

**O.A. 82/2020 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri S.P. Palshikar, Id. counsel for applicant, Shri M.I. Khan, Id. P.O. for R-1&3 and Shri A. Parihar, Id. counsel holding for Shri T.M. Zaheer, Id. counsel for R-2.

At the request of Id. counsel for R-2, **S.O. 7/10/2022.**

**Vice Chairman**

dnk.

**O.A. 829/2011 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri S.U. Bhuyar, Id. counsel for applicants and Shri S.A. Sainis, Id. P.O. for respondents.

At the request of Id. counsel, **S.O.**  
**7/10/2022.**

**Vice Chairman**

dnk.

**O.A. 414/2015 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

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

At the request of Id. P.O., **S.O.**  
**12/10/2022.**

**Vice Chairman**

dnk.

**O.A. 51/2020 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri V.G. Wankhede, Id. counsel  
for applicant and Shri M.I. Khan, Id. P.O. for  
respondents.

At the request of Id. P.O., **S.O.**  
**17/10/2022.**

**Vice Chairman**

dnk.

**O.A. 753/2010 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri Charlewar, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for respondents.

At the request of Id. Counsel, **S.O.**  
**07/10/2022.**

**Vice Chairman**

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

**MCA 29/2022 in O.A. 415/2020 –**

Heard Shri A.P. Potnis, Id. P.O. for the applicants (Org. respondents) and Shri Amey Motlog, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for respondent (Org. applicant).

2. Shri A.P. Potnis, Id. P.O. for the applicants (Org. respondents) has filed MCA No.29/2022 for extension of time.

2. The specific order was passed on 24/03/2022. The respondents were directed to comply the said order within two months from the date of order, but the said order was not complied. On 27/05/2022, the time was extended for three months. Even though, the order is not complied.

3. Looking to the submission, one month time is granted as a last chance. It is made clear that no further extension / time will be granted.

4. In view of above, the MCA stands disposed off.

**Vice Chairman**

dnk.

**O.A. 718/2020 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri P. P. Khaparde, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. after two weeks** to carry out amendment.

**Vice Chairman**

dnk.

**O.A. 185/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

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

At the request of Id. P.O., **S.O. 7/10/2022**  
for filing reply.

**Vice Chairman**

dnk.



**O.A. 721/2022 (S.B.)**

**(Dr. Trupti P. Kawale Vs. State of Mah. & ors.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri M.M. Sudame, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

2. The applicant was appointed for a fixed period as per the order dated 1/6/2022 and the appointment of applicant comes to end on 30/09/2022. The conditions were mentioned in the said order.

3. As per submission of learned counsel for applicant, the applicant is working in the Govt. Medical and College, Nagpur since 2014 as a Medical Officer. His service is not regularised and the proposal is pending before the Government of Maharashtra.

4. The learned counsel for applicant has pointed out the order passed by this Tribunal in O.A.No. 890/2021 and submitted that the respondents be directed not to terminate the services of the applicant.

5. Heard learned P.O. Shri A.M. Ghogre. He has pointed out the letter dated 26/09/2022 issued by the Government of Maharashtra. As per this letter, the Judgment passed by the Maharashtra Administrative Tribunal, Bench at

Aurangabad in O.A. 379/2018 with connected matters is to be challenged before the Hon'ble High Court. It is also decided by the Government of Maharashtra to club all the matters before the Maharashtra Administrative Tribunal, Principal Bench, Mumbai and therefore time was sought to file reply.

6. The service of applicant is to be terminated on 30/9/2022 as per the order dated 1/6/2022 (P-94). The letter of Government of Maharashtra itself shows that the Maharashtra Administrative Tribunal, Aurangabad Bench has directed the State of Maharashtra to regularise the services of Medical Officers and that Judgment is not still challenged before the Hon'ble High Court.

7. In view of the letter dated 26/9/2022 and order passed by this Tribunal in O.A.No. 890/2021, the respondents are directed not to terminate the services of the applicant and continue service of the applicant on the same terms and conditions as per the order dated 1/6/2022. This order will be effective till filing of reply.

**S.O. after three weeks.**

Put up along with other connected matters.

**Vice Chairman**

dnk.

**O.As. 722,736 & 752 of 2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri M.M. Sudame, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for respondents.

**S.O. after three weeks.**

Put up the matters along with other connected matter.

**Vice Chairman**

dnk.

**Rev. A. 10/2022 in O.A. 282/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri A.P. Potnis, Id. P.O. for applicants (Org. respondents ) and Shri S.P. Palshikar, Id. P.O. for respondent ( Org. applicant).

