

O.A. 948/2020 (D.B.)

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

Dated : 13/10/2021.

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

The Id. P.O. files reply of R-2&3. It is taken on record. The Id. P.O. submits that it is sufficient to decide the matter.

The matter is admitted and kept for final hearing.

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

S.O. in due course.

Vice-Chairman

dnk.

O.A. 18/2021 (D.B.)

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

Dated : 13/10/2021.

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

2. The matter was heard on 2/3/2021 and as per para-3, the grievances of the applicant are mainly covered by the G.R. dated 24/8/1976 (A-3,P-17). The learned counsel submits that the MAT, Aurangabad Bench has given Judgment in O.A. 576/2018 delivered on 9/1/2019 and by this Judgment also the applicant's grievance is covered. The learned P.O. desires further three weeks time to file reply in this regard.

3. At the request of Id. P.O., **S.O. 14/11/2021.**

Lateron –

The Id. P.O. files reply of R-2, i.e., District Collector, Washim. It is taken on record. He has also intimated to the Id. counsel in this regard.

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

S.O. in due course.

Vice-Chairman

dnk.

O.A. 53/2021 (D.B.)

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

Dated : 13/10/2021.

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

The Id. P.O. files reply of R-1&2. It is taken on record. Copy is given to the Id .counsel for the applicant.

S.O. three weeks for filing rejoinder, if any.

Vice-Chairman

dnk.

O.A. 707/2021 (D.B.)

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

Dated : 13/10/2021.

Shri M.R .Khan and Shri V.A. Kulkarni,
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. 708/2021 (D.B.)

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

Dated : 13/10/2021.

Shri M.R .Khan and Shri V.A. Kulkarni,
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. 935/2018 (D.B.)

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

Dated : 13/10/2021.

Heard Shri J.S. Wankhede, Id. counsel for the applicant and Shri H.K. Pande, 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. after four weeks for filing rejoinder, if any.

Vice-Chairman

dnk.

O.A. 915/2021 (D.B.)

(Snehal A. Lonare Vs. State of Mah. & Ors.)

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

Dated : 13/10/2021.

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

2. The learned counsel submits that the applicant is a lady and has applied for Police Constable-Driver post as per advertisement 30/12/2019 (A-3,P-23 to 39). The applicant has made application as per A-4,P-40 to 43. As per document at A-7,P-49 issued by Dy. Superintendent of Police, Sangli in which it is mentioned that papers of vehicle testing has been approved after 8/1/2020. However, they have recommended to consider the applicant as eligible. However as per correspondence dated 4/10/2019 (A-8,P-50) it is mentioned that LMV-TR and LMV licence has been obtained by the applicant after end of submission of application date and therefore her application has been rejected.

3. Issue notice to the 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.

Vice-Chairman

dnk.

C.P. 22/2020 in O.A. 541/2016 (D.B.)

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

Dated : 13/10/2021.

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

2. The learned P.O. has filed document dated 6/10/2021 by the Deputy Director of Health Services, Akola Circle, Akola. It is marked as Exh-X. In this document they have listed the applicant nos.1 to 9 and by this document, it appears that bills are pending with the Treasury and some amount has been paid also. The Id. counsel has some doubt about payment.

3. In view of this the Id .counsel is directed to take instructions from the clients in this regard. At the same time, the Id .P.O. to file affidavit along with the relevant document regarding details of payment to the applicants.

S.O. 15/11/2021.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 905/2021 (D.B.)

(N.J. Waware Vs. State of Mah. & Ors.)

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

Dated : 13/10/2021.

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

2. The applicant was working as Junior Clerk in the office of Superintending Engineer, PWD, Nagpur and he was promoted to the post of Senior Clerk temporarily and posted under the Superintending Engineer, PWD, Chandrapur in Nagbhid Sub-Division on vacant post. Aggrieved with this order, the applicant has approached to this Tribunal. However, the Id. CPO has pointed out that in the document at Annex-A-1,P-15 it is written that the applicant was working as Junior Clerk under the Superintending Engineer, PWD, Chandrapur and he was promoted as Senior Clerk and posted to Nagbhid as per order dated 18/8/2021 (P-16). It appears that the applicant was kept in the same Circle.

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. 885/2021 (D.B.)

(Darwade Vs. State of Mah. & Ors.)

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

Dated : 13/10/2021.

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

2. The learned counsel submits that the applicant has preferred appeal / representation before the respondents. After going through the record, it appears that the applicant's appeal/representation has not been placed on record. The Id .counsel is directed to place on record the applicant's appeal/representation before the next date.

S.O. 20/10/2021.

