the excess payment is made to the applicant and applicant was directed by this Tribunal to file affidavit. In the affidavit, the applicant has stated that he had worked for 23 days in the month of April,2017 in the Primary Health Centre, Kanhan. It appears that now there is no grievance of the applicant to continue the present O.A. and therefore the applicant is not interested to prosecute the O.A. Today none appeared for the applicant and the O.A. is of the year 2017.

4. In view of submission of Shri S. Majid, Id. counsel for R-3&4, the O.A. is disposed off. No order as to costs.

Steno copy is granted..

**Member (J).**

RSM.

**O.A.No.154/2019 (S.B.)**

**( V.V. Tonde Vs. State of Mah. & Ors. )**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. The applicant is working as Supply Inspector in Nagpur Division since 2014. He has completed normal tenure of posting and therefore requested for inter district transfer. The respondent no.1 not considered the request of the applicant, hence the present O.A. is filed.

3. The learned counsel has pointed out that NOC granted by the Aurangabad Division and NOC granted by the Nagpur Division. Both the divisions have granted NOC to the applicant, but the respondent no.1 not considered the same.

4. Heard Shri A.M. Khadatkar, Id. P.O. for the respondents. He has also pointed out that the NOC granted by the Aurangabad and Nagpur division. The applicant is due for transfer. Hence, the O.A. is disposed off with direction to the respondent no.1 to consider the request of the applicant for inter district transfer within a period of three months. No order as to costs.

Steno copy is granted.

**Member (J).**

**O.A.No.559/2019 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. At the request of Id. counsel for the applicant, **S.O. 15/6/2022** for final hearing.

**Member (J).**

RSM.

**O.A.No.780/2019 (S.B.)**

**( N.L. Sidam Vs. State of Mah. & Ors. )**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. The learned counsel for the applicant has pointed out the order dated 24/5/2017 by which the applicant was transferred from Brahmapuri to Salori beat, Warora Forest Range. As per the submission of learned counsel, vide impugned order dated 20/09/2019 the applicant was again transferred from Salori to Sonegaon Beat, Chimur Forest Range, Bramhapuri Forest Division before completion of normal tenure.

3. In view of above, the applicant is directed to give choice postings within one week and thereafter the respondents are directed to consider the same as per the rules.

4. With this direction, the O.A. is disposed off. No order as to costs.

Steno copy is granted.

**Member (J).**

RSM.

**O.A.No.641/2021 (S.B.)**

**( Satish N. Ghadge Vs. State of Mah. & ors)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

2. By transfer order dated 23/5/2018 the applicant was transferred from Yavatmal to Wani. Thereafter, vide transfer order dated 4/8/2021 the applicant was transferred from Wani to Wadi, Dist. Nagpur. The main contention of the applicant is that he has given three choices for posting. As per the Government guidelines, the employees who due for transfer after completion of normal tenure, they have to give 10 choices for transfer. The applicant has given only three choices. The impugned transfer order is stayed by this Tribunal.

3. In view of above, the applicant is directed to give choices as per the Govt. guidelines (10 choices) within a period of 15 days from the date of receipt of this order. The respondents are directed to consider the same as per the report of Civil Services Board. Till then as per the stay granted by this Tribunal, the respondents shall not relieve the applicant from the present post.

4. With this direction, the O.A. is disposed off. No order as to costs.

Steno copy is granted..

**Member (J).**

RSM.

**O.A.No.320/2022 (S.B.)**

**(H.B. Balekarmkar Vs. State of Mah. & Ors.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated : 04/05/2022**

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

As per submission of learned counsel for the applicant, the applicant has given instructions to withdraw the O.A.

Looking to the submission, the O.A. is disposed off as withdrawn. No order as to costs.

Steno copy is granted.

