

O.A. 93/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

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

Vice Chairman

dnk.

O.A. 457/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

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

Vice Chairman

dnk.

O.A. 751/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

None for applicant. Heard Shri S.A. Sainis , Id. P.O. for the respondent nos. 1 to 3 and Shri R.S. Khobragade, Id. counsel for R-4&5.

Amendment not carried out by the applicant.

S.O. after three weeks.

Vice Chairman

dnk.

O.A. 557/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

At the request of Id. P.O., **S.O. 26/9/2022**
for filing reply.

Vice Chairman

dnk.

O.A. 659/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

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

Vice Chairman

dnk.

O.A. 860/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

2. From perusal of earlier order dated 29/9/2021, it appears that the respondents were directed vide order dated 21/06/2021 to decide the applicants' representations dated 30/1/2020 and 18/8/2020. However till date nothing is pointed out about compliance.

3. The learned P.O. is directed to get instructions in this regard and file reply positively till the next date.

S.O. 3/10/2022.

Vice Chairman

dnk.

O.A. 855/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

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

Vice Chairman

dnk.

O.A. 908/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

None for applicant. Heard Shri H.K. Pande , Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. 977/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

C.A. 345/2022 -

Heard Shri V.G. Wankhede, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

2. Looking to the ground, the C.A. is allowed and disposed off. Permission is granted to file documents on record.

O.A. 977/2020 –

S.O. 27/9/2022.

Vice Chairman

dnk.

O.A. 448/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

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

Vice Chairman

dnk.

O.A. 689/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri Motlog, Id. counsel holding for Shri N.R. Shiralkar, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for R-1&2. None for R-3.

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

Vice Chairman

dnk.

O.A. 926/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

Hamdast not collected for service to R-2.

The office objection is not removed.

S.O. after four weeks.

Vice Chairman

dnk.

O.A. 985/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

S.O. 26/9/2022 for filing service affidavit
of R-2 to 4.

Vice Chairman

dnk.

O.A. 1057/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri Barhate, 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. two weeks** for filing reply.

Vice Chairman

dnk.

O.A. 154/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri M.I. Khan , Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. 236/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

None for applicant. Heard M.I. Khan, Id.
P.O. for respondents.

The Id. P.O. files reply of R-2. It is taken
on record.

S.O. 26/9/2022.

Vice Chairman

dnk.

O.A. 433/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

2. The learned counsel for applicant has filed document i.e. office order dated 20/07/2022. It is marked Exh-X. As per this office order, the leave encashment of 300 days is granted by the Director of Technical Education Department, (M.S.) Mumbai. As per submission of learned counsel for applicant, grant is not available and therefore said amount is not paid to the applicant. He also submits that the other pensionary benefit is not granted.

3. The learned P.O. requested for time to file reply. At his request, **S.O. 26/9/2022.**

Vice Chairman

dnk.

O.A. 707/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

None for applicant. Heard Shri A.P. Potnis , Id. P.O. for R-1. Await service of R-2 to 5.

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

Vice Chairman

dnk.

O.A. 746/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri Sachin Rajurkar, Id. counsel holding for Shri N.S. Warulkar, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. 747/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

None for applicant. Heard Shri H.K. Pande, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. 814/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

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

Vice Chairman

dnk.

O.A. 840/2022 (S.B.)

(B.D. Katariya Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

2. As per submission of learned counsel for applicant, the applicant was suspended as per the order dated 19/05/2022 w.e.f. 14/05/2022 on the ground that the applicant was arrested for the offence punishable under the provisions of Prevention of Corruption Act. There is no dispute that the charge sheet is pending.

3. Heard Shri A.P. Potnis, learned P.O. for respondents. He sought time to file reply. There is no necessity to file reply in view of the Judgment of Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another (2015) 7 SCC,291**. The Hon'ble Supreme Court has given guidelines in para-21. It is reproduced as below -

21 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

4. As per the direction of Hon'ble Supreme Court, the Suspension order should not extend beyond three months if within this period the memorandum of Chargesheet is not served on the delinquent officer/employee; if the Chargesheet is served, a reasoned order must be

passed for the extension of the suspension. In the present case, charge sheet is not served on the applicant as submitted by the learned counsel for applicant Shri R.V. Shiralkar.

