

O.A. 650/2019 (D.B.)

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

Dated : 16/07/2020.

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

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. 305/2020 (D.B.)

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

Dated : 16/07/2020.

Shri S.P. Palshikar, 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.

Member (J)

Vice-Chairman

dnk.

O.A. 307/2020 (D.B.)

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

Dated : 16/07/2020.

Shri R. Joshi, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 to 5.

At the request of Id. counsel for the applicant, **S.O. four weeks** for filing service affidavit.

Member (J)

Vice-Chairman

dnk.

O.A. 329/2020 (D.B.)

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

Dated : 16/07/2020.

Heard S.M. Khaire, Id. counsel for the applicant and Shri A.P. Potnis, 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.

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

Member (J)

Vice-Chairman

dnk.

O.A. 328/2020 (D.B.)

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

Dated : 16/07/2020.

Heard Shri N.B. Rathod, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. The Id. counsel for the applicant submits that he will remove office objection during the course of day.

3. In the meantime, 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.

Member (J)

Vice-Chairman

dnk.

O.A. 253/2020 (D.B.)

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

Dated : 16/07/2020.

None for the applicant. Shri S.A. Sainis,
Id. P.O. for the respondents.

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

Member (J)

Vice-Chairman

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 : 16/07/2020.

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

2. The Id. P.O. files reply on behalf of R-5. It is taken on record. Copy is served on the applicant.

3. The Id. P.O. submitted that the respondents have filed Writ Petition. It is pending before the Hon'ble High Court and interim stay is operating.

4. In view of this, the Contempt Petition itself is not tenable. Liberty is given to the applicant to file Contempt Petition, if in case the order which is passed in his favour would be maintained. The applicant is exempted from issuing same Contempt Petition. No order as to costs.

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 : 16/07/2020.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 330/2020 (D.B.)

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

Dated : 16/07/2020.

C.A. 175/2020 -

Heard Shri S. Shinde, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 330/2020 –

Heard Shri S. Shinde, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The Id. counsel for the applicant is directed to add the Advocate General of Maharashtra (M.S.), and the Deputy Director, Health Services, Akola as party respondents.

3. After amendment, issue notice to all the respondents returnable **after four weeks.** The Id. P.O. waives notice for the 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.

Member (J)

Vice-Chairman

dnk.

O.A. 338/2020 (D.B.)

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

Dated : 16/07/2020.

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

2. Issue notice to the respondents returnable **after four weeeeks**. Learned C.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.

8. In the meantime, the Government shall decide the representation dated 17/3/2020.

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. St. 676/2020 (D.B.)

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

Dated : 16/07/2020.

C.A. 155/2020 -

Heard Shri G.K. Bhusari, Id. counsel for the applicants, Shri S.A. Deo, Id. CPO for the State and Shri S.G. Jagtap, Id. counsel for the Intervener.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. St. 676/2020 -

Heard Shri G.K. Bhusari, Id. counsel for the applicants, Shri S.A. Deo, Id. CPO for the State and Shri S.G. Jagtap, Id. counsel for the Intervener.

2. Our attention is invited to prayer no. (iii) in the prayer clause. It is claimed by the applicants that direction be given to the respondents to consider and decide the

representations made by the applicants which is at Annex-A-2 in accordance with the rules dated 7/4/1983. The Id. CPO and learned counsel for Intervener submitted that they do not have any objections to this claim. Hence, the O.A. (St.) stands allowed in terms of prayer clause no. (iii). No order as to costs.

3. The C.A. No. 156/2020 also stands disposed of accordingly.

Member (J)

Vice-Chairman

dnk.

O.A. No.1001/2019 (SB)

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

Dated : 16.07.2020

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

2. It is grievance of the applicant that the respondents are not complying the order dated 29/05/2019 and not permitted the applicant to resume duty at Washim. The learned P.O. submitted that there is no post vacant at Washim and therefore it was not possible to permit the applicant to work at Washim. The respondent no.6, the District Malaria Officer, Washim is directed to file affidavit before the next date.

S.O. three weeks.

Member (J)

dnk.

O.A. No.207/2020 (SB)

(V.C. Dindure Vs. State of Mah. & Ors.)

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

Dated : 16.07.2020

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

2. The Id. P.O. seeks three weeks time to file reply. He is permitted to do so.

3. The learned counsel for the applicant has filed Pursis alongwith the copy of G.R. dated 7/7/2020. Same are taken on record.

4. In the meantime, the respondents are directed to decide the representations made by the applicant vide Annex-A-4 & A-5.

S.O. three weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No.279/2020 (SB)

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

Dated : 16.07.2020

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

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

Member (J)

dnk.

