

O.A. 59/2022 (S.B.)

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

Dated : 16/06/2022.

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

At the request of Id. counsel for the applicants, **S.O. two weeks.**

Interim relief to continue till then.

Member (J).

dnk.

O.A. 183/2021 (S.B.)

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

Dated : 16/06/2022.

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

At the request of Id. counsel for the applicant, **S.O. 23/06/2022.**

Member (J).

dnk.

O.A. 594/2019 (S.B.)

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

Dated : 16/06/2022.

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

2. The matter is of the year 2019. It is respect of fixation of revised pay scale w.e.f. 1/1/1994. The applicant is retired before three years back.

3. Looking to the submission, the respondents are directed to file reply on the next date positively. If the reply is not filed on the next date, the matter will be fixed for final hearing.

S.O. 30/6/2022.

Member (J).

dnk.

O.A. 673/2021 (S.B.)

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

Dated : 16/06/2022.

Heard Shri P.D. Ganvir, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for State. Await service of R-1,3&4.

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

Member (J).

dnk.

O.A. 674/2021 (S.B.)

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

Dated : 16/06/2022.

Heard Shri S.M. Khan, 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.

Member (J).

dnk.

O.A. 696/2021 (S.B.)

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

Dated : 16/06/2022.

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

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

Member (J).

dnk.

O.A. 718/2021 (S.B.)

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

Dated : 16/06/2022.

Heard Smt. K.N. 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. four weeks** for filing reply.

Member (J).

dnk.

O.A. 726/2021 (S.B.)

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

Dated : 16/06/2022.

Heard Shri N.D. Thombre, 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.

Member (J).

dnk.

O.A. 790/2021 (S.B.)

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

Dated : 16/06/2022.

Heard Shri Sujay Palshikar, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and none for R-3.

2. The Id. P.O. filed copy of order dated 1/12/2021. It is taken on record and marked Exh-X for identification. The learned counsel for the applicant submitted that the applicant is promoted and he is posted at Amravati as per the order dated 1/12/2021. Therefore the matter become infructuous.

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

Member (J).

dnk.

O.A. 782/2021 (S.B.)

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

Dated : 16/06/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&3, Shri N.D. Thombre, Id. counsel for R-4 and Shri A.D. Girdekar, Id. counsel for R-2.

2. The respondent nos. 2,3 & 4 have already filed reply. The learned counsel for the applicant submitted that reply of R-1 is necessary. However, as per the submission of Id. P.O. reply of R-1 is not necessary.

3. Hence, the matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1&3.

S.O. 4/7/2022.

Member (J).

dnk.

O.A. 179/2022 (S.B.)

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

Dated : 16/06/2022.

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

2. The Id. P.O. files reply of R-5. It is taken on record. Copy is given to the applicant.

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

Member (J).

dnk.

O.A. 183/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Shri N.S. Warulkar, 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. three weeks** for filing reply.

Member (J).

dnk.

O.A. 408/2022 (S.B.)

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

Dated : 16/06/2022.

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

2. The applicant to remove office objections within one week.
3. At the request of Id. P.O., **S.O. three weeks** for filing reply.

Member (J).

dnk.

O.A. 410/2022 (S.B.)

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

Dated : 16/06/2022.

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

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

Member (J).

dnk.

O.A. 431/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, 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. two weeks** for filing reply.

Member (J).

dnk.

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

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

Dated : 16/06/2022.

Heard Shri Sujay Palshikar, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

Member (J).

dnk.

O.A. 446/2022 (S.B.)

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

Dated : 16/06/2022.

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

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

Member (J).

dnk.

O.A. 471/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Shri A. Joshi, 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.

Member (J).

dnk.

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

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

Dated : 16/06/2022.

Heard Smt. Rashmi Gaikwad, Id. counsel holding for Shri S.D. Chande, 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-5. It is taken on record.
3. At the request of Id. P.O., **S.O. three weeks** for filing reply for other respondents.

