

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

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

Dated : 06/05/2022.

Heard Shri S.G. Jagtap, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has filed letter of applicant. It is taken on record and marked Exh-X for identification. As per this letter, the applicant is ready to join at Paratwada and therefore he does not want to prosecute further the matter.

3. Hence, the O.A. is disposed off for want of prosecution. No order as to costs.

Member (J).

dnk.

O.A.No.411/2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri G.G. Bade, Id .counsel holding for Shri Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

3. The matter is admitted and it be kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O 22/6/2022.

Interim relief to continue till then.

Member (J).

dnk.

O.A.No.540/2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri N.R.Saboo, Id. counsel for the applicants and Shri S.A. Sainis , Id. P.O. for the respondent nos.1 & 2. None for R-3.

2. At the request of Id. P.O., **S.O. 22/6/2022** for filing reply.

Member (J).

dnk.

O.A.No.615/2021 (S.B.)

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

Dated : 06/05/2022.

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1 to 3. None for R-4. The Id. P.O. files reply of R-3. It is taken on record. The P.O. submits that it is sufficient for other respondents.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. 22/6/2022.

Member (J).

dnk.

O.A.No.639/2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri D.M.Kakani, Id. counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 22/6/2022** for filing reply.

Member (J).

dnk.

O.A.No.669/2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri S.M.Khan, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 22/6/2022** for filing reply.

Member (J).

dnk.

O.A.No.705/2021 (S.B.)

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

Dated : 06/05/2022.

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

The Id. P.O. files reply of R-3. It is taken on record.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. 22/6/2022.

Member (J).

dnk.

O.A.No.716/2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri N.B. Mohture, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for R-1&2. Await service of R-3.

2. The Id. P.O. files reply of R-1&2. It is taken on record. Copy is given to the applicant.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. 23/6/2022.

Member (J).

dnk.

O.A.No.774/2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri D.M.Kakani, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

2. The Id. P.O. has filed letter dated 14/10/2021 issued by the Desk Officer, Government of Maharashtra. As per this letter, transfer order dated 30/8/2021 by which the applicant is transferred from PWD, MLA Hostel Sub Division, Nagpur to PWD, World Bank Project Division, Nagpur is cancelled.

Hence, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.

O.A.No.1010/2021 (S.B.)

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

Dated : 06/05/2022.

None for the applicant. Shri H.K. Pande, Id. P.O. for the respondents. The Id. P.O. files reply of R-3. It is taken on record. The Id. P.O. submits that it is sufficient to decide the matter.

2. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. 23/6/2022.

Member (J).

dnk.

O.A.No.168/2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri S.S.Ghate, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. submits that he has received parawise reply, but it is not sworn. Hence, he seeks further time to file reply.

3. At the request of Id. P.O., **S.O. 7/6/2022** to file reply as a last chance.

Member (J).

dnk.

O.As. 942,943,944,945,946 & 1033 of 2021 (S.B.)

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

Dated : 06/05/2022.

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for R-1&2. None for R-3.

At the request of Id. P.O., **S.O. 7/6/2022** for filing reply.

Member (J).

dnk.

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

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

Dated : 06/05/2022.

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

2. The learned counsel for the applicant has filed copy of modified transfer order dated 28/12/2021 and submits that the respondents have modified the transfer order and now he is posted at Warud Circle. Social Forestry Division, Amravati. The applicant wants to make representation against the modified transfer order.

S.O. After Vacation.

Member (J).

dnk.

O.A.No.512/2022 (S.B.)

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

Dated : 06/05/2022.

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

2. The applicant is seeking stay to the recovery of excess amount paid to him as per the 6th and 7th Pay Commission of Rs.2,15,789/-. The applicant is retired on 28/2/2022. The learned counsel for the applicant relied on the Judgment of Hon'ble Supreme Court in the case of **State Of Punjab & Ors vs. Rafiq Masih (White Washer)**. The Hon'ble Supreme Court has given guidelines in para no. 12 of the said Judgment, which is reproduced below:-

"12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

3. The applicant is a retired employee. In view of the Judgment of Hon'ble Supreme Court in the **case of State Of Punjab & Ors vs. Rafiq Masih (White Washer)**, the **impugned communication dated 18/02/2022 is hereby stayed till filing of reply.**

4. Issue notice to the respondents returnable **23/6/2022**. Learned P.O. waives notice for State. 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. 23/6/2022.

Member (J).

O.A.No.351/2018 (S.B.)

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

Dated : 06/05/2022.

Heard Shri S. Sheikh, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondent nos. 1 to 3. None for R-4.