O.A. No.337/2020 (SB)

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

Dated : 16.07.2020

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. Issue notice to the respondents, returnable **after eight 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.

8. In the meantime, the respondent no.1 is directed to decide the representation of the applicant which is at page no.27.

S.O. after eight weeks.

Member (J)

dnk.

O.A. No.313/2020 (SB)

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

Dated : 16.07.2020

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

2. It is grievance of the applicant that though he was transferred to Alipur, Tq. Higanghat, Dist. Wardha vide order dated 4/7/2019, he was not relieved from Deoli, Dist. Wardha and till today he is working there. It is submitted that lateron the respondents transferred some of the Veterinary Surgeon and said transfer orders were challenged before the Principal Bench of MAT, Mumbai and it was held that the earlier order dated 4/7/2019 was contrary to law. It is submitted that in some of the matters directions were given to the respondents to consider the representation of the applicant in those matters in the event of their transfers for the administrative needs. In view of this, the respondents are directed to consider the representation of the applicant , if there is a administrative need to transfer him to other station.

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

Member (J)

dnk.

**

O.A.No.901/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2. Await service of respondent no. 3

2. The Id. counsel for the applicant has pointed out order dated 22.06.2020. The Id. P.O. submits that he has received parawise reply and he will file reply as soon as possible. However, the Id. P.O. has been clarified that in his reply he should take care of para nos. 2 and 3 of order dated 22.06.2020 and clarify about those observations too.

3. **S.O. 27.07.2020.**

Vice Chairman

Date:-16/07/2020.

aps.

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/07/ 2020.

Heard Shri M.M.Sudame, 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 has relied on G.R. dated 09.07.2020, P.B., Pg. No. 20. In the said G.R. in decision 1 (ii) following observation has been made:-

(ii) fuyfcr 'kkI dh; I dcll; k T; k idj.lh 3 efgU; kpk dkyko/lhr foHkxh; pksl'kh l q d: u nskjki i = ctlo.; kr vkysulgh] v'kk idj.lh ek- l okp U; k; ky; kps vlnsk i lgrk] fuyeu l ekir dj.; k'kok; vU; i; k; jkgr ulgh- R; keGs fuyfcr 'kkI dh; I dcll; kcr foHkxh; pksl'kph dk; bgh l q d: u nskjki i = ctlo.; kph dk; bk; h fuy:uki kl u 90 fnol l; k vkr dKvdj i .lscdyh t kby ; kph n{krk@ [kcjnkjh ?ls; kr ; koh-

3. However, the Id. P.O. has filed reply of respondents and along with the reply he has attached minutes of meeting of review committee meeting dated 26.06.2020 chaired by A.D.G. of A.C.B., Mumbai and in the said meeting applicant was appeared at Sr. No. 03. In the last column committee has recommended about G.R. dated 09.07.2019 and D.E. also and asked the department to place the matter to review committee after serving the chargesheet.

4. The Id. counsel for the applicant has also placed on record chargesheet served to the applicant

and acknowledgement is attached at Annexure-R-V, P.B., Pg. No. 85, dated 10.07.2020. Since chargesheet has been served, Respondents are directed to place the matter before review committee as per their previous recommendation and place action taken report before next date of hearing. Respondents are also directed to follow the recommendation of review committee meeting dated 26.06.2020. Respondents are further directed to follow the guidelines of Hon'ble Apex Court while completing D.E. **within six months or maximum in one year.**

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

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

7. **S.O. last week of August, 2020.**

Vice Chairman

Date:-16/07/2020.
aps.

O.A.No.289/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

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

2. The Id. P.O. has filed reply of respondent no. 2 i.e. S.P., Akola. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant wants to go through the reply. In view of this, O.A. is **admitted** and kept for final hearing.

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

5. **S.O. 30.07.2020.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.No.293/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

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

2. At the request of Id. P.O., **S.O. 20.08.2020.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.No.308/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/07/ 2020.

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

2. The Id. counsel for the applicant has invited my attention on Annexure-A-3, P.B., Pg. No. 22 when suspension order was passed on 10.02.2020 and it was given effect from 02.01.2020. The Id. counsel for the applicant has relied on G.O.M., G.A.D., G.R. dated 09.07.2020 (Annexure-A-4, P.B., Pg. No. 24) in the said G.R. in decision 1 (ii) following observation has been made:-

(ii) fuyfcr 'kk dh; l dclh; k T; k idj. kh 3 efgll; kpk dkyko/khr foHkxh; pkcl' kh l q d: u nskjki i = ctko.; kr vkyukgh] v'kk idj. kh ek- l okp U; k; ky; kps vlnsk i kgrk] fuyæu l ekir dj.; k'kok; vU; i; k; jkgr ukgh- R; keGs fuyfcr 'kk dh; l dclh;cr foHkxh; pkcl' khph dk; bkg h l q d: u nskjki i = ctko.; kph dk; bk; h fuyæuki kl u 90 fnoI h; k vkr dklvdki i .ksdyh t kbÿ ; kph n{krle [kcjnkjh ?s; kr ; koh-