Member (J).

dnk.

O.A. 492/2022 (S.B.)

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

Dated : 16/06/2022.

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

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

Member (J).

dnk.

O.A. 496/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Shri C.M. Rathod, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

2. The learned counsel for the applicant submits that he will remove office objections and file service affidavit before the next date.

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

Member (J).

dnk.

O.A. 497/2022 (S.B.)

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

Dated : 16/06/2022.

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

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

Member (J).

dnk.

O.A. 498/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J).

dnk.

(S.B.)

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

Dated : 16/06/2022.

C.A. 210/2022 in O.A. 519/2022 -

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

2. With the consent of learned counsel for both the parties, **S.O. 22/06/2022.**

Member (J).

dnk.

O.A. 595/2022 (S.B.)

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

Dated : 16/06/2022.

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 is insisting to grant interim relief by way of stay to the impugned order. While passing the order on 6/6/2022, it is observed by this Tribunal that the applicant is already relieved and therefore stay was not granted. Therefore, it will not be proper to stay to the impugned order at this stage.

3. The learned P.O. is directed to file reply on the next date without fail. If the reply is not filed on the next date, the matter will be heard finally.

S.O. 7/7/2022.

Member (J).

dnk.

O.A. 987/2018 (S.B.)

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

Dated : 16/06/2022.

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

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

Member (J).

dnk.

O.A. 531/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Shri P.S. Kshirsagar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned C.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.

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

Member (J).

dnk.

O.A. 603/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Shri P.S. Kshirsagar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned C.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.

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

Member (J).

dnk.

O.A. 604/2022 (S.B.)

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

Dated : 16/06/2022.

Heard Shri P.S. Kshirsagar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned C.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.

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

Member (J).

dnk.

O.A. 247/2019 (S.B.)

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

Dated : 16/06/2022.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sanis, Id. P.O. for R-1. None for other respondents.

S.O. 21/6/2022 (PH).

Member (J).

dnk.

O.A. 608/2020 (S.B.)

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

Dated : 16/06/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri S.A. Sahu, Id. counsel for R-3.

2. The matter will be decided finally on the next date.

S.O. 21/6/2022 (PH)

Member (J).

dnk.

O.A. 213/2021 (S.B.)

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

Dated : 16/06/2022.

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

At the request of Id. counsel for the applicant, **S.O. 22/06/2022.**

Member (J).

dnk.

O.A. 865/2021 (S.B.)

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

Dated : 16/06/2022.

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

With the consent of Id. counsel for parties, **S.O. 28/6/2022.**

Member (J).

dnk.

(S.B.)

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

Dated : 16/06/2022.

**O.A. 134/2019 with C.A. 162/2020, O.A.
135/2019 with C.A. 171/2020, O.A.136/2019
with C.A. 172/2020 & O.A. 137/2019 with
C.A.173/2020**

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

Closed for orders.

Member (J).

dnk.

O.A. 381/2021 with C.A. 225/2022 (S.B.)

(Dr. Sunil S. Hatnagar Vs. State of Mah. & ors.)

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

Dated : 16/06/2022.

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 &2, Shri R.S. Khobragade, Id. counsel for R-3 and Shri P. Ramteke, Id. counsel for R-4.

2. The applicant is working on the post of Taluka Health Officer (THO), Lakhani since 15/11/2018. The applicant has not completed his normal tenure of service. By the impugned order dated 12/05/2021, the respondent no.1 posted the respondent no.4 in place of applicant at Lakhani. The respondent no.1 without verifying vacancy position at Lakhani, by the impugned order dated 12/5/2021 posted the respondent no.4 in place of applicant at Lakhani. The impugned order is in breach of Section 4 (4) & 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"). In short, the applicant has contended that he was not due for transfer, eventhough, the impugned transfer order is issued in contravention of the provisions of the Transfers Act, 2005.

