

O.A. 268/2020 (S.B.)

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

**Dated : 04/02/2021.**

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

At the request of learned counsel for the applicant, **S.O. 11/2/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 04/02/2021.**

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

The learned P.O. seeks four weeks time to file reply of R-1 to 3. As the offices of respondent nos.1 to 3 are situated as Mumbai, therefore, four weeks time is given to the Id. P.O. to file reply.

**S.O. 4/3/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 869/2019 (S.B.)**

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

**Dated : 04/02/2021.**

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

The learned P.O. files reply on behalf of the respondents. It is taken on record. Copy is served on the applicant.

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

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

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

**Vice-Chairman**

dnk.

**O.A. 1082/2019 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Mrs. P.T. Joshi, Id .counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of respondent nos.1&2. It is taken on record. Copy is served on the applicants.

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

The Id. P.O. waives notice for the respondents. The applicant is at liberty to file rejoinder, if any.

**S.O. 18/2/2021.**

**Vice-Chairman**

dnk.

**O.A. 27/2020 (S.B.)**

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

**Dated : 04/02/2021.**

**C.A. No. 38/2021 -**

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

2. The learned counsel for the applicant has filed C.A. 38/2021 for brining L.Rs. on record. Since the applicant expired during the pendency of O..A., the C.A. is allowed.

3. The necessary amendment be carried out within three weeks and amended copy be supplied to the other side.

**O.A. 27/2020 –**

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

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

**Vice-Chairman**

dnk.

**O.A. 291/2020 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri P.P. Khaparde, Id .counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of respondent nos.1to 3. It is taken on record. Copy is served on the applicants.

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

The Id. P.O. waives notice for the respondents. The applicant is at liberty to file rejoinder, if any.

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

**Vice-Chairman**

dnk.

**O.As. 810 & 811 of 2020 (S.B.)**

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

**Dated : 04/02/2021.**

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

2. The learned counsel for the applicants submits that in these O.As. the order has been complied and he desires one weeks time to file Pursis for withdrawing the O.As.

3. At the request of Id. counsel for the applicants, **S.O. 12/2/2021.**

**Vice-Chairman**

dnk.

**O.A. 937/2020 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri S.M. Khan, Id. counsel for the applicant and shri S.A. Deo, Id. CPO for the respondents.

The learned CPO submitted that the O.A. is barred by limitation. Therefore, the learned counsel for the applicant is directed to file C.A. for condonation of delay.

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 970/2020 (S.B.)

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

**Dated : 04/02/2021.**

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 64/2020(S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri A.M. Tirukh, Id. counsel for the applicant and shri S.A. Deo, Id. CPO for the respondents.

The learned counsel for the applicant has filed Pursis dated 20/01/2021 mentioning that he wants to withdraw the O.A.

In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

Since the O.A. is withdrawn, the interim order granted on 4/2/2020 also be treated as withdrawn.

**Vice-Chairman**

dnk.

**O.A. 582/2020 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

2. The matter has been listed on many times, but till today the reply has not been filed. The Id. P.O. today also seeks further time to file reply.

3. In view thereof, two weeks time is granted as a last chance to file reply. It is made clear that if the reply is not filed on the next date, the matter will be heard on merits.

**S.O. 18/2/2021.**

**Vice-Chairman**

dnk.

O.A. 855/2020 (S.B.)

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

**Dated : 04/02/2021.**

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

At the request of learned counsel for the applicant, **S.O. three weeks for filing reply.**

**Vice-Chairman**

dnk.

**O.A. 880/2020 (S.B.)**

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

**Dated : 04/02/2021.**

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

The learned counsel for the applicant has filed Pursis dated 2/2/2021 mentioning that he wants to withdraw the O.A.

In view of Pursis filed by the applicant, the O.A. stands disposed of as withdrawn. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 974/2020 (S.B.)**

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

**Dated : 04/02/2021.**

Shri R.R. Chougule, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

The learned counsel for the applicant submits that he will collect the hamdast during the course of day.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 735/2016 (S.B.)

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

**Dated : 04/02/2021.**

Shri G.N. Khanzode, Id .counsel holding for Shri M.R. Rajgure, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and none for R-3.

