

O.A. 585/2021 (S.B.)

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

Dated : 11/10/2021.

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

2. After going through the record, it appears that the learned counsel for the applicant has not filed relevant Govt. GAD G.R. dated 9/7/2019 which is necessary to decide the matter.

3. The learned counsel for the applicant is directed to file on record Govt. GAD G.R. dated 9/7/2019 till next date.

S.O. 20/10/2021.

Vice-Chairman

dnk.

O.A. 698/2021 (S.B.)

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

Dated : 11/10/2021.

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

2. The learned counsel for the applicant is challenging the impugned transfer order dated 9/8/2021 (A-13,P-40 to 43) by which the applicant has been transferred from the post of Naib Tahsildar, Sub Divisional Office, Murtizapur, Dist. Akola to Naib Tahsildar (Election), Tahsil Office, Sangrampur, Dist. Buldana and his name appears at Sr.No.26. It appears that the applicant is transferred as Naib Tahsildar (Election) in Tahsil Office, Sangrampur, Dist. Buldana for the work of election and therefore in this case no interference is required. Hence, the O.A. is dismissed. No order as to costs.

Vice-Chairman

dnk.

O.A. 920/2021 (S.B.)

(Ku. Anita K. Thakare Vs. State of Mah.)

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

Dated : 11/10/2021.

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

2. Vide transfer order dated 17/9/2021 (A-1,P-10&11) the applicant has been transferred from Nagpur to Gondia on vacant post and her name appears at Sr.No.8. The applicant is working in the Finance Department and her husband is also working in the same Department. The applicant's husband is posted at Nagpur. The learned counsel has relied on the G.R. dated 9/4/2018 (A-4,P-21 to 43) and he mainly relied on Point no.5 of the G.R. at Annex-1, P-36 where it has been mentioned about posting of husband and wife together at the same place, as far as possible and as per availability. As submitted by learned counsel, the status-quo may be granted.

3. As submitted by Id. P.O., the applicant has preferred representation dated 20/9/2021 (A-6,P-45) to the Deputy Director of Education, Nagpur Division, Nagpur which has been rejected on the ground that no post is available at Nagpur as per his letter dated 5/10/2021 (A-2,P-12).

4. In view thereof, **the status-quo as on today be maintained till filing of reply.**

5. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. 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.

S.O. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 805/2021 (S.B.)

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

Dated : 11/10/2021.

Heard Shri P.S. Patil, Id .counsel for the applicant and Shri A.M. Ghogre, Id. counsel for R-1&4 and Shri J.B. Kasat, Id. counsel for R-2&3. None for other respondent.

2. Shri Kasat, Id. counsel files reply of R-2&3. It is taken on record and copies are served to the other sides.

3. The learned counsel for the applicant aggrieved with the transfer order dated 26/8/2021 (A-13,P-43). In the transfer order in the last para, following reasons are mentioned which is reproduced as below –

^ R; kvFkh] MKW jfomz dkoj] oSkdh; vf/kdkjh] i k-vk- dno] i GI [kM ; kps fo#/nP; k efgyk depkjh ; kR; k rdkjh y{kk r ?krk MKW jfomz dkoj] oSkdh; vf/kdkjh i k-vk- dno] i GI [kM ; kauk ; k vkns kko; s [kkrs pkid' khps vf/ku jkgwu rKRijrs i k-vk- dno] gjhl ky rk- /kkj.kh ; k i nLFki hr dj.; kr ; r vkg**

4. The learned counsel for Zilla Parishad has placed on record Vishaka Samiti report and other documents which appear that there are

prima facie case for inquiry against the applicant for drinking and other bad habits.

5. In view of fair inquiry and justice to the employees who have been harassed, the applicant has been shifted at other place temporarily which is mentioned in the transfer order. Since the inquiry is going on and the said transfer is subject to the inquiry report, hence the O.A. is not tenable. So, the O.A. is dismissed. No order as to costs.

Vice-Chairman

dnk.

O.A. 848/2021 (S.B.)

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

Dated : 11/10/2021.

