

C.P. 14/2020 in O.A. 58/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

C.A. 211/2020 -

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

2. We have perused the impugned order. It was specifically directed that the respondents shall consider the case of the applicant for promotion to the post of Chief Engineer and it was also directed if he was found suitable, then he shall be promoted since the date on which Shri S.B. Kulkarni was promoted.

3. We have perused the order dated 27/12/2019, Annex-A-2, by this order, the applicant was promoted as Chief Engineer, but it is not mentioned in the order that he was promoted since the date of promotion of Shri S.B. Kulkarni. In spite of repeated chances, the respondents not cared to show any justification for non compliance of the order. However, in the interest of justice three weeks time is granted to the respondents to comply this order.

4. In view thereof, the C.A. stands disposed of.

C.P. 14/2020 in O.A. 58/2019 –

S.O. three weeks.

Steno copy be supplied to the P.O...

Member (J)

Vice-Chairman

dnk.

O.A. 282/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

C.A. 188/2020 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id .P.O. for R-1 to 3 and Shri P.J. Mehta, Id .counsel for R-4 (Intervener).

S.O. 23/11/2020 for filing reply as a last chance.

Member (J)

Vice-Chairman

dnk.

O.A. 317/2020 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 528/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

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

The Id. P.O. submitted that he is filing reply during the course of day.

With the consent of learned counsel for parties, **S.O. 26/11/2020.**

Member (J)

Vice-Chairman

dnk.

O.As. 959/19 & 11/20 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and Smt. J.J. Alkari, Id .counsel for R-2.

The Id. counsel for R-2 has filed the copy of the Judgment. The learned counsel for the applicant wants to go through the same. The matter be kept tomorrow for reply of the applicant.

S.O. 20/10/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 962/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
23/11/2020 for filing reply as a last chance.

Member (J)

Vice-Chairman

dnk.

O.A. 993/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Shri A.R. Ingole, 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. one week** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. 264/2020 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

C.A. 181/2020 -

Heard Shri P.K. Mishra, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and none for R-4.

2. The submission was made by the learned P.O. that as the pension case of the applicant is not forwarded by the Zilla Parishad, Nagpur, therefore, the respondent nos.1&2 were unable to comply the order dated 22/2/2019.

3. We direct the respondent no.4 to prepare and forward the pension case of the applicant to the higher authorities within two weeks.

4. In view thereof, the C.A. stands disposed of.

O.A. 264/2020 –

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 503/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri N.S. Warulkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4.

2. The respondent no.3 is directed to decide the matter as per the law after hearing Smt. Kamla Ganesh Boyat.

3. In view thereof, the O.A. stands dismissed. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 653/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

C.A. 251/2020 -

Heard Shri D.S. Sawarkar, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The order dated 4/2/2020 appointing the applicant on supernumerary post for a period of 11 months is hereby stayed till filing of the reply by the respondents.

3. In view thereof, the C.A. stands disposed of.

O.A. 653/2020 –

Heard Shri D.S. Sawarkar, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **in four weeks**. Learned C.P.O. waives notice for the 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. four weeks.

Steno copy be supplied.

Member (J)

Vice-Chairman

dnk.

O.A. 648/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri R.S. Parsodkar, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The impugned order appointing the applicant on supernumerary post for a period of 11 months is hereby stayed till filing of the reply by the respondents.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 649/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri R.S. Parsodkar, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The impugned order appointing the applicant on supernumerary post for a period of 11 months is hereby stayed till filing of the reply by the respondents.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 650/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri R.S. Parsodkar, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The impugned order appointing the applicant on supernumerary post for a period of 11 months is hereby stayed till filing of the reply by the respondents.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 651/2020 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri M.V. Bute, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The impugned order appointing the applicant on supernumerary post for a period of 11 months is hereby stayed till filing of the reply by the respondents.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 652/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri R.D. Karode, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The impugned order appointing the applicant on supernumerary post for a period of 11 months is hereby stayed till filing of the reply by the respondents.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 34/2020 in O.A. 877/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

Heard Shri I. N. Choudhari, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.
3. The learned P.O. waives notice for the State. Hamdast granted.
4. S.O. **four weeks**.

Member (J)

Vice-Chairman

dnk.

Rev. A. 09/2020 in O.A. 811/2018 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

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

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for the State. Hamdast allowed.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 540/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

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

Last chance is given to the respondents to comply the order dated 3/8/2020. The respondent no.2 shall remain present before the Bench to clarify.

S.O. two weeks.

Steno copy be provided...

Member (J)

Vice-Chairman

dnk.

O.A. 973/2017 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

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

2. It is contention of the applicant that in absence of any evidence punishment is awarded, therefore, inquiry is vitiated. The Id. P.O. submitted that he has to examine the record and proceeding of the disciplinary inquiry.