2. The applicant to remove office objections.

3. At the request of Id. Counsel for the applicant, **S.O. 21/6/2022.**

Member (J).

dnk.

O.A.No.748/2019 (S.B.)

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

Dated : 06/05/2022.

Heard Shri Girdekar, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

3. At the request of Id. Counsel for the applicant, **S.O. 22/6/2022.**

Member (J).

dnk.

O.A.No.792/2019 (S.B.)

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

Dated : 06/05/2022.

Heard Shri Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant submits that the applicant wants to withdraw the O.A. He has filed pursis in this regard. It is taken on record and marked Exh-X for identification.

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

Member (J).

dnk.

O.A.No.831/2019 (S.B.)

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

Dated : 06/05/2022.

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

2. The learned counsel for the applicant submitted that now the applicant is transferred in May,2021 from Bhandara to Police Training, Center, Nagpur and therefore nothing survives in the present O.A.

3. Hence, the O.A. is disposed off as become infructuous. No order as to costs.

Member (J).

dnk.

O.A.No.1042/2019 (S.B.)

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

Dated : 06/05/2022.

Heard Shri A.D. Girdekar, Id. counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 23/6/2022.** Interim relief to continue till then.

Member (J).

dnk.

O.A.No.536/2022 (S.B.)

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

Dated : 06/05/2022.

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

2. 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).

dnk.

O.A.No.880/2021 (S.B.)

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

Dated : 06/05/2022.

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

2. The learned counsel for the applicant has filed Pursis. It is taken on record and marked Exh-X for identification.

3. Recently the respondents have consider the applicant for choice posting at Nagpur and therefore, the applicant do not want to prosecute further.

4. Hence, the O.A. is disposed off as withdrawn. No order as to costs.

Member (J).

dnk.

O.A.No.538/2022 (S.B.)

(Ku. Vidya T. Bakale Vs. State of Mah. & ors.)

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

Dated : 06/05/2022.

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

2. The learned counsel for the applicant submitted that the husband of applicant is transferred to Amravati on his health ground. He is suffering from heart disease. The applicant is working in the office of Taluka Inspector of Land Record (TILR), Achalpur. The applicant is promoted and transferred to Telhara, Dist. Akola by the impugned transfer order dated 29/4/2022.

3. The learned P.O. Shri S.A. Sainis submits that it is a transfer on promotion and therefore the applicant should join at the transferred place and thereafter she is at liberty to move any representation.

4. The learned counsel for the applicant submits that due to family problem the applicant will not accept the promotion and therefore she prayed to stay the impugned transfer order.

5. Looking to the submission, **the impugned transfer order is stayed in respect of applicant only till filing of reply.**

6. Issue notice to the respondents returnable **24/6/2022**. Learned P.O. waives notice for State. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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. 24/6/2022.

Steno copy is granted..

Member (J).

dnk.*

O.A.No.733/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri G.K.Bhusari, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State.

2. At the request of ld. counsel for the applicant, office is directed to issue fresh notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

9. The stay order granted in para no. 3 of order dated 03.11.2020 will be continued. The ld. counsel for the applicant should also verify the present situation.

Vice Chairman

Date:-06/05/2022.

aps.

O.A.No.667/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

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. 1 to 3. It is taken on record. Copy is
served to the other side.

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

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

5. **S.O. after summer vacation for final
hearing.**

Vice Chairman

Date:-06/05/2022.

aps.

O.A.No.785/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.**

None for the applicant. Shri A.P.Potnis, the
ld. P.O. for the State. Await service of R-2 & 3.

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

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.824/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri G.K.Bhusari, 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 since grievances of the applicant has been redressed, the matter should be disposed of.

3. However, he has not filed pursis in this regard. He is directed to file pursis forthwith regarding the same.

4. Hence, as per his oral submission, **matter is disposed of with no order as to costs.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.842/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.**

Heard Shri N.R.Saboo, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State. Await service of R-2.

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

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.851/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri A.A.Potnis holding for Shri A.M.Sudame, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the State. Await service of R-2 to 4.

2. The ld. counsel for the applicant has filed transfer order dated 22.02.2022 by Desk Officer, Animal Husbandry Department by which applicant has been posted at the same place of his wife. Hence, both the husband and wife are posted at the same place.

3. In view of order passed by Government dated 22.02.2022, nothing survives in the O.A.. Hence, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.855/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri S.M.Pande holding for Shri N.D.Thombre, the ld. counsel for the applicant, Shri V.A.Kulkarni, the ld. P.O. for the State and Shri M.Shaikh, the ld. counsel for the R-4 & 5. Await service of R-2 & 3.

