

O.A. 917/2018 (S.B.)

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

**Dated : 13/12/2019.**

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

At the request of Id. counsel for the applicant, **S.O. 8/1/2020.**

**Vice-Chairman**

dnk.

O.As. 445 & 446 of 2019 (S.B.)

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

**Dated : 13/12/2019.**

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

At the request of Id. counsel for the applicants, **S.O. 9/1/2020.**

**Vice-Chairman**

dnk.

O.A. 969/2017 (S.B.)

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

**Dated : 13/12/2019.**

Shri M.K. Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. in the 1<sup>st</sup> week of January,2020 for filing rejoinder.**

**Vice-Chairman**

dnk.

O.A. 794/2018 (S.B.)

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

**Dated : 13/12/2019.**

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

At the request of Id. counsel for the applicant, **S.O. 19/12/2019.**

**Vice-Chairman**

dnk.

O.A. 545/2019 (S.B.)

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

**Dated : 13/12/2019.**

Shri D.S. Sawarkar, 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.**  
**17/12/2019** for filing reply.

**Vice-Chairman**

dnk.

O.A. 709/2019 (S.B.)

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

**Dated : 13/12/2019.**

Shri D.S. Sawarkar, 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. After Vacation** for filing reply.

**Vice-Chairman**

dnk.

O.A. 494/2019 (S.B.)

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

**Dated : 13/12/2019.**

Ms. A. Singh, Id. counsel holding for Shri S.D.Malke, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

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

**Vice-Chairman**

dnk.

**O.A. 490/2016 (S.B.)**

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

**Dated : 13/12/2019.**

**C.A. 462/2019**

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

For the reasons stated in the application, the C.A. is allowed. The necessary amendment be carried out within one week.

**O.A. 490/2016 –**

**S.O. After Vacation.**

**Vice-Chairman**

dnk.



**O.A. 605/2018 (S.B.)**

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

**Dated : 13/12/2019.**

**C.A. 463/2019**

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

For the reasons stated in the application, the C.A. is allowed.

**O.A. 605/2018 –**

**S.O. in 2<sup>nd</sup> week of January,2020.**

**Vice-Chairman**

dnk.

**O.A. 763/2018 (S.B.)**

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

**Dated : 13/12/2019.**

Shri R.A. Haque, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. submitted that he has received parawise reply and he will file reply before the next date.

**S.O. in the 2<sup>nd</sup> week of January,2020.**

Put up along with O.A.57/2017.

**Vice-Chairman**

dnk.

O.A. 57/2017 (S.B.)

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

**Dated : 13/12/2019.**

Shri R.A. Haque, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

**S.O. in the 2<sup>nd</sup> week of January,2020.**

Put up along with O.A. 763/2018.

**Vice-Chairman**

dnk.

O.A. 486/2018 (S.B.)

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

**Dated : 13/12/2019.**

Shri R.A. Haque, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

**Heard. Admit.**

The Id. P.O. waives notice for R-1&2.

**S.O. in due course.**

**Vice-Chairman**

dnk.

**O.A. 992/2019 (S.B.)**

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

**Dated : 13/12/2019.**

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

2. Issue notice to R-2 &3 , returnable **After Vacation.** Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry

within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. After Vacation.**

**Vice-Chairman**

dnk.

O.A. 840/2018 (S.B.)

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

**Dated : 13/12/2019.**

The applicant's daughter present personally. The Id. counsel for the applicant is absent. Shri A.M. Khadatkar, Id. P.O. for the respondents.

**S.O. 2<sup>nd</sup> week of January,2020.**

**Vice-Chairman**

dnk.

**\*O.A. 725/2016 (S.B.)**

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

**Dated : 13/12/2019.**

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

2. The Id. counsel for the applicant has relied on the Judgment in O.A.Nos. 28/2018 and 938/2018 of the Principal Bench, MAT, Mumbai in which the reliance has been placed on Hon'ble Apex Court's Judgment. However, the facts and circumstances in those O.As. are different than the present O.A.

