

**O.A. 829/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

**C.A. 189/2020 in O.A. 829/2019 -**

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

2. The applicant entered into the service as Forester and then he was promoted as Ranger as per the G.R. dated 25/5/2004. It is submitted that the respondents are not considering the applicant for promotion on the post of Assistant Conservator of Forests and the respondents have promoted juniors to the applicant.

3. The learned counsel for the applicant submitted that in the cadre of Forester, the persons who were juniors to the applicant are now promoted and therefore, injustice is caused to the applicant. The learned counsel for the applicant has invited our attention to the Judgment in O.A.No. 953/2019, decided on 13/2/2020.

4. We have heard the submissions on behalf of the respondents and in this situation, it is suitable to direct the respondents to consider name of the applicant for the promotion to the post of Assistant Conservator of Forests and the Committee shall decide the case of the applicant as per the

observations made by this Tribunal in O.A.No. 953/2019. Hence, the following order –

**ORDER**

(i) The respondents are directed to consider the case of the applicant for promotion on the post of Assistant Conservator of Forests in view of the guidelines in O.A.No. 953/2019 and this exercise shall be done within 30 days from the date of receipt of this order.

(ii) In view of above, the C.A. and O.A. stand disposed of. No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 267/2020 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 366/2020 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

Heard Shri V.B. Gawai, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondent nos.1 to 4. None for R-5.

The Id. P.O. has filed reply on behalf of R-4 and submitted that the O.A. can be decided on the basis of this reply, therefore, the O.A. is admitted and it be kept for final hearing.

The Id. P.O. waives notice for R-1 to 4.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 491/2020 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

Heard Shri A.R. Ingole, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1,3 & 5. None for R-4.

2. The Id. CPO has filed reply on behalf of R-2 and submitted that it is sufficient to decide the O.A. The O.A. is admitted and it be kept for final hearing.

3. The learned counsel for the applicant submitted that the examination is scheduled on 11/10/2020 and therefore in the interest of justice this matter shall be decided before 11/10/2020. In view of the request, this matter be taken up on board for final hearing on 9/10/2020.

**S.O. 9/10/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 454/2020 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

Heard Shri V.G. Bhambarkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. Issue notice to the respondents returnable **after four weeks.** Learned P.O. waives notice for State. Hamdast allowed.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week.

Applicant is directed to file Affidavit of compliance and notice.

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

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 609/2020 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

Heard Shri V.B. Gawali, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The applicant is at liberty to join necessary party. In the meantime, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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



Applicant is directed to file Affidavit of compliance and notice.

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

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

**Member (J)**

**Vice-Chairman**

dnk.

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**O.A. Nos. 610 & 611 of 2020 (D.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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

2. We have perused the order dated 23/12/2019, by this order the applicant is brought on supernumerary post and 11 months appointment is given. It seems that without giving opportunity of hearing, the impugned order is passed, therefore, we direct to stay the order till filing of the reply.

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

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

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

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

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

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

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

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 612/2020 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

Heard Shri R.D. Karode, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. We have perused the orders dated 11/3/2020 & 16/3/2020, by these orders the applicant is brought on supernumerary post and 11 months appointment is given. It seems that without giving opportunity of hearing, the impugned orders are passed, therefore, we direct to stay the orders till filing of the reply.

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

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

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

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

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

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

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

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 23/2020 in O.A. 860/2018 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1.

2. Issue Notice to the respondent Nos. 2 to 3 returnable **after three weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

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

4. S.O. **after three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 29/2020 in O.A. 149/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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 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 the State. Hamdast granted.

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

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 30/2020 in O.A. 44/2020 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1.

2. Issue Notice to the respondent no.1 returnable **after 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. The learned P.O. waives notice for R-1. Hamdast granted.

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

**Member (J)**

**Vice-Chairman**

dnk.



**C.P. 31/2020 in O.A. 689/2014 (D.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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

2. Issue Notice to the respondents returnable **after 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. The learned P.O. waives notice for the State. Hamdast granted.

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

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 12/2020 in O.A. 873/2017 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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

2. The respondent no.1 is directed to file reply positively within two weeks.

**S.O. two weeks.**

Steno copy be provided...

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 15/2020 in O.A. 953/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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

2. The respondent nos.1 & 2 are directed to file reply positively within three weeks.

**S.O. three weeks.**

Steno copy be provided...

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 269/2019 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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. 19/10/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 334/2017 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 08/10/2020.**

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

**S.O. 19/11/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

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O.A. 595 of 2020 **(SB)**

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

**Dated : 08.10.2020**

S.P. Palshikar, Id. counsel for the applicant, Shri S.A. Deo, Id. C.P.O. for R-1 to 4 and none for R-5.