2. The ld. counsel for the respondent nos. 4 & 5 has placed on record document dated 18.10.2021, by which she has been already transferred by Government order dated 13.10.2021. Hence, applicant transferred order has been modified from Dhule to Nagpur.

3. Hence, nothing survives in the O.A., **O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.886/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

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

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

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

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

5. **S.O. 06.06.2022.** No further adjournment will be granted in this matter.

6. As submitted by ld. counsel for the applicant, in order dated 06.10.2021 in para no. 4 status quo in respect of applicant to the order dated 22.09.2021 (A-3, Pg. No. 13) was granted that should be continued till outcome of the O.A.

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.903/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.**

Heard Shri N.R.Saboo, the ld. counsel for the applicant and Shri A.M.Khadatkar, 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:-06/05/2022.
aps.

Vice Chairman

O.A.No.958/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri P.V.Thakre, the ld. counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the Respondents.

2. The applicant is a physically challenged employee and he has been transferred from Yavatmal to Akot. In order dated 27.10.2021, in para no. 3 specific direction was given:-

“3. In view of this situation, the transfer order dated 07.08.2020 (A-2, Pg. No. 13) is stayed to the extent of applicant and respondent no. 5 till outcome of the O.A.”

3. The ld. P.O. submits that he has received parawise reply and he will file it on record soon. However, **respondents are directed to decide the representation of the applicant in the light of G.R. dated 09.04.2018.**

4. **S.O. 1st Week of June, 2022.**

5. **Steno copy is granted.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.236/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.**

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

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

Vice Chairman

**Date:-06/05/2022.
aps.**

O.A.No.336/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.**

None for the applicant. Shri A.M.Khadatkar,
the ld. P.O. for the Respondents.

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

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.389/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.**

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

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

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.355/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

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

2. The applicant has made last representation on 07.03.2017 (A-3, Pg. No. 32). The son of the applicant is hospitalized from 14.01.2017 to 06.02.2017. Since, applicant has lowest paid employee and over last three years his Medical Reimbursement bill is not been paid. Hence, applicant submitted medical bill of hospital of his son during the period from 14.01.2017 to 06.12.2017 wherein he has hospitalized his son after an accident. Son of the applicant was in I.C.U. during the above said period. Civil Surgeon, Nagpur has also sanctioned medical bill of Rs. 5,30,124/- as required by the office of Deputy Conservator of Forest, Nagpur.

3. As the G.R. dated 16.03.2016 (A-7, Pg. No. 51) the said claim of the applicant will be resolved by respondent no. 1 only. By order dated 18.12.2018 claim of the applicant, Rs. 3,56,993/- has been granted. Now, Rs. 1,73,131 is remaining.

4. In O.A. on page no. 7, the ld. counsel for the applicant has claim the remaining amount i.e. Rs. 1,73,131/-. As submitted by ld. counsel for the

applicant, this remaining amount should be paid by respondent no. 1.

5. Since, respondent no. 1 is now competent authority to sanction this payment. The payment shall be made till 18.05.2022. The respondent no. 1 is further directed to follow all the Rules and Regulations while doing the payment. If the payment is not done clarification should be submitted by Id. P.O. that for what reason payment is not done?

6. **S.O. 18.05.2022 for compliance.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.1165/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri N.R.Saboo, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents.

2. As submitted by ld. counsel for the applicant, applicant was under suspension and he was reinstated but his salary from 21.07.2020 to 23.02.2021 is not paid till now. Respondent no. 3 vide correspondence dated 05.08.2021 (A-13, Pg. No. 32) has submitted to respondent no. 2. Matter is pending with the respondent no. 2 office.

3. Hence, respondent no. 2 is directed to decide the representation of the applicant dated 05.08.2021 (A-13, Pg. No. 32) **within four weeks from the date of receipt of this order.**

4. **S.O. 22.06.2022 for compliance.**

5. **Steno copy is granted.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.390/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.**

Heard Ms. N.S.Pathan, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents.

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

3. If reply is not filed till next date, the matter be taken up on merit.

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.978/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Smt. A.R.Taiwade, the ld. counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the Respondents.

2. The ld. counsel for the applicant desires to withdraw the O.A.. However, she has not filed pursis in this regard.

3. The ld. counsel for the applicant is directed to file pursis for withdrawing the matter, **S.O. 11.05.2022.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.505/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

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

2. As submitted by ld. counsel for the applicant, the applicant date of birth as per birth certificate is 10.10.1967 and in his service book the date of birth is written as 01.07.1964. He needs correction for the above same.

3. The ld. counsel for the applicant has made representation dated 24.03.2022 to Superintending Engineer, P.W.D., Nagpur (A-5, Pg. Nos. 15 & 16). Hence, the respondents are directed to decide the representation of the applicant dated 24.03.2022 (A-5, Pg. Nos. 15 & 16) before retirement.