2. The Id. P.O. has pointed out the order dated 13/06/2022. The operative part of the order is reproduced as under –

*“(i) The O.A. is allowed.*

*(ii) The impugned suspension order dated 3/2/2022 so far as the present applicants are concerned, is hereby quashed and set aside.*

*(iii) The respondents are directed to reinstate the applicants on their original posts within 30 days from the date of receipt of this order.*

*(iv) No order as to costs.”*

3. As per the submission of Id. P.O. instead of revoking the suspension, this Tribunal has quashed and set aside the suspension order. Therefore, Id. P.O. submitted that the order be corrected.

4. Heard the learned counsel for applicants Shri S.P. Palshikar. He has strongly objected the review application. As per his submission, there is

no error on the face of record. Hence, the Review Application is liable to be dismissed.

5. As per Rule 72 of the Maharashtra Civil Services (Joining time, Foreign Service and Payments During Suspension, Dismissal and Removal) Rules, 1981, it is sole prerogative of the disciplinary authority to decide the suspension period. Hence, the Review Application is allowed and order is corrected as under –

***“The suspension order dated 3/2/2022 so far as the present applicants are concerned, is hereby revoked.”***

**Vice Chairman**

dnk.

**O.A. 809/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

**Vice Chairman**

dnk.

**O.A. 810/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

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

**Vice Chairman**

dnk.

**O.A. 827/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

None for applicant. Heard Shri A.P. Potnis, Id. P.O. for respondents.

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

**Vice Chairman**

dnk.



**O.A. 844/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

None for applicant. Heard Shri M.I.  
Khan, Id. P.O. for R-1.

Await service of R-2&3.

**S.O. four weeks** for filing service  
affidavit.

**Vice Chairman**

dnk.

**O.A. 846/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri S.N. Gaikwad, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

The Id. counsel for applicant submits that the respondents are served and he will file service affidavit.

**S.O. one week** for filing service affidavit.

**Vice Chairman**

dnk.

**O.A. 917/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri S.S. Dhengale, Id. counsel  
for applicant and Shri M.I. Khan, Id. P.O. for R-1.

Await service of R-2 to 4.

**S.O. four weeks** for filing service  
affidavit.

**Vice Chairman**

dnk.

**O.A. 677/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

**C.A. 161/2022 -**

Heard Shri M.R. Patil, Id. counsel for applicant and Shri V.A. Kulkari, Id. P.O. for respondents.

Looking to the ground, the C.A. for early hearing is allowed and disposed off.

**O.A. 677/2021 –**

**S.O. 7/10/2022 for hearing.**

**Vice Chairman**

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

**MCA 30/2022 in O.A. 77/2017 -**

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. Looking to the submission, the MCA is allowed and correction be made as prayed.

**Vice Chairman**

dnk.

**O.A. 462/2017 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

**C.A. 384/2022 -**

Heard Shri A.P. Sadavarte, Id. counsel for applicant and Shri H.K. Pande, Id. p.O. for respondents.

Looking to the submission, the C.A. is allowed.

**O.A. 462/2017 –**

**S.O. 14/11/2022 for hearing.**

**Vice Chairman**

dnk.

**O.A. 496/2020 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

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

2. As per submission of Id. counsel for applicant, the applicant has supplied the documents showing his date of birth as 3/7/1968, but the concerned Clerk committed mistake and shown his date of birth as 3/7/1967.

3. The Id. P.O. is requested to the call record from the Appointing Authority of the applicant in respect of his Service Book along with concerned documents, particularly, the first page of service book wherein the entry was taken.

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

**Vice Chairman**

dnk.

**O.A. 51/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri N.L. Jaiswal, Id. counsel for applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri G.N. Khanzode, Id. counsel for R-3.

At the request of Id. counsel for applicant, **S.O. 3/10/2022.**

**Vice Chairman**

dnk.



**O.A. 956/2021 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

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

**S.O. 10/10/2022.**

**Vice Chairman**

dnk.

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

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri Bharat Kulkarni, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. The Id. P.O. wants time to get instructions as to whether leave were balance or not in the leave account of applicant.

3. The learned P.O. to get instructions before the next date.

**S.O. 12/10/2022.**

**Vice Chairman**

dnk.

**O.A. 46/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri Bharat Kulkarni, Id. counsel  
for applicant and Shri M.I. Khan, Id. P.O. for  
respondents.

The Id. P.O. to produce relevant record.

**S.O. 13/10/2022.**

**Vice Chairman**

dnk.

**O.A. 107/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

None for applicant. Heard Shri M.I.  
Khan, Id. P.O. for respondents.

**S.O. 17/10/2022.**

**Vice Chairman**

dnk.

