

O.A. 773/2019 (S.B.)

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

Dated : 15/03/2021.

Shri S.M. Khan, 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. 22/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 774/2019 (S.B.)

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

Dated : 15/03/2021.

Shri S.M. Khan, 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. 22/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 691/2020 (S.B.)

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

Dated : 15/03/2021.

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 .P.O., **S.O. 5/4/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 129/2021 (S.B.)

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

Dated : 15/03/2021.

Shri N.R. Saboo, 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.

Vice-Chairman

dnk.

O.A. 140/2021 (S.B.)

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

Dated : 15/03/2021.

Shri B. Kulkarni, 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. 666/2020 (S.B.)

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

Dated : 15/03/2021.

None for the applicant. Shri A.M. Ghogre, 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. 658/2020 (S.B.)

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

Dated : 15/03/2021.

None for the applicant. Shri A.M. Ghogre, 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. 488/2020 (S.B.)

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

Dated : 15/03/2021.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1&3. None for other respondents.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 155/2020 (S.B.)

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

Dated : 15/03/2021.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 48/2021 (S.B.)

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

Dated : 15/03/2021.

Shri S.N. Gaikwad, 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. three weeks** for filing reply.

Vice-Chairman

dnk.

(S.B.)

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

Dated : 15/03/2021.

**C.A. No. 16/2020, C.A. 101/2020 in O.A.
594/2019 -**

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

2. The learned counsel for the applicant submits that in relief clause 7 (i) at page no.12 the date is to be 1/1/1994 instead of 1/1/1986. The Id .counsel for the applicant is directed to make necessary amendment and supply copy to the Id. P.O., then the matter will be heard on the application of condonation of delay.

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 821/2020 (S.B.)

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

Dated : 15/03/2021.

Shri G.K. Bhusari, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The Id. P.O. has filed correspondence dated 22/1/2021 issued by the Deputy Revenue Commissioner, Nagpur Division, Nagpur. Copy is supplied to the learned counsel for the applicant. The learned counsel for the applicant desires to go through the same and for that purpose he seeks further time.

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

Vice-Chairman

dnk.

O.A. 992/2019 (S.B.)

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

Dated : 15/03/2021.

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 81/2018 (S.B.)

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

Dated : 15/03/2021.

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

S.O. four weeks.

Vice-Chairman

dnk.

(S.B.)

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

Dated : 15/03/2021.

**O.A. Nos. 483/18,255/19,256/19, 257/19,258/19
& O.A. 02/21 with C.A. 01/2021**

None for the applicants. Shri P.N.
Warjurkar Id. P.O. for the respondents.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 224/2021 (S.B.)

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

Dated : 15/03/2021.

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

2. As submitted by the learned counsel for the applicant, the applicant's name is appeared in the waiting list of the year 2020 for compassionate appointment, however, his name has been deleted by the respondent no.2.

3. Issue notice to the respondents returnable **after six 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 six weeks.

Vice-Chairman

dnk.

O.A. 225/2021 (S.B.)

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

Dated : 15/03/2021.

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

2. Issue notice to the respondents returnable **after six 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 six weeks.

Vice-Chairman

dnk.

O.A. 227/2021 (S.B.)

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

Dated : 15/03/2021.

Heard Shri V.R. Borkar, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel for the applicant has pointed out the impugned order dated 8/2/2021 (A-1,P-10) by which recovery from the pension has been issued to the extent of Rs.2,51,174/- by the Additional Treasury Officer (Pension Branch), Nagpur without giving opportunity of hearing to the applicant. The applicant retired on 31/1/2014 and after seven years this recovery order has been issued without giving opportunity of hearing to the applicant.

3. In view of this situation, the **impugned order dated 8/2/2021 (A-1,P-10) is stayed till filing of reply by the respondents.**

4. The learned counsel for the applicant is directed to delete the respondent no.2 i.e. the State of Maharashtra, through its Secretary, Finance Department, Mantralaya, Mumbai-32.

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

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

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

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

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

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

S.O. after six weeks.

Vice-Chairman

dnk.