At the request of Id. counsel for the applicant, **S.O. two weeks** along with other O.A.

**Vice-Chairman**

dnk.

**O.A. 529/2019 (S.B.)**

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

**Dated : 04/02/2021.**

Shri G.N. Khanzode, Id .counsel holding for Shri M.R. Rajgure, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and none for R-3.

The Id. P.O. files separate reply of R-1&2. Same are taken on record. Copies are served on the applicant.

**S.O. two weeks** along with other connected O.A.

**Vice-Chairman**

dnk.

O.A. 85/2018 (S.B.)

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

**Dated : 04/02/2021.**

Shri G.N. Khanzode, Id . counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O.**  
**11/2/2021.**

**Vice-Chairman**

dnk.

O.A. 113/2019 (S.B.)

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

**Dated : 04/02/2021.**

Smt. Saboo, Id .counsel for the applicant  
and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id .counsel for the  
applicant, **S.O. 11/2/2021.**

**Vice-Chairman**

dnk.

**O.A. 114/2021 (S.B.)**

**( Pravin W. Khandare Vs.State of Mah.& Ors.)**

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

**Dated : 04/02/2021.**

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

2. As pointed out by the learned counsel for the applicant, the applicant was posted as Assistant Director, Group-A vide order dated 26/11/2019 (A-1,P-12) after revocation of suspension order dated 17/5/2019. Subsequently, the applicant joined vide letter dated 30/11/2019 (A-2,P-14) as Assistant Director, District Skill Development, Employment & Entrepreneurship, Guidance Centre, Gadchiroli on 30/11/2019 (B.N.). Subsequent vide order dated 1/2/2021 (A-5,P-18) the applicant has been transferred to New Mumbai. Aggrieved by this order, the applicant has approached to this Tribunal.

3. As pointed out by the learned counsel for the applicant, the Government vide Circular dated 18/12/2009 (A-8,P-23) directed that every post in Gadchiroli District should be filled on priority and with immediate effect. The learned counsel for the applicant submitted that still nobody has been posted in place of the

applicant. The impugned transfer order is in violation of the Government G.R. dated 18/12/2009 and also is in violation of the Government policy decision dated 6/8/2002 (A-9,P-25).

4. In view of these facts, **the impugned order dated 1/2/2021 (A-5,P-18) is stayed till further orders.**

5. The learned counsel for the applicant further submits that the applicant has not been relieved till now when the matter is heard before this Tribunal by 1.00 p.m. on dated 4/2/2021. The learned counsel for the applicant has also placed on record letter dated 3/2/2021(P-34) issued by the Deputy Commissioner, Skill Development, Employment &Entrepreneurship, Divisional Commissionerate, Nagpur by which in Para-2 it has been mentioned that the applicant has been directed to hand over the charge to the Officer of Chandrapur District in which it clearly shows that nobody has been posted against the applicant till now and he has been asked to relieve on 4/2/2021 (A.N.). **This order dated 3/2/2021(P-34) issued by the Deputy Commissioner, Skill Development, Employment &Entrepreneurship, Divisional Commissionerate, Nagpur is also hereby stayed till further orders.**

6. The applicant is permitted to add Deputy Commissioner, Skill Development, Employment &Entrepreneurship, Divisional Commissionerate,

Nagpur as party respondent in the O.A. since the document is placed on record.

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

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

9. 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.

10. 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.

11. 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.

12. 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. 620/2020 (S.B.)**

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

**Dated : 04/02/2021.**

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

2. As pointed out by the learned counsel for the applicant, the letter issued by the Divisional Commissioner, Nagpur Division, Nagpur dated 10/8/2015 (A-25,P-85 to 86). On page no.86 in last column, the respondent no.2 has given opinion.

3. The learned P.O. is yet received reply of respondent no.1. However, the respondent no.1 is directed to take decision as early as possible as per the proposal dated 10/8/2015 (A-25,P-85 to 86) given by the respondent no.2.

