

O.A. 126/2021 (S.B.)

(D.H. Kulmate Vs. State of Mah. & Ors.)

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

Dated : 25/02/2021.

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

2. In order dated 11/2/2021 following facts were recorded in para-2&3 –

“2. The applicant was suspended vide order dated 2/5/2018 (A-8,P-31) which was given effect from 26/3/2018. As pointed out by the learned counsel for the applicant, the respondent no.2 vide letter dated 16/10/2020 (A-20,P-97) has recommended to reinstate the applicant and the Review Committee meeting has taken place on 21/12/2020 (A-20,P-98 &99) and also agreed for reinstatement of the applicant. However, till now the applicant is not reinstated.

3. The learned counsel for the applicant submits that the applicant is going to retire on 31/7/2021. However, the Id. P.O. desires two weeks time to take necessary instructions from the Department. Two weeks time is granted as prayed for.”

3. The respondent no.2 has recommended vide letter dated 16/10/2020 (A-20,P-97) to reinstate the applicant to the Review Committee and the Review Committee has also recommended on 21/12/2020. As per pleadings, it is submitted that the order has to be issued by the respondent no.2 only, then what is

the reason that the respondent no.2 has not issued the order since 21/12/2020 in view of the various Hon'ble Apex Court Judgments and GAD G.R. dated 9/7/2019.

4. In view of above discussion, the respondent no.2 is directed to issue order as per his own recommendation and as per the recommendation of Review Committee dated 21/12/2020 within one week, failing which, he will be asked to present before the Tribunal to explain the reason.

S.O. 2/3/2021.

Steno copy is granted...

Vice-Chairman

dnk.

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

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

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

Dated : 25/02/2021.

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

2. The Id. P.O. files reply on behalf of R-2 (P-19). It is taken on record. Copy is served on the applicant. Along with the reply, the respondents have filed letter dated 11/2/2021 (A-R-1,P-25) written by the Conservator of Forests, Social Forestry, Amravati to Chief Conservator of Forests, Amravati and copy is marked to the Principal Chief Conservator of Forests, Social Forestry (M.S.),Pune. In this letter, it has been admitted in last para that there is violation of provisions of clause 1 (i) (ii) (iii) of Government GAD G.R. dated 9/7/2019 and in view of that, it has been also recommended to reinstate the applicant However, till now actual order has not been issued.

3. As submitted by the learned counsel for the applicant, the applicant is about to retire in July,2021 and all the formalities and papers related to the pensionary benefits are required to be prepared three months before retirement.

4. In view of this, the respondent no.1 is directed to issue necessary order as per the letter of Conservator of Forests, Social Forestry, Amravati dated 11/2/2021 (A-R-1,P-25) within two weeks and place on record through the Id. P.O. before this Tribunal and communicate to the applicant and learned counsel for the applicant.

5. The matter is admitted and it be kept for final hearing.

6. The learned P.O. waives notice for the respondents.

S.O. 15/3/2021.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 297/2018 (S.B.)

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

Dated : 25/02/2021.

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

2. The learned counsel for the applicant has pointed out the impugned order dated 28/10/2013 (A-7,P-24) issued by the Collector, Yavatmal. In this letter, it has been pointed out that due to wrong suspension period, the applicant's duty period is less than 10 years i.e. only 8 years, 10 months and 3 days and in this situation as per the Maharashtra Civil Services (Pension) Rules, 1982, provisional pension cannot be granted.

3. It was also pointed out that suspension period is about four years. The learned counsel for the applicant was directed that first he should come before this Tribunal about the suspension period, then this O.A. can be heard. After discussion, the learned counsel for the applicant is ready to withdraw this O.A. and file separate O.A. for the suspension period.

4. In view of this, the O.A. is disposed of as withdrawn with liberty to the applicant to file separate O.A. for the suspension period.

Vice-Chairman

dnk.

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

(P.R. Hazare Vs. State of Mah. & Ors.)

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

Dated : 25/02/2021.

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

2. As submitted by the learned counsel for the applicant, the applicant retired on 31/5/2020 and provisional pension was paid for six months and thereafter provisional pension has also been stopped. As on today, the applicant is getting nothing and he is at the stage of starvation. Considering the situation of the applicant, the respondents are directed to file reply within two weeks, otherwise, the matter will be heard on merits.

3. In the meanwhile, the respondents are at liberty to consider the starting of provisional pension of the applicant as per the existing rules and regulations before filing of the reply.

