

O.A.No.127/2017 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri A.P.Adhe, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. Ld. counsel for the applicant is directed to carry out the amendment today itself. **S.O. one week.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.534/2019 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.

Heard Shri A.P.Sadavarte, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri D.T.Shinde, ld. counsel for the R-16 & 17/Intervenor. None for the R-5, 7 & 8.

2. Respondent no. 1 has filed reply. As per the submission of ld. P.O., reply of respondent nos. 9, 12 & 13 are not necessary. Ld. counsel for the respondent nos.16 & 17 seeks time to file reply.

3. Ld. P.O. submits G.R. dated 17.08.2022, by which it appears that now the seniority list of Tahsildar and Nayab Tahsildar are published in the State Seniority List. The applicant has not challenged the new seniority list published in the year 2021. Applicant may take necessary steps, if require.

4. **S.O. three weeks.**

Vice Chairman

Date:-08/09/2022.

aps.

O.A.Nos.185/2021,906/2020&20/2021 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri S.N.Gaikwad holding for Shri V.B.Gawali, ld. Counsel for the applicant in O.A. Nos. 185/2021 & 20/2021 and Shri P.V.Thakre, ld. counsel for the applicant in O.A. No. 906/2020 and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks to file reply in O.A. Nos. 185/2021 and 20/2021.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.913/2021 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri S.N.Gaikwad, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. R-2 & 3 await service.

2. As per the submission of ld. counsel for the applicant, respondent nos. 2 & 3 are served.

3. At the request of ld. P.O., **S.O. three weeks to file reply.**

Vice Chairman

Date:-08/09/2022.

aps.

O.A.No.532/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri P.Khaire, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. Hamdast not collected.

2. Ld. counsel for the applicant submits that he will collect the hamdast, **S.O. four weeks.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.616/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 29.09.2022 for reply.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.651/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks for reply.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.717/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks for reply.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.735/2022 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notice for the respondents.

5. **S.O. 16.09.2022 for final hearing.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.793/2022 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.

Heard Shri A.D.Ambetkar, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the State. Await service of R-2 to 6.

2. Ld. counsel for the applicant submits that he has served the respondents. He is further directed to file the same in the office.

3. Ld. P.O. seeks time to file reply, **S.O. 29.09.2022 for reply.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.853/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri J.S.Deshmukh holding for Shri S.B.Patil, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 11.10.2022 for reply.**

Vice Chairman

Date:-08/09/2022.
aps.

C.A.No.38/22inC.P.17/20inO.A.197/17(D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

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

2. At the request of ld. counsel for the applicant, **S.O. 15.09.2022.**

Vice Chairman

Date:-08/09/2022.
aps.

C.P.No.32/2022inO.A.No.585/2019 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

None for the applicant. Shri A.M.Ghogre, ld.
P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks
for reply.**

Vice Chairman

Date:-08/09/2022.
aps.

C.P.No.33/2022inO.A.No.89/2017 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Smt. N.T.Jichakar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. Ld. counsel for the applicant seeks time to carry out the amendment, **S.O. one week.**

Vice Chairman

Date:-08/09/2022.
aps.

C.P.No.50/2022inO.A.No.675/2021 with

C.P.No.51/2022inO.A.No.676/2021 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Shri P.S.Wathore, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Ld. P.O. seeks time to take instructions about the compliance of the order, **S.O. two weeks.**

Vice Chairman

Date:-08/09/2022.
aps.

C.P.No.57/2022inO.A.No.546/2020 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. three weeks to file reply/ compliance of the order as a last chance.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.No.694/2020 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents and Shri H.D.Marathe, ld. counsel for the respondent no. 3.

2. At the request of ld. counsel for the respondent no. 3, **S.O. three weeks to file reply.**

Vice Chairman

Date:-08/09/2022.
aps.

O.A.Nos.207&216/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.**

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

2. Ld. P.O. submits that he will take instructions in respect of order dated 26.08.2022 passed by this Tribunal, **S.O. 22.09.2022.**

Vice Chairman

Date:-08/09/2022.
aps.

C.P.No.38/2017inO.A.No.662/2012 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.

Smt. Dr. N.V.Godbole, applicant in person.
Shri A.M.Ghogre, ld. P.O. for the respondents.

2. As per the order sheet dated 10.11.2017 following order was passed:-

“Both sides concede that let this C.P. be adjourned sine die till disposal of O.A. No. 704/2017 of Mumbai.”

3. Ld. P.O. has filed copy of order in Review Application No. 10/2019. It is taken on record. Copy is served to the other side. It is marked Exh. 'X' for the purpose of identification.