4. Three weeks time is granted to the learned P.O. to file reply.

**S.O. three weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

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

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

**Dated : 04/02/2021.**

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

2. Today, the learned P.O. has filed order of Special IGP (Establishment) dated 29/1/2021 (P-28) by which the applicant has been posted from Nagpur (Rural) to Amravati and they have mentioned that it is as per the order of M.A.T. Bench at Nagpur. They should not disturb this order till decision of the O.A. In the meanwhile, the respondents are directed to file reply before the next date.

**S.O. 25/2/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 04/02/2021.**

Heard 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.

2. The learned P.O. desires three weeks time to file reply.

3. In order sheet dated 8/1/2021 in para-2 it has been mentioned as below –

*“2. I have perused the order dated 20.02.2019, by which the applicant was posted as Tahsildar Balapur, Dist. Akola. Admittedly, the applicant was not due for transfer. My attention is invited to order dated 01.10.2020, by which one Shri D.L. Mukunde was posted as Tahsildar Balapur. It was mentioned in the transfer memo that Shri D.L. Mukunde was posted by transfer in place of the applicant due to this transfer. In this transfer order, it was mentioned that no posting was given to the applicant and latter on, the respondent No. 1 issued the order dated 19.11.2020 and posted the applicant at Mahagaon, Dist. Yavatmal. As a matter of fact in view of O.A. No. 597/2020, it was necessary for respondent No. 1 to post it at Balapur, but it is not done”.*

4. It appears that instead of posting back the applicant to Balapur, he was posted to Mahagaon, District Yavatmal on 19/11/2020 which was stayed by this Tribunal and the

applicant is at nowhere on duty. The respondents have not filed reply till now.

5. On 26/11/2020 the matter was heard and in para nos.2&3 following observations were made –

*“2. It is submitted that the applicant was posted at Balapur vide order dated 20/2/2019 and all of a sudden without considering the fact that the applicant was not due for transfer one D.L. Mukunde was posted as Tahsildar, Balapur on the post held by the applicant, consequently, the applicant was relieved from the post of Tahsildar, Balapur. It is grievance of the applicant that his transfer and displacement from Balapur was illegal exercise of jurisdiction as no case was made out under Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short “Transfers Act,2005”). In the transfer order Annex-A-2 it was observed that separate posting orders would be issued to give posting to the applicant and other officers. The learned counsel for the applicant has invited my attention to Annex-A-3 order dated 19/11/2020. As per this order now the applicant is posted as Tahsildar, Mahagaon, District Yavatmal. On perusal of the order itself it seems that both the transfer orders are in violation of law, therefore, interim protection is to be given to the applicant.*

*3. The Id. P.O. submitted that as present the applicant is working in the Collector Office, Akola. The Id. P.O. submitted that he is not in position to produce any written order issued by the Government. In absence of any order issued by the Government, it is not suitable to accept the case that the applicant is on duty at Collector Office, Akola, but however considering the manner in which the jurisdiction is exercised, the impugned transfer order dated 19/11/2020 is hereby stayed till filing of the reply by the respondents”.*

6. So this fact should be brought before the respondents. It is made clear that the respondents should give personal hearing to the applicant and adjust him to any suitable post as early as possible, otherwise, till filing of reply or till decision of said posting order the applicant period be treated as compulsory waiting period by the respondents and the applicant will be paid full salary for that.

**S.O. 25/2/2021.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 30/2020 (S.B.)**

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

**Dated : 04/02/2021.**

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

2. The applicant has been placed under suspension vide order dated 20/12/2019 (A-2, P-14&15). The respondent nos. 1 to 4 have filed their reply on 6/10/2020. As submitted by the Id. P.O., the applicant has been served charge sheet on 17/4/2020 (A-R-3,P-35 to 40). Though charge sheet has been served on 17/4/2020 it is delayed by more than 4 months.

3. After hearing pleadings of both the sides, various Judgments of Hon'ble Apex Court and Hon'ble High Court and Government of Maharashtra G.Rs. were also considered. In view of this following Judgments of Hon'ble Apex Court are reproduced as follows –

(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.