3. This Tribunal on 17/5/2021 granted stay to the impugned transfer order.

4. The application is strongly opposed by the other sides. It is submitted that the applicant is not having qualification of Post Graduation i.e. MD (PSM) and therefore he is not qualified for the posting as Taluka Health Officer (THO). Hence, the respondent no.4 was transferred in his place.

5. During the pendency of this O.A., on 2/5/2022 the O.A. was admitted for final hearing and was kept for final hearing on 15/6/2022. As per the orders dated 2/5/2022 and 15/6/2022, the interim relief is continued till today. During operation of the interim order, the Chief Executive Officer (CEO), Zilla Parishad, Bhandara passed the order directing the respondent no.4 to take additional charge of the post of applicant and the applicant was directed to relieve and join at Kesalwada, Tq. Lakhani.

6. The learned counsel for the applicant has submitted that the respondent no.4 has not taken any charge of the post of THO, Lakhani. There is no dispute that the CEO, Zilla Parishad, Bhandara is not a Transferring Authority / Appointing Authority. There is no dispute that the Government is the Transferring Authority of the applicant. As per the submission of learned counsel for the applicant, the applicant is still working at Lakhani.

7 The initial impugned transfer order dated 12/5/2021 was in contravention of the provisions of the Transfers Act,2005, because, the applicant has not completed three years service at Lakhani. Hence, the impugned transfer order as well as order passed by the CEO, Bhandara dated 10/6/2022 are liable to be quashed and set aside. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned transfer order dated 12/5/2021 so far as the respondent no.4 is concerned and the order dated 10/06/2022 are hereby quashed and set aside.
- (iii) The respondent no.1 / State Government is at liberty to transfer the applicant, as the applicant has completed three years service at Lakhani.
- (iv) The C.A. No.225/2022 is also stands disposed off.
- (v) No order as to costs.

Member (J).

dnk.

O.A. 886/2021 (S.B.)

(Mahadeo K. Golhar Vs. State of Mah. & ors.)

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

Dated : 16/06/2022.

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

2. The main grievance of the applicant is that he was working as a Naib Tahsildar at Zari Jamni, District Yavatmal. After completion of normal tenure of his posting, he was transferred from Zari Jamni to Yavatmal. The said transfer order was issued by the Collector, Yavatmal i.e. respondent no.3. The applicant was relieved from Zari Jamni. It appears that the applicant joined at Yavatmal on 11/5/2021 at the transferred place. The respondent no.2 issued transfer order dated 22/9/2021 transferring the applicant from Zari Jamni, to Ner, Dist. Yavatmal. The leaned counsel for the applicant submits that the applicant was transferred within four months. He had not completed normal tenure of posting as per the provisions in the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"). Hence, the transfer order

dated 22/9/2021 issued by the respondent no.2 is liable to be quashed and set aside.

3. The learned P.O. submitted that the applicant had made representation for transfer him from Zari Jamni to Yavatmal and that representation was considered by the respondent no.2 and issued the transfer order. The learned P.O. has also submitted that the applicant had not informed to the respondent no.2 about his transfer from Zari Jamni to Yavatmal and therefore the transfer order dated 22/9/2021 was issued and there is no illegality. Hence, the present O.A. is liable to be dismissed.

4. There is no dispute that the applicant was transferred from Zari Jamni to Yavatmal on the post of Naib Tahsildar. The applicant was relieved and he joined at Yavatmal on 11/5/2021. The copy of taking over the charge is filed on record.

5. The respondent no.2 could not have transferred the applicant without completion of his normal tenure of posting at Yavatmal. The reply is filed by the respondent no.2. In para-3, it is submitted that the applicant has filed representation for transferring him from Zari Jamni to Yavatmal. His representation was considered by the respondent no.2 and he was transferred from Zari Jamni to Ner. The applicant had not informed about the transfer order passed by the Collector, Yavatmal.