4. As per the submission of ld. P.O., O.A. No. 704/2017 was already decided and Review Application was moved before the Principal Bench at Mumbai, the Review Application was also dismissed on 10.02.2022.

5. This is a contempt petition. Hence, ld. P.O. is requested time, **S.O. 29.09.2022.**

Vice Chairman

Date:-08/09/2022.

aps.

O.A.No.192/2019 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :08/09/2022.

Heard Shri S.P.Palshikar, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Shri S.N.Gaikwad, ld. counsel for the respondent no. 3.

2. Ld. counsel for the applicant has pointed out pursis stamp no. 1891/2022. As per this pursis along with the communication dated 10.08.2022 of respondents, it appears that the respondents have granted pay-scale as prayed in the O.A. and, therefore, nothing survives in the O.A..

3. Hence, **O.A. is disposed of as the grievance of the applicant is redressed.**

Vice Chairman

Date:-08/09/2022.
aps.

M.C.A.No.25/2022 in
O.A.No.1045/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri R.M.Fating, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondent no.1. Shri T.M.Zaheer, Id. counsel for the respondents 2 to 4.

2. Perused M.C.A. No.25/2022. It is **allowed** in terms of a prayer made therein. The office to carry out the necessary change.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.248/2018 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, ld. Counsel for the applicant and Shri , ld. P.O. for the respondents 1 to 3 & 6. Shri A.D.Girdekar, ld. counsel for the respondents 4 & 5.

2. On oral request of learned counsel, **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.25/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.257/2020 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. Issue fresh notice to Respondents, returnable **after two weeks**. Learned P.O. waives notice for state. Hamdast allowed.

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after two weeks.

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. On oral request of learned P.O., **S.O. two weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.
C.A.No.359/2022

Heard Smt. S.W.Deshpande, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents. Shri P.D.Sharma, Id. counsel for the respondent no.4.

2. The learned P.O. seeks time to file reply time granted till 15.09.2022.

S.O.15.09.2022.

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents 1 to 3 & 6. Shri R.Bondade, Id. counsel for the respondents 4 & 5.

2. On oral request of learned counsel **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.1109/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents 1 to 3 & 6. Shri S.M.Bhangde, ld. counsel for the respondents 4 & 5.

2. On oral request of learned counsel **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.38/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri R.A.Bagde, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents 1 to 3. Shri S.K.Jagirdar, Id. counsel for the respondent no.4.

2. On oral request of learned counsel **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, ld. Counsel for the applicant and Shri A.M.Khdatkar, ld. P.O. for the respondents.

2. On oral request of learned counsel, **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, ld. Counsel for the applicant and Shri A.M.Khdatkar, ld. P.O. for the respondents 1 to 3 & 6. Shri S.M.Bhangde, ld. counsel for the respondents 4 & 5.

2. On oral request of learned counsel, **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.268/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri K.V.Deshmukh, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply as a last chance.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.273/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

None for the applicant. Heard Shri S.A.Sainis,
ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

None for the applicant. Heard Shri S.A.Sainis,
ld. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. four weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. The learned counsel states that respondents 2 and 3 have been served and service affidavit is also filed.

3. On oral request of learned P.O., **S.O. four weeks for reply.**

Date:-08/09/2022

Member(J)

rsm.

O.A.No.755/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri R.M.Fating, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

2. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.769/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri S.B.Tiwari, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents. Await service to respondent no.2.

2. The learned counsel states that the respondents have been served an affidavit is filed.

3. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.767/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri Bharat Kulkarni, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents. Shri S.D.Marathe, ld. counsel for the respondent no.2.

2. The learned counsel states that the impugned order of transfer has been modified and grievance of the applicant is redressed. He desires to withdraw the O.A. unconditionally. **O.A. is disposed of as withdrawn.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.823/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. The learned counsel states that he will file service affidavit till 13.09.2022.

S.O.13.09.2022.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.830/2022 (S.B.)

(Ku.Balkeshwari D/o. Devilal Patle versus The State of Maharashtra & others.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)

Dated : 08/09/2022.

Heard Shri R.M.Fating, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Case of the applicant is as follows.