3. In view of this, the learned counsel for the applicant is directed to go through the Section 25 of the Maharashtra Police Act.

**S.O. 10/01/2020 (PH).**

**Vice-Chairman**

dnk.



O.A. 189/2019 (S.B.)

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

**Dated : 13/12/2019.**

Shri N.S. Warulkar, Id. counsel for the  
applicant and Shri M.I. Khan, Id. P.O. for R-1&2.  
None for R-3.

**S.O. 18/12/2019.**

**Vice-Chairman**

dnk.

**O.A. 985/2018 (S.B.)**

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

**Dated : 13/12/2019.**

Heard Shri A.A. Dhawas, Id. counsel for the applicant, Shri A.M. Khadaktar, Id. P.O. for R-1&2 and Shri S.N. Gaikwad, Id. counsel for R-3.

2. The learned counsel for the applicant has pointed out on Annex-A-2, Page no.14 Clause No.11 and submits that the respondent no.3 was not eligible for appointment to the post of Police Patil since he was Member of Gram Panchayat at that time. However, the learned counsel for respondent no.3 has pointed out the order dated 24/08/2018 (A-10,P-39) passed by the Sub Divisional Officer, Daryapur wherein para-3 of the order it has been mentioned that the respondent no.3 has resigned as Gram Panchyat Member on 6/7/2018 and in the same line it is also mentioned that order of Police Patil was issued on 7/7/2018. It is also seen on page no.43 that appointment letter has been issued on 7/7/2018 for the period from 7/7/2018 to 7/7/2023.

3. The learned counsel for respondent no.3 desires to file previous order of MAT on record. He is also directed to file Judgment of Hon'ble

Apex Court regarding not entertaining any objections after completion of the recruitment process if it is made by a candidate who participated in the whole process of recruitment, but after failure and completion of the process raises any objections. The learned P.O. submits that order in O.A.662/2015 is on the same issue.. The Id. P.O. is directed to file order copy on record.

**S.O. 10/01/2020 (PH)**

**Vice-Chairman**

dnk.

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**\*O.A. 129/2016 (S.B.)**

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

**Dated : 13/12/2019.**

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

2. The Id. P.O. has filed letter issued by the Tahsildar, Warshim. It is marked Exh-X. Copy is supplied to the Id. counsel for the applicant. The learned counsel for the applicant has relied upon the documents at Annex-A-3 & A-4 and also documents on page nos.16,17,18 & 19. By all these documents the learned counsel for the applicant submits that the applicant was already working in the election process and in Government recovery works in saza Parditakmor. As per these documents on page no.15, the applicant has worked at Voting Centre no.151, Bitoda Teli that is also under the saza Parditakmor (A-6,P-21). The document is placed at Annex-A-4, P-15 written by the Assistant Election Officer (14), Yavatmal, Washim Lok Sabha Constituency and on page no.34 Washim Vidhan Sabha Constituency. The learned counsel for the applicant has relied on all these documents and submits that the applicant was working in the same saza

Parditakmor and he further submits that though there is discrepancy in the condition of G.R. 5/9/2013 and condition mentioned at P.B. page no.23 by the Tahsildar, Washim, however it is clear that the applicant was working in the same saza i.e. Parditakmor in various Government works. In view of above, the learned P.O. has pointed out that as per relief clause on page no.7 (ii) the applicant desires relief for appointment for the post of Kotawal at Saza Parditakmor which is reserved for female category. In view of this reservation, this relief cannot be granted to the applicant. The learned counsel for the applicant is directed to make the necessary amendment in the relief clause today itself. The matter will be heard on the next date.

**S.O. 18/12/2019.**

**Vice-Chairman**

dnk.

