

O.A. No.209/2020 (SB)

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

Dated : 11.06.2020

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

2. The Id. P.O. submitted that he has received the parawise comments from the A.G. yesterday and two weeks' time is required to file reply. In the present case facts are that the pension case of the applicant was sanctioned and he was drawing pension regularly since May,2019 and all of a sudden he received communication dated 02/01/2020 by which his pension was stopped. It is undisputed that without giving opportunity of hearing pension of the applicant is stopped. It is principal of natural justice that no man can be condemned without hearing and the respondents have violated this mandatory rule of natural justice.

3. In this situation, the respondents are directed to pay the pension continuously. In the meantime, the respondents to give opportunity of hearing to the applicant and then pass suitable order. The respondents are directed to comply the order within two months

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

Member (J)

dnk.

O.A. No.225/2020 (SB)

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

Dated : 11.06.2020

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

2. The Id. P.O. has filed letter dated 10/06/2020 received from the Divisional Joint Registrar, Co-Operative Societies, Amravati. It is informed that there was staff between the officer with the ministry and it was informed that the provisional pension should be paid to the applicant. In view of it, the respondents to pay provisional pension to the applicant since the date of his retirement within a period of two months from the date of this order. In the meantime, the respondents shall file their reply.

S.O. two months.

Steno copy be supplied to the P.O.

Member (J)

dnk.

O.A. No.271/2020 **(SB)**

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

Dated : 11.06.2020

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

2. The Id. P.O. submitted that the matter be taken up on board on 15/6/2020 as he has to correct some instructions.

S.O. 15/6/2020.

Member (J)

dnk.

O.A. No.285/2020 (SB)

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

Dated : 11.06.2020

Heard Shri S.A. Pathak, Id. counsel holding for Ku. K.K. Pathak, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. The impugned order of recovery be stayed till filing of reply by the respondents.

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

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

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

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

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

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

S.O. after four weeks.

Steno copy be supplied.

Member (J)

dnk.

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

Dated : 11.06.2020

Heard Shri S.V. Bhutada, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. Issue notice to the 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)

dnk.

O.A. No.286/2020 (SB)

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

Dated : 11.06.2020

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. It is submitted that the applicant was transferred vide order dated 4/7/2019 from Panchayat Samiti, Chandur Bazar, District Amravati to Amravati on a vacant post. It is contention of the applicant as the post at Amravati was not vacant therefore he was not relieved from his posting. The applicant made representations to the respondents that the posts at Dharni, District Amravati and Panchayat Samiti, Chandur Railway were vacant and he could be posted there. It is grievance of the applicant that till today no action is taken by the respondents on these representations dated 8/7/2019 and 26/9/2019 and now it is learnt by the applicant that the respondents are intending to relieve the applicant from Chandur Railway. In this situation, the learned counsel for the applicant submitted that in O.A.No.633/2019 the Bench at Mumbai held that the impugned order of transfer itself was illegal as it was in violation 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 another matter i.e. O.A. 217/2020 after examining similar situation, direction was given to the respondents not to relieve that applicant till the general transfers of the year 2020.

3. It appears that in the year 2020 the Government has skipped the general transfers. In this situation, it would be suitable to direct the respondents to consider the representations made by the applicant whenever there would be contingency of transfer of the applicant and till then the applicant be permitted to work at Chandur Bazar.

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

Member (J)

dnk.

C.P. 16/2020 in O.A. 695/2019 (D.B.)

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

Dated : 11/06/2020.

Heard Shri G.G. Bade, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the State.

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

Member (J)

Vice-Chairman

dnk.

C.P. 17/2020 in O.A. 197/2017 (D.B.)

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

Dated : 11/06/2020.

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the State.

2. Issue Notice to the respondents returnable **after four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri M.I. Khan, the learned P.O. waives notice for the State. Hamdast granted.

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

Member (J)

Vice-Chairman

dnk.

O.A. 1025/2018 (D.B.)

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

Dated : 11/06/2020.

MCA 22/2020 in O.A. 1025/2018

Heard Shri A.M. Khadatkar, Id. P.O. for the applicants nos.1&2 (Org. respondent), none for respondents (Org. applicant nos.1&2) and none for applicant nos.3&4 (Org. respondent).

2. Notice on application be issued returnable **after two weeks.**

3. Shri A.M. Khadatkar, the learned P.O. waives notice for applicants nos.1&2 (Org. respondent). Hamdast granted.

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

5. Org. 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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Org. Applicant is directed to file Affidavit of compliance and notice.

S.O. after two weeks.

Member (J)

Vice-Chairman

dnk.

O.A.Nos.272,273 & 274 of 2020 (D.B.)

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

Dated : 11/06/2020.

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

2. It is submitted that the applicant has already made reference to the Principal Bench and matter would be taken before the Chairman and suitable order will be passed during course of day. In this situation, the applications be taken up on board on 15/06/2020 and till then the respondents shall not force the applicants to vacate the Government premises.