She was working as Talathi at village Dhadari, Tehsil Tiroda, District Gondia. On complaint of one Kishor Gajanan Damahe Crime No.153/2022 was registered against her at Tiroda Police Station under Sections 7 and 12 of the Prevention of Corruption Act. She was arrested. By order dated 17.02.2022 (Annexure A-4) respondent no.3 placed her under suspension under Rule 4(1)(c) of the M.C.S. (Discipline and Appeal) Rules, 1979. By order dated 17.02.2022 (Annexure A-3) she was released on bail. Respondent no.3 initiated Departmental Enquiry against her by issuing a charge sheet (Annexure A-5) on 22.03.2022. However, charge sheet pursuant to registration of Crime No.153/2022 is not yet filed in the Court. The applicant made three representations (Annexure A-6 collectively) to respondent no.3 to revoke his suspension dated 17.02.2022 which were not considered. The Departmental Enquiry is not completed. The Review Committee has not taken necessary steps either. Hence, suspension dated 17.02.2022 deserves to be revoked.

3. The applicant has placed on record copy of communication dated 28.06.2022 made by R.D.C., Gondia to the Divisional Commissioner, Nagpur Division, Nagpur recommending revocation of suspension of the applicant.

4. The applicant has relied on G.R. dated 09.07.2019 (Annexure A-7) which states-

शासन निर्णय :-

निलंबित शासकीय अधिकारी / कर्मचा-यांच्या निलंबनाची कारणे व त्यांचे गांभीर्य यानुसार त्यांच्या प्रकरणांचा आढावा घेण्यासंदर्भात शासनाने वेळोवेळी वर

संदर्भामध्ये दर्शविल्यानुसार शासन निर्णय निर्गमित केले आहेत. श्री.अजयकुमार चौधरी विरुद्ध युनियन ऑफ इंडिया (सिव्हिल अपिल क्र.१९१२/२०१५) मध्ये मा.सर्वोच्च न्यायालयाने दि.१६/०२/२०१५ रोजी दिलेल्या निर्णयाच्या परिच्छेद १४ मधील आदेश खालीलप्रमाणे आहेत.

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 the 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.

२. मा.सर्वोच्च न्यायालयाने वरीलप्रमाणे दिलेल्या दि.१६/०२/२०१५ च्या निर्णयाचे अनुषंगाने केंद्र सरकारचा दि.२३ ऑगस्ट, २०१६ रोजीचा कार्यालयीन आदेश सोबत जोडला आहे. मा.सर्वोच्च न्यायालयाचा निर्णय व केंद्र सरकारचा कार्यालयीन आदेश पाहता निलंबित शासकीय कर्मचा-यांना ९० दिवसांच्या मुदतीत दोषारोप पत्र बजावून त्यांच्या निलंबनाच्या आढाव्या संदर्भातील तरतुदी सुधारण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

१. या अनुषंगाने शासकीय कर्मचा-यांच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत
- i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिका-यांच्या स्तरावर घेण्यात यावा.
 - ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा.सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/खबरदारी घेण्यात यावी.
 - iii) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो

अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधित प्रशासकीय विभागास उपलब्ध
करून देणे आवश्यक राहिल.

In the instant case Clause (ii) of the G.R. dated 09.07.2019 will not be attracted. Clause (i) of the G.R. provides for quarterly review of suspension order. It appears that after taking such review, by communication dated 28.06.2022 revocation of suspension of the applicant is recommended. Hence, the order.

ORDER

Suspension order dated 17.02.2022 (Annexure A-4), passed by respondent no.3 is quashed and set aside. Consequential order shall be passed within 15 days from today. No order as to costs.

Date:-08/09/2022

Member(J)

rsm.

O.A.No.890/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)

Dated : 08/09/2022.

C.A.No.360/2022

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

2. By this application the applicant desires to plead developments which have taken place after the O.A. is filed. So as to decide the matter fully and finally the application for amendment is allowed. Amendment shall be carried out within one week from today.

O.A.No.890/2022

S.O. one week.

Member(J)

Date:-08/09/2022

rsm.

O.A.st.No.1930/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.
C.A.No.346/2022

Heard Shri M.M.Sawang, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. In the application sufficient grounds have been set out for condoning the delay. Hence, C.A. is allowed and delay is condoned.

O.A.st.No.1930/2022

3. Issue notice to Respondents, returnable **after four weeks**. Learned P.O. waives notice for state. Hamdast allowed.

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

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

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

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

Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after four weeks.

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, Id. Counsel for the applicant and Shri A.M.Khdatkar, Id. P.O. for the respondents.

2. On oral request of learned counsel, **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. Perused application and papers.
3. Communication dated 31.01.2015 (Annexure A-1) shows that thereunder the applicant was transferred to the establishment of Gadchiroli District Prison. It is submitted that as per this order the applicant joined on the transferred post on 09.02.2015.

4. The applicant has relied on the communication dated 02.12.2014 (Annexure A-2) whereunder persons like the applicant were given to understand that after serving in naxal affected area for a period of two years they will be transferred to the place of their choice.