O.A. 229/2021 (S.B.)

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

Dated : 15/03/2021.

Heard Shri S.K. Verma, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The learned counsel for the applicant has pointed out that the applicant retired on 30/9/2013 (O.A. page I) and impugned order is issued on 16/7/2020 (A-1,P-19) by which it does not show how much total amount will be recovered from the pension of the applicant. This order has been passed by the concerned Assistant Treasury Officer without giving opportunity of hearing to the applicant. In this situation, the said impugned order dated 16/7/2020 (A-1,P-19) is stayed till filing of reply.

3. The learned counsel for the applicant is directed to delete the respondent no.2 i.e. the State of Maharashtra, through its Secretary, Finance Department, Mantralaya, Mumbai-32.

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

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

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

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

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

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

S.O. after six weeks.

Vice-Chairman

dnk.

O.A. 231/2021 (S.B.)

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

Dated : 15/03/2021.

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

2. As submitted by the learned counsel for the applicant, the applicant is working on the post of Lecturer and subsequently he was appointed through MPSC. The applicant is claiming protection of pay from his Ad-hoc post.

3. Issue notice to the respondents returnable **after six 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 six weeks.

Vice-Chairman

dnk.

O.A. 232/2021 (S.B.)

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

Dated : 15/03/2021.

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

2. Issue notice to the respondents returnable **after six 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 six weeks.

Vice-Chairman

dnk.*

O.A. 754/2019 (S.B.)

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

Dated : 15/03/2021.

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

2. The learned P.O. files reply of R-2&3. It is taken on record. Copy is served on the learned counsel of applicant.

3. As submitted by the learned counsel for the applicant, the applicant's grievance is only that second time bound promotion was given from 1/10/2008, whereas, it should have been given from 1/10/2006. The applicant is satisfied with the first time bound promotion which was given from 1/10/1994. He further submits that the applicant had passed RQE examination in 1999.

4. The learned counsel for the applicant is directed to file on record that in how many chances and in how many years the applicant passed RQE examination as prescribed by the rules.

5. Since the reply has been filed, the O.A. is admitted and it be kept for final hearing.

6. The learned P.O. waives notice on behalf of the respondents.

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 790/2020 (S.B.)

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

Dated : 15/03/2021.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri V.B. Gawali, Id. counsel for R-4.

2. As pointed out by the learned P.O. the applicant was first transferred by order dated 20/2/2019 (A-1,P-10) and posted from Tahsildar, Anjangaon, Dist. Amravati to Tahsildar, Balapur, Dist. Akola. Again vide order dated 1/10/2020 (A-2,P-14) Tahsildars transfer orders were issued and Shri D.L. Mukunde (R/4) was posted at Tahsildar, Balapur and as per para-3 of the order, the applicant was kept waiting. The said order was challenged by the other officers who were also kept waiting as per para-3. The transfer order dated 1/10/2020 (A-2,P-14) was quashed and set aside in O.A.Nos. 597 to 607 & 617&595 of 2020 vide order of this Tribunal dated 22/10/2020 (P-49). In order dated 22/10/2020 the present applicant was not an applicant and hence this order did not affect his position. Subsequently, vide order dated 19/11/2020 (A-3,P-18) the applicant was posted as Tahsildar, Mahagaon, Dist. Yavatmal at

Sr.No.6. Now the applicant has approached this Tribunal. The applicant is aggrieved with both the orders dated 1/10/2020 (A-2,P-14) and 19/11/2020 (A-3,P-18).

3. The learned P.O. submits that he wants time to take instructions from the Department regarding order of this Tribunal dated 4/2/2021. Time is granted to the P.O. for taking instructions from the Department.

S.O. 25/3/2021.

Vice-Chairman

dnk.

O.A. 884/2020 (S.B.)

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

Dated : 15/03/2021.

Heard Ms. A. Singh, Id. counsel holding for Shri P.D. Meghe, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. As per order dated 25/2/2021 the respondents were directed for starting provisional pension of the applicant as per para-3 of the order.