(iv) The Government of Maharashtra has issued G.R. dated 09/07/2019 (Annexure-A-4, Pg. No. 34). The Id. Counsel for the applicant has relied on para no. (ii) of the said G.R. on Pg. No. 35.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 (Annexure-A-6, Pg. No. 47), 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 'kkl dh; l dclh; k T; k idj.kh 3 efgll; kpk dkyko/khr foHkxh; pkcl'kh l q d: u nkskji i = ct.ko.; kr vkysulgh] v'kk idj.kh ek- l okp U; k; ky; kps vlnsk i kgrk] fuyru l eklr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGs fuyfcr 'kkl dh; l dclh;cr foHkxh; pkcl'kph dk; bkg l q d: u nkskji i = ct.ko.; kph dk; bk; h fuyruki kl u 90 fno l h; k vkr dklvdjg i .lsdyh t.kby; kph n{krk@ [kcjnkjh ?ls; kr ; koh-

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kkl u fu.kz d: 118@id:11@11v] fnukd 09-07-2019 in para nos. 1 (i, ii & iii) following decisions have been taken :-

- i) fuyfcr 'kkl fd; l oclka; k T; k idj.kh 3 efgU; ka; k dkyko/khr foHkxh; pka'kh l q d: u nkskjsi i= ctko.; kr vkys vlgj v'kk idj.kh fuyæu dY; ki kl u 3 efgU; kr fuyæukpk vk<kok ?nu fuyæu i&spkywBoko; kpsvl Y; kl R; kckcrpk fu.kz l i "V vkskkl g %dlj.k feeld j g½ u {ke i kf/kcl&; kP; k Lrjkoj ?ks; kr ; kok-
- ii) fuyfcr 'kkl dh; l oclka; k T; k idj.kh 3 efgU; kpk dkyko/khr foHkxh; pka'kh l q d: u nkskjsi i= ctko.; kr vkys ulgh v'kk idj.kh ek l oclp U; k; ky; kpsvlnsk i kgrk fuyæu l ekr dj.; k'lok; vl; i; k; jigr ulgh R; keGs fuyfcr 'kkl dh; l oclka; kckcr foHkxh; pka'kh l q d: u nkskjsi i= ctko.; kph dk; bk; h fuyæuki kl u 90 fnol ka; k vkr dklvdlji .ks dsh tkbzy ; kph n{krk@ [kcjnkjh?ks; kr ; koh-
- iii) QkStnkjh idj .kr fo'kskr%ykpypir idj .kh fuyfcr 'kkl dh; l oclka; kckcr foHkxh; pka'kh l q d: u nkskjsi i= ctko.kckcr vko'; d rls vfHkySk ykpypir ifrcakd foHkxkus l æti/kr izkkl dh; foHkxki mi yC/k d: u nksvko'; d jkfgy-

4. This O.A. is squarely covers by Government of Maharashtra G.A.D. G.R. 'kkl u fu.kz d: 118@i:d:11@11v] fnukd 09-07-2019.

5. The respondents have not followed settled legal citations, as discussed above and G.R. 'kkl u fu.kz d: 118@i:d:11@11v] fnukd 09-07-2019.

6. In view of above discussions, the order dated 20/12/2019 (A-2,P-14&15) requires to be revoked. Hence, the following order –

**ORDER**

(i) The suspension order dated 20/12/2019 (A-2, P-14&15) is revoked with immediate effect. The respondents are directed to issue necessary orders along with suitable posting

order as per observations made in para-24 above by the Hon'ble Apex Court in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018.**

(ii) With this direction, the O.A. stands disposed off. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 21/2020 (S.B.)**

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

**Dated : 04/02/2021.**

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

2. The respondent nos.2&3 have file reply dated 14/1/2020 and in para-9 they have committed following facts –

*“ (9) It is submitted that the said fact was intimated to applicant and it is also intimated to him that each and every amount viz. pension and other due benefits will be given to him as per law, which is after completion of due procedures.”*

3. However, the learned counsel for the applicant pointed out that the respondents are not aware that the A.G. has already sanctioned the pension case and he has received the pension. His only grievance is that interest on delayed payment should be paid as per the Section 129 (A) & (B) of the Maharashtra Civil Services (Pension) Rules, 1982.

4. The respondents have already committed the facts by filing reply and in para-9 it is mentioned that everything will be paid.

