

(D.B.)

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

**Dated : 23/07/2020.**

**O.A. St. 2045/19 with C.A. 498/19 & O.A.St.  
2509/2019 with C.A. 500/2019.**

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

2. The O.As. (St.) are admitted and it be kept for final hearing.
3. The Id. P.O. waives notice for the respondents.
4. Keeping open the question of limitation. The parties may argue on this point at the time of final hearing. In the meantime, liberty is given to the respondents to file reply.

**S.O. 10/08/2020.**

Put up along with O.A. 16/2020.

**Member (J)**

dnk.

**Vice-Chairman**

**O.A. 16/2020 (D.B.)**

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

**Dated : 23/07/2020.**

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

The learned counsel for the applicant has filed Pursis along with the documents. The same are taken on record.

**S.O. 10/08/2020.**

Put up along with O.As. St. 2045/19 & 2509/19.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 358/2020 (D.B.)

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

**Dated : 23/07/2020.**

Shri S. Borkute, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

At the request of Id. counsel for the applicant, **S.O. two weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 13/20 in O.A. 181/19 (D.B.)**

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

**Dated : 23/07/2020.**

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

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant. The Id. counsel for the applicant wants to go through the same and seeks two weeks time.

At the request of Id. counsel for the applicant, **S.O. two weeks.**

**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 : 23/07/2020.**

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant. The Id. P.O. seeks three weeks time to file reply on behalf of R-1&2. At his request, **S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 21/20 in O.A. 44/2020 (D.B.)**

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

**Dated : 23/07/2020.**

**C.A. 184/2020 -**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

The C.A. No. 184/2020 stands allowed and disposed of.

**C.P. 21/20 in O.A. 44/2020 –**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Issue Notice to the respondents returnable **on 30/07/2020** 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 Potnis, the learned P.O. waives notice for the State. Hamdast granted.

**S.O. 30/07/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 05/20 in O.A. 712/2019 (D.B.)**

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

**Dated : 23/07/2020.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the Respts.

The legal notice is dispensed with.

**S.O. 30/07/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 216/2020 with C.A. 107/2020 (D.B.)**

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

**Dated : 23/07/2020.**

**C.A. 180/2020 -**

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

For the reasons stated in the application, the C.A. No. 180/2020 is allowed. The O.A. be amended within two weeks and amended copies be supplied to the other side.

**O.A. 216/2020 with C.A. 107/2020 –**

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

**Member (J)**

**Vice-Chairman**

dnk.



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

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

**Dated : 23/07/2020.**

Heard the applicant in person and Shri S.A. Sainis, Id. P.O. for the respondents.

The respondents have filed reply and also supplied to the other side.

The matter is admitted and it be kept for final hearing.

The Id. P.O. waives notice for the respondents.

**S.O. 17/08/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 363/2020 (D.B.)**

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

**Dated : 23/07/2020.**

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

2. The applicant is in service since long. He was promoted and all of a sudden the respondents have issued impugned order dated 31/12/2019 and brought the applicant on supernumerary post for a period of 11 months. It is submitted that the impugned order is bad in law and it is passed without giving opportunity of hearing. In view of these facts, the impugned order is stayed till filing of the reply by the respondents.

3. Issue notice to the respondents, returnable **after four weeks**. Learned C.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. 364/2020 (D.B.)**

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

**Dated : 23/07/2020.**

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

2. The applicant is in service since long. He was promoted and all of a sudden the respondents have issued impugned order dated 11/03/2020 and brought the applicant on supernumerary post for a period of 11 months. It is submitted that the impugned order is bad in law and it is passed without giving opportunity of hearing. In view of these facts , the impugned order is stayed till filing of the reply by the respondents.

3. Issue notice to the respondents, returnable **after four weeks**. Learned C.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. 365/2020 (D.B.)**

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

**Dated : 23/07/2020.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. PO for the State.

2. It is submitted that the applicant was senior to the respondent nos.3&5 in the cadre of Accountant. The applicant never superseded that when she was promoted as Chief Accountant. It is grievance of the applicant that disregarding her seniority, the respondents have published a list and approved the names of the respondent nos. 3&5 to be promoted on the post of Superintendent though they were junior to the applicant.

3. In view of this, we direct the respondent nos.1&2 to maintain status-quo so far as the respondent nos.3&5 are concerned. In the meantime, the respondent nos.1&2 to file their reply. The respondent nos.1&2 are also directed to place on record DPC proceeding.

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

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

6. 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.

7. 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.

8. 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.

9. 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 to the P.O...

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 487/2018 (D.B.)

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

**Dated : 23/07/2020.**

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

The learned P.O. has filed some  
citations. Same are taken on record.

**Closed for orders.**

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 366/2020 (D.B.)**

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

**Dated : 23/07/2020.**

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

2. Issue notice to the respondents returnable on **30/07/2020**. 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. The applicant is permitted to serve notices on necessary respondents by e-mail and Whats App.