3. The learned counsel as well as learned P.O. submit that the matter be kept after one week. The learned counsel submits that as per the information the Department is processing for starting provisional pension of the applicant.

4. In view of this situation, two weeks time is granted to the learned P.O. to take necessary instructions from the Department.

S.O. two weeks.

Vice-Chairman

dnk.

***O.A. 143/2021 (S.B.)**

(S.N. Gawande Vs. State of Mah. & Ors.)

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

Dated : 15/03/2021.

ORDER

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

2. In order sheet dated 22/2/2021 in para-2 details regarding suspension of applicant was mentioned and today learned counsel submits that no charge sheet has been served till now though the applicant was suspended on 22/9/2020 (A-1,P-9). The Id. P.O. also desires to take instructions regarding payment of subsistence allowance of the applicant. Regarding suspension period, various Judgments of Hon'ble Apex Court has already settled legal position and Government of Maharashtra vide its GAD G.R. dated 9/7/2019 has also agreed with the suspension period and serving charge sheet within 90 days, as per decision no.1 (ii). The learned counsel has relied upon the Judgment in O.A. No. 904/2020, delivered on 18/01/2021 of this Tribunal only. Present O.A. is squarely covered by the same Judgment.

(i) 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 that :-

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.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

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

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkI dh; I sdtk; kT; k i dJ .lh 3 efgU; kpk dkyko/lhr foHkxh; pld'lh I q d: u nskjki i = ct.ko.; kr vkysulgh] v'kk i dJ .lh ek- I olt p U; k; ky; kpsvnsk i lgrk] fuyæu I ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkI dh; I sdtk; kcr foHkxh; pld' kph dk; bkgh I q d: u nskjki i = ct.ko.; kph dk; bk; h fuyæuki kl u 90 fnoI k; k vkr dKvclki i .ksdsh t kbÿ ; kph n{krk@ [kcj nkjh ?s; kr ; koh-

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kkI u fu.kz d: 118@i zd:11@11v] fnukd 09-07-2019 in para nos. **1 (ii)** following decisions have been taken :-

fuyfcr 'kkI dh; I sdtk; kT; k i dJ .lh 3 efgU; kpk dkyko/lhr foHkxh; pld'lh I q d: u nskjki i = ct.ko.; kr vkysulgh] v'kk i dJ .lh ek- I olt p U; k; ky; kpsvnsk i lgrk] fuyæu I ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkI dh; I sdtk; kcr foHkxh; pld' kph dk; bkgh I q d: u nskjki i = ct.ko.; kph dk; bk; h fuyæuki kl u 90 fnoI k; k vkr dKvclki i .ksdsh t kbÿ ; kph n{krk@ [kcj nkjh ?s; kr ; koh-

3. This O.A. is squarely covered by Government of Maharashtra G.A.D. 'kkI u fu.kz d: 118@i zd:11@11v] fnukd 09-07-2019.

4. The respondents have not followed settled legal citations, as discussed above and 'kkI u fu.kz d: 118@i zd:11@11v] fnukd 09-07-2019 and orders of Hon'ble Apex Court and Hon'ble High Court as discussed above.

5. In view of above discussions, the order dated 22/9/2020 (A-1,P-9) requires to be revoked. Hence, the following order –

//3//

ORDER

(i) The suspension order dated 22/9/2020 (A-1,P-9) is revoked with immediate effect. The respondents are directed to issue necessary orders along with suitable posting order as per observations made in para-24 above by the Hon'ble Apex Court in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** within 45 days from the date of this order.

(ii) With this direction, the O.A. stands disposed off. No order as to costs.

Steno copy is granted.

Vice-Chairman

*dnk.

***O.A. 722/2020 (S.B.)
(D.A. Wankhede Vs. State of Mah. & Ors.)**

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

Dated : 15/03/2021.