**\*O.A. 744/2016 (S.B.)**

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

**Dated : 13/12/2019.**

**C.A. 465/2019 -**

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1, Shri N. Majithia, Id. counsel for R-2, Shri C.V. Khadse, Id .counsel for R-4, Ms. A. Singh, Id. counsel for R-5 and none for other respondents.

2. The learned counsel for Zilla Parishad, Amravati submits that today he has filed C.A. No. 465/2019 along with the documents which are accepted by the Zilla Parishad, Wardha. He further submits that as per the order dated 29/11/2019 the documents which were required by the Zilla Parishad, Wardha have already been supplied in 2018. However today he has filed the C.A. and along with that, he has annexed copy of letter 24/09/2018 (A-1,P-5 of CA). He has also annexed a Chart in which payments made to the applicant from 13/1/2008 to 14/6/2012. The learned counsel for the Z.P., Wardha submits that she will go through the record and file the opinion of Z.P., Wardha with the calculations. Thus the Z.P., Wardha to calculate arrears as per this statement and they

will file on record whether they have still any problem or requirement of any document from the Z.P., Amravati.

3. In view thereof, the C.A. is allowed and disposed of.

**O.A. No. 744/2016 –**

**S.O. 20/12/2019.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 278/2018 (S.B.)**

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

**Dated : 13/12/2019.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has placed a Table (Annex-A-1, P-12) wherein it seems that the applicant retired on 31/12/2013 and his GIS was paid on 3/6/2014, i.e., after five months and GPF was also paid on 21/08/2014, i.e., almost after 8 months. Even departmental enquiry was pending, the applicant's GIS and GPF payment should have been paid immediately after retirement i.e. in January,2014. The documents filed on record at Annex-A-4, P-17 to 18. The G.R. dated 5/10/2016 in para-2 it is mentioned that in enquiry report, the Inquiry Officer has come to the conclusion that charges are not proved. The Commissioner, Agriculture has also agreed with this, vide letter dated 1/12/2015 as mentioned in para-2 of the G.R. dated 5/10/2016 (A-4,P-17). The Inquiry Officer has submitted report on 3/9/2014 and it was accepted by the Commissioner vide letter dated 1/12/2015, but final order was issued by the Government of



accepting this inquiry report vide G.R. dated 5/10/2016 (A-4,P-17). Almost two years have been taken in accepting the report of Inquiry Officer in which the applicant was exonerated and it was decided to pay him all pensionary benefits as per the Rules and Regulations. Now all the payments have been made to the applicant, but since all the payments are delayed without any specific and cogent reasons, the respondents are directed to pay interest on all the delayed payments at rate of 6% p.a. from the date of duly entitled to the applicant. The learned counsel for the applicant is directed to re-calculate the Chart at Annex-A-1, page no.12 and produce it during the next date of hearing.

**S.O. 2<sup>nd</sup> week of January,2020 (PH).**

**Vice-Chairman**

dnk.

**\*Rev. A. 19/17 in O.A. 710/2014 (S.B.)**

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

**Dated : 13/12/2019.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant is seeking review of order dated 10/8/2017 in O.A.No. 710/2014. In the said order at page no.10 following order has been passed –

*“9. It is material to note that initially the show cause notice was issued to the applicant to explain as to why his one increment for one year shall not be deducted and after going through the explanation given by the applicant and the other litigating circumstances the respondent no.4 came to the conclusion that the applicant shall be fined for Rs.1000/- only and this punishment has been confirmed by the Appellate Authority, i.e., respondent no.3. I absolutely find no illegality in both the orders. Both the authorities have considered fact that even though the applicant was relived from the post from ACB, Chandrapur so as to join at*

