

O.A. 955/2017 (S.B.)

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

Dated : 07/07/2021.

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

At the request of Id. P.O., **S.O. two weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 1021/2018 (S.B.)

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

Dated : 07/07/2021.

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

At the request of Id. P.O., **S.O. two weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 594/2019 (S.B.)

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

Dated : 07/07/2021.

C.A. No. 16/2020 -

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

2. The applicant is challenging order dated 6/6/2016 (A-5,P-37). The impugned order is passed before five years back. The learned counsel has filed C.A. No. 16/2020 for condonation of delay.

3. The Id. P.O. desires time to file reply on C.A. At his request, **S.O. three weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 372/2020 (S.B.)

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

Dated : 07/07/2021.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1 to 5 and Shri S.M. Bhagde, Id. counsel for R-6.

2. The Id. P.O. has filed letter dated 14th September,2020 issued by the CEO, Zilla Parishad, Amravati. In the said order at reference no.2 the impugned order dated 8/7/2020 is mentioned. Now the impugned order dated 8/7/2020 (A-IX, P-27) has been modified vide order dated 14th September,2020 and the applicant has been posted at Ayurvedic Hospital (Establishment), Jawala Dhotra.

3. In view this, nothing survives in the O.A. and therefore, the O.A. stands disposed off as infructuous. No order as to costs.

Vice-Chairman

dnk.

O.A. 564/2020 (S.B.)

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

Dated : 07/07/2021.

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

The Id. P.O. files reply of R-3. It is taken on record.

The matter is admitted and kept for final hearing.

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

S.O. 28/7/2021.

Vice-Chairman

dnk.

O.A. 718/2020 (S.B.)

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

Dated : 07/07/2021.

C.A. No. 140/2021 -

Heard Shri P.P. Khaparde, 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. 14/7/2021.**

Vice-Chairman

dnk.

O.A. 772/2020 (S.B.)

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

Dated : 07/07/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. 19/7/2021.

Vice-Chairman

dnk.

O.A. 939/2020 (S.B.)

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

Dated : 07/07/2021.

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

The learned P.O. submits that he has filed reply in office and copy is supplied to the other side.

The matter is admitted and kept for final hearing.

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

S.O. 28/7/2021.

Vice-Chairman

dnk.

O.A. 200/2021 (S.B.)

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

Dated : 07/07/2021.

Shri P.S. Patil, Id. counsel for the
applicant and Shri H.K. Pande, Id. P.O. for R-1.
Await service of R-2&3.

S.O. 19/7/2021.

Vice-Chairman

dnk.

O.A.St. 1989/2020 (S.B.)

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

Dated : 07/07/2021.

C.A.No. 388/2020 -

Heard Shri M.R. Puranik, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

At the request of Id. P.O., **S.O. four weeks** for filing reply on C.A.

Vice-Chairman

dnk.

O.A. 267/2019 (S.B.)

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

Dated : 07/07/2021.

C.A.No. 160/2019 -

Heard Shri R.S. Khobragade, Id
.counsel for the applicants and Shri M.I. Khan,
Id. P.O. R-1 and none for R- 2 to 4.

Both the applicants are claiming for
compassionate appointment and as submitted
by the Id. P.O. the respondents are same.

Hence, the C.A. No. 160/2019 for filing
Jt. O.A. is allowed.

O.A. 267/2019 -

S.O. six weeks.

Vice-Chairman

dnk.

O.A. 785/2020 (S.B.)

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

Dated : 07/07/2021.

Heard Shri D.H. Sharma, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. four weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 480/2021 (S.B.)

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

Dated : 07/07/2021.

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

2. Issue notice to the respondents returnable **in 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. four weeks.

Vice-Chairman

dnk.

Rev. A. 05/2021 in O.A. 532/2020 (S.B.)

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

Dated : 07/07/2021.

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

2. In the earlier order dated 30/06/2021 in para-2 it is mentioned as below –

“2. The Id. P.O. has filed order dated 28/6/2021 issued by the Assistant Collector, Aheri and as per last para of the letter, the applicant has been posted back to Allapalli at his original post. It appears that the grievance of the applicant has been redressed. The copy of order dated 28/6/2021 is taken on record and marked Exh-X for the purposes of identification. However, learned counsel wants time to take instructions from the applicant in this regard”.