ORDER

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

2. As submitted by the learned counsel for the applicant, the applicant was first transferred vide order dated 27/1/2020 (A-1,P-17) from Control Room to Police Station, Chandur Railway. Again within less than one year the applicant was transferred vide order dated 29/10/2020 (A-2,P-18) from Amravati (Rural) to Nagpur City. Again vide order dated 3/11/2020 (A-4,P-24) the applicant has been transferred from Nagpur City to Nagpur (Rural). Subsequently, Corrigendum has been issued vide letter dated 29/1/2021 (P-28) and it is mentioned that the applicant is posted from Nagpur (Rural) to Caste Scrutiny Committee, Amravati. After aggrieved with the transfer order dated 29/10/2020 (A-2,P-18) the applicant had approached to this Tribunal. The applicant's transfer order dated 29/10/2020 (A-2,P-18) was stayed vide order dated 2/11/2020 and till that time as submitted by the learned counsel nobody was posted in place of applicant at Chandur Railway. As per para-3 of the order, the impugned order dated 29/10/2020 (A-2,P-18) was stayed to the extent of applicant. When this interim stay was operating, the respondents further issued order which was mentioned in order dated 26/11/2020 and then issued order dated 2/11/2020 and mentioned that the applicant is posted from Nagpur City to Nagpur (Rural). This was clear cut violation of stay order granted by this Tribunal in order dated 2/11/2020 para-3. Again order was issued on 3/11/2020 (A-4,P-24) where it was mentioned that by partial modification, the applicant was posted from Nagpur City to Nagpur (Rural). This order dated 3/11/2020 (A-4,P-24) was again stayed by this Tribunal vide its order dated 26/11/2020 para-2. In this order in reference the respondents have mentioned order dated 29/10/2020 and in bracket it is also mentioned that "prescribed period is not completed". Further the respondents have complicated by issuing corrigendum dated 29/1/2021 (P-28) and mentioned that it is as per MAT, Nagpur Bench order. In view of above discussions, it appears that since 29/10/2020 to 3/11/2020 within hardly 4-5 days three

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orders of transfer have been issued about the applicant and this is clear cut harassment to any employee. Now after a month delay, the respondents have filed their reply dated 11/2/2021 and in para-5 the applicant was posted to Nagpur (Rural) and when it was pointed out by Nagpur (Rural) office that there was no vacancy, they changed the posting order. All these orders are totally illegal and bad in law. In view of this, the original order dated 2/11/2020 of this Tribunal as in para-3 the impugned order dated 29/10/2020 (A-2,P-18) was stayed, but the respondents created much confusion which is totally undesirable after the order of this Tribunal 2/11/2020.

3. Considering all these complications created by the respondents, they are directed to follow the order dated 2/11/2020 by which stay was granted to the impugned order dated 29/10/2020 (A-2,P-18) to the extent of applicant only and allow the applicant to work as he was working before issuing order dated 29/10/2020 (A-2,P-18) till completion of the tenure of applicant as per rules and regulations.

4. As per the order dated 2/11/2020 para-3 the order dated 29/10/2020 (A-2,P-18) is quashed and set aside to the extent of applicant. So subsequent orders dated 3/11/2020 (A-4,P-24) and order/corrigendum dated 29/1/2021 (P-28), both are bad in law, hence both these orders are quashed and set aside.

5. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

*dnk.

***O.A. 17/2021 (S.B.)**

(D.R. Koli Vs. State of Maharashtra & Ors.)

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

Dated : 15/03/2021.

ORDER

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

2. The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.
3. As submitted by the learned counsel, in order dated 4/3/2021 in para-8 (i) & (ii) queries were made. Now today as reply submitted by the P.O. in paras-2&3 on internal page no.2, it is mentioned that “the applicant informed the respondent that, he will submit undertaking after 15/3/2021”, whereas, the Hon’ble Minister (Home) (Rural) has passed order on 29/8/2019 (A-8,P-33). Now, this gap is very difficult to understand, because, when order was passed by the Hon’ble Minister (Home) in 2019, it is duty of the Department to comply it and how the applicant informed that he will give undertaking after 15/3/2021. Similarly, questions asked regarding para-8 (i) & (ii) no satisfactory answer has been placed on record by learned P.O.
4. The applicant was suspended vide order dated 3/5/2017 (A-1,P-20) however along with reply, Annexures have been filed about review of suspension where the applicant’s name appears at Sr.No.6 at page no.51 and suspension order dated is mentioned as 4/5/2017 and suspension period is also mentioned two months. At the same time, in remarks column it is only mentioned that ACB crime is under investigation. There is no mention about the D.E. or serving of charge sheet in response to the suspension order dated 3/5/2017 (A-1,P-20). As submitted by the learned counsel for the applicant as mentioned in O.A. at page no.10, in para (X) which is reproduced below –