Vice-Chairman

dnk.

C.P. 49/2020 in O.A. 505/2018 (D.B.)

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

Dated : 13/10/2021.

Heard Shri S.U. Ghude, 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 and copy is served to the Id .counsel for the applicant.

The Id. counsel for the applicant submits that he desires to withdraw the contempt petition.

In view of this, the contempt petition stands disposed off as withdrawn. No order as to costs.

Vice-Chairman

dnk.

C.P. 44/2021 in O.A. 62/2017 (D.B.)

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

Dated : 13/10/2021.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri H.K. Pande, 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. The learned P.O. waives notice for State. Hamdast granted.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 714/2017 (S.B.)

(O.S. Bhonde Vs. State of Mah. & Ors.)

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

Dated : 13/10/2021.

C.A. No. 372/2020 -

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

2. The learned counsel has filed C.A.No.372/2020 and submits that now he does not want to press the C.A. Hence, the C.A. is treated as not pressed.

O.A. 714/2017 –

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

2. The learned counsel for the applicant has filed Pursis dated 4/10/2021 mentioning that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 4/10/2021, the O.A. stands disposed off as withdrawn. In the meanwhile, the applicant is at liberty for alternative remedy, if any.

Vice-Chairman

dnk.

O.A. 48/2020 (S.B.)

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

Dated : 13/10/2021.

C.A. No. 316/2021 in O.A. 48/2020 -

Heard Shri Abhijit Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

As submitted by the Id. P.O., pleadings are completed in this matter. In view thereof, the matter be fixed for final hearing on C.A. and O.A.

S.O. After Vacation.

Vice-Chairman

dnk.

O.A. 786/2020 (S.B.)

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

Dated : 13/10/2021.

Heard Mrs. S.M. Khan, Id. counsel for the applicant, Shri A.M. Khadtkar, Id. P.O. for R-1 to 4 and Shri P.S. Kachwaha, Id .counsel holding for Shri H.D. Marathe, Id. counsel for R-5.

2. The Id. counsel for R-5 submits that they have submitted reply to the Department for approval and for that he requires three weeks time to file reply. On the last occasion i.e. on 25/8/2021 also he has submitted same pleading. So four weeks time is granted as a last chance, otherwise matter will be heard on the next date.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 45/2021 (S.B.)

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

Dated : 13/10/2021.

Heard Shri J.M. Shamkuwar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. P.O. files reply of R-2&4 separately. Same are taken on record and copies are supplied to the Id. counsel for the applicant. It is submitted that the reply of R-2&4 are sufficient to decide the O.A. Hence, the matter is admitted and kept for final hearing.

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

S.O. in due course.

Vice-Chairman

dnk.

O.A. 381/2021 (S.B.)

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

Dated : 13/10/2021.

Heard Shri Abhijit Barhate, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2, none for R-3 and Shri B.B. Patnawane, Id. counsel for R-4.

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

Vice-Chairman

dnk.

O.A. 418/2021 (S.B.)

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

Dated : 13/10/2021.

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.**
25/10/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 599/2021 (S.B.)

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

Dated : 13/10/2021.

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

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

Vice-Chairman

dnk.

O.A. 729/2021 (S.B.)

(V.V. Bankar Vs. State of Mah. & Ors.)

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

Dated : 13/10/2021.

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

2. As mentioned in para-2 of the order dated 27/8/2021 the applicant has given application for voluntary retirement on 1/2/2019 (A-5,P-23). The V.Rs. application was accepted vide order dated 7/3/2019 (A-6,P-24), but till now the applicant has not been paid retiral benefits.

3. Today, the Id. counsel has placed two documents on record pertaining to DCPS under NPS and it is written by the Treasury Officer, Bhandara to the respondents. Same are marked Exh-X and X1 for identification.

4. The learned counsel further submits that the applicant has not been paid salary for February, 2021 also and also amount of gratuity and GIS has not been paid to the applicant.

5. The Id. P.O. desires time to file reply and take instruction in this regard. Three weeks time is granted to the Id. P.O. for filing reply as a last chance. However, he is directed to take instructions **before 22/10/2021** and submit what

is the reason that the Department has not paid salary and retiral benefits to the applicant.

S.O. three weeks for filing reply as last chance.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 756/2021 (S.B.)

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

Dated : 13/10/2021.

C.A. 273/2021 -

Heard Shri M.M. Sudame, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The learned P.O. desires three weeks time to file reply. Time is granted. However, the learned P.O. is directed to place on record relevant document/ file mentioning how decision was taken regarding applicant no.2. It should be filed on record before the next date.