**Member (J).**

dnk.\*\*



O.A.No.595/2019 (S.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

Heard Shri A.Z.Jibhkate, 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 filed pursis dated 02.04.2022. By this pursis they have filed Judgment of **Hon'ble High Court Bombay, Bench at Aurangabad in Dnyaneshwar S/o Ramkishan Musane Vs. State of Maharashtra & Ors., 2020 (5) Mh.L.J., 381.**

3. **Closed for orders.**

**Vice Chairman**

**Date:-04/05/2022.**  
aps.

**O.A.No.819/2018 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

None for the applicant. Shri A.P.Potnis, the  
ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the  
respondent nos. 2 to 4. It is taken on record. He  
further submits that he will serve it to the other side.

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

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

5. **S.O. 4<sup>th</sup> Week of June, 2022.**

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

**Vice Chairman**

**Date:-04/05/2022.**  
aps.

**O.A.No.329/2019 (S.B.)**

**Dr.S.S.Solanki Vs. State of Maharashtra & 4 Ors.**

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

**Dated : 04/05/2022.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents. None for the respondent no. 5.

2. The District Health Officer, Z.P., Nagpur through respondent no. 5 has filed detailed letter dated 22.07.2019 (A-R-5, Pg. No. 44). According to him, applicant met with an accident on 02.05.2013 and from 02.05.2013 to 19.01.2016 he was on medical leave. On 20.01.2016, he joined duty. Meanwhile, Z.P. sent him to medical test on 20.01.2016 after receiving the document of medically fit from medical board, Z.P. joined him on 20.01.2016.

3. Applicant was transferred from Allopathy Hospital, Khairgaon, District Nagpur by order dated 30.06.2018 and he was relieved and joined on 08.07.2018 at Khairgaon, District Nagpur. Since that post was not in sevarth, he was not paid from 01.12.2013. Again applicant by working at Mohad met with an accident and remain absent from 02.05.2013 to 19.01.2016 on medical leave; since it was long period proposal was submitted to Deputy Director, Health Services, Nagpur. Now, order dated 07.06.2019 was submitted to Commissioner, Health Services on 11.06.2019.

4. The Id. counsel for the applicant submitted that in relief clause page no. 16 para no. 10 (i) the date mention is 02.05.2016 which is incorrect; actually it should be 02.05.2013. The Id. counsel for the applicant is directed to correct it forthwith.

5. As per letter dated 22.07.2019 by District Health Officer at Pg. No. 44 (A-R-5) from 02.05.2013 to 19.01.2016 he was on medical leave due to an accident though he supplied his application to Deputy Director, Health Services which was forwarded to Commissioner, Health Services but till now sanctioning of this leave has not been granted and subsequently applicant has not been paid also this is only the grievance of the applicant which remains.

6. As per letter dated 22.07.2019 (A-R-5, Pg. No. 44) para no. 3 the proposal to sanction this period of leave is as on today pending with respondent no. 2. Since, applicant joined on 11.06.2016 he was sent on medical board and after obtaining fitness from medical board he was granted to join on duty.

7. Since, medical board was certified. Respondent no. 1 is directed to sanction the leave period from 02.05.2013 to 19.01.2016 as proposal submitted to Deputy Director, Health Services which was forwarded to Commissioner, Health Services through respective letters dated 04.06.2019 and 11.06.2019. After obtaining the sanction letter of leave, it should be ensured that it should be go to Treasury and applicant should be paid for that period.

8. The order be complied **within 60 days from the date of receipt of this order.**

9. **S.O. after 60 days.**

10. **Steno copy is granted.**

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

**Vice Chairman**

**Date:-04/05/2022.**

aps.

**O.A.No.786/2020 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

None for the applicant. Shri V.A.Kulkarni, the ld. P.O. for the respondents and Shri H.D.Marathe, the ld. counsel for the respondent no. 5.

2. The ld. counsel for the respondent no. 5 has already filed reply. At the request of ld. P.O., **S.O. after summer vacation to file reply.**

**Vice Chairman**

**Date:-04/05/2022.**  
aps.

**O.A.No.631/2021 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/05/2022.**

Heard Shri K.S.Motwani, the ld. Counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the State. Await service of R-2 & 3.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation to file service affidavit.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**O.A.No.917/2021 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

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

2. The ld. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide this matter.

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

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

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

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

**Vice Chairman**

**Date:-04/05/2022.**

aps.