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

2. The Id. counsel submits that the applicant has not been paid salary since April,2021 by the Dean, Govt. Medical College, Nagpur. The Id. P.O. submits that the applicant has joined in Govt. Medical College, Nagpur on promotion and his service book was not received, so pay fixation could not be done. Now service book is received and pay fixation has been done, bill also submitted to the Treasury. It is submitted that now within 3-4 days are required for salary of the applicant to be paid. The learned P.O. is directed to file necessary document before the next date and supply to the Id. counsel.

S.O. 20/10/2021.

Vice-Chairman

dnk.

O.A. 895/2021 (S.B.)

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

Dated : 11/10/2021.

C.A. 314/2021 -

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

The C.A. No.314/2021 is disposed off.

O.A. 895/2021 –

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

2. The applicant was first transferred vide order dated 9/8/2021 (A-3,P-26) from Amravati to the Nagar Parishad, Chandur Bazar, Dist. Amravati. Subsequently, the applicant was transferred vide order dated 12/8/2021 (A-4,P-27) by doing partial modification in the earlier order and she has been posted from Nagar Parishad, Chandur Bazar, Dist. Amravati to Kelapur, Dist. Yavatmal. The applicant has been transferred within three days, however, the Id. CPO has filed document issued by the Principal, Govt. Education Institute, Amravati dated 30/8/2021 which shows that the applicant has been relieved to join at Kelapur on 31/8/2021 A.N. Since the applicant has been already relieved to join at Kelapur, therefore, **the status-quo as on today be maintained.** However the applicant is at liberty to join at transferred place.

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

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

Rev. A. 18/2021 in O.A. 94/2021 (S.B.)

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

Dated : 11/10/2021.

Heard Shri V.A. Kulkarni, Id. P.O. for the applicants (Org. respondents PWD Dept.) and none for R-1 (Org. applicant) . None for R-4.

At the request of Id. P.O. for the applicants (Org. respondents PWD Dept.), **S.O.**
three weeks.

Vice-Chairman

dnk.

O.A. 884/2021 (S.B.)

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

Dated : 11/10/2021.

Heard S.K. Wankhede, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant was appointed on 5/7/1999 as Talathi vide order dated 5/7/1999 (A-1,P-15) by the Collector, Buldana. As per Annex-A-3,P-18 the inquiry was going on against the applicant. As per record at Annex-5,P-23 the applicant stood retired on superannuation on 30/6/2017 The grievance of the applicant is that he is paid pension as per 6th Pay Commission and it should be as per 7th Pay Commission.

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

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 906/2021 (S.B.)

(Nitin M. Raut Vs. State of Mah.)

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

Dated : 11/10/2021.

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

2. The applicant was working as Sr. Clerk in the office of Superintending Engineer, PWD, Chandrapur and on his request he was transferred from Chandrapur to Karanja vide order dated 7/6/2017 (A-3,P-19). Again the applicant on his request was transferred from Karanja to Selu vide order dated 9/8/2021 (A-4,P-20). Vide order dated 13/9/2021 (A-8,P-26) the applicant's transfer dated 9/8/2021 was stayed and he was asked to work at Karanja only, because, in the first para it is mentioned that while relieving from Karanja he handed over the charge of Sr. Clerk to Labour which was serious issue. The Id. counsel submitted that the applicant had handed over the charge of Sr.Clerk to the Labour as per order dated 13/8/2021 (A-6,P-23) issued by the Assistant Engineer, PWD, Karanja. Now subject matter of inquiry is against both the applicant as well as the officer who issued the order dated 13/8/2021 (A-6,P-23).

3. In view of above, **the status-quo as on today be maintained.**

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

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 904/2021 (S.B.)

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

Dated : 11/10/2021.

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

2. Vide order dated 9/8/2021 (A-1,P-13) the applicant has been transferred from Khairipadsoda, Tq. Ramtek, Dist. Nagpur to Gewardha, Tq. Kurkheda, Dist. Gadchiroli.

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

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 864/2019 (S.B.)

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

Dated : 11/10/2021.