3. The Id. P.O. is directed to produce the inquiry papers till the next date.

S.O. four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 269/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

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

S.O. 20/11/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 637/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 19/10/2020.

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

S.O. 24/11/2020.

Member (J)

Vice-Chairman

dnk.

O.A. No. 482 of 2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

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

The learned counsel for the applicant submitted that the applicant has made representation to the Director of Accounts and Treasury (M.S.), Mumbai on 30th September, 2020. The learned P.O. requested three weeks time to file reply. Time is granted.

In the meantime, the respondent no.2 shall decide the representation made by the applicant.

S.O. three weeks.

Steno copy be provided.

Member (J)

dnk.

O.A. No. 482 of 2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

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

The learned counsel for the applicant submitted that the applicant has made representation to the Principal Secretary on 30th September, 2020. The learned P.O. requested three weeks time to file reply. Time is granted.

In the meantime, the respondent no.2 to decide the representation made by the applicant.

S.O. three weeks.

Steno copy be provided.

Member (J)

dnk.

O.A. No. 595 of 2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

C.A. 250/2020 -

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 4 and Shri A.M. Sudame, Id. counsel for R-5.

The matter be taken up for hearing on day after tomorrow.

S.O. 21/10/2020.

Member (J)

dnk.

O.A. No. 977/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

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

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

Member (J)

dnk.

O.A. No. 644 of 2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Issue notice to the respondents returnable in **four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

S.O. four weeks.

Member (J)

dnk.

O.A. No. 645 of 2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Issue notice to the respondents returnable in **four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. four weeks.

Member (J)

dnk.

O.A. No. 646 of 2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Issue notice to the respondents returnable in **four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. four weeks.

Member (J)

dnk.

O.A. No. 647 of 2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

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

2. It is submitted that the applicant retired in the year 2012 and recently the respondent no.6 has passed the order to recover the amount from the pension of the applicant. As the impugned order is passed without giving opportunity of hearing, that order shall be stayed till filing of the reply by the respondents.

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

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Member (J)

dnk.

O.A. No. 225 of 2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

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

Two weeks time is granted to the respondents to file reply as a last chance.

Member (J)

dnk.

O.A. No. 478 of 2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

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

Closed for orders.

Member (J)

dnk.

(SB)

Coram : Hon. Shri A.D. Karanjkar,
Member (J).

Dated : 19.10.2020

O.A. 388/20, C.A. 259/20 in O.A. 389/20, C.A. 253/20 in O.A. 390/20, C.A.254/20 in O.A.391/20, C.A.255/20 in O.A.392/20, C.A. 256/20 in O.A. 393/20, O.A. 394/20, O.A. 395/20, O.A. 396/20, C.A. 257/20 in O.A. 397/20 and C.A. 258/20 in O.A. 398/20 -

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. and other Id. P.O. for R-1&2 and Shri G.N. Khanzode, Id. counsel for R-3 (in O.A 398/2020) and none for other respondents in other O.As.

All the concerned C.As. are allowed. Necessary corrections be made in the concerned O.As. The O.As. are already heard at length therefore it be kept for order tomorrow.

S.O. 20/10/2020.

Member (J)

dnk.

(SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 19.10.2020

C.A. 234/20 in O.A. 597/20, C.A.235/20 in O.A. 598/20, C.A.236/20 in O.A. 599/20, C.A.237/20 in O.A.600/20, C.A. 252/20 in O.A.601/20, C.A.238/20 in O.A.602/20, C.A.239/20 in O.A.603/20, C.A.240/20 in O.A.604/20, C.A.241/20 in O.A.605/20, C.A.242/20 in O.A.606/20, C.A.243/20 in O.A.607/20 and O.A.617/2020.

Heard Shri D.M. Kakani, Id. counsel for the applicants, Shri A.M. Ghogre, Id. PO for R-1 to 3 in all O.As., Shri Khubalkar, Id. counsel holding for Shri F.I. Khan, Id. counsel for R-4 (in O.A. 597 of 2020), Shri G.N. Khanzode, Id. counsel for R-4 (In O.As.601/20, 603/20,604/20 & 606/20) and none for R-4 in other O.As.

2. The learned P.O. submitted that he has filed reply in O.A.Nos.597 to 601 of 2020, O.As. 603/20, 605/20 & 607/20 and he would file reply in O.A.Nos.602,605 & 606/20 tomorrow.

3. Shri S.N. Gaikwad, Id .counsel appearing for private respondent no.4 has filed power and reply in O.As.598/20, 599/20 and 600/20.