S.O. 15/06/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 902/2019 (D.B.)

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

Dated : 11/06/2020.

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

2. Today the respondent no.2 has filed the affidavit-in-reply. It is taken on record. The learned P.O. has filed the letter received from the Under Secretary. Government of Maharashtra dated 10/06/2020. In this letter, it is mentioned that the applicant was not considered by the DPC which was held on 19/08/2019 and he was not considered for promotion. It is contended that as per the decision dated 10/06/2020 the disciplinary inquiries which were pending against the applicant were closed and it is informed that the applicant would be considered for promotion in future.

3. The learned counsel for the applicant invited our attention to the Judgments in O.A.Nos. 54/2019 and 55/2019. The O.A.No. 54/2019 was decided by this Bench vide order dated 1/3/2019 and by this order the

departmental inquiry no.24/2004 which was initiated against the present applicant was quashed as it was not completed within a reasonable period. Similarly, the O.A.No. 55/2019 was decided by this Bench on 14/02/2019 and specific direction was given to the respondents to complete the departmental inquiry which was pending within a period of three months from the date of order i.e. 14/02/2019. It is undisputed that these orders were never challenged by the respondents. In this situation, now position is crystal that when the DPC was held on 19/08/2019 both the inquiries were closed by the judicial order. It is not a case of the respondents that as per order in O.A.55/2019 they have completed the disciplinary inquiry within a period of three months. On the contrary, in letter dated 10/06/2020 it is specifically mentioned that in both the matters decision is taken to close the inquiries. Once judicial orders were issued, the respondents had no authority to extend the scope of the inquiry even after the period which was granted by this Bench to complete the inquiry.

4. Under these circumstances, we are compelled to say that the respondents committed error in not considering the applicant for promotion on 19/08/2019.

5. It is submission of the learned counsel for the applicant that Chief Officers, Grade-I were

promoted as Chief Officers, Grade-I, Selection Grade vide order dated 10/10/2016. It is contended that Sr.Nos.21,22,23 and 24 were juniors to the applicant and therefore grave prejudice is caused to the applicant, consequently, deem date be granted to him. We have also perused the order dated 3/12/2007. As per this order, the Chief Officers, Grade-B were promoted as Chief Officer, Grade-A. In this order, name of the applicant is at Sr.no.55 and S.P. Deharkar, S.V. Deshmukh, J.B. Dandegaonkar and others were juniors to the applicant. On perusal of the order dated 10/10/2016 it is crystal that Shri S.P. Deharkar and S.V. Deshmukh at Sr. nos.21&22 were juniors to the applicant. If in this situation, relief is not granted to the applicant, then grave prejudice will cause.

6. In view of this, the O.A. stands allowed in terms of following prayer Clause nos.2& 3 –

“(2) After issuing aforesaid certificate direct the respondents to promote the applicant as a Selection Grade w.e.f. 10/10/2016 and grant deem date of the same by granting him all consequential and monetary benefits arising therefrom

(3) Be pleased to hold and declare that the applicant is entitled to get the benefits of Assured Progressive Scheme from 1/1/2016 but w.e.f. 1/9/2013 and grant the same forthwith”.

7 The respondents are directed to comply this direction within three months from the date of this order. No order as to costs.

Member (J)

Vice-Chairman

dnk...

O.A.No.87/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :11/06/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and The Principal, Government Polytechnic College, Sakoli personally present as per Tribunal order dated 04.06.2020.

2. The Principal has produced the register and explained that Shri Jagdale who is one of the H.O.D. was supposed to sign the register kept in the Principal Chamber who show their presence in the College. He has shown the register in which in May against the name of Shri Jagdale absence was written, no signature is there and in the month of June, no signature is there.

3. He also explained that for other employees there is separate register kept to be signed by them for their attendance/ presence. The Id. counsel for the applicant should go through the register kept in the office of Principal and revocation order of suspension and produce the evidence that after revocation of suspension order, whether applicant has signed the register or not?

4. The Principal also mentioned that over and above after revocation of suspension he has given the letter to the applicant to sign the register. He is directed to produce that letter before the Bench

through Id. P.O. and supply the same to the Id. counsel for the applicant before next date of hearing.

5. **S.O. 18.06.2020.**

Vice Chairman

Date:-11/06/2020.
aps.

O.A.Nos.218&219/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :11/06/ 2020.

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

2. The Id. P.O. submits that he has received the parawise reply today and he will file it before Thursday i.e. 18.06.2020 and supply the copy of the same to the other side.

3. **S.O. 18.06.2020.**

Vice Chairman

Date:-11/06/2020.
aps.

O.A.No.702/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :11/06/ 2020.**

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

2. The Id. P.O. has requested to keep the matter on Monday.

3. **S.O. 18.06.2020.**

Vice Chairman

Date:-11/06/2020.
aps.