5. In view of the Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another (2015) 7 SCC,291**, the suspension period cannot be extended more than 90 days. The applicant is suspended as per order dated 19/05/2022 w.e.f. 14/05/2022. The suspension period of 90 days is over, till date no charge sheet is served on the applicant. Hence, in view of the decision of the Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another (2015) 7 SCC,291**, the impugned suspension order dated 19/5/2022 is hereby revoked. The respondents are directed to reinstate the applicant within a period of three weeks from the date of receipt of this order.

6. With this direction, the O.A. is disposed off with no order as to costs.

Vice Chairman

dnk.

O.As. 726,727,728 & 729 of 2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri R.M. Fating, Id .counsel for applicants in all O.As.

Heard A.M. Ghogre, Id. P.O. for respondent no.1 in O.A.726/22, for R-1,5,6 & 7 in O.A.727/2022, for R-1 to 4 & 11 in O.A. 728/2022 and for respondents in O.A.729/2022.

Heard Shri T.M. Zaheer, Id. counsel for R-2 to 8 in O.A. 726/2022, for R-2,3&4 in O.A. 727/2022 and for R-5 to 10 in O.A. 728/2022.

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

Vice Chairman

dnk.

O.A. 502/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

None for applicant. Heard Shri H.K. Pande, Id. P.O. for respondents.

2. The Id. P.O. already filed reply of R-2. It is taken on record. Id. P.O. submits that it is sufficient to decide the matter.

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

S.O. in due course.

Vice Chairman

dnk.

O.A. 418/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri P.K. Mishra, Id. counsel for applicant, Shri H.K. Pande, Id. P.O. for R-1&4 and Shri T.M. Zaheer, Id. counsel for R-2&3.

2. This Tribunal has passed order dated 14/06/2022 and condoned the delay for filing O.A. holding that it is a continuous cause of action.

3. As per the submission of Shri T.M. Zaheer, Id. counsel for R-2&3, the said order is challenged before the Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.4580/2022. He has filed copy of order on record. It is marked Exh-X for identification.

4. As per the order of Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.4580/2022, notice was issued and there is no stay to the impugned order. Hence, the respondents are directed to file reply positively on the next date.

S.O. three weeks.

Vice Chairman

dnk.

O.A. 77/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

2. The learned counsel for applicant to file relevant citation on record.

S.O. 15/9/2022 for final hearing.

Vice Chairman

dnk.

O.A. 719/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri A. Motlog, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicants and Shri A.M. Khadatkar , Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. 922/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

At the request of Id. P.O., **S.O. after two weeks.**

Vice Chairman

dnk.

O.A. 351/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri S.Sheikh, Id. counsel for applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri A.S. Fale, Id. counsel for R-4.

At the request of Id. counsel for applicant, **S.O. 3/10/2022** for final hearing.

Vice Chairman

dnk.

O.A. 883/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

None for applicant. Heard Shri A.M.
Khadatkar, Id. P.O. for R-1 to 5. None for R-6.

S.O. 4/10/2022.

Vice Chairman

dnk.

O.A. 151/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

At the request of Id. counsel for applicant, **S.O. 3/10/2022.**

Vice Chairman

dnk.

O.A. 956/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

S.O. 28/9/2022 for filing relevant citation by applicant.

Vice Chairman

dnk.

O.A. 814/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

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

S.O. 26/9/2022 for final hearing.

Vice Chairman

dnk.

O.A. 854/2022 (S.B.)

(Dildar B. Tadavi Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The learned counsel for applicant submitted that the over payment made by the respondents was already recovered from the gratuity, amounting to Rs. 4,23,761/-. He has relied on the Judgment of Hon'ble Supreme Court the **Hon'ble Apex Court in case of State Of Punjab & Ors vs. Rafiq Masih (White Washer) decided on 18 December, 2014** in Civil Appeal No. 11527 OF 2014 (Arising out of SLP(C) No.11684 of 2012).

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.

Vice Chairman

dnk.

O.A. 373/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri S.S. Bhalerao, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for applicant has filed citations which is marked Exh-X for identification. The Id. P.O. has filed undertaking given by the applicant dated 20/05/2009 and 27/2/2019 which is marked Exh-X1 for identification.