4. With these directions, **O.A. is disposed of with no order as to costs.**

5. **Steno copy is granted.**

Vice Chairman

Date:-06/05/2022.

aps.

O.A.No.510/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri G.G.Bade, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State.

2. The applicant was appointed as a Staff Nurse on 13.07.2015 and joined at Nagpur. As submitted by ld. counsel for the applicant, representation dated 21.06.2019, 23.04.2021 & 11.03.2022 (Pg. Nos. 9 to 14) for the purpose of transfer to Pune.

3. Respondents are directed to consider the representations made by the applicant while transferring her in this transfer season.

4. With these directions, **O.A. is disposed of with no order as to costs.**

5. **Steno copy is granted.**

Vice Chairman

Date:-06/05/2022.

aps.

O.A.No.509/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri N.R.Saboo, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

Vice Chairman

Date:-06/05/2022.

aps.

O.A.No.984/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri G.N.Khanzode, the ld. counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the Respondents.

2. When the matter was heard last time on 29.04.2022, the ld. C.P.O. submitted that he will take the opinion from Principal Secretary, Law and Judiciary and submit on 05.02.2022. Accordingly, the matter was kept today to take the opinion of Principal Secretary, Law and Judiciary. Today, ld. C.P.O. is absent and ld. P.O. is yet to take instructions from Law and Judiciary Department.

3. Now, ld. P.O. is directed to take the instructions from the Law and Judiciary in accordance to the order dated 24.09.2021.

4. **S.O. 14.06.2022.**

Vice Chairman

Date:-06/05/2022.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri P.N.Shende, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondents and Shri K.S.Malokar, the Id. counsel for the R-4.

2. The applicant has made representations to Deputy Director, Education, Nagpur dated 23.02.2021 (A-2, Pg. No. 24) and 27.09.2021 (Pg. No. 40) for transferring him on the medical ground.

3. Respondents are directed to consider the applicant's representation dated 23.02.2021 (A-2, Pg. No. 24) as well as 27.09.2021 (Pg. No. 40) sympathetically as per existing Rules and Regulations.

4. With these directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.Nos.693,694&699/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

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 ld. counsel for the applicant has filed pursis by which it appears that applicant has been transferred on promotion. Hence, as submitted by ld. counsel for the applicant, O.A. becomes infructuous.

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

Vice Chairman

Date:-06/05/2022.
aps.

O.A.Nos.555&634/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri M.R.Patil, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the Respondents. Shri T.M.Zaheer, the ld. counsel for the R-2 & 3 in O.A. No. 555/2021.

2. The matter was heard on 27.04.2022 and ld. counsel for the applicant was directed to take certain instructions. He is yet to take those instructions, **S.O. after summer vacation.**

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

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.519/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

C.A.No.177/2022:-

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

2. The ld. counsel for the applicant has pointed out order dated 08.02.2022 (A-1, Pg. No. 18) in this applicant at Sr. Nos. 4, 5, 6, 7 & 8 are involved and they are similar grievances. Hence, **C.A. No. 177/2022 for Jt. O.A. is allowed and disposed of.**

3. The ld. counsel for the applicant has pointed out order dated 08.02.2022 (A-1, Pg .No. 18) by respondent no. 2. While perusing the order it appears that para nos. 9, 10, 11 on page no. 20 are very much contradictory. The ld. counsel for the applicant further pointed out that because of these paras applicant have not been relieved but their juniors have been relieved. Now, they will become senior to them. It appears that in para nos. 9, 10 & 11 they are not properly directed.

4. In view of these, following order:-

i) Applicant at Sr. Nos. 4, 5, 6, 7 & 8 in order dated 08.02.2022 should be relieved forthwith and it should be presumed that they have been relieved from the date of issue of this order dated 08.02.2022.

ii) Accordingly in their service book also entry should be made to avoid further confusion to the seniority list.

iii) Meanwhile, respondents may consider reinstatement of applicants according to the Law.

5. Issue notice to Respondents, returnable on 02nd Week of June, 2022. 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. 02nd Week of June, 2022**.

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.525/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :06/05/2022.

C.A.No.176/2022:-

Heard Shri S.P.Palshikar, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State.