“(X) It is further submitted that the applicant was put under suspension by order dated 3rd of May,2017 and as on date there is no full-fledged departmental inquiry initiated against the applicant for that purpose. It is to be noted that on 25/1/2019 a charge sheet has been submitted by the prosecution

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before the Competent Court of Law and therefore the order impugned is without any cogent reason and hence the same needs to be quashed and set aside.”

5. In view of these anomalies, the Id. P.O.’s submission is that original suspension order dated 3/5/2017 (A-1P-20) and extension order dated 23/10/2020 (A-6,P-26) both are as on today become illegal. In view of settled principles of law for continuation of suspension by various Judgments of Hon’ble Apex Court and High Court and Government G.R. dated 9/7/2019 which are reproduced below-

(i) 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 that :-

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.

(ii) The Hon’ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

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

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

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(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkl dh; I ocll; k T; k i zj .lh 3 efgl; kpk dkyko/lhr foHkxh; plkl 'h l q d: u nkskjki i = ctko.; kr vkysulgh] v'kk i zj .lh ek- l oclp U; k; ky; kpsvksk i lgrk] fuyæu l ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkl dh; I ocll; kcr foHkxh; plkl 'kph dk; ðkgh l q d: u nkskjki i = ctko.; kph dk; ðk; h fuyæuki kl u 90 fno l kl; k vkr dkVclki i .ksdyh t kbÿ; ; kph n{krk@ [kcjnkjh?ks; kr; ; koh-

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kkl u fu.kz dz 118@i z dz 11@11v] fnukd 09-07-2019 in para nos. **1 (ii)** following decisions have been taken :-

fuyfcr 'kkl dh; I ocll; k T; k i zj .lh 3 efgl; kpk dkyko/lhr foHkxh; plkl 'h l q d: u nkskjki i = ctko.; kr vkysulgh] v'kk i zj .lh ek- l oclp U; k; ky; kpsvksk i lgrk] fuyæu l ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkl dh; I ocll; kcr foHkxh; plkl 'kph dk; ðkgh l q d: u nkskjki i = ctko.; kph dk; ðk; h fuyæuki kl u 90 fno l kl; k vkr dkVclki i .ksdyh t kbÿ; ; kph n{krk@ [kcjnkjh?ks; kr; ; koh-

6. However, the Id. P.O. is directed to take instructions regarding the charge sheet whether it has been served or not ? For this query, the matter be kept on Friday.

S.O. 19/3/2021

Steno copy is granted.

Vice-Chairman

*dnk.

***O.A. 657/2015 (S.B.)**

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

Dated : 15/03/2021.

Heard Shri A.C. Dharmadhikar, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. has filed counter affidavit on behalf of R-1&2. It is taken on record. Copy is served to the learned counsel for the applicant. The Id. counsel for the applicant desires to file rejoinder on the counter affidavit.

3. As pointed out by the Id. Counsel, the applicant was initially appointed as Assistant Professor on ad-hoc basis on 23/9/1994 and as submitted by Id. Counsel, the applicant is still continued on the post. A detailed order has been passed by this Tribunal on 19/12/2018.

4. As pointed out by the Id. Counsel, on 23/3/2005 (A-P-43) certain conditions were laid down and one of the certain conditions is passing of NET/SET examination. The Id counsel submits that the applicant has already obtained P.hd. degree, so passing of NET/SET examination is not necessary. It appears that when the respondents have filed reply of R-1&2, on page 65 in para-4 it is mentioned additional

criteria about the G.R. dated 23/3/2005 (P-43).
When the order was passed by this Tribunal on
19/12/2018 it was only for taking instructions
and that instructions should be taken by Id. P.O.
and then the matter would be heard on
25/3/2021 (PH).