S.O. 15/3/2021.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 158/2021 (S.B.)

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

Dated : 25/02/2021.

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

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

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

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

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

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

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

S.O. after six weeks

Vice-Chairman

dnk.

Rev. A. 01/2021 in O.A. 100/2020 (S.B.)

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

Dated : 25/02/2021.

Heard Shri H.K. Pande, Id. P.O. for the applicants (Org. respondents) and Shri G.K. Bhusari, Id. counsel for the respondent (Org. applicant).

2. As requested by the Id. P.O., the Review Application is admitted and it be kept for final hearing.

S.O. 2/3/2021.

Vice-Chairman

dnk.

O.A. 761/2019 (S.B.)

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

Dated : 25/02/2021.

Shri A. Deshpande, 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. 9/3/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 722/2020 (S.B.)

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

Dated : 25/02/2021.

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

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

3. **S.O. 9/3/2021** for filing rejoinder, if any.

Vice-Chairman

dnk.

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

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

Dated : 25/02/2021.

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

At the request of Id. P.O., **S.O.**
15/3/2021.

Vice-Chairman

dnk.

O.A. 61/2021 (S.B.)

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

Dated : 25/02/2021.

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

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

Vice-Chairman

dnk.

O.A. 484/2020 (S.B.)

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

Dated : 25/02/2021.

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

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

The O.A. is admitted and it be kept for final hearing.

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

In the meantime, the applicant is at liberty to file rejoinder, if any.

S.O. 9/3/2021 along with other connected matter.

Vice-Chairman

dnk.

O.A. 486/2020 (S.B.)

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

Dated : 25/02/2021.

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

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

The O.A. is admitted and it be kept for final hearing.

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

In the meantime, the applicant is at liberty to file rejoinder, if any.

S.O. 9/3/2021 along with other connected matter.

Vice-Chairman

dnk.

O.A. 681/2020 (S.B.)

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

Dated : 25/02/2021.

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

S.O. three weeks for filing reply.

Vice-Chairman

dnk.

O.A. 71/2017 (S.B.)

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

Dated : 25/02/2021.

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

S.O. 12/3/2021.

Vice-Chairman

dnk.

O.A. 122/2017 (S.B.)

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

Dated : 25/02/2021.

Shri A.S. Shrivastava, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for the respondent nos. 1 to 3 and Shri J. Mokadam, Id .counsel for R-4.

S.O. next week.

Vice-Chairman

dnk.

O.A. 138/2020 (S.B.)

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

Dated : 25/02/2021.

Shri G.G. Mishra, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 225/2020 (S.B.)

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

Dated : 25/02/2021.

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

S.O. 22/3/2021.

Vice-Chairman

dnk.

O.A. 927/2020 (S.B.)

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

Dated : 25/02/2021.

Shri V.B. Gawali, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

S.O. 12/3/2021.

Vice-Chairman

dnk.

O.A. 552/2018 (S.B.)

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

Dated : 25/02/2021.

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

S.O. 22/3/2021.

Vice-Chairman

dnk.

O.A. 411/2020 (S.B.)

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

Dated : 25/02/2021.

Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

S.O. 8/3/2021.

Vice-Chairman

dnk.
**

O.A.No.710/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

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

Vice Chairman

Date:-25/02/2021.
aps.

O.A.No.905/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

C.A.No.214/2020:-

Heard Shri A.P.Adhe, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. Await service of respondent no. 3.

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

Vice Chairman

Date:-25/02/2021.
aps.

O.A.No.995/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

C.A.No.351/2020:-

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the State and Shri H.D.Marathe, the Id. counsel for the respondent no. 2.

2. On 15.01.2021 in para no. 2 of the order, C.A. was allowed. Whether this order has been complied or not for that Id. PO. seeks three weeks time to file reply?

3. **S.O. three weeks.**

Vice Chairman

Date:-25/02/2021.
aps.

O.A.No.974/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

None for the applicant. Shri P.N.Warjekar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. P.O. pointed out that matter has been concerned with the Collector, Yavatmal. However, the Id. counsel for the applicant has made party to the Collector, Nagpur. He is directed to delete the name of the Collector, Nagpur as a party and make the party to the Collector, Yavatmal.

3. After the above amendment, office is directed to issue notice to the newly added respondent.

4. **S.O. four weeks.**

Vice Chairman

Date:-25/02/2021.

aps.

