

O.A. 147/2021 (S.B.)

(Jageshwar B. Dudhpachare Vs. State of Mah. & Ors.)

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

Dated : 22/02/2021.

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

2. The learned counsel for the applicant submitted that the applicant retired on 30/6/2014 and he was getting pension. Now vide impugned order dated 16/2/2021 (A-1,P-10) recovery of Rs.2,56,091/- has been effected by the Additional Treasury Officer (Pension Branch) without giving any hearing to the applicant.

3. In view of this, the impugned order dated 16/2/2021 (A-1,P-10) is stayed till filing of reply by the respondents.

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

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

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

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

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

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

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 156/2021 (S.B.)

(Babusing D. Rathod Vs. State of Mah. & Ors.)

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

Dated : 22/02/2021.

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

2. As submitted by the learned counsel for the applicant vide order dated 31/5/2019 (A-1, P-8) the applicant was transferred as Senior Clerk from the office of Integrated Tribal Development Project, Pusad to Integrated Tribal Development Project, Pandharkawada on request. The applicant is retiring on 30/6/2021. Now only four months are left to the service.

3. The respondents have mentioned reference no.4 in the said transfer order, i.e., Assistant Commissioner, Backward Cell, Amravati letter no.BBC/eka-1/pra.kra./2019, dated 5/1/2020. If according to that order the applicant was to be transferred, they should have transferred in a year back only. Now only four months are left for retirement of applicant, therefore, it is injustice to him. In view of this fact, the impugned order dated 15/2/2021 (A-2,P-9) is stayed till outcome of the O.A.

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

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 725/2016 (S.B.)

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

Dated : 22/02/2021.

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

S.O. 15/3/2021.

Vice-Chairman

dnk.

O.A. 468/2017 (S.B.)

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

Dated : 22/02/2021.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondent nos.1&2. None for R-3.

S.O. 12/3/2021.

Vice-Chairman

dnk.

O.A. 951/2018 (S.B.)

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

Dated : 22/02/2021.

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

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 527/2019 (S.B.)

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

Dated : 22/02/2021.

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

S.O. three weeks.

Vice-Chairman

dnk.

Rev. A. 03/20 in O.A. 84/2019 (S.B.)

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

Dated : 22/02/2021.

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

S.O. 9/3/2021.

Vice-Chairman

dnk.

O.A. 729/2020 (S.B.)

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

Dated : 22/02/2021.

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

S.O. 9/3/2021.

Vice-Chairman

dnk.

O.A. 739/2016 (S.B.)

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

Dated : 22/02/2021.

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

S.O. 8/3/2021.

Vice-Chairman

dnk.

O.A. 173/2019 (S.B.)

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

Dated : 22/02/2021.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that further six months time was granted to the respondents to complete the departmental inquiry, but nothing has happened till now and on 10/2/2021 six months period is expired. The Id. P.O. is directed to take instructions and place the relevant document on the next date of hearing and also supply the copy to the learned counsel for the applicant.

S.O. 12/3/2021.

Vice-Chairman

dnk.

O.A. 689/2019 (S.B.)

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

Dated : 22/02/2021.

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

S.O. three weeks

Vice-Chairman

dnk.

Rev. A. 32/2019 in O.A. 433/2016 (S.B.)

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

Dated : 22/02/2021.

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

S.O. 16/3/2021.

Vice-Chairman

dnk.

O.A. Nos.693,694,699,715&716 of 2019 (S.B.)

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

Dated : 22/02/2021.

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

S.O. 15/3/2021.

Vice-Chairman

dnk.

O.A. 254/2020 (S.B.)

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

Dated : 22/02/2021.

Shri V.A. Kothale, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 8/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 896/2020 (S.B.)

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

Dated : 22/02/2021.

Shri S.P. Palshikar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 9/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 822/2020 (S.B.)

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

Dated : 22/02/2021.

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

The Id. P.O. files reply no behalf of R-2. It is taken on record. Copy is served on the applicant.

S.O. 1/3/2021 along with other connected matter.

Vice-Chairman

dnk.

