

O.A. 113/2017 (S.B.)

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

Dated : 17/02/2022.

C.A. 547/2017 -

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

2. As per submission of learned counsel for the applicants, the applicants are claiming time bound promotion. It is continued cause of action.

3. Heard learned P.O. Shri V.A. Kulkarni. He has strongly objected the present application.

4. As per the submission of learned counsel for the applicants, there was litigation going on. Moreover, the Government has passed the Govt. Resolution stating that the employee who has completed 40 years of age, is not required to pass departmental examination and therefore the applicants are entitled for time bound promotion.

5. Looking to the ground, the C.A. is allowed.

O.A. 113/2017 -

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

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

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

S.O. in due course.

Member (J).

dnk.

O.A. 514/2018 (S.B.)

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

Dated : 17/02/2022.

C.A. 512/2019 in O.A. 514/2018 -

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

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

Member (J).

dnk.

O.A. 569/2018 (S.B.)

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

Dated : 17/02/2022.

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

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

Member (J).

dnk.

O.A. 934/2018 (S.B.)

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

Dated : 17/02/2022.

None for the applicant. Shri A.P. Potnis,
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. 172/2019 (S.B.)

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

Dated : 17/02/2022.

Heard Shri S.B. Tiwari, 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. three weeks** for filing reply.

Member (J).

dnk.

O.A. 221/2019 (S.B.)

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

Dated : 17/02/2022.

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

Though on the last date four weeks time was granted, the reply is not filed till today. Today also Id. P.O. seeks further time to file reply.

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

Member (J).

dnk.

O.A. 363/2019 (S.B.)

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

Dated : 17/02/2022.

Heard Shri S.M. Khan, 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. three weeks** for filing reply.

Member (J).

dnk.

O.A. 426/2019 (S.B.)

(T.V. Dhakate Vs. State of Mah. & Ors.)

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

Dated : 17/02/2022.

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

2. The applicant's prayer is in respect of grant of grade pay and proper pay fixation. After the receipt of notice by respondent no.4 passed the order and fixed the proper pay of applicant.

3. The Id. P.O. filed the letter dated 17/2/2020. It is taken on record and marked Exh-X for identification.

4. Heard Shri A.P. Sadavarte, Id. counsel for the applicant. He has submitted that the respondents have satisfied the grievances of the applicant. Hence, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.

O.A. 1075/2019 (S.B.)

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

Dated : 17/02/2022.

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

The applicant to remove office objection.

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

Member (J).

dnk.

O.A. 707/2020 (S.B.)

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

Dated : 17/02/2022.

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

The Id. P.O. files reply of all the respondents. It is taken on record. Copy is given to the applicant.

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

S.O. in due course.

The applicant is at liberty to file rejoinder, if any.

Member (J).

dnk.

O.A. 230/2021 (S.B.)

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

Dated : 17/02/2022.

None for the applicants. Shri A.M.
Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. next**
week for filing reply.

Member (J).

dnk.

O.A. 389/2021 (S.B.)

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

Dated : 17/02/2022.

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

The Id. P.O. files reply of R-3. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that reply of R-3 is sufficient to decide the matter.

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

S.O. in due course.

The applicant is at liberty to file rejoinder, if any.

Member (J).

dnk.

O.A. 554/2021 (S.B.)

(Arun W. Wadal Vs. State of Mah. & Ors.)

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

Dated : 17/02/2022.

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

2. The learned counsel for the applicant has filed letter issued by the Tahsildar, Telhara (R/3) dated 21/10/2021. It is taken on record and marked Exh-X for identification. The prayer of the applicant is in respect of direction to the respondents to submit proposal to the A.G. for grant of pension. As per the submission of learned counsel for the applicant, the grievances of applicant are now satisfied.

3. The respondent no.4 is directed to decide the proposal submitted by the Tahsildar, Telhara (R/3) within a period of two months from the date of receipt of this order.

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

Steno copy is granted...

Member (J).

dnk.

O.A. 591/2021 (S.B.)

(A.G. Dhapate Vs. State of Mah. & Ors.)

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

Dated : 17/02/2022.

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

2. The Id. P.O. has filed letter issued by the respondent no.3. It is taken on record and marked Exh-X for identification. As per this letter, the suspension of the applicant is revoked as per the order of this Tribunal dated 2/8/2021.

