

O.A. 258/2021 (S.B.)

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

Dated : 14/06/2022.

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

2. The learned P.O. files affidavit-in-reply of R-1&2. It is taken on record and copy is served to the applicant. The learned counsel for the applicant wants to file short affidavit and for that purpose he seeks further time.

3. At the request of Id .counsel for the applicant, **S.O. 27/6/2022.**

Member (J).

dnk.

O.A. 243/2020 (S.B.)

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

Dated : 14/06/2022.

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

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

Member (J).

dnk.

O.A. 755/2019 (S.B.)

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

Dated : 14/06/2022.

C.A. No. 200/2022 -

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

2. The applicant no.3 is not interested to prosecute this O.A. Hence, he is permitted to withdraw the O.A. The name of applicant no.3 be deleted.

3. In view of above, the C.A. is disposed off.

O.A. 755/2019 –

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

2. The learned P.O. files reply of R-1 to 3. It is taken on record.

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

S.O. 28/6/2022.

Member (J).

dnk.

O.A. 706/2021 (S.B.)

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

Dated : 14/06/2022.

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

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

Member (J).

dnk.

O.A. 8662021 (S.B.)

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

Dated : 14/06/2022.

Heard Shri P.D. Meghe, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 & 6. None for other respondents.

2. The learned P.O. submits that the applicant has filed appeal before the Governor. He has filed copy of letter dated 22/2/2022. It is taken on record and marked Exh-X for identification.

3. The learned P.O. is directed to supply copy of the said letter to the other side.

S.O. after four weeks.

Member (J).

dnk.

O.A. 60/2022 (S.B.)

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

Dated : 14/06/2022.

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

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

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

S.O. 28/06/2022 for final hearing.

Member (J).

dnk.

O.A. 202/2022 (S.B.)

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

Dated : 14/06/2022.

None for the applicant. Shri A.M.
Khadatkar, Id. P.O. for R-1.

Hamdast not collected for R-2&3.

S.O. four weeks.

Member (J).

dnk.

O.A. 217/2022 (S.B.)

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

Dated : 14/06/2022.

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

Hamdast not collected for R-1 to 3.

S.O. four weeks.

Member (J).

dnk.

O.A. 265/2022 (S.B.)

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

Dated : 14/06/2022.

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

2. The matter is covered by the Judgment of this Tribunal.

3. At the request of Id. P.O., **S.O. 22/06/2022** for filing reply.

4. It is made clear that if reply is not filed, the matter will be decided without reply.

Member (J).

dnk.

O.A. 324/2022 (S.B.)

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

Dated : 14/06/2022.

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

2. The Id .P.O. files reply of R-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.

4. The Id. counsel for the applicant has filed copy of Judgment dated 25/3/2022 in O.A. 53/2022 passed by M.A.T., Principal Bench, Mumbai. It is taken on record.

S.O. in due course.

Member (J).

dnk.

O.A. 334/2022 (S.B.)

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

Dated : 14/06/2022.

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

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

Member (J).

dnk.

O.A. 388/2022 (S.B.)

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

Dated : 14/06/2022.

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

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

Member (J).

dnk.

O.A. 404/2022 (S.B.)

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

Dated : 14/06/2022.

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

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

Member (J).

dnk.

O.A. 536/2022 (S.B.)

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

Dated : 14/06/2022.

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

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

Member (J).

dnk.

O.A. 1106/2021 (S.B.)

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

Dated : 14/06/2022.

Heard Shri A.P. Dubey, Id. counsel for the applicant and Shri V.A. Kulkarni, 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).

dnk.

O.A. 189/2022 (S.B.)

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

Dated : 14/06/2022.

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri V.A. Kulkarni, 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).

dnk.

O.A. 190/2022 (S.B.)

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

Dated : 14/06/2022.

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri V.A. Kulkarni, 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).

dnk.

O.A. 751/2016 (S.B.)

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

Dated : 14/06/2022.

Heard Shri V.R. Borkar, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 28/06/2022.**

Member (J).

dnk.

O.A. 527/2017 (S.B.)

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

Dated : 14/06/2022.

Heard Shri G.K. Bhusari, Id. counsel holding for Shri A.C. Dharmadhikari, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J).

dnk.

O.A. 155/2018 (S.B.)

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

Dated : 14/06/2022.

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

At the request of Id. P.O., **S.O.**
27/06/2022.