3. Today the learned counsel for the applicant submits that he is satisfied with the order dated 28/06/2021 and therefore Review Application No. 05/2021 is disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 308/2017 (S.B.)

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

Dated : 07/07/2021.

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

At the request of Id. counsel for the applicant, **S.O. 9/8/2021.**

Vice-Chairman

dnk.

O.A. 171/2018 (S.B.)

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

Dated : 07/07/2021.

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

At the request of Id. counsel for the applicant, **S.O. 14/7/2021.**

Vice-Chairman

dnk.

O.A. 558/2018 (S.B.)

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

Dated : 07/07/2021.

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

2. In the order dated 7/10/2019 in para-2&3 which are reproduced below –

“ (2) In para-7 of the reply of respondent no.2, it is mentioned that the decision is given by the MAT, Nagpur Bench in O.A. 668/2015 and as per the decision given by the MAT it is to be decided by the Department whether to release the increments of the applicant and it was necessary for the Commissioner of Police, Nagpur to take such decision.

(3) In the view of the pleading in para-7, the respondents are directed to take suitable decision regarding fixation of salary of the applicant after revocation of his suspension within three months from the date of this order.”

3. In view of above direction, the learned P.O. desires some more time to take instructions.

4. At the request of Id. P.O., **S.O. two weeks.**

Vice-Chairman

dnk.

O.A. 720/2020 with C.A. 321/2020 (S.B.)

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

Dated : 07/07/2021.

Shri M.M. Sudame, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2. There is a leave note from Shri S.P. Palshikar, Id. counsel for respondent no.3.

S.O. 23/7/2021.

Vice-Chairman

dnk.

O.A. 304/2021 (S.B.)

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

Dated : 07/07/2021.

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri A.P.Potnis, Id. P.O. for R-1, Shri D.M. Kale, Id. counsel for R-2 and Shri S.M. Bhagde, Id. counsel for R-3.

S.O. 28/7/2021.

Vice-Chairman

dnk.

O.A. 311/2021 (S.B.)

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

Dated : 07/07/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri R.D. Karode, Id. counsel for R-4 to 6.

2. The learned counsel for the applicant submits that one week time may be granted as the applicant's representation is under consideration. Since pleadings are completed the matter is closed for orders. In the meanwhile, if the learned counsel is permitted to file Pursis if grievances of the applicant is redressed.

Closed for orders.

Vice-Chairman

dnk.

O.A. 518/2021 (S.B.)

(V.K. Rathod Vs. State of Mah. & Ors.)

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

Dated : 07/07/2021.

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

2. The applicant was first posted vide order dated 20/02/2019 (A-2,P-14) where the applicant appears at sr.no.3 and he was posted from the post of SDO, Achalpur, Dist. Amravati to the post of SDO, Pusad, Dist. Yavatmal It appears that till order dated 2/7/2021 (A-1,P-13), the applicant has not completed full tenure at Pusad and nothing on record shows that the respondents were under compulsion to transfer the applicant. As per record, it seems that in the previous order dated 20/02/2019 (A-2,P-14) also Section 4 (4) & 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005") was used. Vide order dated 2/7/2021 it appears that the respondent no.4 has been posted on two posts one as Project Officer, ITDP, Pusad, Dist. Yavatmal, as well as Assistant Collector, Sub-Division Pusad, Dist. Yavatmal. Except posting of respondent no.4, nothing on record. If

the respondent no.4 is posted at the applicant's place and takes charge from the applicant, the applicant will be without any charge.

3. As claimed in the interim relief clause no.13 (P-10 of the O.A.) which is reproduced below -

" It is most humbly and respectfully prayed that the Hon'ble Tribunal may please to grant stay to effect, operation and execution of order dated 2/7/2021, only to the extent of posting of respondent no.4 at the place of applicant, i.e., SDO, Pusad, Dist. Yavatmal, in the interest of justice."

4. If stay is not granted to the order dated 2/7/2021 as prayed for, unnecessary harassment will be caused to the applicant.

5. In view of this situation, **the order dated 2/7/2021 (A-1,P-13) is stayed to the extent of respondent no.4 taking charge from the applicant of SDO, Pusad, Dist. Yavatmal in the interest of justice.**

6. Issue notice to the respondents returnable **in two weeks**. Learned P.O. waives notice for the State. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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. two weeks.