S.O. 29/10/2021.

Vice-Chairman

dnk.

O.A. 847/2021 (S.B.)

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

Dated : 13/10/2021.

Heard the applicant in person, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri A.R. Fule, Id. counsel for R-2.

2. The leaned P.O. desires further time to file reply. The learned counsel for R-2, i.e., CEO, Zilla Parishad, Gadchiroli also submits that he will file reply within two weeks. Further arguments of Zilla Parishad are not proper as per record because one side they are submitting that the applicant was promoted and other side they are submitting that there were complaints against the applicant. However it appears that the applicant was promoted. As submitted by the Id. counsel for Zilla Parishad, two weeks time is granted to file reply. It is made clear that if reply is not filed on the next date, the matter will heard on merit.

3. The learned counsel for Zilla Parishad is also directed that when first order was issued for posting to the applicant at Kurkheda and subsequently it was changed to Aheri, can Zilla Parishad adjust the applicant nearby Wadsa or Wadsa itself as submitted by applicant that it is still vacant. The Zilla Parishad should also examine and mention in the reply these points also.

S.O. 27/10/2021.

Vice-Chairman

dnk.

(S.B.)

(Shri Ashok J. Tiwari & ors. Vs. State of Mah.)

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

Dated : 13/10/2021.

C.A.No. 321/2021 in O.A. 801/2021 -

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

2. The learned counsel for applicant has filed C.A. No. 321/2021 and along with that he has attached correspondence dated 23/9/2021 (P-10) in which first four applicants' names i.e. Anil Ratilal Soneri (in O.A.802/2021), Ashok Jamdar Tiwari (in O.A.801/2021), Jagdish Ganpat Kawale (in O.A.801/2021) and Narayan Lankesh Tiwari (in O.A.801/2021) are mentioned and they have been relieved and they have joined. The matter was heard on 8/9/2021 and all these four persons were as Anil Ratilal Soneri, applicant no.2 in O.A.802/2021, Ashok Jamdar Tiwari applicant no.1 in O.A.801/2021, Jagdish Ganpat Kawale, applicant no.4 in O.A.801/2021 and Narayan Lankesh Tiwari, applicant no.6 in O.A.801/2021.

3. In para-4 of the order dated 8/9/2021, the transfer order dated 3/9/2021 was stayed till filing of reply. The order of transfer was issued by the respondent no.3 in O.A.Nos. 801 & 802 of 2021. However, as per letter dated 23/9/2021 (P-10) it appears that the respondent no.3 has tried to circumvent order and one Mr. Sanjay Padhare, Police Inspector, Motor Transport Department, Nagpur must

be working under the respondent no.3 only, has relieved these applicants under signature of this letter. This is totally against the Tribunal's order. Since the said Police Inspector is not party in the present O.A., and he was nowhere in the picture of transfer order. The respondent no.3 has preferred to take a different view by-passing the order of this Tribunal dated 8/9/2021 by getting relieving order issued by his subordinate officer.

4. The respondent no.3 being a responsible Officer, then what kind of conduct in public governance can be seen by such action. Personally this Bench feels that this conduct of respondent no.3 should be brought to the notice of Superior Officers of the Department. However, at this stage, the respondent no.3 is asked to explain the reasons how the Police Inspector was authorised to relieve these applicants when the matter was subjudice and the order was stayed by this Tribunal.

5. The respondent no.3 is directed to say in this regard by 25/10/2021 when the matter will be heard on the next date and if his reply is not found satisfactory, then he will be asked to appear before this Tribunal and explain the action taken by him /his superior officer.

S.O. 25/10/2021.

Steno copy is granted...

Vice-Chairman

dnk.

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

(V.D. Singh & Ors. Vs. State of Mah.)

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

Dated : 13/10/2021.

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

2. The learned counsel for applicant has filed correspondence dated 23/9/2021 in which first four applicants' names i.e. Anil Ratilal Soneri (in O.A.802/2021), Ashok Jamdar Tiwari (in O.A.801/2021), Jagdish Ganpat Kawale (in O.A.801/2021) and Narayan Lankesh Tiwari (in O.A.801/2021) are mentioned and they have been relieved and they have joined. The matter was heard on 8/9/2021 and all these four persons were as Anil Ratilal Soneri, applicant no.2 in O.A.802/2021, Ashok Jamdar Tiwari applicant no.1 in O.A.801/2021, Jagdish Ganpat Kawale, applicant no.4 in O.A.801/2021 and Narayan Lankesh Tiwari, applicant no.6 in O.A.801/2021.