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

2. The Id. P.O. files reply of R-3. It is taken on record. Copy is served on the applicant.

3. The matter is admitted and kept for final hearing.

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

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 644/2020 (S.B.)

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

Dated : 11/10/2021.

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

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

3. The matter is admitted and kept for final hearing.

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

S.O. 25/10/2021.

Vice-Chairman

dnk.

O.A. 646/2020 (S.B.)

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

Dated : 11/10/2021.

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

2. The Id. P.O. files reply of R-3. It is taken on record. Copy is served on the applicant.

3. The matter is admitted and kept for final hearing.

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

S.O. 25/10/2021.

Vice-Chairman

dnk.

O.A. 37/2021 (S.B.)

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

Dated : 11/10/2021.

C.A. 194/2021 -

Shri D.S. Sawarkar, 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 on C.A.

Vice-Chairman

dnk.

O.A. 457/2021 (S.B.)

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

Dated : 11/10/2021.

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

At the request of Id. P.O., **S.O.**
27/10/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 551/2021 (S.B.)

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

Dated : 11/10/2021.

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

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

Vice-Chairman

dnk.

O.A. 640/2021 (S.B.)

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

Dated : 11/10/2021.

C.A. 230/2021 -

Shri Y.P.Kaslikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri G.R. Sadar, Id. counsel for R-4.

With the consent of Id. counsel for parties, **S.O. 20/10/2021.**

Vice-Chairman

dnk.

O.A. 663/2021 (S.B.)

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

Dated : 11/10/2021.

Shri N.D. Thombre, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri S.C. Deshmukh, Id. counsel for R-4&5.

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

Vice-Chairman

dnk.

O.A. 674/2021 (S.B.)

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

Dated : 11/10/2021.

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

With the consent of Id. counsel for both the parties, **S.O. 20/10/2021.**

Vice-Chairman

dnk.

O.A. 685/2021 (S.B.)

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

Dated : 11/10/2021.

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

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

Vice-Chairman

dnk.

O.A. 801/2021 (S.B.)

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

Dated : 11/10/2021.

C.A. 321/2021 -

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

At the request of Id. P.O., **S.O.**
13/10/2021 for filing reply on C.A.

Vice-Chairman

dnk.

O.A. 802/2021 (S.B.)

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

Dated : 11/10/2021.

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

At the request of Id. P.O., **S.O.**
13/10/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 797/2021 (S.B.)

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

Dated : 11/10/2021.

Heard Shri B.B. Pantawane, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 890/2021 (S.B.)

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

Dated : 11/10/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

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

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

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

Vice-Chairman

dnk.

O.A. 508/2020 (S.B.)

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

Dated : 11/10/2021.

Heard Ms. N. Pathan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 20/10/2021.**

Vice-Chairman

dnk.

O.A. 781/2021 (S.B.)

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

Dated : 11/10/2021.

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

2. The Id. P.O. filed today copy of letter dated 8/10/2021 issued by the Additional Director General of Police (Establishment) for Director General of Police, M.S., Mumbai. It is taken on record and marked Exh-X. Copy is supplied to the Id. counsel for the applicant.

3. **S.O. 27/10/2021.**

Vice-Chairman

dnk.

O.A. 173/2018 (S.B.)

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

Dated : 11/10/2021.

Heard Shri N.D. Thombre, Id. counsel
for the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

With the consent of Id. counsel for both
the parties, **S.O. 25/10/2021.**

Vice-Chairman

dnk.

O.A. 155/2018 (S.B.)

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

Dated : 11/10/2021.

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

With the consent of Id. counsel for both the parties, **S.O. 20/10/2021.**

Vice-Chairman

dnk.

O.A. 618/2021 (S.B.)

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

Dated : 11/10/2021.

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

With the consent of Id. counsel for both the parties, **S.O. 20/10/2021 (PH)**. High on board.

Vice-Chairman

dnk.

O.A. 675/2021 (S.B.)

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

Dated : 11/10/2021.