6. It is pertinent to note that when the transfer order was issued by respondent no.2 transferring the applicant from Zari Jamni to Ner, on that date the applicant was not working at Zari Jamni, he has already taken charge of the post at Yavatmal. The impugned transfer order appears to be not proper. The applicant had not completed three years of service at Yavatmal. Moreover, the impugned transfer order is not from Yavatmal to Ner, but it is from Zari Jamni to Ner and on the day of transfer order issued by respondent no.2, the applicant was working at Yavatmal and not at Zari Jamni. Therefore, transferring the applicant from Zari Jamni to Ner appears to be not proper / not legal. Hence, the impugned transfer order is liable to be quashed and set aside. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned transfer order dated 22/9/2021 issued by respondent no.2 so far as the applicant is concerned is hereby quashed and set aside.
- (iii) No order as to costs.

Member (J).

dnk.
**

O.A.No.656/2019 (D.B.)

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

Dated : 16/06/2022.

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

2. Ld. P.O. has filed reply on behalf of the
respondent no. 4. It is taken on record. He further
submits that he will serve it to the other side.

3. Ld. P.O. further submits that reply of
respondent no. 2 is necessary. For reply of
respondent no. 2 he is seeking time, **S.O. three
weeks.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.300/2021 (D.B.)

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

Dated : 16/06/2022.

Shri R.S.Parsodkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. At the request of ld. C.P.O., **S.O. 29.06.2022** for filing reply as a last chance.

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.341/2021 (D.B.)

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

Dated : 16/06/2022.

Shri G.G.Bade, ld. counsel for the applicant
and Shri S.A.Deo, ld. C.P.O. for the respondents.

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

3. Meanwhile, ld. counsel for the applicant is
directed to remove office objection till next date.

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.423/2021 (D.B.)

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

Dated : 16/06/2022.

C.A.No. 185/2022:-

Shri T.Rahul, ld. counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. counsel for the
applicant, **C.A.No. 185/2022 for early hearing is
allowed and disposed of.**

3. **S.O. 11.07.2022.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.1100/2021 (D.B.)

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

Dated : 16/06/2022.

C.A.No.414/2021:-

Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State. None for the Caveator. Await service of R-2 to 6.

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

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.19/2022 (D.B.)

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

Dated : 16/06/2022.

C.A.No.128/2022:-

Shri R.V.Shiralkar, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri P.V.Thakre, ld. counsel for the Intervenor.

2. Ld. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is supplied to the other side.

3. Ld. counsel for the Intervenor will take instructions; whether applicants will prefer separate O.A. for pursuing this matter; since they are from different cadre.

4. **S.O. Monday i.e. 20.06.2022.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.43/2022 (D.B.)

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

Dated : 16/06/2022.

Shri A.P.Khadatkar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks for filing reply as a last chance.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.51/2022 (D.B.)

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

Dated : 16/06/2022.

C.A.No.15/2022:-

Shri P.D.Lavankar, ld. counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the respondents and Shri P.N.Warjekar, ld. counsel for the respondent nos. 5 to 8.

2. Ld. counsel for the respondent nos. 5 to 8 has filed reply and submits that they have given posting and joined also. Similarly, applicants are also given posting and they also joined.

3. In this situation ld. P.O. desires time to file reply, **S.O. three weeks.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.226/2022 (D.B.)

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

Dated : 16/06/2022.

C.A.No.144/2022:-

Shri S.M.Bhagde, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **C.A. No. 144/2022 is allowed and disposed of.**

O.A. No. 226/2022:-

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:-16/06/2022.
aps.

Vice Chairman

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

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

Dated : 16/06/2022.

Shri A.P.Sadavarte, 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)
Date:-16/06/2022.
aps.

Vice Chairman

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

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

Dated : 16/06/2022.

Shri A.Barahate holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. Await service of R-2 & 3.

2. Ld. counsel for the applicant submits that he has filed service affidavit of all the respondents. At the request of ld. P.O., **S.O. four weeks for filing reply.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.427/2022 (D.B.)

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

Dated : 16/06/2022.

