

O.A. No.735/2018 **(SB)**

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

Dated : 22.06.2020

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

At the request of Id. counsel for the
applicant, **S.O. 29/06/2020**.

Member (J)

dnk.

O.A. No.866/2019 (SB)

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

Dated : 22.06.2020

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

2. The only grievance is that the impugned transfer is illegal for the reason that due to this transfer the applicant wife is transferred from Bhandara to Gondia. It is difficult to accept this submission of the applicant for the reason that G.R. dated 9/4/2018 is directory in nature as only intention of this G.R. is as for as practicable the husband and wife should not be posted at the different stations. The learned counsel for the applicant submitted that the applicant has made the representation on 29/06/2019 and it is pending and there are posts vacant in Bhandara district to accommodate the applicant.

3. In view of this, the respondents are directed to decide the representation of the applicant. The applicant is permitted to make detailed representation to her higher authority for consideration. The respondents shall decide the representation within a period of two months 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.310/2020 **(SB)**

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

Dated : 22.06.2020

Heard Shri P.K. Mishra, learned counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant is serving on the establishment of the Maharashtra State Warehousing Corporation, therefore, the applicant to satisfy how the provisions of the Administrative Tribunals Act,1985 are applicable.

S.O. 25/06/2020.

Member (J)

dnk.

O.A.No.93/2020 (D.B.)

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

Dated :22/06/ 2020.

Heard Shri C.V.Jagdale, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Member(J)
Date:-22/06/2020.
aps.

Vice Chairman

O.A.No.264/2020 (D.B.)

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

Dated :22/06/ 2020.

None for the applicant. Shri H.K.Pande, the
Id. P.O. for the respondents.

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

Member(J)
Date:-22/06/2020.
aps.

Vice Chairman

O.A.No.685/2010 (D.B.)

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

Dated :22/06/ 2020.

C.P.No.47/2019:-

Heard Shri S.Khandekar holding for Shri A.Deshpande, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. submitted that he has not received any instructions from the respondents regarding compliance of the order passed in O.A. No. 685/2010 which is confirmed by the Hon'ble High Court in W.P. No. 8560/2019.

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

Member(J)
Date:-22/06/2020.
aps.

Vice Chairman

O.A.No.307/2020 (D.B.)

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

Dated :22/06/ 2020.

Heard Shri R.Joshi, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. It is submitted that after filing this original application; it is learnt that the respondent nos. 4, 5 and 6 are appointed and the applicant is intending to challenge there appointment order, therefore, permission be granted to amend the original application. Original application be amended within two weeks.

3. Issue notice to respondents after affecting amendment, returnable on three 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. three weeks.**

Member(J)
Date:-22/06/2020.
aps.

Vice Chairman

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

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

Dated :22/06/ 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. The Id. P.O. has filed letter dated 09.01.2019 written by Dean, Government Medical College and Hospital, Solapur. Similarly, order dated 28.01.2020 is filed. The Id. counsel for the applicant is submitted that he is intending to seek instructions from his client regarding the same.

3. **S.O. 06.07.2020.**

Member(J)
Date:-22/06/2020.
aps.

Vice Chairman

O.A.No.400/2018 (D.B.)

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

Dated :22/06/ 2020.

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

2. **Closed for orders.**

Member(J)
Date:-22/06/2020.
aps.

Vice Chairman

O.A.Nos.959/2019&11/2020 (D.B.)

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

Dated :22/06/ 2020.

Heard Shri S.P.Palshikar, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the State and Smt. J.J.Alkari, the Id. counsel for the respondent no. 2.

2. The respondent no. 2 has filed additional affidavit in paragraph no. 15 of the affidavit, it is mentioned that opinion on the explanation submitted by Shri M.A.Amle, Shri V.R.Chaudhari and Shri V.K.Rajurkar is confidentially forwarded vide letter no. 31 dated 04.05.2020 to the higher authorities. The respondent no. 2 is directed to produce copy of the said letter dated 04.05.2020 on the next date of hearing.

3. **S.O. 25.06.2020.**

Member(J)
Date:-22/06/2020.
aps.

Vice Chairman

O.A.No.262/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :22/06/ 2020.

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

2. Objections are yet to be removed. **S.O. four
weeks.**

Vice Chairman

Date:-22/06/2020.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :22/06/ 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 that respondent no. 3 has refused to receive service and the Id. counsel for the applicant has filed affidavit to that effect on Friday that should be taken on record.

3. The Id. counsel for the applicant has pointed out order dated 08.10.2008 (Annexure-A-8, P.B., Pg. No. 26) which is under challenge. The Id. counsel for the applicant has further pointed out Annexure-A-1, P.B., Pg. No. 16 in the same letter in para no. 3, it appears that applicant was sent on leave, no documents has been produced by the respondents, that whether applicant had applied for the leave or not? The Id. counsel for the applicant further pointed out Annexure-A-4, P.B., Pg. No. 19, where in para no. 4 from top, it is mentioned that applicant was sent on leave forcibly. In M.C.S. (Discipline and Appeal Rule, 1979) there is no such provision that any employee should be sent on leave forcible.

4. In view of this, respondents are directed to clarify and produce following documents:-

A. Whether, applicant had applied for the earned leave from 05.03.2004 to 17.03.2004 (13 days)?

B. Whether, he again applied for earned leave from 01.05.2004 to 20.08.2004 (112 days) as per respondents order dated 08.12.2008 ?

5. If applicant has applied for E.Ls. as per the above dates, than same documents should be produced on record before next date of hearing.

6. The Id. P.O. submits that matter pertains to 2008. The Id. P.O. submitted that the order was passed in 2008. However, the said period was of 2004. The Id. counsel for the applicant pointed out para XIII of 10 of the O.A., where it has been mentioned that due to enquiry this may be possible.

7. The Id. counsel for the applicant has filed Government order dated 10.06.2020, it is taken on record, supplied to the other side and marked Exh. X for the purpose of identification.

8. **S.O. 16.07.2020.**

Vice Chairman

Date:-22/06/2020.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :22/06/ 2020.

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

2. The Id. counsel for the applicant has pointed out suspension order dated 10.02.2020 (Annexure-A-3, P.B., Pg. No. 22) which has been given effect from 02.01.2020 (20 hours) when applicant has arrested under A.C.B. case.

3. The Id. counsel for the applicant has submitted that his statement may be recorded to the effect that till now neither D.E. has been started or D.E. has been ordered nor any chargesheet has been submitted in Court.

4. In view of this, the Id. counsel for the applicant submitted that his case is covered by various Judgments of Hon'ble Apex Court and Government of Maharashtra G.R. dated 09.07.2019 decision as per para no. 1 (ii):-

(ii) fuyfcr 'kkl dh; l ocll; k T; k idj.kh 3 efgll; kpk dkyko/khr foHkxh; pkcl'kh l q d: u nkskjk i = ct.ko.; kr vlysulgh] v'kk idj.kh ek- l oclp U; k; ky; kps vlnsk i kgrk] fuy:u l ektr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGs fuyfcr 'kkl dh; l ocll; kcr foHkxh; pkcl'kph dk; bkg l q d: u nkskjk i = ct.ko.; kph dk; bk; h fuy:uki kl u 90 fno l k; k vkr dklVdlj i .ksdyh tkby; ; kph n{krk [kcjnkjh ?s; kr; ; koh-

5. Issue notice to R-2 & 3, returnable on 16.07.2020. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. **S.O. 16.07.2020**.

Vice Chairman

Date:-22/06/2020.

aps.