Closed for orders.

Vice Chairman

dnk.

O.A. 405/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard the applicant in person and Shri S.A. Deo, Id. CPO for the respondents.

2. As per the submission of applicant, both the impugned transfer order and subsequent posting order at Nandurbar are illegal. He prayed in the present O.A. that relief be granted by quashing both the orders and directing the respondents to post him as a Dean, Government Medical College and Hospital at Chandrapur.

3. During the course of argument, the Id. CPO Shri S.A. Deo has submitted that at present Dr. Nitnaware is working as a Dean in the Government Medical College and Hospital at Chandrapur. He is not made a party by the applicant. If the O.A. is allowed, then Dr. Nitnaware will be affected. He is a necessary party. The learned CPO has submitted that he will file written preliminary objection about the necessary party.

Put up matter on 03/10/2022.

Vice Chairman

dnk.

O.A. 491/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 12/09/2022.

Heard Shri S.D. Chande, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

2. The learned counsel for applicant has pointed out order of this Tribunal in O.A. No. 89/2017 & other connected matter. This Tribunal directed the respondents to release the pension of the applicant. This Tribunal has also quashed and set aside the recovery order dated 27/3/2017 for recovery of Rs.2,14,980/-. It was directed to the respondents to initiate action as per the law to recover occupation charges from the applicant after giving him opportunity of hearing.

3. During the course of argument, the learned P.O. Shri M.I. Khan submits that he will take instructions as to whether this order is challenged before the High Court or not.

S.O. 27/9/2022 for final hearing.

Vice Chairman

dnk.
**

O.A.No.981/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

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

2. The learned counsel for the applicant seeks time of two weeks to carry out the amendment time is granted as prayed.

S.O. 27.09.2022.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.807/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

C.A.No.79/2022

Heard Smt.Trishali Dhonit, holding for Shri Abhay Sambre, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. Shri D.M.Kakani for Intervenor.

2. On oral request of ld. counsel for the applicant time of one week wanted to carry out the amendment.

S.O. one week.

**Member(J)
Date:-12/09/2022
rsm.**

Vice Chairman

O.A.No.400/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

None for the applicant. Heard and Shri
V.A.Kulkarni, Id. P.O. for the respondents.

2. On oral request of Id. P.O., **S.O. four weeks
for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.749/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

None for the applicant. Heard Shri V.A.Kulkarni, ld. P.O. for the respondents 1 to 4 & 6. Shri C.A.Babrekar, ld. counsel for the respondent no.5.

2. On oral request of ld. P.O., **S.O. four weeks for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.347/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

None for the applicant. Heard Shri
V.A.Kulkarni, Id. P.O. for the respondents.

2. On oral request of Id. P.O., **S.O. four weeks
for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.27/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)
Dated : 12/09/2022.**

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

2. The learned counsel for the applicant states that he has only placed certain documents on record which did not necessitate in amendment to the pleading. C.A.No.348/2022 for production of documents is already allowed. Now the matter is to be kept to the final hearing.

S.O. one week for final hearing.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.161/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

None for the applicant. Heard Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. four weeks for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.311/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. 10.10.2022 for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.332/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Reply of respondents 1 & 2 filed by learned P.O. It is taken on record.

3. **S.O.26.09.2022.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.393/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

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

2. On oral request of ld. P.O., **S.O. three weeks for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.474/2022 with
O.A.No.475/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**
Dated : 12/09/2022.

None for the applicant. Heard Shri
V.A.Kulkarni, Id. P.O. for the respondents.

2. On oral request of Id. P.O., **S.O. four weeks
for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.618/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**
Dated : 12/09/2022.

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1 & 2. None for the respondent no.3.

2. On oral request of ld. P.O., **S.O. two weeks for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.627/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri V.A.Kothale, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. The learned counsel states that the respondents are served and today he will file service affidavit.

3. On oral request of learned P.O., **S.O. four weeks for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.665/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

None for the applicant. Heard Shri
V.A.Kulkarni, Id. P.O. for the respondents.