O.A.No.57/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri A.M.Balpande holding for Shri R.S.Parsodkar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-25/02/2021.
aps.

O.A.No.58/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri A.M.Balpande holding for Shri R.S.Parsodkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-25/02/2021.
aps.

O.A.No.766/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri J.S.Wankhede, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. three weeks to file rejoinder.**

Vice Chairman

Date:-25/02/2021.

aps.

O.A.No.114/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

C.A.No.51/2020:-

Heard Shri P.A.Kadu, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents, Shri S.Pande, the Id. counsel for the respondent no. 3 and Shri J.S.Wankhede, the Id. counsel for the Intervenor. None for the respondent no. 4.

2. The point of dispute is that applicant belongs to Open Part-time Category and respondent no. 3 belongs to S.C., Part-time Category. Respondent no. 3 has been selected in place of Open Part-time Category which applicant is claiming. In order dated 18.02.2020, status-quo was granted which has resulted in hurdle in appointment of other candidates also.

3. In view of this situation, Status-quo granted in order dated 18.02.2020 is vacated and respondents are directed not to fill one post of Open Part-time Category till the outcome of the O.A. He is further directed to proceed with other vacancies as per the Rules and Regulations.

4. Hence, **C.A. allowed and disposed of.**

5. **Put up this matter before Regular D.B.**

Vice Chairman

Date:-25/02/2021.

aps.

O.A.No.276/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri Sheikh holding for Shri A.S.Dhore,
the Id. Counsel for the applicant and Shri M.I.Khan,
the Id. P.O. for the respondents.

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

Vice Chairman

Date:-25/02/2021.

aps.

O.A.No.329/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

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

2. The Id. counsel for the applicant submits that she wants to withdraw the O.A.. However, she has not file pursis in this regard. She is directed to file pursis within one week.

3. **S.O.04.03.2021.**

Vice Chairman

Date:-25/02/2021.
aps.

O.A.No.928/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

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

2. At the request of Id. counsel for the applicant, **S.O. Monday i.e. 01.03.2021.**

Vice Chairman

Date:-25/02/2021.

aps.

O.A.No.160/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

C.A.No.65/2021:-

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. As submitted by Id. counsel for the applicant, all the applicants are Assistant Store Keeper category and they have similar grievances. In view of this, **C.A.No.65/2021 for Jt. O.A. is allowed.**

3. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. 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.

9. **S.O. six weeks.**

Vice Chairman

Date:-25/02/2021.
aps.

**C.P.No.03/2020inO.A.No.623/2019 with
C.P.No.04/2020 in O.A.625/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.**

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 09.03.2021.**

Vice Chairman

Date:-25/02/2021.
aps.

C.P.No.28/2020inO.A.No.877/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri N.D.Thombre, 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 reply of respondent no. 1 and along with this he has also filed the letter dated 11.12.2020 by Director, Medical Education and Research, Mumbai. Both are taken on record. Copies are served to the other side.

3. The Id. counsel for the applicant wants to go through the above same, **S.O. two weeks.**

Vice Chairman

Date:-25/02/2021.
aps.

O.A.No.159/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As per record dated 15.02.2020 (Annexure-A-3, P.B., Pg. No. 25), applicant's name is at Sr. No. 10 in selection list and subsequent to that applicant joint on 17.02.2020 in the office of S.P., Akola. In response to advertisement dated 06.12.2019, in the advertisement in the first para of the advertisement itself it is mentioned that appointment is for 11 months and purely on contractual basis. The applicant has been terminated as per order dated 18.02.2020 (Annexure-A-5, P.B., Pg. No. 33) i.e. next day of joining. Since the period of applicant's appointment as per advertisement dated 06.12.2019 is already expired and applicant didn't prefer any appeal before this Tribunal during this 11 months. So as per advertisement, period for which advertisement was issued and applicant was initially appointed is already over.

3. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. 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.

9. **S.O. six weeks.**

Vice Chairman

Date:-25/02/2021.

aps.

C.P.No.39/2020inO.A.No.549/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/02/ 2021.

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. As submission made by the Id. P.O., the matter has been referred to the M.P.S.C. in December, 2020. The matter pertains to the pensionary benefits of the applicant.

3. In view of this, respondents are directed to recruit any special officer to follow with the M.P.S.C. and get the file clear by the M.P.S.C..

4. **S.O. 12.03.2021.**

5. **Steno copy is granted.**

Vice Chairman

Date:-25/02/2021.

aps.