

O.A. 193/2019 (D.B.)

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

Dated : 18/06/2020.

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

2. The Id. P.O. submitted that the reply is filed on behalf of respondent nos.2&4 and it is sufficient for deciding the O.A. Hence, the matter is admitted and it be kept for final hearing.

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

S.O. 06/07/2020.

Member (J)

Vice-Chairman

dnk.

Rev. A. 10/2020 in O.A. 769/2018 (D.B.)

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

Dated : 18/06/2020.

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

2. The learned counsel for the applicant has filed the Judgment in Writ Petition No.6808/2015 decided on 5/6/2018 and copy of Maharashtra Act No.VIII of 2004.

3. The Id. P.O. submitted that he would argue the mater on coming Thursday.

4. At the request of Id. P.O., **S.O.**
25/06/2020.

Member (J)

Vice-Chairman

dnk.

C.P. 13/2020 in O.A. 181/2019 (D.B.)

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

Dated : 18/06/2020.

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

.2. The Id. P.O. files reply on behalf of R-3. It is taken on record and copy is served on the applicant.

3. The learned counsel for the applicant submitted that the matter may be taken on board on coming Thursday. At his request, **S.O. 25/06/2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 263/2020 (D.B.)

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

Dated : 18/06/2020.

Shri R.V. Shiralkar, 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. four weeks** for filing reply on behalf of the respondents.

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 : 18/06/2020.

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

2. Today, the learned CPO appeared in these matters and submitted that the respondents have to file their reply. No doubt, specific direction was given to the respondents on 26/5/2020 as the order was passed to issue notices to the respondents for final hearing. Thereafter on 11/6/2020 the matter was again adjourned. It seems that the respondents were aware that it was necessary for them to file their reply immediately in the matter, but it was not done. However, in the interest of justice, one more opportunity is given to the respondents to file their reply. The matter would be heard positively on coming Thursday.

S.O. 25/6/2020.

Member (J)

Vice-Chairman

dnk.

Rev. A. 11/2020 in O.A. 821/2019 (D.B.)

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

Dated : 18/06/2020.

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

The Id. P.O. files reply on behalf of
R-1&2. It is taken on record.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 400/2018 (D.B.)

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

Dated : 18/06/2020.

Shri D.N. Mathur, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
22/06/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 288/2020 (D.B.)

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

Dated : 18/06/2020.

Heard Shri V.D. Awchat, Id. counsel holding for Mrs. P. Rane, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant was appointed in service w.e.f. 12/10/1993 on the post reserved for S.T. category. The Government of Maharashtra issued G.R. dated 21/12/2019 and in pursuance of that G.R., order impugned dated 28/12/2019 is passed by the Divisional Joint Registrar, Co-Operative Societies, Nagpur thereby giving appointment to the applicant on supernumerary post for 11 months. In similar matters, the impugned orders are stayed by this Bench, therefore, on the ground of parity the impugned order dated 28/12/2019 be stayed till filing of the reply.

3. Issue notice to the respondents returnable **after four weeks**. Learned C.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. 292/2020 (D.B.)

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

Dated : 18/06/2020.

Heard Shri V.D. Awchat, Id. counsel for the applicant and Shri A.P. Potnis, Id. PO for the State.

2. We have perused the communication dated 5/3/2020, Annex-A-1 by which the applicant was informed that he was not qualified as a Sportsman in Open Category. The reason is given by the respondents, it is in Annex-A-10. It is mentioned that the verification report was issued by the Competent Authority on 12/8/2015, it should have been before 15/7/2017 and therefore the applicant was disqualified though otherwise he was eligible for the appointment. In view of this, we direct to issue notices to the respondents returnable after four weeks and we further direct that if in the meantime any appointment orders are issued to the candidates in open sport category, then it would be subject to the final outcome of this O.A.

3. Issue notices to the respondents returnable **after four weeks**. Learned 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. Nos. 959/2019 & 11/2020 (D.B.)

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

Dated : 18/06/2020.

Heard Shri S.P. Palshikar, Id. counsel for the applicants, Shri H.K. Pande, Id. P.O. for R-1 and Smt. Alkari, learned counsel for R-2.

2. The Id. P.O. files return on behalf of R-1. It is taken on record.

3. The learned counsel for respondent no.2 submitted that during the course of day she would file the copies of the charge sheet which were served on co-delinquent for exonerating. We have heard the submissions on behalf of the applicants, the respondent no.1 and the respondent no.2. The Id. P.O. submitted that he would file the citations on Monday.

S.O. 22/6/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 157/2019 (D.B.)

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

Dated : 18/06/2020.

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

2. The learned P.O. submitted that the inquiry record is received. It is further contended that departmental appeal and review application are preferred by the applicant and both are pending before the Competent Authority. The learned counsel for the applicant submitted that he would make submission on this point on the next date. The matter would be kept on board on 29/6/2020. Liberty is given to the applicant to examine the record of the inquiry.

S.O. 29/6/2020.

Member (J)

Vice-Chairman

dnk.

(D.B.)

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

Dated : 18/06/2020.

**O.A.Nos.257/18, O.A.949/17 with C.A. 38/18,
O.A. 950/17 with C.A. 39/18, O.A.913/18 and
O.A. 914/2018 -**

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. appearing on behalf of the respondents submitted that the concerned Officer of the Department is intending to file detailed affidavit to show how appointments of the respective applicants on daily wages were illegal.

S.O. two weeks (PH).

Steno copy be granted to the P.O...

Member (J)

Vice-Chairman

dnk.