3. The learned counsel for the applicant has submitted that the other benefits like payment of subsistence allowance etc. are not complied. As the suspension is already revoked, the applicant is entitled for subsistence allowance and difference of salary etc.

4. Hence, the O.A. is disposed off with direction to the respondents to pay subsistence allowance and difference of salary of the applicant within a period of two months from the date of receipt of this order, as per the rules.

Member (J).

dnk.

O.A. 670/2021 (S.B.)

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

Dated : 17/02/2022.

Heard Shri N.D. Thombre, Id. counsel for applicant, Shri A.P. Potnis, Id. P.O. for R-1,3&4 and Shri R.D. Tajne, Id. counsel for R-2.

2. The Id. P.O. files reply of R-4. It is taken on record. Copy is given to the applicant.

3. It appears that reply of R-3 is already filed on record. The impugned order was passed by the respondent no.3.

4. The Id. P.O. submits that reply of R-3&4 are sufficient to decide the matter.

5. Shri R.D. Tajne, Id. counsel for R-2 submits that he is adopting reply of R-3&4.

6. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1,3&4.

S.O. in due course.

Member (J).

dnk.

O.A. 715/2021 (S.B.)

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

Dated : 17/02/2022.

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

The Id. P.O. files reply of R-3. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that reply of R-3 is sufficient to decide the matter.

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

S.O. in due course.

Member (J).

dnk.

O.A. 789/2021 (S.B.)

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

Dated : 17/02/2022.

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

The Id. P.O. files reply of R-1 to 4. It is taken on record. Copy is given to the applicant.

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

S.O. in due course.

Member (J).

dnk.

O.A. 928/2021 (S.B.)

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

Dated : 17/02/2022.

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

The Id. P.O. files reply of R-2. It is taken on record. Copy is given to the applicant. The Id. P.O. submits that reply of R-2 is sufficient to decide the matter.

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

S.O. in due course.

The applicant is at liberty to file rejoinder, if any.

Member (J).

dnk.

O.A. 1045/2021 (S.B.)

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

Dated : 17/02/2022.

Heard Shri R.M. Fating, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and Shri T.M. Zaheer, Id. counsel for R-3&4.

At the request of Id. P.O. and Id. counsel for R-3&4, **S.O. three weeks** for filing reply.

Member (J).

dnk.

O.A. 1068/2021 (S.B.)

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

Dated : 17/02/2022.

Heard Mrs. S.V. Kolhe, 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. 1107/2021 (S.B.)

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

Dated : 17/02/2022.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, 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. 1113/2021 (S.B.)

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

Dated : 17/02/2022.

None for the applicant. Shri S.A. Deo, Id.
CPO for R-1.

Await service of R-2 to 4.

S.O. four weeks for filing service
affidavit.

Member (J).

dnk.

O.A. 1126/2021 (S.B.)

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

Dated : 17/02/2022.

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

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

Member (J).

dnk.

(S.B.)

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

Dated : 17/02/2022.

**O.A. Nos. 331/2019,867/2019, 911/2019 &
910/2019 -**

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

Closed for orders.

Member (J).

dnk.

(S.B.)

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

Dated : 17/02/2022.

MCA 03/2022 in O.A. 906/2017 -

Heard Shri Amey Motley, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. submitted that the proposal is pending before the Government of Maharashtra.

3. In view thereof, 15 days time is granted to comply the order dated 14/07/2021. No further time will be granted.

4. The MCA is disposed off. No order as to costs.

Member (J).

dnk.

O.A. 204/2021 (S.B.)

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

Dated : 17/02/2022.

Heard Shri R.M. Fating, 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.

(S.B.)

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

Dated : 17/02/2022.

**C.A. 455/2019 in Rev. St.2539/2019 in O.A.
62/2017**

Shri M.M. Sudame, Id. counsel for original respondent nos.5&6, Shri M.R. Khan, Id. counsel for original applicant and Shri M.I. Khan, Id. P.O. for original respondent nos.2 to 4.

At the request of Shri M.R. Khan, Id. counsel for original applicant, **S.O. three weeks** for filing reply.

Member (J).

dnk.

O.A. 841/2017 (S.B.)

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

Dated : 17/02/2022.

Heard Shri K. Nalamwar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Issue notice to the newly added respondent no.2 returnable **after three 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 three weeks.

Member (J).

dnk.

O.A. 763/2020 (S.B.)

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

Dated : 17/02/2022.

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

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

Member (J).

dnk.