However, this interest part has not been taken care of. The learned P.O. desires to take instructions regarding this issue from the respondents within one week.

**S.O. 11/2/2021.**

**Vice-Chairman**

dnk.

**O.A. 106/2021 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri I.N. Choudhari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant is aggrieved with the order dated 13/10/2020 (A-5,P-40). It appears that Government G.R. dated 6/8/2002 which provides one step above pay scale to the employee working in tribal / naxal affected area has been wrongly interpreted. If the stay is not granted, the applicant will be subjected to unnecessary financial hardship.

3. In view of this, the order dated 13/10/2020 (A-5,P-40) is stayed till final outcome of the O.A.

4. Issue notices to the respondents returnable **after four weeks**. Learned C.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.**

**Vice-Chairman**

dnk.

**O.A. 678/2017 (S.B.)**

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

**Dated : 04/02/2021.**

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

2. The applicant is aggrieved with the order dated 30/9/2013 (A-5,P-21) issued by the Deputy Conservator of Forests, Gadchiroli and therefore he approached to this Tribunal. However, the applicant should be given opportunity to make grievance before the Chief Conservator of Forests, Gadchiroli, i.e. respondent no.2. So the grievance of the applicant is remanded back to the respondent no.2 to decide the applicant's grievance by giving personal hearing within 30 days from the date of this order.

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

**Vice-Chairman**

dnk.

**O.A. 382/2017 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri I.G. Meshram, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that as per the Tribunal's order dated 7/1/2020 he has made party Pay Verification Unit as a respondent no.4. The Id. P.O. submits that he has received parawise reply and he will file the same within one week.

**S.O. 15/2/2021.**

**Vice-Chairman**

dnk.

**\*O.A. 849/2018 (S.B.)**

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

**Dated : 04/02/2021.**

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

2. By the record, it appears that as per G.R. dated 15/2/2018 (A-15,P-52) decision was taken by the Government to fill 20% vacant posts on compassionate ground and effective date of G.R. was given from 1/1/2017. The applicant has made representation on 14/7/2016 (A-10, P-46) wherein it is mentioned as follows –

^ eh vupl k rRokoj ox&3] xV&d e/; suk djh feG.kckcr vtZ  
l knj dyk gkrk- ox& 3 P; k inkdfjrk ylx.kkjh 'k&kf.kd  
ik=rk ul Y; kus ox&4] xV&M e/; s f'ki kbZ vFlok  
okgupyd ; k inkdfjrk dke dj.; kl r; kj vkgs\*\*

3. The applicant has also mentioned in the said application that if there is no vacancy in Group-C post, he is ready to work on Group-D post as Driver or Shipai. This letter is dated 14/7/2016 and that time G.R. dated 15/2/2018 become effective from 1/1/2017, So after the said G.R. vacancy occurred or not. The learned P.O. is directed to take instructions that after letter of applicant dated 14/7/2016 (A-10, P-46) and G.R. dated 3/5/2017 (A-12,P-48) when 10%

posts were asked to be filled on compassionate ground and by subsequent G.R. dated 15/2/2018 (A-15,P-52) when limit of filling the post on compassionate ground was increased by 20%,, whether during the year 2017-2018 in all the Group-D posts how many vacant posts with the Department and what was the seniority of the applicant on that time and whether applicant's name was considered according to seniority and according to vacancy in Group-D posts and if that was not considered, then what reply was communicated to the applicant for rejecting his appointment on compassionate ground. This information should be furnished on the next date of hearing.

**S.O. 26/2/2021 (PH).**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*\*O.A. 10/2019 (S.B.)**

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

**Dated : 04/02/2021.**

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

2. The applicant's father expired and applicant's mother Smt. Sushila S. Bagmare was added in the compassionate ground list. Her date of birth was 18/7/1966 and she attained age of 40 years on 18/7/2006. The mother of the applicant was completed age of 40 years on 18/7/2006 only and in the G.R. dated 22/8/2005 at page no.10, para-11 maximum age limit for compassionate ground has been increased 45 years which earlier was 40 years as per correspondence dated 26/7/2018 (P-42&43). However, the learned P.O. is directed to show previous G.Rs. dated 22/8/2005 & 6/12/2010 when upper age limit was raised from 40 to 45 years by the Government.