**S.O. 30/07/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 172/2020 (D.B.)**

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

**Dated : 23/07/2020.**

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri V.A. Kulkarni, 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)**

**Vice-Chairman**

dnk.

**C.P. 12/2020 in O.A. 873/2017 (D.B.)**

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

**Dated : 23/07/2020.**

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The learned counsel for the applicant is directed to file copy of order passed in O.A. 699/2012 dated 06/11/2018.

3. 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.

4. Shri A. P. Potnis, the learned P.O. waives notice for State. Hamdast granted.

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 113/2015 (D.B.)

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

**Dated : 23/07/2020.**

None for the applicants. Shri H.K. Pande, Id. P.O. for R-1 to 3, Shri S.N. Gaikwad, Id. counsel for R-5 to 7 and none for other respondents.

**S.O. four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 540/2019 (D.B.)

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

**Dated : 23/07/2020.**

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

At the request of Id. P.O., **S.O. Next week.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 810/2019 (D.B.)**

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

**Dated : 23/07/2020.**

**C.A. 190/2020**

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

For the reasons stated in the application, the C.A. for permission to withdraw the O.A. is allowed.

**O.A. 810/2019 –**

In view of the C.A. for permission to withdraw the O.A., the present O.A. stands disposed of as withdrawn. No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk.



**C.P. 15/2020 in O.A. 953/2019 (D.B.)**

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

**Dated : 23/07/2020.**

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

2. The learned P.O. has placed on record letter dated 9/7/2020 received from the Under Secretary, Revenue and Forest Department (M.S.). After reading this letter, we are not satisfied about the causes given for non compliance of the order. The respondents were directed to comply the order within 30 days from 13/2/2020. The respondents have already spent period of five months and now the respondents have given some excuses for not complying the order. In this background, we do not see any merit in the prayer to grant three months more time to comply the order. In the interest of justice, two weeks time is granted to the respondents to comply the order as a last chance, otherwise they will have to face further proceeding.

**S.O. two weeks.**

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

**Member (J)**

**Vice-Chairman**

dnk.\*\*



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

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

**Dated : 23.07.2020**

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

The Id. P.O. submitted that he would file relevant G.R. and for that purpose he seeks further time.

**S.O. 13/8/2020.**

**Member (J)**

dnk.

O.A. No.304/2019 (SB)

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

**Dated : 23.07.2020**

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

It is submitted that reply of R-8 is necessary, therefore, two weeks time is granted to file reply of R-8.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. Nos.359,360 & 361 of 2020 **(SB)**

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

**Dated : 23.07.2020**

Heard Shri P.S. Verma, learned counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to the respondents, returnable **after three 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. Applicants are 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. Applicants are 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 Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. after three weeks.**

**Member (J)**

dnk.

O.A. No.362/2020 **(SB)**

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

**Dated : 23.07.2020**

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

2. It is contention of the applicant that he has completed service of 9 years and odd months, but he has not completed 10 years service, therefore, the pensionary benefits are refused. It is submitted that the respondent no.1 is empowered to condone and grant pension to the applicant in this respect. Liberty is given to the applicant to make representation to the respondent no.1 and the respondent no.1 shall decide that representation within three months from the date of receipt of the representation.

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

**Member (J)**

dnk.

O.A. No.348/2019 (SB)

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

**Dated : 23.07.2020**

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

2. The Id. P.O. submitted that as post was not vacant at Wardha, the applicant was not permitted to join there, but he was directed to resume duty at Narkhed, but the applicant did not resume duty. The learned P.O. is directed to place on record the relevant orders.

**S.O. 30/7/2020 (PH).**

**Member (J)**

dnk.

O.A. No.372/2020 (SB)



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

**Dated : 23.07.2020**

Smt. Taksande, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The impugned order is for deputation, it is not transfer. Therefore, it is necessary to hear the respondents before granting any interim relief.

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..**

**Member (J)**

dnk.

O.A. No.44/2020 (SB)

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

**Dated : 23.07.2020**

**C.A. 185/2020 –**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

For the reasons stated in the application, the C.A. is allowed. The O.A. be amended before the next date and amended copy be supplied to the other side.

**O.A. 44/2020 –**

**S.O. two weeks.**

**Member (J)**

dnk.

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**O.A.No.198/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :23/07/ 2020.**

**C.A.No.160/2020:-**

Heard Shri R.D.Hajare holding for Shri M.M.Sudame, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The applicant was suspended vide order dated 09.03.2020 (Annexure-A-3, P.B., Pg. No. 24). The Id. counsel for the applicant has filed C.A. No. 160/2020 dated 17.06.2020 and in para no. 3 he has mentioned following facts:-

*"3. That the applicant is still under suspension and no charge sheet/ memorandum of charges has been served upon him till date. Likewise there is no criminal case filed against him and no charge sheet/ final report submitted in the court."*

3. The Id. counsel for the applicant relied on various orders of Hon'ble Apex Court which are mentioned 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.