*outpost Pittigudda on 27/11/2009, the applicant did not join there. The deliberate action on the part of applicant in not joining the post of transfer is further made clear from the fact the applicant has challenged the said order of transfer before Tribunal and when he was unsuccessful in getting that transfer order cancelled or quashed, he has opted for voluntary retirement, which clearly shows that the applicant never wanted to join at his post of transfer. 10. In my opinion the respondent no.4 has applied mind while awarding punishment to the applicant and respondent no.3 as an Appellate Authority has also considered all the facts on the record so also the points raised by the applicant in his appeal. I do not find any reason to interfere in the findings recorded by both the authorities as the same are not perverse to the facts on record. Hence, the following order :-*

### **ORDER**

*The O.A. stands dismissed with no order as to costs.”*

3. As per the order dated 22/11/2019 today the learned counsel for the applicant has filed suspension of applicant order dated 13/5/2010 and reinstatement of the applicant order dated 13/7/2011. He has also relied on the letter dated 24/10/2007 issued by the Additional DGP (Administration) in which last line of para first the

observations recording suspension have been mentioned.

4. The learned P.O. pointed out that previous O.A.No. 710/2014 was filed only punishment for fine Rs.1000/-. Now in review application of the same order, the learned counsel for the applicant cannot mix up issue of suspension period for relief the applicant for suspension period as well as fine of Rs.1000/-. As suggested by the learned P.O., the learned counsel for the applicant is advised to file separate O.A. with both grievances of the applicant (i) Regarding the suspension period from 13/5/2010 to 17/7/2011 to be decided as per the Additional DGP (Administration) letter dated 24/10/2007 and (ii) Fine to the applicant of Rs.1000/-. This O.A. is kept pending. After filing separate O.A. by the Id. counsel for the applicant, this O.A. also be kept along with that O.A.

5. As agreed by the learned counsel for the applicant, the matter be kept on 13/01/2020. The learned counsel for the applicant is directed to

give advance copy of the O.A. to the Id. P.O. so that matter can be disposed of at the earliest.

**S.O. 13/01/2020.**

**Vice-Chairman**

dnk.....

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O.A. 526/2018 (D.B.)

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

**Dated : 13/12/2019.**

Shri Bhushan Dafle, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&3 and Shri B.J. Lonare, Id. counsel for R-2.

At the request of Id. counsel for R-2, **S.O.**  
**in 2<sup>nd</sup> week of January,2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 601/2018 (D.B.)

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

**Dated : 13/12/2019.**

Shri S.N. Gaikwad, Id. counsel holding  
for Shri T.U. Tathod, Id .counsel for the applicant  
and shri S.A. Sainis, Id .P.O. for the  
respondents.

At the request of Id. counsel for the  
applicant, **S.O. After Vacation.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 833/2018 (D.B.)

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

**Dated :** 13/12/2019.

Ms. R. Pande, Id. counsel for the applicant and shri S.A. Sainis, Id .P.O. for R-1 to 3. None for R-4.

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 40/2019 (D.B.)**

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

**Dated : 13/12/2019.**

**C.A. 408/2019 -**

Heard Shri S.A. Marathe, Id .counsel for the applicant, Shri H.K. Pande, Id .P.O. for R-1&2 and Shri S.Pande, Id .counsel holding for Shri N.D. Thombre, Id .counsel for R-3.

For the reasons stated in the application, C.A.No.408/2019 is allowed.

**O.A. 40/2019 –**

The matter be kept for hearing on **14/01/2020.**

**Member (J)**

dnk.

**Vice-Chairman**

O.A. 926/2019 (D.B.)

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

**Dated :** 13/12/2019.

**C.A. 458/2019 -**

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

At the request of Id. P.O., **S.O. one week**  
to file reply on the C.A.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 944/2019 (D.B.)

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

**Dated :** 13/12/2019.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkar, 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. 212/2019 (D.B.)

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

**Dated : 13/12/2019.**

Shri S.N. Gaikwad, Id. counsel for the applicant and shri A.M. Khadatkar, Id .P.O. for the respondents.

The Id. counsel for the applicant submitted that the respondent nos. 2&3 are served.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 637/2019 (D.B.)