O.A. No.215/2020 (SB)

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

Dated : 18.06.2020

MCA No.23/2020 in O.A.215/2020 -

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

2. It is submitted that this Court decided O.A.215/2020 on 7/4/2020 and at that time direction was given to consider the representations of the applicant dated 30/7/2019 and 17/2/2020 at the time of annual general transfers of the year 2020. It is contended that now Government has formed a policy not to transfer the employees in view of the Covid,19. It is grievance of the applicant that the impugned transfer order was quashed by the M.A.T., Principal Bench, Mumbai, but in view of that order he resumed duty at Nandura under protest and he will have to work there till the general transfers. It is submitted that the applicant would not entitle to place his representation.

3. In view of this, the order dated 7/4/2020 is modified. It is further directed that the respondents shall consider the representations

of the applicant dated 30/7/2019 and 17/2/2020 within a period of three months.

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

Member (J)

dnk.

O.A. No.83/2019 **(SB)**

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

Dated : 18.06.2020

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

2. The Id. P.O. submitted that the applicant retired at Gondia and it is responsibility of the Gondia office to prepare the pension case of the applicant. On perusal of the O.A., it seems that the office at Gondia is not joined as respondent. The applicant is directed to remove this defect.

S.O. 29/6/2020 (PH).

Member (J)

dnk.

O.A. No.306/2020 (SB)

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

Dated : 18.06.2020

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

2. The learned counsel for the applicant has submitted that the applicant has received the relieving order, but she is on medical leave. The learned counsel further submitted that the applicant has made representation to the Government, it is dated 28/5/2020 (Annex-A-8). It is further submitted that the impugned transfer order issued by the Collector is contradictory to the G.R. dated 4/5/2020 as there was no extraordinary reason for transferring the applicant at the fag end of her service. After hearing the learned counsel for the applicant, it transpires that the remaining service span of the applicant till only 11 months and therefore the transfer order should have been passed considering these circumstances, but it is not done.

3. Under these circumstances, the respondents are directed to decide the representation of the applicant dated 28/5/2020 within 30 days from the date of this order.

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

Member (J)

dnk.

O.A.No.867/18 with C.A. 177/19 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :18/06/ 2020.

Heard Shri M.M.Sudame, 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 has filed pursis dated 16.06.2020 and he desires to withdraw the O.A.. In view of this, the Id. counsel for the applicant is permitted to withdraw the O.A..

3. Hence, **O.A. along with C.A. are disposed of as withdrawn with no order as to costs.**

Vice Chairman

Date:-18/06/2020.

aps.

O.A.Nos.218,219&87/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :18/06/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. The Id. P.O. further submits that reply of respondent no. 3 is sufficient to decide the matter.

3. Hence, 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:-18/06/2020.

aps.

O.A.Nos.222,223&224/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :18/06/ 2020.

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

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

Vice Chairman

Date:-18/06/2020.

aps.

O.A.No.57/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :18/06/ 2020.

C.A.No.157/2020:-

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

2. The Id. P.O. desires time to file reply. The Id. counsel for the applicant has relied upon order in O.A. No. 206/2019 in C.A. 149/2020 dated 04.05.2020. In para no. 3 following observation has been made which is below:-

“However, considering the lockdown situation in the country, the same direction is continued till outcome of the O.A.”

3. As pointed out by Id. P.O., if applicants are working as on today, they should be continued till lockdown period is over and normal functioning of court will start.

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

Vice Chairman

Date:-18/06/2020.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/06/ 2020.

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. The Id. counsel for the applicant has pointed out order dated 06.03.2020 issued by respondent no. 2 in which it has been mentioned that after reinstatement of the applicant, the period of suspension from 22.11.2019 till 06.03.2020 should be treated as such. The Id. counsel for the applicant has objection to this part of the order.

3. Issue notice to R-2, 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:-18/06/2020.

aps.

O.A.No.291/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/06/ 2020.

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

2. The Id. counsel for the applicant has pointed out impugned order dated 24.01.2020 (Annexure-A-1, P.B., Pg. No. 9) and submits that though applicant has refused promotion from Junior Clerk to Senior Clerk but still he is entitle for Annual Progressive Scheme. He has relied on Principal Bench Judgment in various O.A. Nos. 03 to 41/2013 dated 17.04.2014 and in para no. 8 of the said Judgment following observation has been made:-

"8. In view of the provisions in the aforementioned G.R. and the orders of this Tribunal cited above, since the applicants have refused only temporary promotions, they cannot be denied time bound promotion. They have to be considered for grant of time bound promotion if they are otherwise suitable. Therefore, the respondents are directed to consider these cases for time bound promotion and pass suitable orders within two months from the date of this order."

3. Issue notice to R-2 to 3, 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:-18/06/2020.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/06/ 2020.

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

2. The impugned order of suspension dated 08.06.2020 has been issued to the applicant and aggrieved with this order applicant has approached to this Tribunal.

3. Issue notice to R-2 to 4, returnable on four weeks. 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 on 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:-18/06/2020.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :18/06/ 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 filed Judgment of MAT, Aurangabad Bench in O.A. No. 617/2014 and MAT, Nagpur Bench in O.A. Nos. 900 & 901/2017. It is taken on record. Copies are served to the other side. The Id. counsel for the applicant desires to go through it.

3. **S.O. two weeks.**

Vice Chairman

Date:-18/06/2020.

aps.

O.A.71/17 with C.A.41/17(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :18/06/ 2020.

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

2. The Id. P.O. is directed to file the document before next date of hearing and supply the same to the other side.

3. As requested by Id. P.O., **S.O. 25.06.2020.**

Vice Chairman

Date:-18/06/2020.

aps.