Steno copy is granted...

Vice-Chairman

dnk.

***O.A. 790/2020 (S.B.)**

(P.V. Bhusari Vs. State of Mah. & Ors.)

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

Dated : 07/07/2021.

Heard Shri D.M. Kakani, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri V.B. Gawali, Id. counsel for R-4.

2. The learned counsel for the applicant has filed affidavit in pursuance of the order dated 18/6/2021. It is taken on record. Copies are served to the other sides.

3. The O.A. was filed on 24/11/2020 and in the first order dated 26/11/2020 in para-2 it has been mentioned that the applicant was posted at Balapur vide order dated 20/2/2019 and all of a sudden without considering the fact that the applicant was not due for transfer one D.L. Mukunde was posted as Tahsildar, Balapur on the post held by the applicant, consequently, the applicant was relieved from the post of Tahsildar, Balapur. It has been also observed that applicant's transfer and displacement from Balapur was illegal exercise of jurisdiction as no case was made out under Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"). In the transfer order

Annex-A-2 it was also observed that separate posting orders would be issued to give posting to the applicant and other officers. Subsequently, the matter was heard on 8/1/2021 and in para-2 the facts were clarified which are reproduced below –

“2. I have perused the order dated 20.02.2019, by which the applicant was posted as Tahsildar Balapur, Dist. Akola. Admittedly, the applicant was not due for transfer. My attention is invited to order dated 01.10.2020, by which one Shri D.L. Mukunde was posted as Tahsildar Balapur. It was mentioned in the transfer memo that Shri D.L. Mukunde was posted by transfer in place of the applicant due to this transfer. In this transfer order, it was mentioned that no posting was given to the applicant and latter on, the respondent No. 1 issued the order dated 19.11.2020 and posted the applicant at Mahagaon, Dist. Yavatmal. As a matter of fact in view of O.A. No. 597/2020, it was necessary for respondent No. 1 to post applicant at Balapur, but it is not done”.

3. It has been clearly observed that it was necessary for the respondent no.1 to post the applicant at Balapur, but it is not done. After that on several times the matter was heard, but till now the respondents have not filed reply. Now again the learned P.O. desires one week time to file reply. In this situation, the Id. P.O. is directed to file reply before the next date. It is made clear that if the reply is not filed on the next date, the matter will be heard and decided finally. The Id. P.O. is also directed while filing reply, the copy of minutes of meeting of Civil Services Board and place it on record, supply copy to the Id. counsel for the applicant.

S.O. 14/7/2021.

Vice-Chairman

dnk.

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

(Ashok G. Hajare Vs. State of Mah. & Ors.)

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

Dated : 07/07/2021.

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

2. In this O.A. the applicant was appointed on the post of Junior Clerk and he joined on the post on 2/3/1991. Thereafter, the applicant was promoted as Deputy Accountant in the year 2004. As per Annex-A-8, the applicant retired on superannuation on 31/1/2019 (A.N.). The applicant has made representation on 17/5/1995 (A-A-3,P-11A) in which he has requested that his date of birth should be 3/12/1961 instead of 5/1/1961. The respondents have filed reply on 27/2/2019 and in para-6 they have mentioned that the representation dated 17/5/1995 is not acceptable.

3. The learned counsel for the applicant has filed Govt. G.R. dated 3/3/1998 (A-III,P-38) in which in para-3 following decision has been taken –

“ शासन सेवेत प्रवेश केल्यापासून ५ वर्षांच्या आत अर्ज केला असल्यास सामान्य प्रशासन विभाग, परिपत्रक क्र. जन्मदि १०९२/प्र.क्र.४९/९२/तेरा-अ, दिनांक २४ जून,१९९२ च्या