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

2. The Id. counsel has filed rejoinder to the reply of R-2. It is taken on record. Copy is served to the Id. P.O. The Id. counsel also filed Pursis dated 11/10/2021 along with other documents. Same are taken on record and copies are supplied to the Id. P.O.

S.O. 25/10/2021 (PH).

Interim relief to continue till then.

Vice-Chairman

dnk.

O.A. 676/2021 (S.B.)

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

Dated : 11/10/2021.

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

2. The Id. counsel has filed rejoinder to the reply of R-2. It is taken on record. Copy is served to the Id. P.O. The Id. counsel also filed Pursis dated 11/10/2021 along with other documents. Same are taken on record and copies are supplied to the Id. P.O.

S.O. 25/10/2021 (PH).

Interim relief to continue till then.

Vice-Chairman

dnk.

**

O.A.No.209/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

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

2. At the request of Id. P.O., **S.O. 20.10.2021 to file reply; since he received the parawise reply.**

Vice Chairman

Date:-11/10/2021.
aps.

O.A.No.978/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.**

C.A.Nos.367/2020 & 19/2021:-

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents. None for the respondent no. 5.

2. At the request of Id. P.O., **S.O. 27.10.2021 to file reply as a last chance.**

Vice Chairman

Date:-11/10/2021.
aps.

O.A.No.143/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 4. It is taken on record. Copy is served to the other side.

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

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

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

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

Vice Chairman

Date:-11/10/2021.
aps.

O.A.No.700/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/2021.

None for the applicant. Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. The Id. P.O. further submits that he will serve it to the other side.

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

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

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

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

Vice Chairman

Date:-11/10/2021.

aps.

O.A.No.291/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

Heard Shri G.I.Dipwani, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-11/10/2021.
aps.

O.A.No.323/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 11.

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

Vice Chairman

Date:-11/10/2021.
aps.

O.A.No.351/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

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

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

Vice Chairman

Date:-11/10/2021.

aps.

O.A.No.622/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

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

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

3. **I.R. dated 08.09.2021 will be continued.**

Vice Chairman

Date:-11/10/2021.
aps.

O.A.No.672/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/2021.

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

2. As pointed out by Id. counsel for the applicant order in O.A. 879/2017 was passed on 11.03.2020 and in para no. 10 on Pg. No. 32 following observation was made:-

"In view of above discussion, we are of the view that it is necessary to issue direction to the respondent no. 2 to examine and consider the case of the applicant in view of the procedure laid down in para-1(9) of the G.R. dated 15.12.2017 and to take conscious decision regarding promotion of the applicant."

3. After the observation; following order was passed on Pg. No. 33 which is mentioned below:-

"The application is partly allowed. The respondent no. 2 is directed to arrange the D.P.C. for consideration of the case of the applicant in view of the directions issued in the G.R. dated 15.12.2017 in para – 1 (6) & 1 (9). The decision shall be taken by the respondent no. 2 within a period of three months from the date of this order. No order as to costs."

4. The Id. counsel for the applicant submits that respondent no. 2 has issued promotion order of one Shri Satish Martand Gotekar (A-9, Pg. Nos. 82 to 84), secondly Shri Vilas Harischandra Jadhav (Pg. Nos. 85 to 87) and thirdly Shri Amol Chandrakant Gawali (Pg. Nos. 88 to 90). In all these three orders in para no. 2 following points have been considered:-

"2- egkj'V' 'kkI u] I keW; i zkkI u foHkkx] 'kkI u fu.kz dz, I vkj0gh&2015@i zcz 310@dk; k12] fnukd 15@12@2017 e/kthy fu; e dz 9 o 11 vIlo; sfu; Qrh i kf/kdkjh ; kauh I i kfu@l fr'k ekrm ?kk/cj ; kuk 11 efgU; ki kBh fdok foHkkxh; pkd'khe fuy@u dk; dghe U; k; ky; hu dk; dghe vfire gkbj ; ki bth ts vxknj gkbj ro<; k dkyko/khl kBh

[kryhy vVh; k vf/ku jkgp i ksyf fujh(kd i nh fu0oG rnFkZ i nktburh ns; kpk fu.kz ?kryk vkg'

5. In Tribunal's order dated 11.03.2020 (para Nos. 1.6 & 1.9) is about G.R. dated 15.12.2017. However, in para no. 1.9; the appointing authority was supposed to take conscious decision.