(iv) The Government of Maharashtra has issued G.R. dated 09/07/2019 (Annexure-A-4, Pg. No. 34). The Id. Counsel for the applicant has relied on para no. (ii) of the said G.R. on Pg. No. 35.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 (Annexure-A-6, Pg. No. 47), was also on same principle. It has observed in para no. 2 that facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.

(ii) fuyfcr 'kkl dh; l oclh; k T; k idj. kh 3 efgll; kpk dkyko/khr foHkxh; pkcl' kh l q d: u nkskjsi i = ct ko.; kr vksulgh] v'kk idj. kh ek- l oclp U; k; ky; kps vlnsk i lgrk] fuyæu l ekir dj.; kf'kok; vU; i; k; jkgr ulgh- R; keGs fuyfcr 'kkl dh; l oclæcr foHkxh; pkcl' kh ph dk; bkgh l q d: u nkskjsi i = ct ko.; kph dk; bk; h fuyæuki kl u 90 fno l h; k vkr dkVclg i .lscdyh t kby ; kph n{krk@ [kcjnkjh ?s; kr ; koh-

4. The applicant's relief is squarely covers; In view of the above Hon'ble Apex Court Orders. Hence, following order:-

## ORDER

A. O.A. is allowed in terms of prayer clause 8 (b).

B. Respondents are directed to revoke the suspension order with immediate effect and issue suitable posting order to the applicant.

C. With the above directions, **C.A. along with O.A. stands disposed of** with no order as to costs.

**Vice Chairman**

**Date:-23/07/2020.**  
aps.

O.A.No.44/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**

**Dated :23/07/ 2020.**

**C.A.No.185/2020:-**

Heard Shri R.V.Shiralkar, 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 submits that the matter pertains to the other Single Bench and it is wrongly listed to this Bench.

3. So, transfer this matter to the Single Bench; Hon'ble Member (J).

**Vice Chairman**

**Date:-23/07/2020.**

aps.



**O.A.No.357/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :23/07/ 2020.**

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. Issue notice to R-2 & 3, returnable on four weeks. Learned C.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.**

**Vice Chairman**

**Date:-23/07/2020.**

aps.

**O.A.No.218/2020withC.A.No.186/2020(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**

**Dated :23/07/ 2020.**

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

2. **C.A. No. 186/2020 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week and supply the copy of the same to the Id. P.O.

3. **S.O. three weeks.**

4. *Put up this matter with O.A. No. 219/2020.*

**Vice Chairman**

**Date:-23/07/2020.**

aps.



**O.A.No.219/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :23/07/ 2020.**

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

2. **S.O. three weeks.**

3. *Put up this matter along with O.A. No. 218/2020.*

**Vice Chairman**

**Date:-23/07/2020.**  
aps.

**O.A.No.281/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :23/07/ 2020.**

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

2. Originally applicant was suspended vide order dated 27.09.2019 (Annexure-A-1, P.B., Pg. No. 16) than applicant was dismissed vide order dated 16.12.2019 (Annexure-A-2, P.B., Pg. No. 18) under clause no. 311(2)(B). The said order was quashed by Tribunal in O.A. No. 196/2020 on 17.03.2020 (Annexure-A-3, P.B., Pg. No. 20). In pursuant to the said order, applicant was reinstated in the service vide order dated 16.04.2020 (Annexure-A-4, P.B., Pg. No. 25). However, in last para of the said order applicant originally suspension order dated 27.09.2019 is continued.

3. Specific query was made during last hearing to the Id. P.O. that whether respondents have served chargesheet to the applicant between 27.09.2019 and 16.12.2019? The Id. counsel for the applicant submits that chargesheet was issued on 22.06.2020 and served on 03.07.2020.

4. The Id. counsel for the applicant relied on various Judgments of Hon'ble Apex Court which are mentioned 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.

(iv) The Government of Maharashtra has issued G.R. dated 09/07/2019 (Annexure-A-4, Pg. No. 34). The Id. Counsel for the applicant has relied on para no. (ii) of the said G.R. on Pg. No. 35.

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5. In view of the Hon'ble Apex Court orders; the applicant's suspension order dated 27.09.2019 is not sustained in the eyes of law. However, the Id. P.O. desires to file certain facts on record.

6. **S.O. 27.07.2020.**

**Vice Chairman**

**Date:-23/07/2020.**  
aps.

**O.A. No.13/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**

**Dated :23/07/ 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. S.O. 30.07.2020 for re-hearing.**

**3. Put up this matter along with Rev. No. 19/2017 in O.A. No. 710/2014.**

**Vice Chairman**

**Date:-23/07/2020.**

aps.

**Rev.No.19/2017inO.A.No.710/2014(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**

**Dated :23/07/ 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. **S.O. 30.07.2020 for re-hearing.**

3. **Put up this matter along with O.A. No. 13/2020.**

**Vice Chairman**

**Date:-23/07/2020.**

aps.