3. If as per record on page no.43 and relevant G.R. of 2006 the applicant's case has been considered and rejected as per letter dated 8/2/2010 (P-19&20) then nothing survives in the O.A.

4. The learned counsel for the applicant had filed Writ Petition No. 5944/2018 of Bombay High Court, Bench at Nagpur and Writ Petition No.2014/2019 of Bombay High Court, Bench at Nagpur. In both the petitions different issue has been discussed and that Judgments do not cover the present O.A.

**S.O. 11/2/2021.**

**Vice-Chairman**

dnk.

**\*O.A. 1017/2019 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri D.T. Shinde, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. As per the order dated 3/12/2020 of this Tribunal, the respondents have considered the applicant's representations dated 21/11/2020 & 8/12/2020 and submitted vide their letter dated 18/12/2020 that the applicant's case may be considered during the general transfers of the year 2021. The respondents are further directed that while considering the transfer of the applicant in the general transfers of the year 2021, the general transfer policy of keeping husband and wife together will also be taken into consideration. If the applicant is aggrieved by any decision, he is at liberty to approach to this Tribunal.

3. With this direction, the O.A. stands disposed of. No orders as to costs.

**Vice-Chairman**

dnk.

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

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

**Dated : 04/02/2021.**

Heard Shri A.D. Girdekar, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. It appears that the O.A. is not done with proper paging. The office is directed to make proper paging of the O.A.

3. The respondents have filed appointment letter of applicant along with the reply at A-2, Page no.49 wherein the applicant's name appears at Sr.No.7 and appointment letter is dated 30/5/2016 (A-2,P-49). As per submission by the learned counsel for the applicant, the applicant stood retired on 31/1/2020. In this situation, the applicant has completed more than three years service in Government Department. Now the applicant is intending for pensionary benefits. By record, it appears that the Collector, Nagpur, i.e., respondent no.2 has made correspondence dated 26/3/2018 (P-55) to the Under Secretary of Planning Department for verification of date from which the applicant and similar situated employees should be treated as Government servant. If reply of this letter is

available, the Id. P.O. is directed to file on record.

**S.O. 25/2/2021 (PH).**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 532/2020 (S.B.)**

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

**Dated : 04/02/2021.**

Heard Shri A.K. Fule, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. As submitted by the learned counsel for the applicant, the applicant was posted as Talathi at Allapalli, Tq. Aheri, Dist. Gadchiroli on 31/12/2018 and he was transferred vide impugned order dated 8/9/2020 (A-2,P-13) from Allapalli to Kodapalli, Tq. Aheri. On perusal of order dated 8/9/2020 it appears that the applicant's services were shifted to Kodapalli instead of transfer and the applicant has already joined there. As per record at page no.22 the applicant has joined on 22/9/2020 (B.N.) at Tahsil Office, Aheri as per the order dated 8/9/2020 (A-2,P-13).

3. In view of this, nothing survives in the O.A. at this stage, therefore, the O.A. stands dismissed. No order as to costs.

**Vice-Chairman**

dnk. \*

O.A.No.91/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

Heard Shri B.Dafle, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A..

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. in due course.**

**Vice Chairman**

**Date:-04/02/2021.**

aps.

**O.A.No.265/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

None for the applicant. Shri M.I.Khan, the Id.  
P.O. for the State. Await service of respondent nos. 2  
to 5.

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

**Vice Chairman**

**Date:-04/02/2021.**  
aps.

**O.A.No.583/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

**C.A.No.364/2019:-**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents. None for the respondent no. 5.

2. The Id. counsel for the applicant has filed C.A. for giving direction to release the gratuity. However, the Id. P.O. has pointed out M.C.S., (Pension) Rules, 1982 in Section 130 (C) which reads as follows:-

*"No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon."*

3. In view of the provision of M.C.S. (Pension) Rules, 1982 direction cannot be given on C.A.. However, Id. P.O. desires time, **S.O. 18.02.2021.**

**Vice Chairman**

**Date:-04/02/2021.**  
aps.

**C.P.No.08/2020inO.A.No.444/2015 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

Heard Shri N.B.Bargat, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 1 to 3.