S.O. 25/3/2021 (PH).

Vice-Chairman

dnk.

***O.A. 13/2021 (S.B.)**

(D.P. Dabale Vs. State of Mah. & Ors.)

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

Dated : 15/03/2021.

ORDER

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

2. The learned counsel for the applicant has pointed out the impugned order dated 18/12/2020 (A-1,P-20) by which the applicant has been transferred from the Sawali, Chandrapur Project to Malewada, Gadchiroli Project. The learned counsel submits that the applicant has already served 11 years in tribal and naxal affected areas and he entitled to get the benefit of G.R. dated 6/8/2002. The learned counsel has also filed letter written by the Assistant Collector and Project Officer, ITDP, Chandrapur dated 2/2/2021 (P-49). It is taken on record and copy is supplied to the Id. P.O. by which it appears that no complaint against the applicant has been forwarded to Senior Officer by Project Officer, ITDP. Prima facie it appears that there is no complaint against the applicant.

3. The learned counsel for the applicant also relied on G.R. dated 11/2/2015. In the preamble of the G.R. MAT, Mumbai Bench Judgment in O.A. 687/2014 order delivered on 15/11/2014 is mentioned and in para-2 it has been specifically discussed that in case of mid-term transfer, Transfers Act,2005 Section 4 (4) & (2) and 4(5) should be followed. Subsequently, G.R. has discussed following points also.

22.....This Tribunal is of the view that special reason has to be referable to public interest or cognizable and compulsive personal emergency of an employee which satisfies the test of "special reason". If the transfer is merely on the request, the fact of such request seen from any angle does not satisfy the test of existence of and special reason or exceptional circumstances.

24 The purpose and object of the prior approval as provided as U/s 4 (5) of ROT Act 2005 is in order to have a dual check, control and the proper scrutiny in the matter of existence of the grounds based on special reasons and exceptional circumstances as reason for transfer. Said purpose is totally frustrated in present case in the background of lack of application of mind and evasive attitude of the superior officer i.e. the Respondent No. 3.

3. e/; ko/ki cnyh djrkuk dlgh oGk xjor b.kdhp djk.k gs fo' ksk dj.k fdok vi fjgk; Z i fjfLFkrh vl Y; kpsuem d#u 'kkl dh; vf/kdkjh@depl&; kph cnyh dsh tkr ek= v'kh cnyh djrkuk l calhr vf/kdkjh@depl&; kph [kjk]kjp cnyh dj.; kph vko'; drk vlgs

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fdok dlsgh ckc rikl yh tkr ukgh ; k l mHkkz ek- U; k; kf/kdj.kkus , dk idj.kkr eG vtz dz839@2014 e/khy vknsk fn-13@10@2014 [kkyhy fujh{k.k.ukmfoysysvkg

35 In the result it has to be concluded that the grounds of misconduct when used as grounds for transfer, those result in a summary action which is a sort of punitive action taken in summary way. The aspects of punitiveness may get the secondary status would such lightening action, be justified, on the grounds that the transfer could safeguard the larger public interest, public safety, public order and any other similar exigency.

36 It is not shown by the respondents as to how the alleged misconduct of the applicant was so grave that instead of following routine legitimate course of taking disciplinary action and initiation of disciplinary proceedings against applicant, as to how or for what "special reasons" continuation of the applicant on the same post would be so gravely prejudicial to the public interest, that said need would constitute "special reasons" or "extraordinary circumstances".

37 If failure to transfer was about to prejudice public interest and Government records such reasons and elects transfer as quicker recourse, depending on conclusions as may emerge in judicial scrutiny, such reasons may withstand the test of existence of special reasons etc. to fit in second proviso of Section 4(4) of ROT Act 2005, lest the action would turn into a colorable exercise of powers and hence malafide.