3. The Id. counsel for the applicant has mentioned this fact in para no. VII (P.B., Pg. Nos. 8 & 9) of the O.A., which is given below:-

"It is further submitted that order of suspension states that it has been given effect from the date of which the applicant was arrested on 02nd of January, 2020 from 02nd of January, 2020 till date more than 06 months of period has been lapsed, as on date there is no

departmental enquiry initiated against the applicant. Apart from this fact there is no charge sheet is filed in the Criminal case before the competent court of law, under such circumstances continuation of suspension is unwarranted and therefore order of suspension dated 10.02.2020 needs to be quashed and set aside."

4. Even if days are calculated from the date of issue of suspension order i.e. 10.02.2020 as per G.R. of 09.07.2019, 90 days will get over by 10.05.2020 only. Hence applicant's case is squarely covered by provisions of G.R. and following Judgments of Hon'ble Apex Court, which are reproduced below:-

(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. 23 had observed as follows:-

*23. 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.

5. The legal position is well settled. So, order of suspension dated 10.02.2020 (Annexure-A-3, P.B., Pg. No. 22) requires to be quashed in the interest of Justice and parity. Hence, the following orders:-

ORDER

- A. Suspension order dated 10.02.2020 (Annexure-A-3, P.B., Pg. No. 22) is illegal and bad in law.
- B. In view of Justice and equity, the impugned order dated 10.02.2020 is quashed and set aside and respondents are directed to give suitable posting to the applicant as per observation in above para no. ii (23) of Hon'ble Apex Court Judgement.
- C. The order be complied **within four weeks** from the date of this order.
- D. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-16/07/2020.
aps.

O.A.No.312/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

Heard Shri S.A.Sahu, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The only grievance of the applicant is that his salary has not been paid since Oct., 2019 and his main grievance is that his salary should be paid from Oct., 2019.

3. The respondent nos. 3 & 4 are directed to pay salary of the applicant since Oct., 2019 **within Six Weeks** from the date of this order as per existing Rules and Regulations.

4. With this direction, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.Nos.976,977&1054/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/07/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant has relied on Judgment of this bench in O.A. No. 134/2018 in which on P.B., Pg. No. 19 para no. 6 and 7 following observations have been made:-

"6. In the case on hand, the petitioner got retired on 30.6.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 1.7.2013, but he had been superannuated on 30.6.2013 itself. The judgment referred to by the petitioner in ***State of Tamil Nadu, rep. by its Secretary to Government, Finance Department and others vs. M. Balasubramaniam, reported in CDJ 2012 MHC 6525***, was passed under similar circumstances on 20.9.2012, wherein this Court confirmed the order passed in W.P. No. 8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 1.4.2002 to 31.3.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.6.2013, but the increment fell due on 1.7.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.3.2017 is quashed. The petitioner shall be given one notional increment for the period from 1.7.2012 to 30.6.2013, as he has completed one full year of service, though his increment fell on 1.7.2013, for the purpose of pensionary benefits and not for any other purpose. No costs."

3. Similarly, in S.L.P. of Hon'ble Supreme Court has also mentioned that applicant's case is squarely covered by these Judgments.

4. In view of this situation, applicant must be given relief. However, the Id. P.O. desires two weeks time to file reply.

5. **S.O. two weeks.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.Nos.78,103,104,105&106/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/07/ 2020.

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

2. As pointed out by Id. counsel for the applicant, grievances of the applicants are similar and redressed and he has filed pursis in this regard dated 09.07.2020.

3. Hence, **O.A. is disposed of as withdrawal.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.No.220/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

None for the applicant. Shri M.I.Khan, the Id.
P.O. for the Respondents.

2. Matter is **admitted** and kept for final
hearing.

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

4. **S.O. last week of August, 2020.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.No.321/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

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

2. At the request of Id. counsel for the applicant, **S.O. 27.07.2020.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.Nos.325,326&327/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

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

2. In pursuant to the Division Bench order of this Tribunal in O.A. Nos. 203, 204 & 205/2014 dated 28.01.2019, applicants were appointed vide order dated 11.09.2019 by Residential Collector, Gondia. However, the Id. counsel for the applicant submits that since G.R. was issued on 26.10.1996. So, applicant should be paid the difference of salary from 22.10.1996 to 11.09.2019.

3. Issue notice to Respondents, returnable on last week of August, 2020. Learned 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. last week of August, 2020.**

Vice Chairman

Date:-16/07/2020.

aps.