6. Respondent no. 2 is reminded that in Public Governance conscious decision does not mean that decision should be taken like the king, conscious decision or discriminatory power decision must be taken with some Judicial and Logical backing of facts.

7. When these three orders were issued under the garb of conscious decision; what prevented Respondent no. 2 to use the same conscious decision against the applicant.

8. In reply also filed on 09.04.2021 in para nos. 11 & 12 it is mentioned that para nos. 1.6 & 1.9 are about conscious decision; it is appreciated that respondent no. 2 has further implemented this consciousness in case of three cases by extending provisions of G.R. dated 15.12.2017 Section 11 also but it is not understood that why he fails to do the same in applicant's case also.

9. The Id. P.O. desires to file reply on this, while filing the reply, the documents related to all four cases should be filed before the Tribunal showing that why in three cases consciousness taken in favour of employees while in 4th case consciousnesses has been dropped/ consciousnesses never mean that it should appear to be discriminatory. It should be also seen to be not discriminatory against anyone. All persons before decision maker be treated at par while using conscious decision.

10. S.O. 27.10.2021.

11. Steno copy is granted.

Vice Chairman

Date:-11/10/2021.

aps.

O.A.Nos.523,524&525/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.**

C.A.Nos.291,292,293,294/2021(O.A.523/21):-

Heard Shri V.Dongre and Shri R.V.Shiralkar, the Id. Counsel for the applicants, Shri P.N.Warjekar, the Id. P.O. for the respondents, Shri S.P.Palshikar, the Id. counsel for the intervenor (O.A. No. 523/2021) & Shri R.M.Fating, the Id. counsel for the respondent nos. 6 to 8 (O.A. No. 525/2021). Await service of Respondent Nos. 10 to 14 (O.A. No. 523/2021).

2. The Id. counsel for the applicant has filed **C.A. Nos. 291 & 292/2021 for Interventions are allowed and disposed of.**

3. The main point of contention is that as explained in order dated 27.08.2021 in para no. 3 which is reproduced below:-

"3. All these applicants were appointed as Warden in Social Welfare Department and they aspires to become Social Welfare Officer, Group-B. As documents filed by the Id. counsel for the applicant in O.A. No. 524/2021 at Pg. No. 22 in para no. 2 following ratio has been given for promotion:-

"Vacancies in the posts shall, as far as may be possible, be filled according to the following ratio, namely:-

(i) 60% by nomination.

(ii) 20% by promotion from among the non-gazetted executive staff of the Social Welfare Department and

(iii) 20% by promotion from among the non-gazetted ministerial staff of the social welfare department."

4. As seen above, there are three categories and for different categories there are percentage fixed in para no. 5. **Respondents have been directed not to disturb the quota of 20 % by promotion from the Non-Gazetted, Executive Staff of the Social Welfare Department till decision of the O.A..**

5. Government has not filed reply and due to non filing of reply, the matter is getting further complicated. Today, the Id. P.O. desires two weeks time, two weeks time is granted and it is made clear that whatever promotion Government intending to do; they should clarify in the reply by different Annexures that in which quota which employees shall be given promotion. **It is also made clear that if anyone get entry in other quota then he/she should be disqualified from promotion.**

6. S.O. 25.10.2021.

7. Steno copy is granted.

Vice Chairman

Date:-11/10/2021.

aps.

O.A.No.709/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 11/10/2021.

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

2. The grievances of the applicant is yet to be solved:-

A. Issuance of pension.

B. Payment of G.I.S. amount.

3. The Id. P.O. has filed letter dated 08.04.2021 by Deputy Director, Nagpur; as far as pension paper is concerned it appears that pension paper has been sent to A.G., Nagpur by A.G., Mumbai in a careless manner; which was pointed out by order dated 08.04.2021; that why such document is sent by Registered post and why not by special messenger. It was also directed that matters should be followed personally by deputing special officer for this only.