38 Thus, it is evident that the version contained in the proposal for transfer i.e. letter dated 16.08.2014 alone is the factual foundation of "special reasons" or exceptional circumstances. Acts of dis-obedience picked up in a short duration, which do not prove and pose any emergency to public interest, cannot and do not ipso facto constitute factual material to answer and justify the stipulation of "special reasons" or "exceptional circumstances" either.

4. In view of discussions in above paras, the transfer order dated 18/12/2020 (A-1,P-20) which is mid-term transfer does not survive in the eyes of law. So it requires to be quashed and set aside. The respondents are directed to follow the G.R. dated 9/4/2018 regarding charges and have a counselling session with the applicant, then issue order. Hence, following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The correspondence dated 14/12/2020 (A-2,P-21) and order dated 18/12/2020 (A-1, P-20) are quashed and set aside.
- (iii) The respondents are directed to issue transfer order as per G.R. dated 9/4/2018 and provisions of G.R. dated 11/2/2015.
- (iv) No order as to costs.

Vice-Chairman

dnk.

*O.A. 62/2021 (S.B.)

(R.G. Bonde Vs. State of Mah. & Ors.)

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

Dated : 15/03/2021.

ORDER

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

2. The applicant was suspended vide order dated 19/10/2020 (A-2,P-12). For continuation of suspension period various Judgments of Hon'ble Apex Court and High Court has laid down the principles of law which are reproduced below –

(i) 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 that :-

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.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

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

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(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkl dh; l ocl; k T; k i dzj .h 3 efgU; kpk dkyko/hr foHkxh; pkl' h l q d: u nkskjki i = ct.ko.; kr vkysulgh] v'kk i dzj .h ek- l oclp U; k; ky; kpsvlnsk i lgrkj fuyau l ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkl dh; l ocl; kcr foHkxh; pkl' kph dk; bkgh l q d: u nkskjki i = ct.ko.; kph dk; bk; h fuyauki kl u 90 fno l ; k vkr dklVclki i .ksdyh t kbzy ; kph n{krk@ [kcjnkjh?ks; kr ; koh-

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kkl u fu.kz dz 118@i zdz11@11v] fnucl 09-07-2019 in para nos. **1 (ii)** following decisions have been taken :-

fuyfcr 'kkl dh; l ocl; k T; k i dzj .h 3 efgU; kpk dkyko/hr foHkxh; pkl' h l q d: u nkskjki i = ct.ko.; kr vkysulgh] v'kk i dzj .h ek- l oclp U; k; ky; kpsvlnsk i lgrkj fuyau l ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkl dh; l ocl; kcr foHkxh; pkl' kph dk; bkgh l q d: u nkskjki i = ct.ko.; kph dk; bk; h fuyauki kl u 90 fno l ; k vkr dklVclki i .ksdyh t kbzy ; kph n{krk@ [kcjnkjh?ks; kr ; koh-

3. On perusal of record, it appears that the respondents have filed their reply on 18/2/2021 and along with this they have attached letter dated 11/2/2021 (A/R/1) and in the last para it appears it has been recommended to respondent no.2 to reinstate the applicant since charge sheet has not been filed within 90 days as per Government GAD G.R. dated 9/7/2019 decision no.1 (ii). The applicant has to be reinstated in view of above Judgements of Hon'ble Apex Court. The respondent no.1 is the competent authority to decide the issue. In the order dated 25/2/2021 in para-3 it has been also mentioned that the applicant is going to retire in July,2021 and hence to ensure a smooth working of pension papers early order is required.

4. In view of all these facts, the respondent no.1 is directed to take decision as per recommendation letter filed along with reply dated 11/2/2021 and as per remarks column in last para within 10 days from the date of this order and communicate to the applicant and issue posting order as per para-24 of above Hon'ble Apex Court order in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018**

S.O. 5/4/2021 (PH).

Steno copy is granted.

Vice-Chairman

*dnk.

O.A.No.602/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

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

2. The Id. counsel for the applicant requested time to collect hamdast and to carry out the amendment. As per his request, **S.O. two weeks.**

Vice Chairman

Date:-15/03/2021.
aps.