2. The applicants shall be placed under suspension by respondent no. 2 by a common order dated 30.01.2022 and hence ld. counsel for the applicant has move C.A. for Jt. O.A.. **C.A. for Jt. O.A. is allowed and disposed of.**

3. Respondent no. 2 is pointed that as per various judgments of Hon'ble Apex Court and Hon'ble High Court if chargesheet is not served within 90 days of suspension order, suspension needs to be revoked and particularly in Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

4. It has been specifically mentioned by Hon'ble Apex Court that he is likely to post in a non sensitive post. As submitted by ld. counsel for the applicant, the applicants have been served chargesheet dated 11.03.2022 (A-4, Pg. Nos. 29 to 42) which crosses 90 days of order of suspension. Since, suspension order is of 30.01.2022; 90 days will expire on 30.04.2022.

5. Hence, ld. counsel for the applicant has relied on G.R. dated 09.04.2019 (A-5, Pg. No. 43) as per this Government decision (1) (i) which is reproduced below:-

- i) निलंबित शासकिय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेउन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिका-याच्या स्तरावर घेण्यात यावा.

It appears that this provision is not complied with.

6. Issue notice to Respondents, returnable on 18.05.2022. Learned P.O. waives notice for R-1. Hamdast allowed.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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.
9. 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.
10. 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.
11. 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.
12. **S.O. 18.05.2022.**
13. **Steno copy is granted.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.526/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri S.P.Palshikar, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State.

2. As pointed out by ld. counsel for the applicant, applicant was suspended on 01.02.2022 (A-2, Pg. No. 20) by respondent no. 2. Since, suspension order is of 01.02.2022; 90 days will expire on 01.05.2022. On perusal of record it appears that from page nos. 22 to 35 chargesheet has been served but nowhere it appears that when it was proposed but chargesheet has been served to the applicant with no covering letter to the enquiry paper.

3. Issue notice to Respondents, returnable on 18.05.2022. 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. 18.05.2022.**

Vice Chairman

Date:-06/05/2022.

aps.

O.A.No.530/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri S.P.Palshikar, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the State.

2. The applicant has been placed to the suspension by order dated 23.01.2022 (A-2, Pg. No. 20). Since, suspension order is of 23.01.2022; 90 days will expire on 23.04.2022. Hence, ld. counsel for the applicant has relied on G.R. dated 09.04.2019 (A-5, Pg. No. 43) as per this Government decision (1) (i) which is reproduced below:-

i) निलंबित शासकिय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेउन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिका-याच्या स्तरावर घेण्यात यावा.

It appears that this provision is not complied with.

3. The chargesheet papers are also seen which is started from page no. 22 and ends at page no. 35 but nowhere it is mentioned that when chargesheet was served. At the same time on page no. 25; it appears that issuing authority has put his signature without date.

4. Issue notice to Respondents, returnable on 18.05.2022. 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. 18.05.2022.**

11. **Steno copy is granted.**

Vice Chairman

Date:-06/05/2022.

aps.

O.A.No.539/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

Heard Shri S.N.Gaikwad, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the State.

2. Applicant has submitted representation dated 11.03.2022 (A-15, Pg. No. 17). Respondents are directed to consider the representation of the applicant sympathetically considering the problem expressed by him in the coming transferring season 2022 by following Rules and Regulations.

3. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-06/05/2022.
aps.

O.A.No.540/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :06/05/2022.

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

2. The ld. counsel for the applicant has pointed out joined transfer order dated 01.04.2022 (A-1, Pg. No. 12) where applicant name appears at Sr. No. 88. The applicant has been transferred from Hudkeshwar to Beltarodi.

3. As submitted by ld. counsel for the applicant, applicant has been joined on Beltoradi on 09.04.2022. Again vide order dated 05.05.2022 (A-2, Pg. No. 27) just after 27 days, applicant has been again transferred from Beltoradi to Police Headquarter.

4. By record it appears that relieving order also is given to applicant as per documents on page no. 28 (A-3).

5. The ld. counsel for the applicant has relied on Maharashtra Police Act, 1951, Section 22 (1)(b). According to this Act, normal tenure of Police Constable is of 05 years at one place of posting. It appears that in this transfer order this Rule has not been followed.

6. In view of this situation, applicant's relieving order dated 05.05.2022 (A-3, Pg. No. 28) and

transfer order dated 05.05.2022 from Beltoradi to Police Headquarter (A-2, Pg. No. 27) both are stayed till outcome of the O.A.

7. Issue notice to Respondents, returnable on 10.06.2022. Learned P.O. waives notice for R-1. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. 10th June, 2022.**

Vice Chairman

Date:-06/05/2022.

aps.

C.P.No.30/2022 in O.A.No.421/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri Justice M.G.Giratkar, Member (J)
Dated : 06/05/2022.**

Heard Shri T.Sahare, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. Issue Notice to the respondents 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.

3. Shri S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

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

Member(J)
Date:-06/05/2022.
aps.

Vice Chairman