4. Shri G.N. Khanzode, Id .counsel for R-4 in the concerned O.As. has also filed reply on the concerned C.As.

4. The matters are admitted and it be kept for hearing at 3.00 p.m. tomorrow.

S.O.20/10/2020 (PH).

Member (J)

dnk.**

O.A. 924/2018 (S.B.)

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

Dated : 19/10/2020.

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

The Id. P.O. has filed reply on the amended part. Copy is supplied to the Id. counsel for the applicant.

At the request of Id .counsel for the applicant, **S.O. 26/10/2020.**

Vice-Chairman

dnk.

O.A. 964/2018 (S.B.)

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

Dated : 19/10/2020.

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

At the request of Id. counsel for the applicant, **S.O. 26/10/2020.**

Vice-Chairman

dnk.

O.A. 583/2020 (S.B.)

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

Dated : 19/10/2020.

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

At the request of Id. counsel for the applicant, **S.O. 26/10/2020.**

Vice-Chairman

dnk.

O.A. 416/2020 (S.B.)

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

Dated : 19/10/2020.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 471/2020 (S.B.)

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

Dated : 19/10/2020.

MCA No.35/2020 -

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

The learned counsel for the applicant has filed MCA No. 35/2020. In this regard the Id. P.O. desires to take instructions and submit the report and for that purpose he seeks time.

S.O. 22/10/2020.

Vice-Chairman

dnk.

O.A. 367/2020 (S.B.)

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

Dated : 19/10/2020.

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

2. The learned counsel for the applicant has pointed out that the applicant was placed under suspension vide letter dated 15/3/2020 (A-1,P-8). He further relied upon the Govt. GAD G.R. para-1 (ii), dated 9/7/2019 (P-12,A-A-3) where it is mentioned as follow :-

(ii) fuyfcr 'kkI dh; I dclR; k T; k idj.kh 3 efgU; kpk dkyko/khr foHkxh; pkS'kh I q d: u nkskjk i = ct.ko.; kr vkysukgh] v'kk idj.kh ek- I okp U; k; ky; kps vknsk i kgrk] fuy:u I ekR dj.; k'kok; vU; i; k; jgr ukgh- R; keS fuyfcr 'kkI dh; I dclR; foHkxh; pkS'kh ph dk; bgh I q d: u nkskjk i = ct.ko.; kph dk; bgh fuy:uki kl u 90 fnoI R; k vkr dklVdij i .ksdsh t kby; ; kph n{krk@ [k;jnkjh ?ls; kr ; koh-

3. The learned counsel for the applicant also pointed out the remarks in the Review Committee Meeting dated 8/6/2020 (P-23) were against the applicant, in the remarks column, it is only mentioned that three months period is yet to be completed, no any other specific reason has been mentioned. Now 90 days period has completed on 15/6/2020. 3. In view of remarks

in Review Committee meeting whether any decision / progress has taken place in the case after 15/6/2020 that needs to be examined. In view of this, the learned P.O. is directed to take instructions and submit the instructions on the next date.

S.O. 22/10/2020.

Steno copy is granted.

Vice-Chairman

dnk.

***O.A. 570/2020 (S.B.)**

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

Dated : 19/10/2020.

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

2. The learned counsel for the applicant submits that neither the departmental inquiry has been started nor the charge sheet has been served. In this situation, the learned counsel for the applicant desires on para-1.2 of the Government of Maharashtra GAD G.R. dated 9/7/2019. The learned counsel for the applicant also invited my attention on Para (VI) of page no.6 of the O.A. where it has been pointed out regarding departmental inquiry and Competent Court of law. .

3. The learned P.O. has filed reply of respondent no.2 and along with that he has attached copy of the Review Committee Meeting dated 14/9/2020. Perusal of the Committee Meeting and Members of the Committee, it reveals that three Members of the Committee are (i) Superintendent of Police, Yavatmal, (ii) Additional Superintendent of Police, Yavatmal and (ii) Deputy Superintendent of Police, Head Quarters, Yavatmal. In this case suspension

order has been issued on 17/6/2020 (A-2,P-20) by the Under Secretary, Home Department, Government of Maharashtra. It seems that the Review Committee is far below than who had issued the suspension order. It appears bad in law that Review of order is done by the junior Members of the Committee when already who had passed the original order. In view of this situation, this Review Committee does not appear legal in the eye of law.

4. The learned counsel for the applicant has also pointed out last para of the preliminary inquiry dated 29/6/2020 (Annex-R-2) which has been attached along with the reply of the respondent no.2 dated 16/10/2020. This para reads as follows-

^ rjh fodkl rWkokj] mifohkxh; iksyl vf/kdkjh] mej [km ; kps/#/n i fke [kcjh f'kok; dkskrkgh i qVhmk; d ijkok i kFkfed pksd'kh njE; ku mi yC/k >kyk ukgh- gkp vkepk vfHki k; vl w i qhy dk; bkgHLro l nj i kFkfed pksd'kh vgoiky l knj dj.; kr ; r vkgs**

5. In view of above facts, the O.A. is closed for orders.

Vice-Chairman

dnk.