**O.A. 591/2022 with C.A. 245/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated : 28/09/2022.**

Heard Shri Bharat Kulkarni, Id. counsel for applicant, A.M. Ghogre, Id. P.O. for R-1&2 and Shri S.A. Marathe, Id. counsel for R-3.

2. The rejoinder is filed by the applicant. It is taken on record and copy is given to the other side.

3. Shri Bharat Kulkarni, Id. counsel for applicant seeks time to argue the matter.

**S.O. 3/10/2022.**

**Vice Chairman**

dnk.  
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**O.A.No.908/2019 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Shri N.R.Saboo, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents 1 & 2. Shri N.C.Mejethiya, ld. counsel for the respondent no.3.

2. By consent **S.O. day after tomorrow** i.e. **30.09.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.348/2021 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Shri M.M.Sudame, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned counsel for the applicant states that amendment is not required.

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

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.997/2021 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Shri A.R.Rishi, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. two weeks for filing reply.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**



O.A.No.203/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

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

2. The learned P.O. seeks two weeks time is granted for filing reply. He is saying that he will positively file reply till next date.

3. On oral request of Id. P.O., **S.O. 12.10.2022 for filing reply as a last chance.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.208/2022 (D.B.)**

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

**Dated : 28/09/2022.**

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

2. On oral request of Id. P.O., **S.O. four weeks for filing reply.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.548/2022 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)  
Dated : 28/09/2022.**

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

2. The learned counsel for the applicant has relied on the judgment of this Tribunal O.A. No.63/2016 and he submits that the same issue is covered by this judgment.

3. On oral request of Id. P.O., **S.O. 04.10.2022 for filing reply.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.875/2022 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Advocate R.Joshi, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

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

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

O.A.No.876/2022 (D.B.)

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

**Dated : 28/09/2022.**

Heard Advocate R.Joshi, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

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

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.958/2022 (D.B.)**

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

**Dated : 28/09/2022.**

**C.A.No.388/2022**

Heard Shri J.R.Kidilay, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. C.A.No.388/2022 for Jt. O.A. is allowed and disposed of.

3. Issue notice to Respondents, returnable **after two 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 two weeks.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

O.A.No.1090/2021 with  
O.A.No.1092/2021 with  
O.A.No.1099/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

Heard Shri G.G.Bade, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. None for the respondent no.4. Shri A.S.Wankhede Caveator.

2. Reply of respondent no.3 is already filed on record. The learned P.O. submits that he will file reply of respondent no.4.

3. Interim relief is continued till next date.

**S.O. two weeks for filing reply.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**



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

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

**Dated : 28/09/2022.**

**C.A.No.414/2021**

Heard Shri G.G.Bade, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. None for the respondent no.4. Shri A.S.Wankhede Caveator for respondent no.6.

2. Reply of respondent no.3 is already filed on record. The learned P.O. submits that he will file reply of respondent no.4.

3. Interim relief is continued till next date.

**S.O. two weeks for filing reply.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.St.No.1938/2021 (D.B.)**

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

**Dated : 28/09/2022.**

**C.A.No.317/2021**

Heard Shri P.A.Nemade, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned counsel submits that all the respondents have served the notice.

3. The learned P.O. is directed to check this in office and file reply.

**S.O. two weeks.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.603/2018 (D.B.)**

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

**Dated : 28/09/2022.**

**C.A.No.394/2022**

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

2. C.A.No.394/2022 for early hearing is allowed. The matter will be heard on 3<sup>rd</sup> week of October.

**S.O. third week of October.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**Rev.App.No.03/2022** in  
**C.P.No.40/2019** in  
**O.A.No.590/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

Heard Shri A.R.Ingole, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. 12.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

C.P.No.18/2022 in  
O.A.No.220/2019 (D.B.)

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

**Dated : 28/09/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. after two weeks.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.949/2022 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

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

2. We have perused the documents on page nos. 21 & 22. After perusing the same, it appears that the V.R.S application of the applicant dated 15.06.2022 is submitted to the respondents. The respondents have issued letter dated 15.09.2022 (Annex-A-4,P-23) mentioning that 50% posts are vacant and that's why they are not accepting the V.R.S. application. This ground does not appear to be proper. The respondents should keep it in mind that it is their own problem, and they are not accepting the V.R.S. The respondents are directed

not to take any coercive steps against the applicant, till filing of reply.

2. Issue notice to Respondents, returnable **after three weeks**. Learned P.O. waives notice for state. Hamdast allowed.

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

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

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

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

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

**S.O. after three weeks.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.951/2022 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.