Member (J).

dnk.

O.A. 279/2018 (S.B.)

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

Dated : 14/06/2022.

Heard Shri G.K. Bhusari, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4.

At the request of Id. counsel for the applicant, **S.O. 20/06/2022.**

Member (J).

dnk.

O.A. 713/2019 (S.B.)

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

Dated : 14/06/2022.

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

At the request of Id. counsel for the applicant, **S.O. 28/06/2022.**

Member (J).

dnk.

O.A. 714/2019 (S.B.)

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

Dated : 14/06/2022.

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

2. As per the submission of learned counsel for the applicant, the respondents have cancelled the impugned transfer by the order dated 16/12/2021. Hence, there is no cause of action to continue the present O.A.

3. In view of above submission, the O.A. is disposed off as impugned transfer is already cancelled by the respondent no.1.

Member (J).

dnk.

O.A. 984/2021(S.B.)

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

Dated : 14/06/2022.

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned CPO filed letter dated 5/5/2022 issued by the Joint Secretary, Government of Maharashtra, Law and Judiciary Department, Mantralaya, Mumbai. It is taken on record and marked Exh-X for identification.

3. The learned counsel for the applicant submits that reply of respondent no.1 is necessary. As per the submission of learned CPO, the respondent no.1 is the formal party and representation was made to the respondent no.1. The respondent no.1 directed respondent no.2 to decide the representation of the applicant. The respondent no.2 cancelled the earlier impugned transfer order. It appears that the respondent no.2 is the main authority to transfer the applicant. Moreover, the grievances are against the respondent no.2 and not respondent no.1. Hence, the reply of respondent no.1 is not necessary. The reply of R-2 to 4 is already filed on record.

4. It is made clear that the matter will not be adjourned on any ground and will be heard finally on the next date.

S.O. 28/6/2022.

Member (J).

dnk.

O.A. 168/2022 (S.B.)

(S.B. Giri Vs. State of Mah. Ors.)

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

Dated : 13/06/2022.

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

2. The learned counsel for the applicant submitted that the applicant was suspended as per the order dated 28/01/2022. The learned counsel has pointed out the recommendation of respondent no.2, the disciplinary authority for revocation of suspension order. The learned counsel has also pointed out the letters dated 25/2/2022 and 12/5/2022 issued by respondent no.2 which are marked Exh-X and X1 for identification.

3. It appears that the disciplinary authority have recommended for revocation of suspension order to the Appointing Authority i.e. the State Government. The State Government has not taken any decision till date.

4. The learned CPO has submitted that the Government will take decision in due course.

5. Now it is well settled law that suspension cannot be continued more than 90 days in view of the Judgment of Hon'ble Apex Court in the

case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another.

6. The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another** in its Judgment dated 16/02/2015 in para no. 14, it has observed as follows:-

14 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.

7. In view of the specific guidelines given in para-14 of the Hon'ble Apex Court in case of **Ajay Kumar Chaudhary Vs. Union of India**

through its Secretary and another, the suspension of government employee cannot be continued more than 90 days. The applicant was suspended vide impugned order dated 28/01/2022 and the period of 90 days has elapsed long back. Moreover, the Disciplinary Authority has already recommended for revocation of suspension of the applicant to the Appointing Authority as per the letters dated 25/2/2022 and 12/5/2022 issued by the respondent no.2. Hence, the following order–

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned suspension order dated 28/01/2022 of applicant is hereby revoked.
- (iii) The respondents are directed to reinstate the applicant within a period of 15 days from the date of receipt of this order.
- (iv) No order as to costs.

Member (J).

dnk.

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

(R.P. Kamble Vs. State of Mah. & Ors.)

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

Dated : 14/06/2022.

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

2. As per the submission of learned counsel for applicant, the father of applicant was working as a Kotwal at Saza Pardi-Takmor and Bitodateli. He died on 30/10/2008 during the course of employment. The applicant moved an application for appointment on compassionate ground on 26/11/2008. The Collector, Washim issued letter to the Tahsildar, Washim on 18/11/2015 to take necessary action for appointment of the applicant on compassionate ground.

3. The learned counsel for the applicant has submitted that the Tahsildar, Washim not acted upon the letter issued by the Collector, Washim letter dated 18/11/2015. Till date the claim of the applicant is not decided by the respondents therefore prayed to direct the respondents to appoint the applicant on compassionate ground.