O.A. 968/2020 (S.B.)

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

Dated : 17/02/2022.

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

2. As per the submission of Id. P.O., some identical matters are pending before the Hon'ble High Court.

3. In view of submission of Id. P.O., the matter be kept **after four weeks.**

Member (J).

dnk.

O.A. 162/2022 (S.B.)

(V.M. Mudkondwar Vs. State of Mah. & Ors.)

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

Dated : 17/02/2022.

Heard Shri G.G. Bade, 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. 186/2022 (S.B.)

(A.B. Basari Vs. State of Mah. & Ors.)

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

Dated : 17/02/2022.

Heard Shri S.B. Tiwari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant was dismissed from the service by the Sub Divisional Magistrate (SDM), Saoner. The appeal was preferred before the Divisional Commissioner, Nagpur. The appeal was allowed and order of SDM, Saoner was quashed and set aside. Against the said order, the respondent no.4 filed appeal before the Government of Maharashtra. The State Minister (Home) allowed the said appeal and restored the order of SDM, Saoner.

3. As per the submission of learned counsel for the applicant, the respondent no.4 has no locus standi to file appeal before the Government of Maharashtra. Therefore, the impugned order passed by the State Minister (Home) is liable to be stayed.

4. Heard the Id. CPO. He has submitted that the respondent no.4 filed complaint and on his complaint, the proceeding was initiated by the SDM, Saoner, therefore, he can file appeal against the order of Divisional Commissioner, Nagpur.

5. As to whether the respondent no.4 has any locus standi or not is to be decided on merit, but at this stage, it is clear that the order passed by the Divisional Commissioner, Nagpur appears to be well reasoned order. No any reason is given by the State Minister (Home) for quashing and setting aside the order of Divisional Commissioner, Nagpur. **Hence, the impugned order passed by the State Government / State Minister (Home) is hereby stayed until further orders.**

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

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted..

Member (J).

dnk.

O.A. 784/2021 (S.B.)

(R. U. Gedam Vs. State of Mah. & Ors.)

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

Dated : 17/02/2022.

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

2. The learned counsel for the applicant pointed out the representation dated 20/8/2020 and submitted that the applicant is transferred from Bramhapuri to Warora. In fact, in the representation he has prayed to transfer him from Bramhapuri to Ballarpur, Gondpimpri.

3. The learned counsel for the applicant has submitted that without considering his representation, he is transferred to Warora. The impugned transfer order is therefore illegal and liable to be quashed and set aside. He has further submitted that the respondents be directed to modify the transfer order and the applicant shall be kept at Bramhapuri.

4. Heard learned P.O. Shri A.M. Ghogre. He has submitted that the transfer was on the request of the applicant. As per request of the applicant, he has to go to Wardha for medical treatment. Warora is the nearest place to Wardha and therefore no inconvenience is caused to the applicant.

5. I have gone through the applicant's representation dated 20/8/2020. It is mentioned in the representation that he is seeking transfer since last four years on the ground of illness of his father. He has stated in the second para of the representation, that his father is suffering since nine years of the decease of Kidney Stone. The Doctor advised him about dialysis treatment to his father. In Bramhapur, there is no Urologist and therefore he has to go to Wardha which is 154 Kms. from Bramhapuri.

6. It is submitted the applicant is posted at Warora though it is not specifically requested. The applicant has requested for Ballarpur and Gondpimpri, but the representation itself shows that he has to go to Wardha for treatment of his father. Now the applicant is saying that he be kept at Bramhapuri. In the representation itself, he has stated that there is no Urologist available at Bramhapuri. The applicant cannot say that there is medical facility in Bramhapuri.

7. Looking to the representation of the applicant, the applicant is posted at Warora. Moreover, the post at Bramhapuri is now filled.

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

Member (J).

dnk.

O.A. No. 109/2018.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri S.A. Sahu, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

pdg

O.A. No. 260/2019.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri D.U. Thakre, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

pdg

O.A. No. 994/2019.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri A.P. Tathod, Adv. holding for Shri N. R. Saboo, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Ld. P.O. has filed reply on behalf of R. 1 to 4, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

ADMIT.

Ld. P.O. waives notice for R.1.

S.O. four weeks for final hearing.