O.A. 975/2020 (S.B.)

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

Dated : 22/02/2021.

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

S.O. 1/3/2021 along with other connected matter.

Vice-Chairman

dnk.

Rev. A. 34/2019 in O.A. 995/2017 (S.B.)

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

Dated : 22/02/2021.

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

2. The Id. P.O. has filed correspondence (A-R-4) issued by the Deputy Superintending Engineer, Quality Control Board, Nagpur to the Executive Engineer, Quality Control Board, Amravati. Copy is supplied to the learned counsel for the applicant. The learned counsel for the applicant submitted that he desires to withdraw Review Application with liberty to file fresh O.A.

3. In view of submission made by the learned counsel for the applicant, the Review Application is disposed of as withdrawn with liberty to file fresh O.A.

Vice-Chairman

dnk.

O.A. Nos. 386 & 387 of 2020 (S.B.)

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

Dated : 22/02/2021.

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

2. The Id. P.O. submitted that he will file reply on behalf of R-2 during the course of day and he will supply copy to the Id. counsel for the applicants.

3. In view of this, the O.As. are admitted and it be kept for final hearing.

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

S.O. 22/3/2021.

Vice-Chairman

dnk.

O.A. 59/2021 (S.B.)

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

Dated : 22/02/2021.

Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3.

2. At the request of Id. counsel for the applicant, **S.O. 23/3/2021** for filing service affidavit.

Vice-Chairman

dnk.

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

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

Dated : 22/02/2021.

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

2. The Id. counsel for the applicant submitted that amendment was carried out, but copy is not supplied to the Id. P.O. due to oversight and therefore he desires further time to supply copy to the Id. P.O.

S.O. 9/3/2021.

Vice-Chairman

dnk.

O.A. 08/2018 (S.B.)

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

Dated : 22/02/2021.

C.A. No. 50/2021 -

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

For the reasons stated in the application, the C.A.No. 50/2021 for amendment is allowed. Necessary amendment be carried out within one week and amended copy be supplied to the other side.

O.A. 08/2018 -

S.O. two weeks.

Vice-Chairman

dnk.

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

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

Dated : 22/02/2021.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The applicant was suspended vide order dated 22/9/2020 (A-1,P-9) under Anti Corruption Case. The applicant has submitted representation dated 11/2/2011 (A-2,P-11), but that has not been decided. The learned counsel for the applicant submitted that the applicant is not paid subsistence allowance also. In suspension order dated 22/9/2020, in para-4 (A-1,P-9) the respondents have mentioned about subsistence allowance. As submitted by the Id. counsel for the applicant that has not been paid to the applicant. In view thereof, the respondents are directed to pay subsistence allowance to the applicant as per their own order dated order dated 22/9/2020 in para-4 (A-1, P-9) with immediate effect after following all rules and procedures.

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.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 963/2020 (S.B.)

(Abdul Razzak Mehbub Shaha Vs. State of Maharashtra & Ors.)

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

Dated : 22/02/2021.

ORDER

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

2. The applicant is Talathi and he was suspended vide order dated 16/10/2020 (A-4,P-16). As submitted by the Id. Counsel or the applicant till now neither charge sheet has been served nor D.E. has been ordered. In case of period of suspension,, various Judgments of Hon'ble Apex Court has settled legal position about continuation of suspension for more than 90 days. The Judgments are reproduced below –

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

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

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

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under*

suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.

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

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

(ii) fuyfcr 'kkI dh; I ocl@; kT; k i dzj .h 3 efgU; kpk dkyko/hr foHkxh; pl@d 'h I q d: u nkskjki i = ct.ko.; kr vkysulgh] v'kk i dzj .h ek- I ocl@ U; k; ky; kpsvlnsk i lgrkj fuyæu I ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkI dh; I ocl@kcr foHkxh; pl@d 'kph dk; bkgh I q d: u nkskjki i = ct.ko.; kph dk; bk; h fuyæuki kl u 90 fnoI k@; k vkr dKvdkg i .ksdyh t.kby; ; kph n{krk@ [kcjnkjh?;s; kr; ; koh-