4. Today, it is observed that A.G., Mumbai has not supplied form no. 5 along with pension papers to A.G., Nagpur and that's why pension has not been cleared by A.G., Nagpur. A.G., Nagpur has already issued letter dated 29.09.2021 address to A.G., Mumbai regarding this. The document is marked Exh. "X" for further identification.

5. Respondent nos. 2 & 3 are directed to monitor this letter of A.G., Nagpur and ensure that form no. 5 of pension paper and all other related pension papers of the applicant are submitted to A.G., Nagpur by A.G., Mumbai by special messenger. It should never be sent by post or registered post. Respondent nos. 2 & 3 should make arrangement to supply this form no. 5 and other papers to A.G., Nagpur from A.G., Mumbai **within 10 days from the date of receipt of this order.**

6. Another issue of the applicant is related to G.I.S. amount; regarding this Id. P.O. has produced letter dated 02.10.2021 by Education Officer, (Secondary), Z.P.,

Amravati to Deputy Director, Nagpur which is marked Exh-X-1. It is mentioned that due to non-availability of documents i.e. pay slip of applicant from 13.02.1984 to 16.06.1985. They are not able to supply authenticated documents to Education Officer, Sidhudurg for payment of G.I.S. amount. A committee was also formed at Z.P., Amravati; it's report is annexed with the letter the report is dated 01.10.2021. The final observations of the committee is that since the documents is 37 years old it might have been destroyed and it is not available. Since, it is not available, Education officer, Amravati, (Secondary), Z.P., Amravati cannot supply these documents to Education Officer, Sindudurg and Education Officer, Sindudurg cannot do the payment in absence of these documents. Since, documents is very much old; applicant is not responsible for keeping these documents. It is responsibility of respondents only.

7. In view of this situation, since applicant has been paid pay regularly till retirement; it is authenticated. So it should be concluded that G.I.S. has been also deducted.

8. Respondent nos. 2 & 3 should take decision that in exceptional circumstances this should be considered as deducted from applicant's salary and then such certificate should be sent to Education Officer, Secondary Z.P., Sindudurg by Education Officer, Z.P., Amravati within a period of two weeks. After receipt of this letter; Education Officer, Z.P., Sindudurg should make the payment of G.I.S. to the applicant. If they have any problem either by Respondent No. 2 or Respondent No. 3 or Z.P., Amravati or Z.P., Sindudurg they should approach before Tribunal and explain their problems.

9. **S.O. 27.10.2021.**

Vice Chairman

Date:-11/10/2021.

aps.

O.A.No.713/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

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

2. The D.E. has been ordered against the applicant vide letter dated 13.03.2020 (Pg. No. 30). The Id. P.O. has filed documents dated 08.10.2021 (Pg. No. 49). It appears that D.E. is against persons:-

- A. Shri A.R.Rathod (Asst. Commissioner).
- B. Shri N.M.Navalkar (Food Safety Officer).
- C. Shri A.R.Wakade (Food Safety Officer).
- D. Shri G.V.Gore (Food Safety Officer).

3. Department has appointed Presenting Officer and Enquiry Officer as per Government order dated 18.08.2021. As per the directions of Hon'ble Supreme Court in case of **Prem Nath Bali Vs. Reg., High Court of Delhi & Anr. decided on 16 December, 2015 in Civil Appeal No. 958 of 2010** as per the date of chargesheet i.e. 08.10.2021; respondents must ensure that D.E. should be completed by 08.04.2022 and final order shall be issued.

4. The Id. P.O. is directed to again submit the progress of the case. **S.O. after two months.**

Vice Chairman

Date:-11/10/2021.

aps.

O.A.No.822/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 11/10/2021.

Heard Shri R.D.Karode, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The applicant has submitted that advertisement was published for various posts by District Malaria Officer, Buldhana on 22.02.2019 (A-1, Pg. No. 12 to 21). The applicant is concerned with Multi-Purpose-Health-Worker(Male, 40 %) in the pay scale of Rs.5200-20200/- (G.P. Rs.2400/-).