2. The Id. counsel for the applicant submits that he will file service affidavit along with the acknowledgment today only. At the request of Id. P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-04/02/2021.**  
aps.

O.A.No.108/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

**C.A.No.02/2021:-**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondents and Shri S.H.Hiwale, the Id. counsel for the respondent nos. 5 to 61.

2. **C.A. No. 02/2021 for withdrawing the O.A. is allowed.**

3. Hence, **the C.A. along with O.A. stands disposed as withdrawn.**

**Vice Chairman**

**Date:-04/02/2021.**  
aps.

**O.A.No.01/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Shri S.M.Pande, the Id. counsel for the respondent no. 4.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the respondent no. 4 submits that he will file reply within a week.

4. **S.O. two weeks.**

**Vice Chairman**

**Date:-04/02/2021.**

aps.

O.A.No.292/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

**C.A.No.183/2020:-**

Heard Shri V.D.Awchat, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondents and Shri P.J.Mehta, the Id. counsel for the Intervenor.

2. The Id. P.O. desires time to file reply, **S.O. three weeks.**

3. *Unless reply is filed by Id. P.O., C.A. No. 183/2020 cannot be taken up.*

**Vice Chairman**

**Date:-04/02/2021.**  
aps.

**C.P.No.45/2020inO.A.No.1025/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

Heard Shri N.B.Rathod, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side.

3. The order of the Tribunal was passed on 03.03.2020. However, till now order has not been complied and today Respondent no. 1 has filed reply stating that they are in the process of complying the order.

4. In view of this inordinate delay, further two months time is granted to the respondent no. 1 to file the compliance order with the direction that during next date of hearing; responsible officer of should be present personally before this Tribunal with compliance order.

5. The Id. counsel for the applicant further submits that he has also given consent to this arrangement and he will not press this application before 15.04.2021.

6. **S.O. 15.04.2021.**

7. **Steno copy is granted.**

**Vice Chairman**

**Date:-04/02/2021.**

aps

**O.A.No.107/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

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

2. It is contention of the applicant that he is in service since long and thereafter G.R. dated 21/12/2019 is issued by the Government and in pursuance of the G.R., the respondent no. 1 has passed the order dated 29/12/2020 giving appointment to the applicant only for a period of 11 months. The said order has been passed without giving an opportunity of hearing to the applicant. It is submitted that in similar matters interim relief is granted to the applicants. In view of the facts on the ground of parity the interim stay is granted to the order dated 29/12/2020 till filing of the reply.

3. Issue notice to Respondents, returnable on four 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. four weeks.**

**Vice Chairman**

**Date:-04/02/2021.**

aps.

**C.P.No.35/2019inO.A.No.859/2012 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

Heard Shri B.D.Pandit, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. Today the Id. P.O. has filed Government order dated 22.01.2021 by Desk Officer, Finance Department after that he has filed order of Joint Director dated 22.01.2021 and consequent to that he has filed Pay Fixation of applicant by Director, Accounts and Treasury dated 28.01.2021 and submits that order has been complied. However, the Id. counsel for the applicant seeks permission to consult his client and to check that whether the order has been complied or not and he further requested for the next date.

3. The Id. counsel for the applicant further submits that if applicant want to submit something than it will be on next date.

4. **S.O. 12.02.2021.**

**Vice Chairman**

**Date:-04/02/2021.**  
aps.

**O.A.No.842/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/02/ 2021.**

Heard Shri J.C.Shukla, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The dispute is about the three chances of the candidate in Revenue Qualifying Examination; where the said result is challenged by the applicant with the said O.A.

3. In view of this, the Id. P.O. is directed to file date, year and marksheet of all the chances at which applicant appeared for R.Q.E. and in which year's examination he is claiming as fail.

4. **S.O. two weeks** to file reply and the same should be filed before next hearing.

5. *Matter be treated as P.H.*

**Vice Chairman**

**Date:-04/02/2021.**  
aps.