**O.A.No.25/2022 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

Heard Shri A.D.Girdekar, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the State. Await service of R-2 to 4.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation to file service affidavit.**

**Vice Chairman**

**Date:-04/05/2022.**  
aps.



**O.A.No.334/2022 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/05/2022.**

Heard Shri S.U.Nemade, 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. after summer vacation to file reply.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**O.A.No.337/2022 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

Heard Shri S.P.Palshikar, the ld. Counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State. Await service of R-2.

2. The ld. counsel for the applicant submits that during the course of the day he will file service affidavit. At the request of ld. P.O., **S.O. after summer vacation to file reply.**

3. **S.O. 07.06.2022.**

**Vice Chairman**

**Date:-04/05/2022.**  
aps.

**O.A.No.344/2022 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

Heard Shri S.P.Palshikar, the ld. Counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State. Await service of R-2 & 3.

2. The ld. counsel for the applicant submits that during the course of the day he will file service affidavit. At the request of ld. P.O., **S.O. after summer vacation to file reply.**

3. **S.O. 07.06.2022.**

**Vice Chairman**

**Date:-04/05/2022.**  
aps.

**O.A.No.399/2022 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

None for the applicant. Shri A.P.Potnis, the  
ld. P.O. for the State. C.F. has not collect hamdast for  
R-2.

2. **S.O. after summer vacation to file service  
affidavit of R-2.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**O.A.No.350/2022 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

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

2. At the request of ld. P.O., **S.O. after summer vacation to file reply.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**O.A.No.375/2022 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/05/2022.**

Heard Shri S.Pande, the ld. Counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after summer vacation to file reply.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**O.A.No.218/2021 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

Heard Shri S.M.Pande, the ld. Counsel for the applicant, Shri A.P.Potnis, the ld. P.O. for the respondents and Smt. U.A.Patil, ld. counsel for the respondent no. 3.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation to file rejoinder.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**O.A.No.882/2021 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/05/2022.**

None for the applicant. Shri A.P.Potnis, the  
ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after summer  
vacation to file reply.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**



**O.A.No.302/2018 with C.A.204/2020 (S.B.)**

V.S.Dongre & 38 Ors. Vs. State of Maharashtra & Another.

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

**Dated : 04/05/2022.**

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

2. The Id. P.O. has filed C.A. No. 204/2020 for recalling of the order dated 24.02.2020 and in support of that he has produced arguments in para no. 'H' on page no. 5 which is reproduced below:-

*"5. That, the applicants have submitted documents to prove their original application that they have worked/ enter in "hyper sensitive" zone. When we calculate the period mentioned in these documents to know for how many days of year the applicants have worked in "hyper sensitive" zone, then it is clear that the applicants have entered or worked in "hyper sensitive" zone for 33 days in year 2016, 58 days in the year 2017, 40 days in the year 2018, 20 days in the year 2019, and 9 days till today in the year 2020. Annexure-R-5.*

*It is now clear that, hardly for one and half months they enter into the "hyper sensitive" zone and that too they did not enter into the zone for continuous period. It is further to state that, out of these days maximum time they remain there is the time of the festive season which is being celebrated by tribes at Pratpagarh and Kachargarh for Bandobast. The chart which is placed on record will reveal the true facts regarding the presence of the Applicants in the "hyper sensitive" zones. Annexure-R-6."*

3. However, Id. counsel for the applicant has pointed out G.R. dated 18.02.2011 (A-4, Pg. No. 27) and pointed out on page no. 28 that there are many Police Constables who are working in insensible area and office staff are also posted in the same area too. Apart from argument, in para no. 'H' it appears that office staff is also in risk of Naxal problem.

4. Considering all these issues, after hearing both the parties order was passed on 24.02.2020 in which all the details regarding Officers risk and Ministerial Staffs risk have been pointed out.