5. The applicant is also relying on G.R. dated 06.08.2002 (Annexure A-4). In this G.R. it is stated.

१) आदिवासी क्षेत्रात ३ वर्षे चांगले काम केलेल्या गट 'क' व गट 'ड' च्या कर्मचा-यांना त्यांच्या पसंतीच्या जिल्ह्यात सोईप्रमाणे नेमणूका देण्यात याव्यात.

6. The applicant has placed on record at Annexure A-5 recommendation made to respondent no.2 by Superintendent of District Prison, Gadchiroli to transfer the applicant as per representation made by him. Said representation is dated 21.03.2022 (at page 42).

7. Having considered all these circumstances instant O.A. can be disposed of by directing respondent no.2 to consider representation of the applicant, recommendation of Superintendent

District Prison, Gadchiroli, G.R. dated 06.08.2002 as well as the places given by the applicant in prayer-A in para 7 of the O.A. Respondent no.2 shall consider the above and take the decision within four weeks from today. **With these directions the O.A. is disposed of.**

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri D.M.Kakani, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. Issue notice to Respondents, returnable **after four weeks**. Learned P.O. waives notice for state. Hamdast allowed.

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

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

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

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

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

S.O. after four weeks.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.887/2022 (S.B.)

**Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.**

Heard Shri D.M.Kakani, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. Issue notice to Respondents, returnable **after four weeks**. Learned P.O. waives notice for state. Hamdast allowed.

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

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

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

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

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

S.O. after four weeks.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.268/2018 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri A.H.Jamal, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. **Closed for orders.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.951/2018 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri G.N.Khazode, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of learned counsel, **S.O.**
22.09.2022.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.890/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)

Dated : 08/09/2022.

Heard Shri G.N.Khazode, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of learned counsel, **S.O.**
22.09.2022.

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri P.J.Mehta, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. **S.O. next week.**

Member(J)

Date:-08/09/2022

rsm.

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.
C.A.No.223/2021

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

2. **S.O. one week.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.176/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. **S.O. 13.09.2022.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.250/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. It is submitted by the learned counsel that reply of respondent no.2 is on record, parent department of the applicant is respondent no.2 and respondent no.2 cannot be allowed to say that retiral benefits of the applicant should be paid by respondent no.1 i.e. Tribal department where he was deputed and from where he stood retired. He submits that in this case he will make further submission.

S.O. one week.

Member(J)

Date:-08/09/2022

rsm.

O.A.No.142/2022 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

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

2. **S.O. next week.**

Member(J)

Date:-08/09/2022

rsm.

O.A.No.982/2017 with

O.A.No.622/2018 with

O.A.No.920/2018 with

O.A.No.240/2019 with

O.A.No.241/2019 with
O.A.No.988/2019 with
O.A.No.989/2019 with
O.A.No.990/2019 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents 1 to 3 & 6. Shri Nalim Majithia, ld. counsel for the respondent no.4 & 5. Shri B.N.Jaipurkar, ld. counsel for the respondent no.5. Shri Kiran Malokar, ld. counsel for the respondents 4 and 5. Shri A.S.Deshpande, ld. counsel for the respondent no.5. Shri M.V.Bute, ld. counsel for the respondent no.4 & 5.

2. On oral request of learned counsel, **S.O.**
11.10.2022.

Date:-08/09/2022 **Member(J)**

rsm.

O.A.No.575/2019 with
O.A.No.576/2019 with
O.A.No.843/2019 with
O.A.No.844/2019 with
O.A.No.542/2021 (S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Heard Shri J.S.Deshmukh, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents 1 to 3. Shri M.P.Munshi, Id. counsel for the respondent no.4.

2. On oral request of learned counsel, **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022
rsm.

(S.B.)

Coram : Hon'ble Shri M.A.Lovekar, Member (J)
Dated : 08/09/2022.

Rev.02/2019 in O.A.No.771/2016 with
Rev.03/2019 in O.A.No.773/2016 with

**Rev.04/2019 in O.A.No.23/2017 with
Rev.05/2019 in O.A.No.477/2017 with
Rev.06/2019 in O.A.No.24/2017 with
Rev.07/2019 in O.A.No.476/2017 with
Rev.08/2019 in O.A.No.633/2017 with
Rev.09/2019 in O.A.No.479/2017 with
Rev.10/2019 in O.A.No.772/2016 with
Rev.11/2019 in O.A.No.862/2017 with
Rev.12/2019 in O.A.No.981/2017 with**

Heard Shri B.N.Jaipurkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. On oral request of learned counsel, **S.O.**
11.10.2022.

Member(J)

Date:-08/09/2022

rsm.