Rev.19/17 in O.A.710/14 with O.A.13/20 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/07/ 2020.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant has requested for a week time, **S.O. 23.07.2020.**

Vice Chairman

Date:-16/07/2020.
aps.

O.A.No.605/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/07/ 2020.

Heard Shri S.U.Bhuyar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The applicant approached earlier to the Labour Court in U.L.P. No. 156/1990 and as per the Labour Court Judgment on P.B., Pg. No. 68 para no. 3 following order has been made:-

"The respondents are directed to continue the complainant with continuity of service but without back wages."

3. Subsequently, as pointed out by Id. P.O., the respondents have regularize the applicant vide order no. 359 dated 20.01.2012 (Annexure-R-7, P.B., Pg. No. 87) The Id. P.O. pointed out in para no. 11 of reply at P.B., Pg. No. 58 and in para no. 11 respondents have clarified each and every thing.

4. In this situation, the relief claimed by the applicant is not supported by any Judicial order before the regular appointment on the establishment vide order dated 20.01.2012.

5. The Id. counsel for the applicant has filed various Judgments of Hon'ble Supreme Court.

6. **Matter is closed for orders.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A.Nos.339&899/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant desires to place on record certain Judgment of this bench on 27.07.2020. The Id. counsel for the applicant is directed to supply the copy of this Judgments on which he is relying to the Id. P.O..

3. Matter be treated as P.H.

4. S.O. 27.07.2020.

Vice Chairman

Date:-16/07/2020.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :16/07/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the State and Shri H.D.Marathe, the Id. counsel for the respondent no. 2.

2. The Id. P.O. submitted that the grievances of the applicant in this O.A. has been redressed. The Id. counsel for the applicant submits that some of the grievances of the applicant are still pending and he intend to make a special representation to Respondent no. 2. The respondent no. 2 is directed to decide the representation of the applicant **within six weeks** from the date of receipt of his representation.

3. With this directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-16/07/2020.

aps.

O.A. No. 650 of 2019 (DB) –

(Tejrao S/o Baban Umale Vs. State of Maharashtra & Ors.)

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

Dated :- 16/07/2020.

ORDER

Per : Anand Karanjkar : Member (J).

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

2. It is undisputed that charge sheet was served on the applicant on 6/5/2017 and that inquiry is not concluded till today. The applicant stood retired from service on superannuation on 30/06/2018. In this O.A. the applicant is challenging the charge sheet and inquiry. When the matter came before the Bench on 13/09/2019, the learned P.O. requested for time to seek instructions for filing reply. The learned P.O. was directed to take necessary instructions from the Divisional Commissioner. Thereafter, the matter was again came on board on 26/09/2019. After hearing the learned counsel for the

applicant, direction was given to the respondents to file affidavit-in-reply or to clarify with cogent reasons what were the difficulties for not completing the inquiry though it was violation of the direction given in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi and another reported in (2015) 16 Supreme Court Cases 415**. Again the matter came for hearing before the Bench on 16/10/2019. On that date also no progress was shown by the learned P.O. and no reply was filed by the respondents, consequently, the following order was passed on 16/10/2019 –

“4. However, it is pointed out that the charge sheet was served on 6/5/2017 (Annex-A-1,P-17) on the applicant and even after lapsed of more than two years period nothing has been done which is totally against the order of Hon’ble Apex Court, where clear direction has been given to complete the departmental enquiry within six months period or in any case maximum time limit is given to the extent of one year for completing the enquiry. In this case the respondents have not followed the direction of Hon’ble Apex Court and they are not filing reply also before this Tribunal even after earlier order dated 26/9/2019.

5. In view of this, the respondents are directed to complete the enquiry within three months from the date of this order or else the departmental enquiry will become infructuous and no action will be taken against the applicant according to this departmental enquiry”.

3. Now position is that the specific time of three months was given to the respondents to complete the inquiry. When the matter came up on board today, the learned P.O. produced letter dated 14/07/2020

received from the Divisional Joint Registrar, Co-operative Societies, Amravati and the Divisional Joint Registrar gave information to the CPO that the Inquiry Officer was preparing the report. In these circumstances, it is submitted by the learned P.O. that time be given to complete the inquiry. Here we would like to point out that direction given to the respondents on 16/10/2019 was specific and the respondents were directed to complete the inquiry within a period of three months and that period is already expired. Under these circumstances, in our opinion as per the order dated 16/10/2019 after completion of period of three months, the respondents have lost their right to proceed with the inquiry.

4. In view of this discussion, the O.A. stands allowed in terms of prayer clause no. 8 (2). No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 16/07/2020.

*dnk....