2. On oral request of Id. P.O., **S.O. four weeks
for filing reply.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.94/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri N.B.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **S.O. 16.09.2022.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.807/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri D.M.Dhatrak, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. The applicant is relying on order dated 11.12.2014 passed by the Hon'ble Bombay High Court in Writ Petition No.6857/2014 and the order dated 25.04.2022 passed by the Bombay High Court in Writ Petition No.2833/2022. In the latter order there is a reference to the order dated 26.10.2021 passed by the Bombay High Court in Writ Petition No.11884/2021 (Aurangabad Bench). On the basis of these orders the applicant is praying that the respondents be restrained from taking any action pursuant to G.R. dated 18.08.2010 (Annexure A-8).
3. In reply it is submitted by the learned P.O. that the applicant can be allowed to rely on the aforesaid orders only provided he succeeds in at least prima facie showing that the same are applicable to the facts of his case. It is also submitted that whether or not G.R. dated 18.08.2010 applies to the facts of the case in hand also will have to be ascertained in view of the order of appointment of the applicant dated 01.02.2006,
4. Considering the rival submissions made at this stage we feel that presently notice will have to be issued.
5. The learned counsel submits that it be made returnable early.
6. Issue notice to Respondents, returnable **on 16.09.2022**. 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. 16.09.2022.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.892/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

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

2. It is pointed out that by the judgment and order dated 03.08.2020 passed in O.A.No.400/2018 the Departmental Enquiry initiated against the applicant was directed to be concluded within six months from the date of the order and the order further stipulated that if the inquiry was not concluded within the said time frame the applicant would stand exonerated. A period of more than 18 months has elapsed since the time frame stipulated by this Tribunal has expired. The learned P.O. states that on next date he will make a statement regarding present state of affairs with regard to the Departmental Enquiry.

3. Issue notice to Respondents, returnable **after two 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 two weeks.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

C.P.No.03/2022 in
O.A.No.255/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**
Dated : 12/09/2022.

Heard Shri G.R.Sadar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents 1, 3 & 5. Advocate Pooja S. Agrawal, holding for Shri S.M.Bhangade, ld. counsel for the respondents 2 and 4.

2. The learned counsel for the respondents 2 and 3 submits that today her senior is not available she seeks time of one week. The applicant is present in person along with his advocate.

S.O.19.09.2022.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.113/2015 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri P.S.Sahare, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents 1 to 3. Shri S.N.Gaikwad, Id. counsel for the respondents 5 to 7. None for the respondents 4, 8 & 9.

2. Considering the issues involved in the matter the applicant as well as the respondents shall file written submission whereupon the matter shall be closed for judgment.

S.O.16.09.2022.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.597/2016 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri N.A.Deshmukh, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O.** **16.09.2022.** On which date the matter shall be positively argued.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.133/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Ku.K.K.Pathak, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. next week.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.1011/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents 1 & 2. Shri Bharat Kulkarni, ld .counsel for the respondents 3 & 4.

Closed for orders.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.906/2019 with

O.A.No.907/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri Bharat Kulkarni, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1 to 3. None for the respondents 4, 5 and 6.

2. **S.O. next week.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.501/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

C.A.No.369/2020

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. By consent of both the parties

S.O.04.10.2022.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.700/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

C.A.No.373/2021

Heard Shri C.A.Joshi, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. **S.O. 03.10.2022.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.318/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

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

2. **S.O. 22.09.2022.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.417/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri N.D.Thombre, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Today the learned P.O. has placed on record communication dated 02.09.2022 showing that the applicant has joined on the promotional post 01.09.2022.

3. The learned counsel has placed on record communication which shows that the applicant has joined on the promotional post under protest and to subject to outcome of this O.A.

Closed for Orders.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.495/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**
Dated : 12/09/2022.

Heard Shri Vishal Anand, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. **S.O. two weeks.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.868/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

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

2. **S.O. four weeks.**

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman

O.A.No.918/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 12/09/2022.

Heard Shri M.S.Patil, holding for Shri V.G.Bhamburkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Advocate Shri M.S.Patil, states on behalf of the applicant (in person) that the applicant is not well and the matter be kept on next date. By consent matter is adjourned to 22.09.2022.

3. Today the learned C.P.O. has placed on record along with covering letter dated 12.08.2022 consolidated result of the interviews.

S.O. 22.09.2022.

Member(J)
Date:-12/09/2022
rsm.

Vice Chairman