Member (J)

Vice-Chairman

pdg

O.A. No. 897/2020.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri G.K. Bhusari, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

pdg

O.A. No. 898/2020.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri G.K. Bhusari, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

pdg

O.A. No. 72/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri G.K. Bhusari, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

S.O. **four weeks.**

Put up this O.A. with connected O.A. No. 73/2021.

Member (J)

Vice-Chairman

pdg

O.A. No. 296/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

With the consent of both parties, S.O. **two weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 298/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

With the consent of both parties, S.O. **two weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 409/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

With the consent of both parties, S.O. **two weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 803/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri R.M. Fating, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents No. 1. Shri H.D. Marathe, Adv. for R.2 to 4.

Ld. Adv. for R.2 to 4 submits that he would like to file reply.

At the request of both parties, S.O. **two weeks** for filing reply.

It be treated as a last chance to file reply.

Member (J)

Vice-Chairman

pdg

O.A. No. 897/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

Ld. P.O. submits that he has received parawise comments and would like to file reply.

S.O. two weeks for filing reply.

Member (J)

Vice-Chairman

pdg

O.A. No. 1091/2021.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

S.O. **three weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 1166/2021.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri S. Ateeb, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The learned counsel for the applicant has filed a copy of judgment delivered on 30.11.2021 by the Principal Bench of this Tribunal in O.A. No. 204/2021 alongwith other O.As. The learned counsel for the applicant has relied on this judgment, mainly on para Nos. 2 and 3 of the judgment and submitted that the grievance of the applicant in this O.A. is covered by the said judgment.

At the request of Ld. CPO, S.O. **four weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 94/2022.

(D.B.)

**Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

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

The learned counsel for the applicant has filed service affidavit in the office of R. 2 and 3.

S.O. **four weeks** for filing reply by Ld. P.O.

Member (J)

Vice-Chairman

pdg

O.A. No. 187/2022.

(D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

CA No. 65/2022.

Heard Shri A.P. Tathod, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The learned counsel for the applicant has filed C.A. No. 65/2022 for joint O.A. C.A. is allowed and disposed of.

O.A. No. 187/2022.

It appears that the issue involved is for promotion to the cadre of Superintending Engineer. As submitted by Ld. CPO, promotion to the applicant is from two sources:- One is from Assistant Executive Engineer and other from Assistant Engineer, Grade-I Now, what are the quotas for each cadre to be promoted to the cadre of Executive Engineer and whether the respondents have finalized the CET and going to give promotion, which is not clear.

S.O. four weeks.

Member (J)

Vice-Chairman

pdg

O.A. No. 182/2022.

(D.B.)

**Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

CA No.62/2022.

Heard Shri G.K. Bhusari, Adv. holding for Shri S.N. Gaikwad, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The learned counsel for the applicant has filed C.A. No. 62/2022 for joint O.A. It is allowed and disposed of.

O.A. No. 182/2022.

2. Issue notice to remaining respondents returnable in four weeks.

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

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.

9. S.O. four weeks.

Member (J)

Vice-Chairman

O.A. No. 309/2019.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

Ld. P.O. has filed two documents on record. One document is related to appointment of R.4 on the Class-IV post i.e. Safai Karmachari and another is the G.R. dated 27.8.2021 as per Pagay Committee recommendation. He has also filed an affidavit of the applicant, who has given no objection for appointment of respondent No.4. Those documents are taken on record. Since there is nobody from the side of the applicant, matter is kept after **two weeks.**

S.O. **two weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 167/2020.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

The learned counsel for the applicant has filed written notes of argument, which is taken on record.

ADMIT.

Ld. P.O. waives notice for R.1.

S.O. four weeks for final hearing.

Member (J)

Vice-Chairman

pdg

O.A. No. 168/2020.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

ADMIT.

Ld. P.O. waives notice for R.1.

The learned counsel for the applicant submits that he will file written notes of argument before next date of hearing.

S.O. **four weeks** for final hearing.

Member (J)

Vice-Chairman

pdg

O.A. No. 578/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

Ld. P.O. has filed reply on behalf of R.2, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

ADMIT.

Ld. P.O. waives notice for R.1.

S.O. **four weeks.**

Member (J)

Vice-Chairman

O.A. No. 19/2022.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

Ld. P.O. has filed reply of R. 3 and 4, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

Ld. P.O. is not about the stage of framing of Rules by the competent authority as described by the respondents. Ld. P.O. submits that on Thursday, he will also make a statement about the stage of framing of Rules by the competent authority

S.O. **24.2.2022.**

Steno copies be supplied to both sides.