तपासणी सूचीतील (प्रत संलग्न) पुरावे मागवून, तपासून संबंधित अधिका-यांच्या / कर्मचा-यांच्या जन्मदिनांकात दुरुस्ती करणे आवश्यक नाही असे विभागाचे मत असल्यास तो प्रस्ताव सामान्य प्रशासन विभागाकडे सादर करण्यात येवू नये. सामान्य प्रशासन विभागाकडे जन्मदिनांकात दुरुस्तीबाबतचा प्रस्ताव पाठविण्यापूर्वी वर नमूद केलेल्या दिनांक २४ जून १९९२ च्या परिपत्रकासोबतच्या तपासणी सूचीतील सर्व मुदयांची खुदद विभागाने तपासणी करणे आवश्यक आहे, तसेच दुरुस्त करण्यात येणा-या जन्मतारखेमुळे संबंधित कर्मचारी शाळेच्या, विद्यापीठाच्या महाराष्ट्र लोकसेवा आयोगाच्या परीक्षेस, निवडमंडळाच्या परीक्षेस शासकीय सेवेत प्रवेश करण्यासाठी विहित केलेल्या वयोमर्यादेनुसार अपात्र ठरतो किंवा कसे याबाबतही तपासणी करावी. ’’

4. It means the applicant has to file application regarding change in his date of birth within five years of joining. The learned P.O. has filed reply to the rejoinder on behalf of R-2&3. Copy is taken on record and supplied to the other side.

5. The learned counsel for the applicant mainly relied on the Judgment in O.A. 365/2018 delivered on 10/01/2019 of this Tribunal. The learned counsel further relied on the Rule 38 (3) of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 which is reproduced below –

“ Rule 38 (3) : All cases relating to alterations of dates of birth of Gazetted Government Servants and such of the requests of Non-gazetted Government servants as are proposed to be entertained on merits in relaxation of instruction No.(1) above, should invariably be referred to

the General Administration Department and the Finance Department through the Administrative Department concerned.”

6. The grievance of the applicant is squarely covered by both these documents. However, the learned P.O. desires one week time to place on record certain Judgments of Hon'ble High Court and Hon'ble Apex Court.

S.O. 23/07/2021 (PH).

Vice-Chairman

dnk.

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O.A.No.86/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

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

2. The Id. counsel for the applicant desires time to consult his client. However, reply has been filed. Hence, O.A. is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the respondents.

4. As requested by Id. P.O., **put up the matter before regular D.B..**

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.370/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Ms. S.Thakur, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

3. As requested by Id. P.O., matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

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

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.773/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

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

2. In order dated 08.03.2021, it was made clear that applicant had two more chances; either to appeal before Government or to appeal before Hon'ble Governor.

3. Today, the Id. counsel for the applicant desires time to consult his client. **S.O. 23.07.2021.**

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.774/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

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

2. The applicant aggrieved with the order of Divisional Commissioner, Amravati. The applicant is giving two chances, either to appeal before Government or to appeal before Hon'ble Governor.

3. The Id. counsel for the applicant desires time to consult his client. **S.O. 23.07.2021.**

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.865/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Shri P.S.Patil, 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 submits that he is denied promotion. However, post is vacant as he made representations on dated 26.08.2019, 05.12.2019 and 14.10.2020 (Annexure-A-6, P.B., Pg. Nos. 23 to 25).

3. As requested by Id. P.O., **S.O. two weeks to file reply.**

4. *Meanwhile, Respondents are at liberty to decide the representations as per existing rules and regulations.*

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.866/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Shri P.S.Patil, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 4.

2. The Id. counsel for the applicant submits that the applicant is going to retire on August, 2021. The applicant submits that he should be given promotion for vacant post. However, Id. counsel for the applicant is not able to satisfy the Bench about retirement age.

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

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.416/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 07/07/2021.

C.A.Nos.177 & 160/2021:-

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri S.S.Ghate, the Id. counsel for the Intervenor.

2. **C.A.No.177/2021 for Intervention is allowed.**

3. The Id. counsel for the applicant submits that by way of typographical mistake he has written D.P.C. dated 18.12.2020; it is exactly dated 18.11.2020 as mentioned in para no. 2 of order dated 21.06.2021 also. As submission made by Id. counsel for the Intervenor and Id. C.P.O., the applicants were not qualified on the date of holding of D.P.C. on 18.11.2020 and as per reply of respondents applicants were not at all eligible on 18.11.2020. The Id. counsel for the applicant placed reliance on G.R. dated 18.02.2021 (Annexure-A-5, P.B., Pg. No. 60 to 62) which is subsequent G.R. and it's effect is also not retrospective.