Shri S.N.Gaikwad holding for Shri D.M.Kakani, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

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

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.469/2022 (D.B.)

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

Dated : 16/06/2022.

Shri S.S.Nemade, ld. counsel for the applicant
and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. At the request of ld. C.P.O., **S.O. four weeks
for filing reply.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.382/2005 (D.B.)

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

Dated : 16/06/2022.

Shri A.P.Khadatkar holding for Smt. S.W.Deshpande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Ld. P.O. submits that he already talk to the department and at the next hearing he will positively file the reply. At his request, **S.O. two weeks for filing reply.**

3. **If reply is not file till next date, matter be heard on merit.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.1048/2021 (D.B.)

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

Dated : 16/06/2022.

Shri S.P.Palshikar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

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

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

4. Ld. P.O. waives notice for the respondent.

5. **S.O. 28.06.2022.**

Member(J)
Date:-16/06/2022.

aps.

Vice Chairman

O.A.No.616/2022 (D.B.)

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

Dated : 16/06/2022.

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

2. The applicant was appointed as R.F.O. in 1987 and stood retired as an A.C.F. on 31.10.2018 as per page 2 & 3 of the O.A.. As pointed out by ld. counsel for the applicant, applicant was served chargesheet on 31.05.2017 (A-3, Pg. No. 15) and enquiry officer was appointed on 22.01.2018 (A-4, Pg. No. 22) and P.O. was appointed on 27.01.2021 (A-5, Pg. No. 24).

3. Ld. counsel for the applicant is relying on Judgment of **Hon'ble Apex Court in case of Prem Nath Bali Vs. Reg., High Court of Delhi & Anr. decided on 16 December, 2015 in Civil Appeal No. 958 of 2010.** Ld. counsel for the applicant mainly relying on para no. 33 of the said Judgment which is below:-

“keeping these factors in mind, we are of the considered opinion that every employer (whether state or private) must take sincere endeavour to conclude the Departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as

far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year."

4. Ld. Counsel for the applicant is also directed to file Government G.R. of 1997 which also stipulates the same issue.

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

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

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

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

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be

obtained and produced along with affidavit of compliance in the Registry within one week.

Applicant is directed to file Affidavit of compliance and notice.

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

11. **S.O. four weeks.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.122/2010 (D.B.)

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

Dated : 16/06/2022.

Shri B.Kulkarni, ld. counsel for the applicant
and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. Ld. Counsel for the applicant has filed the document dated 28.05.2022; correspondence by Regional Manager, Central Jail, Nagpur. By this correspondence; respondents have submitted that they are in the process of complying the order passed by M.A.T.. Since the order has also been confirmed by Hon'ble High Court; Respondents are directed to comply the order **within two months** from the date of receipt of this order.

3. **S.O. after two months.**

4. If before that the order is complied, then the applicant is at liberty to circulate the matter.

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.464/2018 (D.B.)

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

Dated : 16/06/2022.

Heard Shri T.Parmar, ld. counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the respondents and Shri R.Joshi, ld. Counsel for the respondent no. 3.

2. Closed for orders.

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.204/2019 (D.B.)

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

Dated : 16/06/2022.

Heard Smt. R.P.Jog, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri R.S.Parsodkar, ld. Counsel for the respondent nos. 85, 95 to 97, 99, 100, 102, 104, 106, 110, 112, 115 & 127. None for R-1 & 2. None for R- 2.

2. Due to leave note of her senior counsel, matter be kept on Monday i.e. 20.06.2022.

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.Nos.537,538,539&540/2015 (D.B.)

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

Dated : 16/06/2022.

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

**2. By the consent of both the counsels, S.O.
21.06.2022.**

**Member(J)
Date:-16/06/2022.
aps.**

Vice Chairman

O.A.No.848/2019withC.A.No.240/2021 (D.B.)

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

Dated : 16/06/2022.

Heard Smt. Sirpurkar, ld. counsel for the applicant and ShriA.M.Ghogre, ld. P.O. for the respondents.

