

O.A. No.238/2020 (SB)

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

Dated : 15.06.2020

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

The learned P.O. files affidavit-in-reply on behalf of R-1 to 5. It is taken on record.

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

The learned P.O. waives notice on behalf of the respondents.

The applicant to remove office objections before the next date.

S.O. 29/06/2020.

Member (J)

dnk.

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

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

Dated : 15.06.2020

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

2. The learned P.O. submitted that time till 25/06/2020 is required to collect the information from the respondents for complying the direction dated 26/05/2020.

3. At the request of ld. P.O., **S.O.**
25/06/2020.

Member (J)

dnk.

O.A. No. 290/2020 (SB)

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

Dated : 15.06.2020

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

2. Issue notices to the respondents for final hearing returnable on **29/06/2020**. Learned P.O. waives notice for the 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. 29-06-2016.

Member (J)

dnk.

O.A.No.820/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/06/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. None for the respondent no. 2.

2. As per submission made by the Id. P.O. and agreed by Id. counsel for the applicant, suspension order dated 11.01.2019 (Annexure-A-1, P.B., Pg. No. 14 & 15) has been revoked. However, the Id. counsel for the applicant submits that certain dues which are yet to be paid to the applicant. The Id. P.O. is directed to take instructions regarding payment of dues.

3. The matter is **admitted** and kept for final hearing.

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

5. **S.O. 29.06.2020.**

Vice Chairman

Date:-15/06/2020.

aps.

O.A.No.698/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/06/ 2020.

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

2. The Id. counsel for the applicant relied on Judgment of Hon'ble Supreme Court in the case of **Rajendra Yadav Vs. State of Madhya Pradesh & Ors., (2013) 3 Supreme Court Cases 73 decided on February 13, 2013** and **Man Singh Vs. State of Haryana and Ors. (2008) 12 Supreme Court Cases 331.**

3. Where in the first case, it is clearly mentioned that while imposing punishment, punishment should not be disproportionate, while comparing involvement of co-delinquents who are parties to same transaction or identical incident.

4. In this case, applicant was suspended in 2007. Subsequently, applicant was reinstated in 16.09.2008 (Annexure-A-3, P.B., Pg. No. 53) and posted to Gadchiroli. The Chargesheet was served on 27.08.2008 (Annexure-A-4, P.B., Pg. No. 56) and enquiry report was submitted on 21.01.2010 (Annexure-A-10, P.B., Pg. No. 140). The applicant is challenging the order passed by the respondent no. 1 i.e. 01/07/2019 (Annexure-A-1, P.B., Pg. No. 42).

However, in the same case as pointed out by Id. counsel for the applicant four delinquents are awarded lesser punishment of only "censure". As per Hon'ble Supreme Court order, as a matter of parity, applicant delinquent should be given the same punishment.

5. The Id. counsel for the applicant is directed to file the written synopsis by given details of date of suspension order, page nos. and punishment order.

6. **Closed for orders.**

Vice Chairman

Date:-15/06/2020.

aps.

O.A.No.180/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

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

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

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

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

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

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

2. In view of the order awaited from Principal Bench, **S.O. 18.06.2020.**

3. *Interim Relief to be continued.*

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

C.P.No.18/20 in O.A.No.272/14 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

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

2. Issue Notice to the respondent Nos. 2 & 3 returnable in **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 respondent No. 1. Hamdast granted.

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

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

O.A.No.287/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

Heard Shri A.P.Tathod, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable on four weeks. Learned P.O. waives notice for R-1. 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.

8. **S.O. four weeks.**

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

O.A.No.487/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

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

2. S.O. 22.06.2020.

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

O.A.No.978/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the respondent no. 5.

2. The Id. counsel for the applicant requested to file Rejoinder during the course of the day.

3. **S.O. 29.06.2020.**

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

O.A.No.277/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

Heard Shri A.S.Tiwari, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. The Id. counsel for the applicant submitted that the applicant is intending to withdraw this original application. The applicant has filed pursis in this regard. Accordingly, the O.A. stands disposed off as withdrawn with no order as to costs.

3. **Steno copy is granted.**

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

O.A.No.281/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

Heard Shri A.S.Tiwari, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

2. The Id. counsel for the applicant submitted that the applicant is intending to withdraw this original application. The applicant has filed pursis in this regard. Accordingly, the O.A. stands disposed off as withdrawn with no order as to costs.

3. **Steno copy is granted.**

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman

O.A.No.169/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :15/06/ 2020.**

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

2. It is submitted that the applicant is intending to file amendment in this O.A. The Id. P.O. requested time to file reply.

3. The matter is lingering for reply of the respondents since March, 2020. The respondent nos. 2 & 3 are directed to file their reply positively on 25.06.2020.

4. **S.O. 25.06.2020.**

Member(J)
Date:-15/06/2020.
aps.

Vice Chairman