O.A.No.86/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

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

2. The Id. P.O. submits that he has received parawise reply. At his request, **S.O. two weeks to file reply.**

Vice Chairman

Date:-15/03/2021.
aps.

O.A.No.506/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Shri S.C.Deshmukh, the Id. counsel for the respondent no. 3.

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

Vice Chairman

Date:-15/03/2021.
aps.

O.A.No.523/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

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

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

Date:-15/03/2021.
aps.

Vice Chairman

O.A.No.524/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

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

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

Date:-15/03/2021.
aps.

Vice Chairman

O.A.No.664/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the respondents.

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

Date:-15/03/2021.
aps.

Vice Chairman

O.A.No.665/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the respondents.

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

Vice Chairman

Date:-15/03/2021.
aps.

O.A.No.715/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the State. Await service of respondent
nos. 1 to 4.

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

Date:-15/03/2021.
aps.

Vice Chairman

O.A.No.751/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

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

2. The Id. P.O. has filed reply of respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. 05.04.2021.**

Vice Chairman

Date:-15/03/2021.
aps.

O.A.No.865/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the respondents.

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

Vice Chairman

Date:-15/03/2021.
aps.

O.A.No.866/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the respondents. None for the respondent
no. 4.

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

Vice Chairman

Date:-15/03/2021.
aps.

O.A.No.935/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

C.A.No.58/2021:-

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 5.

2. The Id. counsel for the applicant has filed C.A. No. 58/2021 for direction. Respondents have not filed reply till now. Considering delay in filing reply and at the same time irregular functioning of the Court during this pandemic situation; respondents are directed that whatever promotional process should be carried out as per seniority list dated 11.12.2020 that will be subject to outcome of the O.A.. Hence, **C.A. stands disposed of.**

3. S.O. three weeks.

4. Steno copy is granted.

Vice Chairman

Date:-15/03/2021.

aps.

O.A.No.113/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

Heard Shri S.E.Raghorte, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-15/03/2021.
aps.

C.P.No.05/2021inO.A.No.871/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

Heard Shri S.Pande, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Smt. U.A.Patil, the Id. counsel for the respondent nos. 2 to 6.

2. The Id. counsel for the applicant have filed documents which shows that order of M.A.T. has been challenged by Hon'ble High Court as per Annexure-R-5, P.B., Pg. No. 37. The Id. counsel for the respondent nos. 2 to 6 is directed to supply the copy of the writ petition submitted before Hon'ble High Court to the Id. counsel for the applicant and Id. P.O. also.

3. **S.O. four weeks.**

Vice Chairman

Date:-15/03/2021.

aps.

C.P.No.14/2021inO.A.No.893/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

Heard Shri S.I.Khan, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out order dated 19.11.2018, where in para no. 3 relief clause in para no. 11.1; the stay is granted for promotion to the respondent nos. 5, 6, 7 & 8 till filing of the reply. Today, the Id. counsel for the applicant submits that this stay has been violated by the respondents, therefore, he has filed Contempt Petition.

3. Issue Notice to the respondents returnable in **six 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.

4. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 4. Hamdast granted.

5. **S.O. six weeks.**

Vice Chairman

Date:-15/03/2021.
aps.

C.P.No.16/2021inO.A.No.200/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

Heard Shri S.M.Bhagde, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out order in O.A. No. 200/2020 delivered on 18.03.2020. The operative part is on P.B., Pg. No. 13. Now, almost one year has passed and order is yet to be complied.

3. Issue Notice to the respondents returnable in **six 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.

4. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 2. Hamdast granted.

5. **S.O. six weeks.**

6. *The Id. counsel for the applicant is directed that if matter mater is not listed, he may circulate in vacation.*

Vice Chairman

Date:-15/03/2021.

aps.

O.A.No.202/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 15/03/ 2021.

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

2. Issue notice to Respondents, returnable on six 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. six weeks.**

Vice Chairman

Date:-15/03/2021.

aps.