2. Ld. Counsel for the applicant aggrieved with the seniority list. Recently respondents have published provisional seniority list. Applicant still aggrieved with the same and taken objection; which was rejected by the respondents.

3. However, latest provisionallist is not placed on record. Ld. Counsel for the applicant is directed to place on record latest provisional seniority list by which applicant is aggrieved along with affidavit.

4. **S.O. next week.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.338/2020withC.A.No.311/2021 (D.B.)

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

Dated : 16/06/2022.

Heard Shri R.S.Parsodkar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. Ld. Counsel for the applicant has filed G.R. dated 08.03.2019 and Hon'ble High Court Bombay, Benchat Nagpur W.P. No. 6326/2018. Both are taken on record and supply it to the other side.

3. However, he has to demonstrate that applicant was in the channel of promotion as per the Government policy and for that matter will be heard on 29.06.2022.

4. Ld. Counsel for the applicant further submits that applicant though retired on 30.06.2020; he is not getting even provisional pension. However, it is unfair with the applicant. Hence, respondents are directed to start atleast provisional pension as early as possible.

5. **S.O. 29.06.2022.**

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

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.330/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman & Shri M.A.Lovekar, Member (J)
Dated : 16/06/2022.

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

2. The ld. P.O. has filed letter dated 20.09.2016 by Divisional Commissioner, Nagpur in last para of the letter it is observed:-

“उपरोक्तसंदर्भीय पत्रासोबतमा. श्रीचरणवाघमारे, आमदार, तुमसरविधानसभा क्षेत्र यानीसादरकेलेले दस्ताऐवज वउपरोक्तदोन्हीअधिकारी यांच्याप्रकरणाच्याअनुषंगानेश्रीनवनाथकातकडे यांचेविरुद्ध लाचलुचपतप्रतिबंध कायदयान्वयेगुन्हादाखलअसूनत्यांचेप्रकरणन्यायप्रविष्टआहे. त्यामुळे शासननिर्णय दिनांक २.४.१९७६ व दि. २२.४.१९९६ अन्वयेलाचलुचपतविभागानेसुरू केलेल्या प्रकरणी होणाराअंतीमनिर्णय त्यांनामान्य असेल व होणारीशिक्शातेवरच्यापदावरभोगण्यास तयारअसल्याचेसंमतीपत्र देण्याच्याअटीवरनायबतहसिलदारसंवर्गातुनतहसिलदारसंवर्गातल्या यालयीननिर्णयाच्याअधिनराहुनसेवाज्येष्ठता, अहर्ता व पात्रता धारनकरतअसल्यानेपदोन्नतीदेण्यासप्रस्तावितकरण्यात येतआहे.”

3. The Divisional Commissioner has suggested to promote the applicant after taking undertaking on certain conditions. We do not find the reason why Revenue Secretary should not decide the representation of the applicant as per recommendation of the Divisional Commissioner. In view of this situation and deadlock, Revenue

Secretary is directed to decide the representation of the applicant as per the condition mentioned by Divisional Commissioner, Nagpur in his letter dated 20.09.2016.

4. The Id. Counsel for the applicant is further directed that applicant should co-operate to the department and submit the undertaking and documents which Revenue Secretary desires. **The Revenue Secretary is directed to decide the said representation as per letter of Divisional Commissioner, Nagpur dated 20.09.2016 within one month from the date of receipt of this order.** If order is not complied Revenue Secretary/Principal Secretary Revenue/ ACS Revenue must depute any person before the Tribunal during next date of hearing for explaining that what is the hurdle in complying the order.

5. **S.O. 18.07.2022 for compliance of order by Revenue Secretary.**

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.71/2021 (D.B.)

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

Dated : 16/06/2022.

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

2. The question of taking final decision in Departmental proceedings as per reply filed by the respondents dated 01.04.2021 in para no. 12 though this is accepted fact; this para has also been reproduced in para no. 2 of order dated 30.11.2021 so by their own admission respondents were to decide the final order of disciplinary enquiry as on today. The ld. P.O. submits that he has not got any instructions.