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

**Dated : 13/12/2019.**

Shri N.S. Warulkar, 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. four weeks** for filing reply.

**Member (J)**

**Vice-Chairman**

dnk.

**Rev. St. 2217/19 in O.A. 35/2015 (D.B.)**

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

**Dated : 13/12/2019.**

**C.A. 398/2019 in Rev. St. 2217/19 in O.A.  
35/2015**

Shri G.G. Bade, Id. counsel for the applicant and shri V.A.Kulkarni, Id. P.O. for the R-1.

The Id .P.O. submitted that he is intending to file reply to the application for condonation of delay. At his request, **S.O. After Vacation.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 709/2018 (D.B.)**

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

**Dated : 13/12/2019.**

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

2. The Id. P.O. submitted that the proposal is already forwarded to the A.G. (M.S.), Mumbai on 4/12/2019 along with the pension case of the applicant and four weeks' time is required for compliance. The Id. P.O. has produced copy of the proposal forwarded by the Education Officer (Primary), Z.P., Sindhudurg to A.G., Mumbai.

3. In view of this, the mater be taken up on board **after four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 35/19 in O.A. 859/2019 (D.B.)**

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

**Dated : 13/12/2019.**

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

2. It is submitted that the Writ Petition is filed and it was on board before the Hon'ble High Court yesterday and it will be listed in next week. As there is likelihood coming this matter before the Hon'ble High Court in the next week, therefore, this matter be taken up on board in next Friday.

**S.O. 20/12/2019.**

**Member (J)**

**Vice-Chairman**

dnk.



**C.P. 52/18 in O.A. 206/2017 (D.B.)**

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

**Dated : 13/12/2019.**

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

2. The learned P.O. has placed on record order dated 3/12/2019 passed by the Dy. Conservator of Forests, Akola Forest Division, Akola. In this letter, it is mentioned that as the applicant was regularised in service w.e.f. 1/6/2012, consequently as per the decision of the government the applicant is not entitled for the pension scheme which was in force before 2005. It is mentioned in the order that the contributory pension scheme is applicable to the applicant and accordingly the amount Rs. 1,97,534/- was already deposited in MAT, Nagpur. There is no dispute about the fact that this amount is withdrawn by the applicant. The learned P.O. now submitted that the interest amount Rs.21,491/- is deposited. The liberty is given to the applicant to withdraw this amount. The liberty is given to the applicant to challenge the decision of the Department not to consider

his service prior to 1/6/2012 for granting him benefit of the old pension scheme.

3. With these observations, the Contempt Petition is disposed of. No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 43/2019 in O.A. O.A. 600/2019 (D.B.)**

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

**Dated : 13/12/2019.**

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

2. The Id. P.O. has produced the letter dated 13/12/2019 received from the Section Officer, Public Health Department, Mumbai. In this letter, it is mentioned that the matter is to be forwarded to the Finance Department for concurrence to treat period from 11/9/2018 to 21/2/2019 as duty period and for deleting the same fact in the previous order. The respondents to comply the same within three weeks.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 993/2019 (D.B.)

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

**Dated : 13/12/2019.**

Heard Shri A.R. Ingole, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The applicant is directed to file copy of the application submitted by him as per the advertisement.

3. Issue notice to R-2, returnable **after 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 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. 994/2019 (D.B.)

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

**Dated : 13/12/2019.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The Id. counsel for the applicant is directed to remove the office objection.
3. Issue notice to R-2 to 4, returnable **after 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 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. 150/2018 (D.B.)

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

**Dated : 13/12/2019.**

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

**S.O. 13/01/2020.**

**Member (J)**

dnk.

**Vice-Chairman**



**O.As. 537,538,539 & 540 of 2015 (D.B.)**

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

**Dated : 13/12/2019.**

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

**S.O. 14/1/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 910/2018 (D.B.)

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

**Dated : 13/12/2019.**

Shri R.V. Shiralkar, Id .counsel holding  
for shri S.W. Sambre, Id .counsel for the  
applicants and shri A.M. Khadatkar ,Id. P.O. for  
the respondents.