2. The learned counsel for the applicant has filed Pursis and requested that there is a typing mistake in para-2 of the order and due to error word 'Police' is written and that word be deleted.

3. I have heard submissions on behalf of the applicant and Id. CPO. As the error is typographical, therefore, it be corrected.

**Member (J)**

dnk.

O.As. 613,614 & 615 of 2020 (SB)

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

**Dated : 08.10.2020**

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

2. The applicants are challenging the impugned order dated 7/8/2020 mostly on the ground that without considering the earlier G.Rs. issued, the applicants are transferred though they worked continuously in the naxalite area. The applicants are not yet relieved, therefore, status-quo be maintained as on today till filing of the reply. The respondents are directed to decide the representations made by the applicants within six weeks.

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

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

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

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

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

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

**S.O. after six weeks.**

Steno copy be provided...

**Member (J)**

dnk.



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

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

**Dated : 08.10.2020**

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

2. The learned P.O. submitted that the Collector, Gadchiroli is intending to file reply to the rejoinder filed by the applicant and for that purpose one week time is required.

At the request of Id. P.O., **S.O.**  
**15/10/2020.**

**Member (J)**

dnk.

O.A. 444 of 2020 **(SB)**

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

**Dated : 08.10.2020**

Shri N.S.Wadiyavar, Id. counsel holding for Shri P.J. Mehta, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The Id. P.O. has filed reply on behalf of the respondents. The matter is admitted and it be kept for final hearing.

**S.O. 15/10/2020.**

Interim relief to continue till then.

**Member (J)**

dnk.

O.A. Nos. 458,459, 460,499 & 500 of 2020 **(SB)**

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

**Dated : 08.10.2020**

Shri J.R. Kidilay, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**15/10/2020** for filing reply.

**Member (J)**

dnk.

O.A. No. 490 of 2020 **(SB)**

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

**Dated : 08.10.2020**

Shri J.R. Kidilay, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3.

At the request of Id. P.O., **S.O.**  
**22/10/2020** for filing reply.

**Member (J)**

dnk.

O.A. No. 457 of 2020 **(SB)**

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

**Dated : 08.10.2020**

Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and Shri D.M. Kale, Id. counsel for R-3.

2. On failure of the respondent no.1 to file reply and report compliance of the order dated 24/9/2020, the matter would be finally heard on the next date.

**S.O. 15/10/2020.**

Steno copy be provided...

**Member (J)**

dnk.

O.A. No. 100 of 2020 **(SB)**

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

**Dated : 08.10.2020**

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

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

**Member (J)**

dnk.

O.A. No. 478 of 2020 **(SB)**

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

**Dated : 08.10.2020**

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

The Id. P.O. has filed reply on behalf of the respondent. The matter is admitted and it be kept for final hearing.

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

**S.O. 19/10/2020.**

**Member (J)**

dnk.

O.A. No. 485 of 2020 **(SB)**

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

**Dated : 08.10.2020**

Shri N.R. Saboo, 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. one week** for filing reply.

**Member (J)**

dnk.



O.A. No. 487 of 2020 **(SB)**

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

**Dated : 08.10.2020**

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

The Id. P.O. has filed reply on behalf of R-2&3. The O.A. is admitted and it be kept for final hearing.

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

**S.O. 15/10/2020.**

**Member (J)**

dnk.

O.A. No. 795 of 2018 **(SB)**

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

**Dated : 08.10.2020**

**MCA No. 36/2020 -**

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. Three weeks time is granted to comply the order passed in O.A. 795/2018 from the date of this order.
3. In view thereof, the MCA is allowed.

**Member (J)**

dnk.

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**O.A.No.1002/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

Heard Shri G.G.Bade has filed power for this original application. Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 5. It is taken on record. Copy is served to the other side.

3. The Id. P.O. desires one week to file reply on behalf of the respondent no. 1 and the same will covers the reply of respondent nos. 2, 3 & 4.

4. **S.O. two weeks.**

**Vice Chairman**

**Date:-08/10/2020.**  
aps.

**O.A.No.1021/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

Heard Shri G.G.Bade has filed power for this original application. Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant has pointed out letter dated 02.01.2012 (Annexure-A-1, P.B., Pg. No. 14) by which it appears that proposal has been submitted by the Joint Director, Health Services, Mumbai to Respondent no. 1 i.e. A.C.S., Public Health Department, Mantralaya, Mumbai.