3. **S.O. 24.06.2022** for taking instructions from department on order dated 30.11.2021 and as well as on para 12 of the reply of respondents. Ld. P.O. is further directed that whatever instructions is received he should file it on record and supply the same to the other side in advance.

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman

O.A.No.774/2019 (D.B.)

Ms. L.H.Gajbhiye Vs. State of Maharashtra and 2 Ors.

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

Dated : 16/06/2022.

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

2. The applicant was appointed from 21.08.1981 by order no. A-8/977/1981 dated 14.08.1981 as a Junior Clerk and was posted at Ramtek. The applicant is at Sr. No. 6 in appointment letter dated 14.08.1981 (A-2, Pg. No. 10). As per the policy of the Government applicant feels that her claim for 2nd A.C.P. should be granted from 01.10.2007 which she has been denied aggrieved with this denial applicant approached to this Tribunal. As per the policy for granting A.C.P. preceding/previous five years C.R. are considered by Committee and if applicant is eligible for criteria for promotion then A.C.P. should be granted. Respondents have filed their reply on 12.04.2021 and on page 47 they have produced following chart:-A

Sr. No.	Period /Year of C.R.	Period of the year	Grade of C.R.	Marks as per grade of C.R. of Government Policy
1	2002-2003	01.04.2002 to 31.03.2003	B+	5 Marks
2	2003-2004	01.04.2003 to 28.05.2003	Certificate	-----
		29.05.2003 to 30.09.2003	B	4 Marks
		30.09.2003 to	Certificate	-----

		31.03.2004		
3	2004-2005	01.04.2004 to 08.11.2004=7.25 years 09.11.2004 to 31.03.2005=4.75 years Comment=the first period is greater than second period so for all purposes first period will be considered. Apart from this first period is more than six months i.e. more than half of the year.	B+ B-	5 Marks 3 Marks
4	2005-2006	01.04.2005 to 31.05.2005 01.06.2005 to 31.03.2006	Certificate B+	---- 5 Marks
5	2006-2007	03.04.2006 to 31.03.2007	B	4 Marks

The C.R. of 2006-2007 was not filed by respondents along with the reply. Bench asked ld. P.O. to produce on record C.R. of 2006-2007 and ld. P.O. produced the C.R. of 2006-2007 today during course of hearing.

The chart shown by respondents on page 48 in the remark column comments are written which are not acceptable to the Bench since as per the table C.R. of 2006-2007 has not been considered. As per

Chart –A produced above from the reply and the documents produced by respondents the total marks at the end of the year 2006-2007 obtained by applicant is =5+4+5+5+4=23 marks. Now, $23/5 = 4.6$ Marks which is rounded to 5 Marks as per mathematical principle. The 05 marks means average of 5 years C.R. of applicant is in the category of B+. As per norms if the employee has B+ category of C.R.; he/she is eligible for promotion. Since applicant is eligible for promotion at the end of year 2006-2007; she is eligible to get 2nd A.C.P. from 01.10.2007. The ld. counsel for the applicant also submitted that he does not press for 01.10.2006 as per relief clause 7(i) of O.A.; he is agreed with 2nd A.C.P. to be given to the applicant from 01.10.2007 as per mathematical calculation shown in Table-A above and applicant is eligible for that only. As per acceptance by ld. counsel for amendment in relief clause 7(i) regarding date from 01.10.2006 to 01.10.2007 following order:-

ORDER

1. O.A. is allowed.
2. Respondents to pay 2nd A.C.P. to the applicant from 01.10.2007.
3. Pay the arrears of re-fixation of the salary and pension after deducting if anything is already paid within three months from the date of this order.
4. Applicant should be paid all retiral benefits according to the M.C.S. (Pension) Rules, 1982.
5. No order as to costs.

Member(J)
Date:-16/06/2022.
aps.

Vice Chairman