

O.A. 1001/2019 (SB)

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

**Dated : 03.09.2020**

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

2. The District Maleria Officer, Washim is present before the Bench. It is submitted that there is vacant post at Washim and applicant may resume duty at Washim. In view of this, the respondent no.5 is directed to relieve the applicant.

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

**Member (J)**

dnk.

O.A. 412/2020 (SB)

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

**Dated : 03.09.2020**

Heard Shri D.M. Surjuse, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

2. The applicant is relieved from Malkapur. The respondents to file reply. The Id. counsel for the applicant submitted that he would file service affidavit within one week.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. 455/2020 (SB)

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

**Dated : 03.09.2020**

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

2. It is submitted that the tenure of three years was not completed by the applicant. He was not due for transfer and his name was not shown in a list which was forwarded to the Government for the transfer of Executive Engineers. It is submitted that the impugned order is illegal as it is in violation of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005") and the applicant is not yet relieved. In view of this, status-quo as on today be maintained.

3. Issue notice to the respondents returnable **after three 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 three weeks.**

**Member (J)**

dnk.

O.A. 456/2020 (SB)

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

**Dated : 03.09.2020**

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

2. It is submitted that the applicant is due for retirement on 31/5/2021 and as per the Rules the Government servant due for retirement within one year, should not be transferred. It is submitted that the impugned transfer order dated 7/8/2020 is in violation of the statutory provisions. The applicant is not yet relieved, therefore, direction be given to the respondents not to relieve the applicant. The respondent nos. 1 to 3 are directed not to relieve the applicant till filing of the reply.

3. Issue notice 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)**

dnk.

O.As. 462,463 & 464 of 2020 (SB)

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

**Dated : 03.09.2020**

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. It is grievance of the applicants that since the initial appointment, they are serving in Gadchiroli naxalite area and as per the impugned order dated 7/8/2020 the applicants are again transferred in Gadchiroli District violating the provisions of the Government G.R. It is submitted that the options of the applicants were not considered and therefore the impugned order of transfer is illegal. It is submitted that the applicants are yet not relieved from the post and therefore direction be given to the respondents not to relieve the applicants and in the meantime consider their representations. The respondents are directed not to relieve the applicants and consider their representations within four weeks.

3. Issue notice 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. 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.

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. Applicants are 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 Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Steno copy be supplied...

**Member (J)**

dnk.



O.As. 467 & 468 of 2020 (SB)

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

**Dated : 03.09.2020**

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

2. It is submitted that the applicants are relieved from the post, therefore, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for the 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 four weeks.**

**Member (J)**

dnk.

O.As. 466 & 469 of 2020 **(SB)**

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

**Dated : 03.09.2020**

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

2. It is submitted that in the transfer order it is mentioned that the applicants are transferred for administrative reasons, but in the covering letter by which information was called, it was mentioned that the general transfer orders were to be issued. It is grievance of the applicants that options given by them are not considered and there was no urgency or exigency of the transfer during Covid,19. It is submitted that the applicants are yet not relieved. Hence, status-quo as on today be maintained.

3. Issue notice 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. 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.

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. Applicants are 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 Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Steno copy be granted...

**Member (J)**

dnk.

O.A. 478/2020 (SB)

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

**Dated : 03.09.2020**

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

2. The respondent no.3 is directed to decide the representation made by the applicant on 6/8/2020 within two weeks.

3. In the meantime, issue notices to the respondents returnable **after two 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 two weeks.**

**Member (J)**

dnk.

O.A. 477/2020 (SB)

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

**Dated : 03.09.2020**

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

2. It is submitted that as the office of the applicant is closed, therefore, the applicant is absorbed in service and posted at Quality Control, Sub-Division, Akola. The learned counsel for the applicant contended that when she went to the office of Sub Divisional Engineer, Quality Control, Sub-Division, Akola, she was not permitted to resume the duty as the O.A. was filed by her before this Tribunal. In this situation, the Sub Divisional Engineer, Quality Control, Sub-Division, Akola is directed to allow the applicant to resume the duty as per the order dated 30/7/2020. The applicant is at liberty to make representation for convenient posting.