At the request of Id .counsel for the  
applicants, **S. O. After Vacation.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.As. 193 & 194 of 2018 (D.B.)**

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

**Dated : 13/12/2019.**

Heard Shri A.P. Sadavarte, Id .counsel for the applicants, Shri P.N. Warjurkar, Id. P.O. for R-1 to 5 and none for other respondents.

2. The learned P.O. has submitted information in pursuance of the order dated 13/8/2019. The learned counsel for the applicants requested for time to peruse the same.

**S.O. 15/1/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 269/2019 (D.B.)**

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

**Dated : 13/12/2019.**

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

2. It is brought to our notice that instead of forwarding the original record and proceeding of the disciplinary inquiry, the department has forwarded the Photostat copies. The Id. P.O. is directed to inform the department to comply the earlier order.

**S.O. 20/1/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 339/2019 (D.B.)**

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

**Dated : 13/12/2019.**

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

2. On perusal of the documents particularly Annex-A-2 the dismissal order it seems that offences under Section 65 (A) of Bombay Police Act r/w 188 of IPC were registered against the applicant. The allegation was that the applicant being a Police Constable was aware that the Chandrapur district was dry district and he himself was found transporting liquor in large quantity. This matter was reported to the Disciplinary Authority, the Superintendent of Police (S.P.), Chandrapur. It seems that by the impugned order at Annex-A-2 the Superintendent of Police, Chandrapur was pleased to dismiss the applicant observing that the applicant was found transporting liquor in dry area, the applicant was Police Constable and this conduct of the applicant was of moral turpitude and offence and it has defamed the image of the Police Department in the public. It is further observed that as the Authority was

satisfied that the alleged misconduct was committed by the applicant, consequently, it was not necessary to conduct the inquiry as per the Maharashtra Police Act and consequently the Authority exercised the power under Article 311 (2) (b) of the Constitution of India and dismissed the applicant from the service.

3. There is no doubt about the powers of the Disciplinary Authority under Article 311 (2) (b) to dismiss the Government servant in his control whenever it is not reasonably, practicable to hold the inquiry. In the present case after reading the impugned order, it seems that the Superintendent of Police, Chandrapur did not record any reason as to why it was not reasonably practicable to conduct the inquiry as per the Service Rules applicable to the applicant. As a matter of fact in series of Judgments, the Hon'ble Apex Court has laid down that to conduct the inquiry is a rule and to dispense with the inquiry is an exception. On page no.4 of the order, it is observed that as per the order dated 7<sup>th</sup> September,2017 the departmental inquiry was initiated and it was pending. In view of this, there was no propriety to exercise the power under Article 311 (2) (b) of the Constitution of India when the disciplinary inquiry was pending. After reading the entire order, it seems that no circumstance was discussed by the Disciplinary Authority for dispensing with the inquiry. Under these

circumstances, the order impugned cannot be sustained. Hence, the order dated 26/4/2018 dismissing the applicant from the service is hereby quashed. Liberty is given to the Superintendent of Police, Chandrapur to proceed with the disciplinary inquiry as provided in the Service Rules. No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk.  
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O.A.868/2019 (S.B.)

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

**Dated : 13/12/2019.**

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

At the request of Id. Counsel for the applicant, **S.O. Next week.**

**Member (J)**

yuk.



**O.A.895/2018 (S.B.)**

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

**Dated : 13/12/2019.**

Shri S.K.Thengri, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondent nos.1 to 7. None appears for respondent nos.8, 9 & 10.

Learned P.O. files reply on behalf of respondent nos.2 and 4. He submitted that it is not necessary to file reply of respondent nos.1 & 7. He also submitted that it is not necessary to file reply of respondent no.3.