O.A. 611/2018 (S.B.)

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

Dated : 19/10/2020.

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

2. The O.A. was filed on 6/8/2018, however, the reply has not been filed by the respondents. The learned P.O. submitted that amendment is carried out in February,2020 and therefore he requires three weeks time to file reply. Three weeks time is granted as a last chance to file reply, if reply is not filed till the next date, the matter will be heard on merit.

S.O. 26/10/2020.

Vice-Chairman

dnk.

O.A. 369/2020 (S.B.)

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

Dated : 19/10/2020.

Shri B.J. Lonare, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. submits that he will file reply within one week. The matter is pertains to Police Patil.

At the request of Id. P.O., **S.O.**
26/10/2020 for filing reply.

Vice-Chairman

dnk.

O.A. 924/2018 (S.B.)

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

Dated : 19/10/2020.

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

The Id. P.O. has filed reply on the amended part. Copy is supplied to the Id. counsel for the applicant.

At the request of Id .counsel for the applicant, **S.O. 26/10/2020.**

Vice-Chairman

dnk.

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

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

Dated : 19/10/2020.

C.A. No.197/2020 -

Heard Shri P.K. Mishra, Id. Counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. Counsel for R-2&3 and none for respondent no.4

2. The learned counsel for the applicant has filed C.A. No. 197/2020 in which he pointed out on page no.3 that the appeal was lying before the Government to explain about 11 years. The applicant was dismissed in 2003 and his appeal was pending for 11 years.

3. The learned P.O. and learned counsel for R-2&3 are opposing to allow the C.A. for condonation of delay, therefore, for deciding the C.A. for condonation of delay, the learned P.O. and Id. Counsel for R-2&3 are directed to file reply on C.A. within three weeks.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 308/2020 (S.B.)

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

Dated : 19/10/2020.

Shri S.P. Palshikar, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. has filed order dated 12/10/2020 by which it appears that the order passed by this Tribunal has been complied.

Vice-Chairman

dnk.

O.A. 233/2020 (S.B.)

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

Dated : 19/10/2020.

Heard Shri B.J. Lonare, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

S.O. after six weeks.

Vice-Chairman

dnk.

O.A. 640/2020 (S.B.)

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

Dated : 19/10/2020.

Heard Shri R.M. Fating, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

S.O. after six weeks.

Vice-Chairman

dnk.

O.A. 641/2020 (S.B.)

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

Dated : 19/10/2020.

Heard Shri R.M. Fating, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

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

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

S.O. after six weeks.

Vice-Chairman

dnk.

O.A. 642/2020 (S.B.)

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

Dated : 19/10/2020.

Heard Shri I.N. Choudhari, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. Issue notice to the respondents returnable **in six weeks**. Learned P.O. waives notice for the 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. six weeks.

Vice-Chairman

dnk.

O.A. 643/2020 (S.B.)

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

Dated : 19/10/2020.

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

2. It is stated that necessary order has been issued by the State Government, however, the applicant has not been paid due amount for the period from 4/12/2007 to 26/7/2009. Aggrieved with this situation , the applicant has approached to this Tribunal.

3. In the meantime, issue notice to the respondents returnable on **25/11/2020**. Learned P.O. waives notice for the State. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date

of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. 25/11/2020.

Vice-Chairman

dnk.

O.A. 760/2019 (S.B.)

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

Dated : 19/10/2020.

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

2. The learned counsel for the applicant has pointed out the facts in para nos. 6 and 9 of the reply filed by the respondent no.2. which are as follows—

“(6) As to para 6.4 – It is submitted that the rule to the effect of granting exemption after completion of 45 years came to be revised and the same came into force from 1st March,2000.

(9) As to para 6.7 & 6.8 – It is submitted that since the year 1993 to 2016 Ministerial Staff Qualifying Examination was never conducted. In the year 2006 after 23 years the said examination was held. The applicant appeared for the said examination and out of 5 papers he cleared only 3 papers and accordingly he got exemption in these 3 papers. It is further submitted that on 30/04/2018 the applicant stood retired so he could not get 3 chances available to him as per rules.”

3. In view of this situation, the applicant is entitled for relief clause no. 10 (ii). Hence, the following order –

ORDER

The O.A. stands disposed of. The respondents are directed to take decision as per the relief clause no. 10 (ii) of the applicant and pay him all consequential benefits within four weeks from the date of this order. No order as to costs.

Vice-Chairman

dnk.
**