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

**Member (J)**

dnk.

O.A. 479/2020 (SB)

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

**Dated : 03.09.2020**

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

2. The respondent no.2 is directed to decide the representation made by the applicant vide Annex-A-2.

3. In the meantime, 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)**

dnk.

O.A. 480/2020 (SB)

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

**Dated : 03.09.2020**

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

2. The respondent no.1 to decide the representation made by the applicant on 14/8/2020.

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

**Member (J)**

dnk.

O.A. 483/2020 (SB)

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

**Dated : 03.09.2020**

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

2. It is case of the applicant that he worked in naxalite area since Sept.,2015 and without considering his representation, he is again posted in the naxalite area. It is violation of the Government policy and it has caused injustice. It is submitted that the applicant is not yet relieved and no one is posted on his post. In view of this, the respondents are directed not to relieve the applicant till filing of the reply. In the meantime, the respondents are also directed to decide the representation made by the applicant vide Annex-A-8.

3. Issue notice 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.**

- Steno copy be supplied...

**Member (J)**

dnk.

O.A. 485/2020 (SB)

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

**Dated : 03.09.2020**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. It is submitted that the impugned order of transfer is illegal as there is no compliance of Section 4 (4) & (5) of the Transfers Act,2005. It is submitted that the applicant is not yet relieved from the post, therefore, interim protection be given. The respondents are directed not to relieve the applicant till filing of the reply.

3. Issue notice 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)**

dnk.

O.A. 487/2020 (SB)

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

**Dated : 03.09.2020**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The Id. P.O. submitted that as per instructions received from the respondents, the applicant is already relieved.

3. Issue notice 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)**

dnk.



O.A. 465/2020 (SB)

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

**Dated : 03.09.2020**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to the respondents returnable on **14/9/2020**. Learned P.O. waives notice for the 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. 14/9/2020.**

**Member (J)**

dnk.

O.As. 470,473 & 476 of 2020 (SB)

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

**Dated : 03.09.2020**

Heard Shri R.L. Alone, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The Id. P.O. submitted that these applicants are already relieved from the post, therefore, Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for the 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)**

dnk.

O.As. 472,474 & 475 of 2020 **(SB)**

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

**Dated : 03.09.2020**

Heard Shri R.L. Alone, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicants are not relieved from the post. They have raised serious grounds to challenge the transfer order, therefore, the respondents are directed not to relieve the applicants till filing of the reply.

3. Issue notice 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)**

dnk.

O.A. 481/2020 (SB)

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

**Dated : 03.09.2020**

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

2. It is grievance of the applicant that he has worked in naxalite area for more than three years and again he is transferred in the naxalite area. It is in violation of the Government G.R. It is submitted that there was no propriety to transfer the applicant in view of the G.R. dated 7/7/2020 as there was no special ground to transfer the applicant. It is submitted that the applicant is relieved from the post and he has made representation dated 11/8/2020. It is submitted by the learned counsel for the applicant that after making representation, the applicant had heart attack and he is taking treatment. In view of it, the respondent no.1 is directed to decide the representation made by the applicant within four weeks from the date of this order.

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

**Member (J)**

dnk.

O.A. 482/2020 (SB)

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

**Dated : 03.09.2020**

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

2. The applicant is already relieved from the post. If the applicant has any grievance, he is at liberty to make representation to the Government.

3. Issue notice 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)**

dnk.

O.As. 484 & 486 of 2020 (SB)

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

**Dated : 03.09.2020**

Heard Shri G.K. Bhusari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The respondent no.2 is directed to decide the representation made by the applicant within four weeks.
3. Issue notice 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)**

dnk.