3. As pointed out by Id. counsel for the applicant there are three posts for S.C. Category and applicant belongs to S.C. Category. The Id. counsel for the applicant further pointed out that on Annexure-3, Pg. No. 45; applicant's name is at Sr. NO. 2. However, selection list is published at A-5, Pg. NO. 48 shows only two names:- (A) Shri Vijay Pijari Jhine (B) Shri Rahul Eknath Gawai.

4. At Annexure-3 i.e. at Pg. No. 45; it is seen that applicant has scored 182 marks but in the selection list at A-5, Pg. No. 48 persons at Sr. No. 1 i.e. Shri Vijay Pijari Jhine has scored 182 marks and Shri Rahul Eknath Gawai has scored 150 marks.

5. As submitted by Id. counsel for the applicant and examined by this Bench; in the advertisement in the category of S.C. there are five posts (three for General S.C., 01 post for Ex. Service men and 01 post for part time worked employee). On perusal of selection list at Annexure-5, Pg. No. 48. It appears that in General Category of S.C. out of three posts only one Shri Vijay Piraji Jhine has been appointed.

6. In view of this situation, respondents are directed that if any further appointments are made except Shri Vijay Pijari Jhine in case of General (S.C.) Category the other candidate should be made clear that there appointments will be subject to outcome of this O.A..

7. Issue notice to Respondents, returnable on four weeks. Learned C.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.

Vice Chairman

Date:-11/10/2021.

aps.

O.A.No.918/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/2021.

Heard Shri V.G.Bhamburkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Government has published G.R. dated 17.06.2021 (A-3, Pg. No. 37); according to that advertisement has been published by M.P.S.C. for filling these posts vide advertisement no. 062/2021 dated 17.09.2021.

3. The Id. counsel for the applicant further submits that though in the G.R. conditions for Physically Challenged people has been given but it is discriminatory and that's why he is pressing for the Interim Relief to participate. Whether G.R. is followed or not that will be decided before regular D.B..

4. In view of this situation, applicant is granted interim relief clause 'B' and respondents i.e. M.P.S.C. is directed to accept the application of the applicant at this stage which will be subject to outcome of the O.A..

5. As submitted by Id. counsel for the applicant and Id. C.P.O.; the last date of applying for the said post is 11.10.2021 (12:00 a.m.). Since, the applicant's case is exceptional case, applicant is directed to submit application to M.P.S.C. by 14.10.2021 (12:00 a.m.) i.e. within three days. He should submit the application and M.P.S.C. should accept it. If the Id. counsel for the applicant does not comply this order, then he loose the matter.

6. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. 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.

12. **S.O. four weeks.**

13. **Steno copy is granted.**

Vice Chairman

Date:-11/10/2021.

aps.

C.P.No.22/2020inO.A.No.541/2016 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/2021.**

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

2. At the request of Id. P.O., **S.O. 13.10.2021.**

Vice Chairman

Date:-11/10/2021.
aps.

C.P.No.35/2021inO.A.No.354/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

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

2. At the request of Id. P.O., **S.O. 20.10.2021.**

Vice Chairman

Date:-11/10/2021.
aps.

C.P.No.43/2021inO.A.No.475/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

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

2. Issue Notice 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.

3. Shri H.K.Pande, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

4. **S.O. four weeks.**

Vice Chairman

Date:-11/10/2021.

aps.

O.A.No.919/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 11/10/ 2021.

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

2. The applicant was appointed as Class-IV employee and promoted as Junior Clerk vide letter dated 08.09.2017. As submission made by Id. P.O., his promotion order has been cancelled by order dated 05.10.2021.

3. In view of submission made by Id. counsel for the applicant, **if applicant is not relieved till now; status-quo be maintained till filing of the reply.**

4. Issue notice to Respondents, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

10. **S.O. two weeks.**

Vice Chairman

Date:-11/10/2021.

aps.