4. Heard learned P.O. Shri V.A. Kulkarni. He has submitted that specific direction cannot

be given for appointment on compassionate ground. At the most as per the rules, the name of applicant can be taken on seniority / waiting list of the persons to be appointed on compassionate ground. There is no dispute about it.

5. There is no dispute that the father of applicant was working as Kotwal and he died on 30/10/2008 during the course of employment. As per the scheme of the Government, the legal heir of dependent of deceased Govt. employee is to be given appointment on compassionate ground.

6. The letters filed on record show that the applicant applied for compassionate appointment to the Collector, Washim. The Collector, Washim issued letter to the Tahsildar, Washim on 18/11/2015. Till date the respondents have not decided the claim of the applicant and not taken his name in the seniority / waiting list. Hence, the following order –

ORDER

(i) The O.A. is partly allowed.

(ii) The respondents are directed to decide the claim of the applicant for appointment on compassionate ground, if he is eligible for appointment on compassionate ground, then his name shall be taken in the seniority / waiting list for appointment on compassionate ground.

(iii) The respondents are directed to decide the claim of applicant within a period of three months from the date of receipt of this order.

(iv) No order as to costs.

Member (J).

dnk.

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

(S.P. Giri Vs. State of Mah. & Ors.)

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

Dated : 14/06/2022.

C.A. No. 197/2020 in O.A. 418/2020 -

Heard Shri P.K. Mishra, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2&3. None for R-4.

2. This is an application for condonation of delay of 23 months. The applicant is a retired as Executive Engineer from Irrigation department office at Nagpur. The applicant was working as a Junior Engineer in 1987 at Gondia. The Superintending Engineer, Bhandara initiated the departmental enquiry against the applicant in 1992. The charges were proved and the applicant was punished for stopping five years increments permanently. The applicant filed the appeal before the Appellate Authority. The said appeal was decided in 2003. By allowing the application partially, the punishment was modified withholding three increments instead of five increments. Thereafter the applicant moved several representations, but those were not considered. The applicant was at Yavatmal to take care of his ailing in-laws. Thereafter the applicant permanently settled in Nagpur in

March,2020 and he has filed the O.A. Hence, the delay is liable to be condoned.

3. The application is strongly opposed by the respondents.

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

5. The learned counsel for the applicant has submitted that the stoppage of three increments permanently is a continuous cause of action and therefore there is no delay. As per his submission, even if there is delay, that is liable to be condoned because the representations have not been decided by the respondents.

6. Shri T.M. Zaheer, learned counsel for respondent nos.2 & 3 strongly objected the application. He has submitted that the impugned order is of the year 1992. The appeal was decided in 2003 and since 2003 he has not filed any O.A. There is much more delay of 17 years. Hence, the C.A. is not maintainable.

7. The learned P.O. supported the argument advanced by learned counsel for respondent nos.2 & 3 Shri T.M. Zaheer and submitted that the impugned order was passed in the year 1992 and therefore much more delay for filing the O.A. It is pertinent to note that as per the Section 5 of the Indian Limitation Act, 1963, the certain period is to be excluded.

Admittedly, there was appeal pending about more than 11 years before the Appellate Authority that period is to be excluded. As per the Section 5 of the Indian Limitation Act, 1963, the reasonable and proper cause is to be shown for condoning the delay. The Hon'ble Apex Court in the case of **Collector, Land Acquisition, Anantnag & Ano. Vs. Mst. Katiji & Ors., AIR, 1987 SCC,1353** has laid down the guidelines. The Hon'ble Apex Court has held that each and every period need not to be explained. When there is a merit in the submission that delay can be condoned and the matter can be decided on merit. The order issued by respondent nos.2&3 issued for stopping three increments permanently (as per the order of Appellate Authority) is a continuous cause of action. Hence, the C.A. is allowed and delay is condoned .

O.A. 418/2020 –

Heard Shri P.K. Mishra, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2&3. None for R-4.

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).

dnk.
**

O.A.Nos.326,327,328,329&330/2022 (D.B.)

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

Dated : 14/06/2022.

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

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

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.322/2022 (D.B.)

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

Dated : 14/06/2022.

Heard Shri D.R.I.Patil, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 08.07.2022** for reply.

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.550/2022 (D.B.)

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

Dated : 14/06/2022.