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

fuyfcr 'kkI dh; I ocl@; kT; k i dzj .h 3 efgU; kpk dkyko/hr foHkxh; pl@d 'h I q d: u nkskjki i = ct.ko.; kr vkysulgh] v'kk i dzj .h ek- I ocl@ U; k; ky; kpsvlnsk i lgrkj fuyæu I ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkI dh; I ocl@kcr foHkxh; pl@d 'kph dk; bkgh I q d: u nkskjki i = ct.ko.; kph dk; bk; h fuyæuki kl u 90 fnoI k@; k vkr dKvdkg i .ksdyh t.kby; ; kph n{krk@ [kcjnkjh?;s; kr; ; koh-

3. In view of above discussions, the order dated 16/10/2020 (A-4,P-16) is required to be revoked with immediate effect to the extent of applicant Hence, the following order –

ORDER

(i) The order dated 16/10/2020 (A-4,P-16) to the extent of applicant is revoked with immediate effect.

(ii) The respondents are directed to issue suitable posting order of the applicant as per direction given by the Hon'ble Apex Court in case of State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018 in para 24 as discussed above.

(iii) The order be complied within 60 days from the date of receipt of this order.

(iv) with this direction, the O.A. stands disposed of.

(v) No order as to costs.

Vice-Chairman

dnk.

O.A. 148/2021 (S.B.)

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

Dated : 22/02/2021.

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

2. The Id. P.O. has pointed out transfer order dated 23/11/2020 (A-1,P-18) and in para-1 of the order it appears that the Hon'ble High Court in Writ Petition No.8264/2017 has given direction to the respondents to fill the posts in the Caste Validity Committee with immediate effect.

3. In para-3, the respondent no.3 has taken permission from the respondent no.2 in view of Hon'ble High Court order, as per Section 2 (3) and Section 4 (4) (2) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"). So procedure of Transfers Act,2005 has also been followed after Hon'ble High Court's direction. However, in last para, the respondent no.3 has mentioned that along with the transfer order that Transferred Officers get relieved on 23/11/2020 which is bad in law, because after transfer, the incumbent officer has to hand over charge to coming officer as per the procedure.

4. In view of above discussion, the status-quo granted in order dated 18/2/2021 is vacated.

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

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.*

O.A.No.768/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

C.A.No.291/2020:-

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await services of respondent nos. 2 & 3.

2. **C.A.No.291/2020 for Jt. O.A. is allowed.**
3. The Id. counsel for the applicant submits that notices have been served.
4. **S.O. 18.03.2021.**

Vice Chairman

Date:-22/02/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

C.A.Nos.355/2020&58/2021:-

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

2. **C.A.No.355/2020 for Jt. O.A. is allowed.**
3. For C.A. No. 58/2021; Id. C.P.O. desires to file reply within three weeks.
4. **S.O. 15.03.2021 to file reply on C.A. and O.A..**

Vice Chairman

Date:-22/02/2021.
aps.

O.A.No.955/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. During hearing on 01.02.2021 in para no. 2; it is mentioned that D.E. was started on 01.08.2019 i.e. more than one and half year has passed. Applicant has already retired on 31.01.2020. In view of this, as per Hon'ble Supreme Court Directions in **Prem Nath Bali vs Reg., High Court Of Delhi & Anr in CIVIL APPEAL No. 958 OF 2010, delivered on 16 December, 2015.**

3. Respondents are directed to complete the whole process **within four months from the date of receipt of this order.** Since, already respondents have taken no decision for more than one and half year.

4. With the above directions, **O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-22/02/2021.
aps.

O.A.No.700/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

Heard Shri C.A.Joshi, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. Applicant has submitted V.R.S. application dated 29.01.2020 (Annexure-A-1, P.B., Pg. No. 58) which was not signed. The Id. counsel for the applicant was directed to file on affidavit regarding the date of V.R.S. application. The Id. counsel for the applicant further submits that he has already filed on affidavit on P.B., Pg. No. 101 regarding the same.