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O.A.No.471/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/09/ 2020.**

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

2. The applicant was placed under suspension vide order dated 23.10.2019 (Annexure-A-1, P.B., Pg. No. 8). Since the crime was registered under crime nos. 959/2019 under Section 9(C), 25(A), 27(A), 28 & 29 of the Narcotic Drugs and Psychotropic Substances Act 1985. However, in the O.A. para no. 6.2 on P.B., Pg. No. 2, Crime No. is written as I959/2019, which *Prima facie* appears to be by mistake. However, as pointed out by Id. P.O. as per documents on P.B., Pg. Nos. 14 & 15 (Annexure-A-3 & Annexure-A-4) proposal has been submitted to Special Inspector General, Special Action Plan (Anti Naxal Squot), Nagpur who is respondent no. 2. The respondent no. 2 is directed to take decision on the proposal as per Government of Maharashtra G.A.D., G.R. dated 09.07.2019 **within three weeks** from the date of this order.

3. With the above direction, **O.A. is disposed of with no order as to costs.**

Vice

Chairman

Date:-03/09/2020.

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**O.A.Nos.332&333/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/09/ 2020.**

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

2. The Id. counsel for the applicant has filed Rejoinder as submitted on 31.08.2020. It is taken on record. Copy is supplied to the other side.

3. Based on the various Judgments which are 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 'kkI dh; I ddkk; k T; k i d j .kh 3 efgU; kpk dkyko/khr foHkxh; pkkd'kh I q d: u nkskjk i = ctko.; kr vkys ukgh] v'kk i d j .kh ek- I okp U; k; ky; kps vknsk i kgrk] fuycu I ektr dj.; k'kok; vU; i; k; jkgr ukgh- R; keGs fuyfcr 'kkI dh; I ddkkcr foHkxh; pkkd'kph dk; bkgh I q d: u nkskjk i = ctko.; kph dk; bk; h fuycu ki kl u 90 fnol k; k vkr dkVdki i .ksdyh tlb; ; kph n{krk@ [kcjnkjh?ks; kr ; koh-

4. The respondents are directed to consider the case of the applicant as per Government decision in G.R. dated 09.07.2019 and take decision **within three weeks** from the date of this order.

5. **S.O. 01.10.2020.**
6. *Matter be treated as P.H..*
7. *Steno copy is granted.*

**Vice**

**Chairman**  
**Date:-03/09/2020.**  
aps.

**O.A.No.461/2020**  
**(D.B.)**

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

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

**Dated :03/09/2020.**

**C.A.Nos.205&206/2020:-**

Heard Shri D.M.Kakani holding for Shri G.K.Bhusari, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents.

2. The C.A. No. 206/2020 is filed by 05 persons contending that they are necessary party to the proceedings and directions be given to the applicants to join them as respondents, issue notice to applicants.

3. **C.A.No.205/2020 is allowed and disposed of.**

4. It is contention of the Id. counsel for the applicant that as per 1983 Rule, 25% quota is available to fill the vacancy from their cadre and this quota is pertaining to the vacancy falling vacant in every year. It is apprehension of the applicants that the Government is intending to fill the posts from other cadre without following Rule 4(2) of 1983 Rules. It is further submitted that representation was made by the applicants but it was turn down without consideration of the legal position, which was settled in O.A. No. 246/2012 decided on 10.05.2013 by the Principle Bench, Maharashtra Administrative Tribunal,



Mumbai. It is submitted that Judgment delivered in O.A. No. 246/2012 is not disturbed by the Hon'ble High Court; on the contrary in St. No. 22090 of 2014 decided on 05.09.2014, direction was given to the Government to take action as per the submission made by the Id. A.G.P. before the Hon'ble High Court.

5. It is submitted by the applicant that if interim relief is not granted then prejudice will cause to the applicant, as the Government is intending to fill the posts which are available to the quota reserved for the applicants by promoting some other Cadre Officers.

6. In view of this, we direct the respondent nos. 1 & 2 to decide the grievances of the applicant in terms of the observations and directions given in O.A. No. 246/2012 by Division Bench of Maharashtra Administrative Tribunal, Mumbai and directions given by the Hon'ble High Court in Stamp No. 22090 of 2014 decided on 05.09.2014. The respondent nos. 1 & 2 are directed to take decision **within four weeks** from the date of this order and the respondent no. 2 is directed not to commence the promotion process till the decision.

7. Issue notice to R-2, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. four weeks.**

**Member(J)**  
**Chairman**  
**Date:-03/09/2020.**  
aps.  
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**Vice**