5. Now, in view of all these, request for recalling the order by this application dated 05.08.2020 by C.A. No. 204/2020. However, Id. counsel for the applicant pointed out that recalling of order is not permissible after 30 days since order was passed on 24.02.2020 and almost 06 months period have been passed.

6. The Id. counsel for the applicant is canvassing the arguments of delay. However, the delay is condoned.

7. Considering all these above aspects, the respondent no. 1 is directed to consult Local Office and Head of the Department of Police Department and also applicant and take appropriate decision as per Government policy decision **within 06 months from the date of this order.**

8. Hence, **C.A. along with O.A. stands disposed of with no order as to costs.**

9. **Steno copy is granted.**

**Vice Chairman**

**Date:-04/05/2022.**

aps.

**O.A.No.691/2020 (S.B.)**

**Shri R.D.Wakpanjar Vs. State of Maharashtra and Another.**

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

**Dated : 04/05/2022.**

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

2. The dispute is that the applicant Joined Indian Army on 08.10.1985 and he was in Indian Army till 30.04.2004. So applicant had put up 18 years and 07 months service in Indian Army as per synopsis. There were circular dated 01.09.2000 (A-11, Pg. No. 46) were Additional D.G. Police, Training and Special Cell, Maharashtra has been direction about recruitment of Ex-serviceman and in para 1 and 2 which reproduced below:-

“१. १५ वर्षे सैनिकीसेवा झालेले माजी सैनिक, जे.एस.एस.सी. उत्तीर्ण असतील. किंवा 'इंडियन आर्मी स्पेशल सर्टिफिकेट ऑफ एज्युकेशन' अथवा तत्सम प्रमाणपत्र धारक असतील, तर ज्या पदासाठी पदवी परीक्षा ही पात्रता आवश्यक आहे आणि जेथे तांत्रिक अथवा व्यवसायिक कामाचा अनुभव आवश्यक ठरविलेला नाही, अशा पदावर त्यांची सदरची पात्रता शिथिल करून नेमणुकीसाठी पात्र ठरविण्यात हरकत नाही.

२. १५ वर्षे सैनिकी सेवा झालेले माजी सैनिक, जर इयत्ता ८ वी उत्तीर्ण असतील किंवा आर्मी फस्ट क्लास सर्टिफिकेट ऑफ एज्युकेशन' अथवा तत्सम प्रमाणपत्र धारक असतील, पदासाठी माध्यमिक शालान्त प्रमाणक परीक्षा ही पात्रता आवश्यक आहे अशा पदांवर त्यांची शैक्षणिक पात्रता शिथिल करून नेमणुकीसाठी विचार करावायास हरकत नाही.

3. The question involved is that Amravati Police published advertisement dated 29.09.2011 (A-3, Pg. No. 21) for recruitment of Police Constables. The applicant appointed in Police Constable on 01.02.2012 (A-4, PG. NO. 22). Subsequently, service of applicant were terminated on 22.05.2012 (A-5, Pg. No. 33) and his appointment dated 01.02.2012 was cancelled. Applicant along with such candidates aggrieved with this termination order and approached to Government and Government has issued G.R. dated 22.08.2014 (A-6, Pg. No. 34) and took the decision to appoint 158 people of that category including the applicant.

4. Applicant was asked willingness on dated 27.01.2015 (A-7, Pg. No. 37) by respondent no. 2. The applicant approached to this Tribunal by O.A. No. 225/2017 were order was delivered on 19.09.2017 and O.A. was allowed. Applicant was reinstated on 01.11.2017 (as per O.A. on page no. 49) after order of this Tribunal.

5. Now dispute remains that when applicant was terminated on 22.08.2014 and reinstated on 01.11.2017. Hence, applicant is claiming back wages for this period because he was illegally kept out of service from respondents. It appears that while taking decision regarding terminating the applicant dated 22.08.2014; respondent no. 2 did not take into account letter issued by Additional Director General of Police, Training and Special Cell dated 01<sup>st</sup> September, 2000 (A-11, Pg. No. 46); para nos. 1 & 2.