3. The Id. counsel for the applicant is pressing for interim relief, without consent from the Id. P.O. that order cannot be passed at this stage. Hence, I.R. is rejected.

4. *Put up this matter before regular D.B..*

5. **S.O. 22.03.2021.**

6. **Steno copy is granted.**

Vice Chairman

Date:-22/02/2021.

aps.

O.A.No.53/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

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

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

Vice Chairman

Date:-22/02/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the Respondents and Shri S.C.Deshmukh, the Id. counsel for the respondent no. 3.

2. The respondent no. 3 has already file reply. The respondent no. 4 has newly added respondents. Hence, Id. P.O. desires time to file reply, **S.O. three weeks.**

Vice Chairman

Date:-22/02/2021.
aps.

C.P.No.01/2021 in O.A.No.879/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

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

2. The Id. P.O. has placed on record communication dated 03.02.2021 by Special I.G. (Establishment), D.G. office, Mumbai. It is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant submits that he will go through the same communication filed by Id. P.O., **S.O. 01.03.2021.**

Vice Chairman

Date:-22/02/2021.

aps.

O.A.No.55/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the Respondents and Shri A.S.Wayzade, the applicant in person for respondent no. 4.

2. The applicant in person for respondent no. 4 has file his reply. It is taken on record. Copy is served to the other side.

3. The Id. P.O. has placed on record document dated 18.02.2021, by Director, Medical Education and Research, Mumbai. It is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.

4. Matter does not involve much complications. In view of this, Id. P.O. is directed to file reply within two weeks, **S.O. 09.03.2021.**

Vice Chairman

Date:-22/02/2021.

aps.

C.P.No.14/2020 in O.A.No.58/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/02/ 2021.

Heard Smt. K.N.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed Government G.R. dated 17.02.2021 by Deputy Secretary, Irrigation Department. In para nos. 4 & 5 of the said G.R., it is mentioned that:-

"4-R; kurj] Jh-e-vk-eVj] rRdkyhu v/kh{kd vfhk; ark] ; kauh fnukad 22-08-2019 vUo; scpkokpsfuonu I knj dsys pkad'kh vf/kdjh ; kauh I knj dsys; k pkad'kh vgokykrthy fu"d"kkP; k vuqkaxus vi pkjh vf/kdjh ; kauh I knj dsys; k cpolP; k fuonukctcr rkfd=d vfhki k; ?ts; kr vkys Jh- ekVj] ; kauh I knj dsys scpkokpsfuonu] ; kl nHkzrthy nLrkost o i klr rkfd=d vfhki k; fopkjr ?kmu Jh- e-vk-eVj] rRdkyhu v/kh{kd vfhk; ark ; kauh R; kQ; koj ct ko.; kr vkys; k nkskjkj ki krmu *nkskePr* dj.; kP; k fu.kz ki r 'kkI u vkysvkg"

5-Eg.ku vkrk 'kkI u] egkjk"V" ukxjh I ok ¼f'kLr o vihy½ fu; e] 1979 P; k fu; e 6 e/khy 'kDrtpk oki j d: u ; k vkns kUo; sJh-e-vk-eVj] rRdkyhu vf/k{kd vfhk; ark ; kauh *nkskePr* djhr vkg"

3. As per the above paras of G.R. dated 17.02.2021, applicant has been exonerated. The Id. counsel for the applicant has submitted that applicant is going to retire on 28.02.2021. Since, in D.E., applicant has been exonerated, he should be granted deemed date and further benefits. The applicant has been already promoted vide order dated 27.12.2019 (Annexure-A-2, P.B., Pg. No. 36)

and now by order dated 17.02.2021, applicant has also been exonerated in D.E. case. Hence, as per order of M.A.T. in O.A. No. 58/2019 (para no. 2), respondents are directed to comply those portion of order and give him the deemed date; since the date of Shri S.D.Kulkarni was promoted. This order should be complied **within three months** from the date of this order.

4. **S.O. 01st Week of June, 2021.**

Vice Chairman

Date:-22/02/2021.

aps.