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

2. As submitted by Id. P.O., enquiry is completed and report has been submitted. Enquiry is on record and it is against the applicant. The Id. counsel for the applicant desires that enquiry report should be quashed at this stage, at this stage it is not desirable to circumvent the process of D.E.. Respondents are directed to decide the **final order in the enquiry report within three weeks from the date of receipt of this order**. If applicant is aggrieved of the punishment, he is at liberty to challenge the punishment order along with enquiry report.

3. **S.O. after three weeks.**

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.321/2022 (D.B.)

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

Dated : 14/06/2022.

Heard Shri D.R.I.Patil, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri D.M.Kakani, the Id. Counsel for the R-5 & 6.

2. Ld. counsel for the applicant has filed letter of Executive Engineer, Bhivapur, Nagpur passed an order of recovery of Rs. 2,39,020/-. However, in the letter there is no number or date. Ld. counsel for the applicant is directed to file this documents along with C.A.. As on today this letter is taken on record.

3. The Id. counsel for the respondent nos. 5 & 6 submits that he desires to file reply on this letter, **S.O. 08.07.2022.**

4. I.R. to be continued.

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.Nos.474&475/2022 (D.B.)

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

Dated : 14/06/2022.

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.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.**

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

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

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

Dated : 14/06/2022.

Heard Shri H.Dangre, the ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents. Spl. Counsel for the R-1 & 2 not present. Shri R.M.Sharma, the ld. Counsel for the R-3.

2. Ld. counsel for the applicant has filed order in W.P. No. 3056/2022 by Hon'ble High Court Bombay, Bench at Nagpur. The order passed by this Tribunal on C.A. will be heard before Hon'ble High Court on 23.06.2022.

3. In view of this, **S.O. 07.07.2022.**

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.345/2022 (D.B.)

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

Dated : 14/06/2022.

Heard Shri H.Dangre, the Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents.

2. **S.O. 07.07.2022.**

Member(J)

Date:-14/06/2022.

aps.

Vice Chairman

O.A.No.325/2015 with C.A.No.110/2016 (D.B.)

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

Dated : 14/06/2022.

Heard Shri S.P.Palshikar, the ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. None for the R-3 & 4.

2. Ld. counsel for the applicant filed Judgment of M.A.T., Principal Bench in O.A. No. 735/2015. It is taken on record. Copy is served to the other side.

3. **S.O. tomorrow i.e. 15.06.2022.**

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.1049/2019 (D.B.)

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

Dated : 14/06/2022.

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

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

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.140/2020 (D.B.)

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

Dated : 14/06/2022.

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

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

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.641/2020 (D.B.)

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

Dated : 14/06/2022.

Heard Shri R.M.Fating, the ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. Ld. counsel for the applicant submits that he desires to amend the prayer clause. He is permitted to do so. He is further directed to supply the same to the other side.

3. **S.O. two weeks.**

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.700/2020withC.A.No.373/2021 (D.B.)

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

Dated : 14/06/2022.

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

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

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

Member(J)

Date:-14/06/2022.

aps.

Vice Chairman

O.A.No.59/2021 (D.B.)

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

Dated : 14/06/2022.

Heard Shri Y.M.Pardhi holding for Shri P.V.Thakre, the ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

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

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

O.A.No.948/2021 (D.B.)

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

Dated : 14/06/2022.

Heard Shri S.P.Palshikar, the ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. The matter was first heard on 25.10.2021 and in para no. 6 following direction was given:-

“6.Meanwhile, respondents are directed that if any order of promotion to Senior Geologist are issued consequent to D.P.C. dated 23.09.2021 it should be made clear to the concerned officers that the promotion will be subject to decision in this O.A. It is also observed that applicant had made various representations to The Secretary, Additional Chief Secretary and etc which are yet to be decided that should be also taken into account while filing reply by respondents.”

3. The ld. counsel for the applicant has not filed order dated 22.03.2022; according to this order respondents have issued promotional order; there is no whisper of para no. 6 of order dated 25.10.2021. This is clearly get violation of order dated 25.10.2021. Hence, the promotion order is not legal.

4. **Closed for orders.**

Member(J)
Date:-14/06/2022.
aps.

Vice Chairman

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

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

Dated : 14/06/2022.

Heard Shri V.Anand, the ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. **S.O. next week for final hearing.**

Member(J)

Date:-14/06/2022.

aps.

Vice Chairman