Respondent nos.8 to 10 are private parties. Matter is admitted for final hearing.

**S.O. 27-01-2020.**

**Member (J)**

yuk.

**O.A.368, 369, 370 & 371 of 2019, (S.B.)**

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

**Dated : 13/12/2019.**

Shri G.G.Bade, Id. counsel for the applicants, S/Shri S.A.Sainis, A.P.Potnis, A.M.Khadatkar & V.A.Kulkarni Id. P.Os. for the respondent nos.1 to 5, None appears for respondent nos.6, 7 & 8.

Learned P.Os. file reply on behalf of respondent no.4 in all the matters. According to the learned P.Os. this reply is sufficient to decide the O.A.

Matters are admitted for final hearing.

Interim relief to continue till next date.

**S.O. 15-01-2020.**

**Member (J)**

yuk.

**O.A.403/2019 (S.B.)**

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

**Dated : 13/12/2019.**

Shri N.R.Saboo, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent nos.1 to 4. None appears for respondent no.5.

As per last order, respondent no.3 was directed to take decision on the proposal forwarded by the Joint Director regarding change of place of posting of the applicant.

Learned P.O. has submitted that time is required for compliance. One week's time is granted to take decision.

**S.O. 20-12-2019.**

**Member (J)**

yuk.

O.A.748/2019 (S.B.)

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

**Dated : 13/12/2019.**

Shri A. Girdekar, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

Learned P.O. files reply on behalf of respondent no.2. O.A. is admitted for final hearing.

**S.O. 22-01-2020.**

**Member (J)**

yuk.

O.A.836/2019 (S.B.)

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

**Dated : 13/12/2019.**

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

Learned P.O. seeks time to file reply.

**S.O. 3 weeks.**

**Member (J)**

yuk.

**O.A.154/2019 (S.B.)**

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

**Dated : 13/12/2019.**

Shri A.D.Girdekar, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

On 27-06-2019 specific direction was given to the respondent no.1 to take decision on the representation of the applicant for his inter-division transfer. On request of the learned P.O. time was granted but till today no decision is taken.

Learned P.O. submitted that he has learnt that respondent no.1 has taken decision. Therefore, last chance is granted to produce the copy of the decision taken by the Government.

S.O. 20-12-2019.

At the request of Id. P.O. supply steno copy.

**Member (J)**

yuk.

**O.A.82/2018 (S.B.)**

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

**Dated : 13/12/2019.**

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

None appears for the applicant.

**S.O. 4 weeks.**

**Member (J)**

yuk.

**O.A.374/2018 (S.B.)**

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

**Dated : 13/12/2019.**

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

At the request of learned P.O. matter be taken up on 18-12-2019.

**Member (J)**

yuk.



O.A.408/2019 (S.B.)

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

**Dated : 13/12/2019.**

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

Learned P.O. requested time to file reply  
on behalf of respondents.

**S.O. 4 weeks.**

**Member (J)**

yuk.

O.A.539/2019 (S.B.)

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

**Dated : 13/12/2019.**

Shri S.V.Shaikh Id. counsel h/f. Shri S.V. Sirpurkar Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. 18-12-2019.**

**Member (J)**

yuk.

O.A.725/2018 (S.B.)

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

**Dated : 13/12/2019.**

Shri R.V.Shiralkar, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

O.A. is admitted for final hearing.

**S.O. First week of February, 2020.**

**Member (J)**

yuk.

O.A.527/2017 (S.B.)

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

**Dated : 13/12/2019.**

None appears for the applicant.  
Shri P.N.Warjurkar, Id. P.O. for the respondents.

At the request of learned P.O., **S.O. after  
vacation.**

**Member (J)**

yuk.

O.A.922/2017 (S.B.)

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

**Dated : 13/12/2019.**

Shri S.P.Palshikar, 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. 10-01-2020.**

**Member (J)**

yuk.