Member (J)

Vice-Chairman

O.A. No. 1054/2019.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

C.P. No.29/2021.

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

Ld. P.O. has filed reply on behalf of R.3, it is taken on record. He further submits that this reply is also filed before the Hon'ble High Court against the order of this Tribunal bearing O.A.(St.) No. 2442/2022 filed on 16.2.2022. Documents filed by Ld. P.O. are taken on record.

S.O. **three weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 976/2019.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

C.P. No.30/2021.

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

Ld. P.O. has filed reply on behalf of R.3, it is taken on record. He further submits that this reply is also filed before the Hon'ble High Court against the order of this Tribunal bearing O.A.(St.) No. 2442/2022 filed on 16.2.2022. Documents filed by Ld. P.O. are taken on record.

S.O. **three weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 977/2019.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

C.P. No.31/2021.

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

Ld. P.O. has filed reply on behalf of R.3, it is taken on record. He further submits that this reply is also filed before the Hon'ble High Court against the order of this Tribunal bearing O.A.(St.) No. 2442/2022 filed on 16.2.2022. Documents filed by Ld. P.O. are taken on record.

S.O. **three weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 354/2019.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

C.P. No.35/2021.

Heard Shri Bharat Kulkarni, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Ld. P.O. has filed documents on record dated 25.1.2022. It is pending with Pay Verification Unit, Nagpur. He requires some three weeks' time.

S.O. **three weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 959/2019.

(D.B.)

**Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

C.P. No.37/2021.

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 and 2. Shri M. Patil, Adv. for R.3 i.e. V.I.D.C., Nagpur.

R.3 i.e. V.I.D.C., Nagpur has filed representation before the High Court.

The Government also filed Writ Petition in the High Court. As pointed out by the learned counsel for the applicant, Writ Petition was filed before the High Court in September 2021 against the judgment of this Tribunal dated 5.1.2021. Till now, their W.P. has not been admitted in the High Court. There is no question of any stay to be given by this Tribunal as on today. The respondents are directed that they should

understand this part that there is no stay, they should try to get the stay, otherwise they should follow the order.

Ld. P.O. and the learned counsel for the applicant are directed that they are given two weeks' time to ensure that their W.Ps are admitted in the High Court.

S.O. **two weeks.**

Steno copies be provided to both parties.

Member (J)

Vice-Chairman

pdg

O.A. No. 778/2019.

(D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

C.P. No.50/2021.

Heard Shri P.M. Mandwekar, the learned counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents.

Ld. P.O. has filed a letter dated 3.2.2022 by Deputy Superintendent of Police, Wireless, Nagpur (holding additional charge). He has written a letter to the Additional Director General of Police (Transport) (M.S.), Pune. Though, Ld. P.O. has not mentioned, Ld. P.O. submits that the Writ Petition filed before the High Court has been dismissed and the order of this Tribunal stands. In view of Contempt Petition No. 50/2022, he has communicated to the Additional Director General of Police (Transport) (M.S.), Pune for further action.

At the request of Id. P.O., **S.O. two weeks** to communicate further action to be taken by the respondents.

Member (J)

Vice-Chairman

O.A. No. 62/2017.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

C.P. No.44/2021.

Heard Shri M.R. Khan, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 6. Adv. M.M. Sudame for R.7.

Matter is pending before the Single Bench for review of previous judgment. After decision of the judgment, matter would be taken after three weeks.

The learned counsel for the applicant is at liberty to mention the matter if review application is decided.

S.O. **three weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 994/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

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

S.O. **four weeks.**

Member (J)

Vice-Chairman

pdg

O.A. No. 134/2022.

(D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

Heard Shri Bharat Kulkarni, Adv. holding for Shri S.M. Bhagde, the learned counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondent No.1.

2. Issue notice to remaining respondents returnable in four weeks.
3. Shri A.M. Khadatkhar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.
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.

9. S.O. four weeks.

Member (J)

Vice-Chairman

pdg

O.A. No. 181/2022.

(D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

2. Issue notice to remaining respondents returnable in four weeks.
3. Shri A.M. Khadatkar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.
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.

9. S.O. four weeks.

Member (J)

Vice-Chairman

pdg

O.A. No. 46/2021.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri ,P.S. Wathore, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O.
28.2.2022.