4. The Id. counsel for the applicant pointed out as per P.B., Pg. No. 6 of O.A. in the seniority list as on 01.01.2019; the names of the officers who were considered for promotion in D.P.C. dated 18.11.2020 is at Sr. Nos. 388, 389, 391 to 394, 396, 399 to 404, 406, 409 & 410 and Sr. Nos. of applicants are at 304, 371, 390 & 405.

5. The Id. counsel for the applicant is advised to make Sr. Nos. 388, 389, 391 to 394, 396, 399 to 404, 406, 409 & 410 also as party in the O.A.. Since, unless they are before this Tribunal and they are heard their rights created after D.P.C. dated 18.11.2020 cannot be decided without hearing them.

6. Respondents have filed reply on 01.07.2021 and in reply para nos. 15 & 17 they have submitted following facts:-

"15. It would be further pertinent to note that, to be in the zone of consideration for promotion on the post of ACF, it is one of the mandatory conditions that the employees must passed the departmental examination on 01st September 2020.

17. The applicants have passed the departmental examination on 05th March, 2021 i.e. almost 04 months after the D.P.C. was held and as such the applicants cannot now rush to this Hon'ble Tribunal and make a hue and cry that they have been deprived of their rightful promotion in view of G.R. dated 07.05.2021."

7. It appears from the above paras that it was mandatory condition for employees that they must pass departmental examination on 01.09.2020 only then their name can be considered before D.P.C.. But when D.P.C. took place on 18.11.2020; applicants have not fulfilled this condition. G.R. on which ld. counsel for the applicants relies, the ld. C.P.O. and ld. Counsel for the Intervenor submits that this G.R. is not having retrospective effect.
8. In view of this situation, **Order passed during hearing on 21.06.2021 and stay granted on D.P.C. dated 18.11.2020 is vacated with immediate effect.**
9. Respondents are directed to proceed further with the D.P.C. dated 18.11.2020 as per existing rules and regulations of the department.
10. *Matter will be placed before regular D.B. as and when D.B. available.*

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.492/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

C.A.No.176/2021:-

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

2. C.A.No.176/2021 for permission to file Jt. O.A. is allowed.

3. The Id. counsel for the applicant submits that he is not pressing prayer clause no. 1. The Id. C.P.O. submits that promotions are already done and Id. counsel for the applicant aggrieved with the promotion order; so he should challenge first the promotion order.

4. In view of this, the Id. counsel for the applicant is directed to make suitable amendment in the O.A. and challenge the promotion order. Amendment be carry out within one week. Subsequently, the Id. counsel for the applicant is directed to supply the amended copy to the Id. C.P.O..

5. After necessary amendment, Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

11. **S.O. four weeks.**

Vice Chairman

Date:-07/07/2021.

aps.

C.P.No.33/2020inO.A.No.845/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

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

2. At the request of Id. P.O., **S.O. 26.07.2021 to file reply.**

Date:-07/07/2021.
aps.

Vice Chairman

O.A.No.125/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

C.A.Nos.180/2021 & 262/2020:-

Heard Shri R.S.Parsodkar, the ld. Counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the respondents and Shri S.S.Ghate, the ld. counsel for the Intervenor.

2. At the request of ld. counsel for the applicant, **S.O. 23.07.2021.**

Vice Chairman

Date:-07/07/2021.
aps.

C.P.No.06/2021inO.A.No.714/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Shri P.V.Thakre, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the State.

2. The ld. counsel for the applicant pointed out order in O.A. No. 714/2018 delivered on dated 07.02.2020 and in para no. 6 following directions were given:-

"In view of this, the respondents are directed to release the retiral benefits to both the applicants within a period of three months from the date of this order and the respondents shall pay the interest as provided under Rule 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 as the delay is caused due to administrative lapses."

3. However, ld. counsel for the applicant submits that nothing has been done till now. The ld. P.O. submits that since order was passed on 07.02.2020 and subsequently G.O.I. has imposed lock down and smoothly working is still not going on. So, he requires some time to take necessary instructions from the respondents.

4. Issue Notices to the respondents returnable in **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.

5. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

6. **S.O. four weeks.**

Vice Chairman

Date:-07/07/2021.

aps.

C.P.No.07/2021inO.A.No.713/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Shri P.V.Thakre, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the State.