6. Now all these issues have been settled, the only grievance remains that the applicant should be paid backwages from 22.08.2014 to 01.11.2017. Now question is whether during this period applicant was doing some service, earning somewhere or what was his conduct.

7. In view of these above, respondent no. 2 is directed to verify the period from 22.08.2014 to 01.11.2017 and if he was not earning then respondent no. 2 is bound to pay him backwages for the said period. Since he was kept out of service not because of his fault because of ignorance of respondent no. 2. In para no. 4 of reply government has produced certain direction which is reproduced below:-

*"4. It is submitted that, thereafter the applicant along with similar circumstance candidates made representation to the State Government for absorption in service again. In pursuance the Government issue a G.R. on dated 22.08.2014 regarding absorption of all candidates recruited in 2011 whose appointment were cancelled by revised order dated 22.05.2012 by preparing the waitlist of those candidates. The Government further directed that the waitlisted candidates may be absorbed in available future vacancy in their particular category only by following all requisite rules regarding the eligibility and other educational qualifications. In pursuance to the said G.R., the answering respondent office on 27.01.2015 called for consent of the*

*employees for re-appointment and accordingly the applicant has also given his consent.”*

8. According to the above para, applicant should be appointed as and when vacancy appeared for his candidature. From termination that date to 01.11.2017. As submission made by applicant, the respondent no. 2 is directed to pay the backwages to the applicant during the period 22.08.2014 to 01.11.2017 after verifying all the Rules and Regulations, if applicable in the service Rule **within 03 months from the date of this order.**

9. Hence, **O.A. is disposed of with no order as to costs.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**O.A.No.937/2021 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/05/2022.**

Heard Shri P.N.Shende, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondents and Shri K.S.Malokar, the Id. counsel for the respondent no. 4.

2. At the request of Id. P.O., **S.O. Friday i.e. 06.05.2022.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

**Rev.No.03/2020inO.A.No.84/2019 (S.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/05/2022.**

Heard Shri S.P.Palshikar, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 07.06.2022.**
3. **Matter be treated as P.H.**

**Date:-04/05/2022.**  
aps.

**Vice Chairman**

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

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/05/2022.**

Heard Shri A.C.Dharmadhikari, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. None for the respondent nos. 3 to 127.

2. The Id. counsel for the applicant has filed pursis dated 04.05.2022 along with this he has filed Judgment of the Hon'ble High Court Bombay, Bench at Nagpur in W.P. No. 2274/2022 and order was passed on 28.04.2022.

3. The matter was extensively heard since 2019 and order was passed on 12.04.2022 and O.A. was disposed of with no order as to costs.

4. Applicant were given time to file other remedy also. The applicant moves to the Hon'ble High Court Bombay, Bench at Nagpur in W.P. No. 2274/2022 and order was passed on 28.04.2022. On page no. 25 para no. 10 (iii) it is observed that the party will appear before Tribunal on 04.05.2022 and Tribunal will give suitable date for further hearing. Today the Id. counsel for the applicant is only presents other side was not present.

5. In para nos. 10 (iv) & (v) of the above said Judgment of Hon'ble High Court which are below:-



*“(iv) Since both the parties are prejudiced by the impugned order, which is discernible from the arguments advanced before us, as the impugned order has necessitated a remand, the Tribunal will consider taking up the matter on priority and dispose of the same as early as possible, depending upon the other time-bound matters before the Tribunal, within three weeks.*

*“(v) The order of status quo was operating in the proceedings, which is operating till today, is continued till the disposal of the Original Application.”*

6. In view of para no. V of the above Hon’ble High Court Judgment, *Status quo* will be continued till outcome of this original application.

7. Hence, O.A. is restored to file. However, due to coming summer vacation though it will be taken up on priority to dispose of but due to summer vacation matter will be listed in the first week of June, 2022.

8. **S.O. 08.06.2022.**

**Vice Chairman**

**Date:-04/05/2022.**  
aps.