Member (J)

Vice-Chairman

pdg

O.A. No. 73/2021.

(D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

Heard Shri G.K. Bhusari, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **four weeks.**

Put up this O.A. with connected O.A. No. 72/2021.

Member (J)

Vice-Chairman

pdg

O.A. No. 977/2021.

(D.B.)

Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)

Dated : 17th February 2022.

C.P. No.390/2021.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

pdg

O.A. No. 1023/2021.

(D.B.)

**Coram:Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri M.A. Lovekar,
Member(J)**

Dated : 17th February 2022.

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

The learned counsel for the applicants has placed on record the G.R. dated 17.12.2021 of Water Resources Department, by which it appears that about sixteen employees of the Government had asked various information in order to finalize and redressal of grievances and in respect of regularising them from initial date of their appointment. Since the Government has already taken cognizance of grievance of the applicant and Assistant Chief Engineer, Gosekhurd Project has submitted a proposal to the Govt. vide letter dated 24.12.2021. So it is clear that the Govt. Is in the process of redressing the grievance raised by the applicants in this O.A. In view

of this, the respondents are directed to expedite and finalise the process from the date of their initial appointment and the decision as per their own correspondence dated 17.12.2021 and proposal dated 24.12.2021 **within sixty days** from the date of receipt of this order. If there is any hurdle, the Ld. P.O. is at liberty to move the C.A. At the same time, after finalizing of the list, if the applicants are aggrieved with any direction, the learned counsel for the applicants is at liberty to agitate with the issue by filing separate O.A. With this direction, O.A. stands disposed of.

Documents filed by the learned counsel for the applicants are marked "X" for identification and they are taken on record.

Member (J)

Vice-Chairman

pdg

O.A. 891/2021 (S.B.)

(Dr. Dhanraj L. Sonekar Vs. State of Mah. & ors.)

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

Dated : 17/02/2022.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Khadatkhar, Id. P.O. for R-1 and Shri M. Shaikh, Id. counsel for R-2&3.

2. In the present O.A., the applicant has prayed as follows –

“(A) quash and set aside the order dated 16/9/2021 issued by the respondent no.2, whereby the applicant came to be placed under suspension, being without jurisdiction, illegal, arbitrary and consequently ;

(B) direct the respondent no.2 to reinstate the applicant on the post of Medical Officer, Group-A, immediately.

(C) Grant any other relief to which the applicant is entitled.”

3. The applicant is suspended by the respondent no.2 for his misconduct in relation to the abusing language to the patient. The suspension order was passed by the respondent no.2 on 16/9/2021 (below the signature, it is mentioned as 14/9/2021) (A-3,P-18). Since last 3-4 months, the charge sheet is not issued.

4. Heard the learned counsel for the applicant. He has pointed out the Judgment of Hon'ble Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of Indian through its Secretary & Ano** and submitted that the suspension cannot be continued for years together. If the suspension order is to be extended, the reasoned order is to be passed. In the prescribed time limit, the charge sheet is not served on the applicant. Hence, the suspension order is liable to be quashed and set aside.

5. Heard Shri M. Shaikh, learned counsel for R-2&3. As per his submission, the respondent nos.2&3 have submitted the proposal to the Government for initiating the departmental enquiry. The proposal is still pending and therefore the charge sheet is not issued to the applicant. In support of his submission pointed out the decision of this Tribunal in O.A. 524/2008 decided on 26/3/2009.

6. The Hon'ble Supreme Court in case of **Ajay Kumar Choudhary Vs. Union of Indian through its Secretary & Ano** has specifically held in para-21 which is reproduced as under –

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

7. In view of the guidelines given by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of Indian through its Secretary & Ano.,** the Government employee cannot be suspended for years together. The time limit is given by the Hon'ble Supreme Court that after the expiry of 90 days, the suspension shall come to an end, if the chargesheet is not issued.

8. In the present case, the applicant is kept under suspension on 16/9/2021, till date charge sheet is not issued.

9. In view of the Judgment of Hon'ble Supreme Court, **the impugned order of suspension is hereby quashed and set aside.**

10. The respondent nos.2&3 are directed to reinstate the applicant.

11. In view of above, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.***

O.A. 01/2022 (S.B.)

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

Dated : 17/02/2022.

Heard Shri G.K. Bhusari, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri S.S. Ghate, Id. counsel for R-3.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1&2.

Closed for orders .

Member (J).

dnk.