2. Issue notice to Respondents, returnable **after 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. after four weeks.**

**Member(J)**

**Vice Chairman**

**Date:-28/09/2022**  
rsm.

**O.A.No.963/2022 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

Heard Shri S.V.Butada, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that the applicant was served first charge sheet on 14.01.2022 Annexure A-1 on page 12. Charge sheet has been also served to the applicant on 20.06.2022 Annexure A-4 on page 21. Second

charge sheet on show cause notice has been served on 30.08.2022 (Annexure A-5, Page 27). Since inquiry is in progress, the respondents are directed not to take any coercive action against the applicant till the completion of the departmental inquiry. The P.O. is directed to file reply in pursuant to the order dated 30.08.2022 till the returnable date.

3. Issue notice to 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.

9. **S.O. after four weeks.**

10. **Steno copy is granted.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.946/2022 (D.B.)**

**(Anand S/o Tukaram Bandebuche Vs. State of Maharashtra and Others.)**

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

**Dated : 28/09/2022.**

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

2. It is a matter of record that in the instant case Departmental enquiry was initiated when the applicant was in service. He stood retired on 30.06.2022. It is pointed out that after retirement of the applicant Inquiry Officer was appointed on 15.07.2022.

3. The applicant is relying on Rule 27 of the MCS (Pension) Rules, 1982 to contend that the enquiry cannot be allowed to proceed in the light of limitation of 4 years stipulated therein. The applicant is also relying on **"Premnath Bali Vs. Registrar High Court of Delhi and another AIR 2016 Supreme Court 101"** to contend that the time frame stipulated in this ruling has not been adhered to.

4. In reply it is submitted by the PO. that the matter would be covered by Rule 27(1) of the MCS (Pension) Rules and hence the limitation stipulated in Rule 27(2) will not be attracted. Still the ratio of the above referred ruling will have to be considered in the light of facts of the case.

5. The applicant is praying for grant of interim order that the Departmental Enquiry, in the facts and circumstances of the case, should not proceed. This is opposed by the P.O. On going through the rival submissions, Rule 27 of the MCS (Pension) Rules, 1982 and ruling "Premnath Bali" (supra) we have come to the conclusion that case is made out to pass interim order till returnable date. The Departmental Enquiry shall not be proceeded with till returnable date.

6. Issue notice to Respondents, returnable **after four weeks**. Learned P.O. waives notice for state. Hamdast allowed.

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

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

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

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

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

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

**Steno copy is granted.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

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

**Coram : Shri Shree Bhagwan, Vice Chairman&**

**Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. The learned counsel for the applicant has already filed written notes. Today the learned P.O. has filed written notes. It is taken on record. It is sufficient to decide the matter finally.

3. **Closed for Orders.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.500/2015 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

Heard Shri V.N.Patre, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. 10.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**



**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

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

2. On oral request of ld. P.O., **S.O. 10.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

Heard Shri P.S.Sahare, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents 1 & 2. None for the respondent no.3.

2. **S.O. 06.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

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

2. The learned counsel for the applicant and the learned P.O. seek time to file some precedent on record.

**S.O. three weeks.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

O.A.No.105/2019 with  
O.A.No.106/2019 with  
O.A.No.107/2019 (D.B.)

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

**Dated : 28/09/2022.**

Heard Shri P.D.Meghe, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. **Closed for Orders.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

O.A.No.858/2019 (D.B.)

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

**Dated : 28/09/2022.**

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

2. **S.O. 30.09.2022.**

**Put up this matter high on board  
Sr.no.2.**

**Member(J)  
Date:-28/09/2022  
rsm.**

**Vice Chairman**

O.A.No.906/2019                      with  
O.A.No.907/2019                      (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

Heard Shri Bharat Kulkarni, ld. Counsel for  
the applicant and Shri S.A.Sainis, ld. P.O. for the  
respondents 1 to 3. None for the respondents 4, 5 &  
6.

2.            **S.O. 06.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.66/2021 (D.B.)**

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

**Dated : 28/09/2022.**

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

2. **S.O. 06.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

O.A.No.168/2021                      with  
O.A.No.169/2021                      with  
O.A.No.170/2021                      (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**  
**Dated : 28/09/2022.**

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

2.     **S.O. 20.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**



**O.A.No.424/2021 (D.B.)**

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

**Dated : 28/09/2022.**

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

2. **S.O. three weeks.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.916/2021 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Shri K.B.Zinjarde, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. **S.O. three weeks.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.343/2022 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Shri M.M.Sudame, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. **S.O.07.10.2022.**

**Member(J)**  
**Date:-28/09/2022**  
rsm.

**Vice Chairman**

**O.A.No.583/2022 (D.B.)**

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

**Dated : 28/09/2022.**

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. **S.O. 30.09.2022.**

**Put up this matter high on board.**

**Member(J)  
Date:-28/09/2022**

rsm.

**Vice Chairman**