2. The ld. counsel for the applicant pointed out order in O.A. No. 713/2018 delivered on dated 07.02.2020 and in para no. 6 following directions were given:-

"In view of this, the respondents are directed to release the retiral benefits to both the applicants within a period of three months from the date of this order and the respondents shall pay the interest as provided under Rule 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 as the delay is caused due to administrative lapses."

3. However, ld. counsel for the applicant submits that nothing has been done till now. The ld. P.O. submits that since order was passed on 07.02.2020 and subsequently G.O.I. has imposed lock down and smoothly working is still not going on. So, he requires some time to take necessary instructions from the respondents.

4. Issue Notices to the respondents returnable in **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.

5. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

6. **S.O. four weeks.**

Vice Chairman

Date:-07/07/2021.
aps.

C.P.No.45/2020inO.A.No.1025/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Shri M.T.Gwalwansh holding for Shri N.B.Rathod, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. The ld. P.O. has filed G.R. dated 05.07.2021 from I/c Deputy Commissioner, Municipal Administration, Directorate, Mumbai which is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.

3. Along with the G.R. he has also filed certain documents (P.B., Pg. Nos. 63 to 73) and at P.B., Pg. No. 70; applicant's name appeared at Sr. No. 11 and he has been given appointment under Category V.J. (A) and posted at Desaiganj, Dist. Gadchiroli, Nagpur Division.

4. However, ld. counsel for the applicant desires to take instructions from his client about G.R. dated 05.07.2021.

5. Hence, two weeks time is granted for taking instructions from client. However, after issuing of the G.R., nothing survives in the C.P..

6. **S.O. two weeks.**

Vice Chairman

Date:-07/07/2021.

aps.

C.P.No.25/2020inO.A.No.33/2018with

C.P.26/2020inO.A.No.219/2018with

C.P.27/2020inO.A.No.96/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 07/07/2021.

Heard Shri N.R.Saboo, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

2. The ld. P.O. has placed on record the correspondence by R-4 i.e. letter dated 06.07.2021. It is taken on record. It is marked Exh. 'X' for the purpose of identification. Copy is served to the other side.

3. As per this letter, it appears that in order dated 16.06.2021 in para no. 5, it was mentioned that respondents are directed to implement the order and file the compliance report within three weeks. As per original order in O.A. No. 443/2017 along with the various O.As., the operative order is at P.B., Pg. No. 16. Respondents are directed to extend benefit of G.R. dated 01.12.1995 as well as 21.04.1999 to the applicants and absorb them in service and implement the order passed by Tribunal dated 07.11.2019.

4. Now, as per today correspondence dated 06.07.2021, applicants have been given appointment as per the order dated 07.11.2019. Now, since applicants have been absorbed, C.P. has become infructuous. However, the ld. counsel for the applicant submits that since order has been

implemented after one and half year of passing the order dated 07.11.2019. The applicants have been lost monitory benefits and seniority also.

5. In view of this, the ld. counsel for the applicant is at liberty to file separate O.A. for their seniority and monitory benefits.

6. With the above directions, **C.P. stands disposed of with no order as to costs.**

Vice Chairman

Date:-07/07/2021.
aps.

O.A.No.917/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

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

2. At the request of Id. P.O., **Put up the matter before regular D.B..**

Date:-07/07/2021.
aps.

Vice Chairman

O.A.No.25/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

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

2. At the request of ld. counsel for the applicant, **S.O. 23.07.2021.**

Date:-07/07/2021.
aps.

Vice Chairman

O.A.Nos.397&398/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents. None for the Intervenor (O.A. No.398/2019).

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

Vice Chairman

Date:-07/07/2021.
aps.

O.A.Nos.243,244,245&246/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 07/07/2021.

Heard Shri I.N.Choudhari, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents. None for the R-4 & R-6 (O.A. No.245/2016). None for the R-4 & R-6 (O.A. No.246/2016).

2. As pointed out by ld. P.O., during hearing on 15.02.2021 in para no. 2; it was specifically mentioned that he will take instructions. Today the ld. P.O. requested to put up the matter before regular D.B..

3. Hence, **matter will be placed before regular D.B. as and when available.**

Vice Chairman

Date:-07/07/2021.
aps.