4. In view of this situation, **Respondent no. 1 is directed to take the decision on the proposal submitted by Joint Director within 30 days from the date of this order.**

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

**Vice Chairman**

**Date:-08/10/2020.**

aps.

**O.A.No.157/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

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

2. Issue notice to R-2, 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:-08/10/2020.**

aps.

O.A.No.278/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

Heard Shri T.Deshpande, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 to 4. It is taken on record. Copy is served to the other side.

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

4. **S.O. two weeks.**

**Vice Chairman**

**Date:-08/10/2020.**  
aps.

O.A.No.416/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

Heard Shri A.P.Tathod holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The order dated 06.08.2020 para no. 2 following details have been mentioned:-

*"2. The Id. counsel for the applicant relied upon Government G.R. dated 30.08.2018 (Annexure-A-7, P.B., Pg. No. 36), he had mainly relied on Government decision on P.B., Pg. No. 37; he further submits that the D.P.C. took place on 03.09.2019 and applicant name was kept in sealed envelope; again D.P.C. took place on 16.09.2019. However, the Id. counsel for the applicant has also invited my attention that after three days applicant has made representation to Deputy Director, Land Record, Nagpur vide his representation dated 21.09.2019 (Annexure-A-3, P.B., Pg. No. 19) and applicant case has been recommended by Deputy Director, Land Record Nagpur by his letter dated 24.09.2019 (Annexure-A-4, P.B., Pg. No. 20) and again his case has been recommended by Additional Commissioner, Land Record, Pune vide his letter dated 31.12.2019 (Annexure-A-5, P.B., Pg. Nos. 21 & 22)"*

3. So it appears that applicant's name was considered in D.P.C. dated 03.09.2019 and it was kept in sealed envelope. The Id. P.O. has pointed out letter by Additional Settlement Commissioner and



Additional Director, Land Record, Pune vide his letter dated 23.12.2019 in last para on P.B., Pg. No. 22 he has given his opinion also. In this situation, there is no hurdle in opening sealed envelope in which applicant's name is kept in D.P.C. dated 03.09.2019. In this situation, Respondent no. 1 is directed to take immediate action and open the sealed envelope kept in D.P.C. dated 03.09.2019 about the applicant's promotion issue and after opening the envelope take necessary steps as per remark given in the D.P.C. dated 03.09.2019 **within four weeks** from the dated of this order.

4. **S.O. 19.10.2020 for filing compliance report.**

5. **Steno copy is granted.**

**Vice Chairman**

**Date:-08/10/2020.**  
aps.

**O.A.No.439/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant has pointed out that suspension order dated 15.10.2019 (Annexure-A-1, P.B., Pg. No. 15); It is now more than one year; inspite of various Judgments of Hon'ble Supreme Court and other Courts; It is not understood that why further action has not been taken? However, as suggested by Id. P.O., he desires to take instructions and make a submission on 15.10.2020.

3. **S.O. 15.10.2020.**

**Vice Chairman**

**Date:-08/10/2020.**

aps.

**M.C.A.35/20 in O.A.No.471/20 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

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

2. As pointed out by Id. counsel for the applicant vide his M.C.A. No. 35/2020; a detailed direction and order had been passed in order dated 03.09.2020. Respondents are directed to file on affidavit about the compliance of the said order. The Id. P.O. submitted that due to some unavoidable circumstances; decision is still pending about order dated 03.09.2020. However, Id. P.O. is directed to take instructions and submit report.

3. Notice on M.C.A. to Respondents be issued returnable on **19.10.2020**.

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

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

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. 19.10.2020.**

**Vice Chairman**

**Date:-08/10/2020.**

aps.

O.A.Nos.332&333/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08/10/ 2020.**

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

2. After hearing in length, a details order was passed by this Tribunal on 03.09.2020. However, it appears that respondents have not only violated the Government G.R. dated 09.07.2019; they have also violated the various Judgments delivered by Hon'ble Supreme Court and this Tribunal. In view of this situation following orders:-

#### **ORDER**

- A.** O.A. is partly allowed in terms of relief sought 9 (ii) in respect of revocation of suspension order only of the applicant at the earliest as per G.O.M., G.A.D., G.R. dated 09.07.2019 and decision in G.R. in para no. 1 (ii). The order be complied **within three weeks from the date of this order.**
- B.** Respondents are also directed to issue suitable posting to the applicant as per observations made by **Hon'ble Supreme Court in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in case of State of Tamil Nadu Rep. By Secretary To Govt.**

**Vs. Pramod Kumar IPS & Anr.** in para no. 23 it is observed that:-

23. *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.*

**Vice Chairman**

**Date:-08/10/2020.**

aps.