3. In para-4 of the order dated 8/9/2021, the transfer order dated 3/8/2021 was stayed till filing of reply. The order of transfer was issued by the respondent no.3 in O.A.Nos. 801 & 802 of 2021. However, as per letter dated 23/9/2021 it appears that the respondent no.3 has tried to circumvent order and one Mr. Sanjay Padhare,

Police Inspector, Motor Transport Department, Nagpur must be working under the respondent no.3 only, has relieved these applicants under signature of this letter. This is totally against the Tribunal's order. Since the said Police Inspector is not party in the present O.A., and he was nowhere in the picture of transfer order. The respondent no.3 has preferred to take a different view by-passing the order of this Tribunal dated 8/9/2021 by getting relieving order issued by his subordinate officer.

4. The respondent no.3 being a responsible Officer, then what kind of conduct in public governance can be seen by such action. Personally this Bench feels that this conduct of respondent no.3 should be brought to the notice of Superior Officers of the Department. However, at this stage, the respondent no.3 is asked to explain the reasons how the Police Inspector was authorised to relieve these applicants when the matter was subjudice and the order was stayed by this Tribunal.

5. The respondent no.3 is directed to say in this regard by 25/10/2021 when the matter will be heard on the next date and if his reply is not found satisfactory, then he will be asked to appear before this Tribunal and explain the action taken by him /his superior officer.

S.O. 25/10/2021.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 757/2021 (S.B.)

(Dr. S.R. Sarda Vs. State of Mah. & ors.)

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

Dated : 13/10/2021.

Heard Shri A.D. Girdekar, 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. 907/2021 (S.B.)

(P.N. Thegne Vs. State of Mah. & ors.)

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

Dated : 13/10/2021.

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

2. As per page no.3 of the O.A., the applicant retired on superannuation on 30/6/2011 from Chandrapur District. Almost after 10 years, the impugned order dated 13/7/2021 (A-1,P-12) has been issued by the Additional Treasury Officer, Chandrapur for recovery of Rs. 2,92,024/-. It appears that the said recovery order has been issued without given any opportunity of hearing to the applicant.

3. In view thereof, **the impugned order dated 13/7/2021 (A-1,P-12) is stayed till filing of reply.**

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. 923/2021 (S.B.)

(M.B. Choudhari Vs. State of Mah. & ors.)

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

Dated : 13/10/2021.

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

2. As per page no.3 of the O.A., the applicant retired on superannuation on 31/5/2010 from Chandrapur District. Almost after 11 years, the impugned order dated 1/6/2021 (A-1,P-12) has been issued by the Additional Treasury Officer, Chandrapur for recovery of Rs. 3,11,593/-. It appears that the said recovery order has been issued without given any opportunity of hearing to the applicant.

3. In view thereof, **the impugned order dated 1/6/2021 (A-1,P-12) is stayed till filing of reply.**

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. 924/2021 (S.B.)

(A.N. Kale Vs. State of Mah. & ors.)

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

Dated : 13/10/2021.

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

2. The learned counsel for the applicant is directed to remove office objections. In the meantime, 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. 308/2017 (S.B.)

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

Dated : 13/10/2021.

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

With the consent of Id. counsel for both the parties, **S.O. 27/10/2021.**

Vice-Chairman

dnk.

O.A. 49/2020 (S.B.)

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

Dated : 13/10/2021.

Heard Shri D.M. Surjuse, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. Shri Khadatkar, Id. P.O. submits that Shri Potnis, Id. P.O. appeared in the matter, but today he is not present, therefore, the matter be kept on 22/10/2021.

3. Today, pleadings of learned counsel for the applicant is heard. As per the learned counsel, the applicant is aggrieved with the pay fixation as per order Annex-A-8,P-37. The learned counsel is relying on Govt. Notification of Finance Department dated 30/1/2019 (A-13,P-72) and mainly relied on page no.73 at point no.8 which reads as below –

^ Vhi & 8 ¼, d½ 1 tkuokjh 2016 i wlvzjP; k i nkoj c<rh
fnysyk ofj"B 'kkI dh; deþkjh I qMkfjr oru I jpur] 1
tkuokjh 2016 jksth fdok R; kurj ojP; k i nkoj c<rh
feGkyY; k R; kP; k dfu"Bkgu deh oru ?kr vI sy rþgk
v'kk i xj.kh ofj"B 'kkI dh; deþk&; kps oru R; kP; k
dfu"B deþk&; kP; k I wMkfjr oru I jpur fuf'pr dsyY; k
orukP; k jdebrds ok<fo.; kr ; kos gh ok< dfu"B

'kkI dh; depl&; kP; k c<rtP; k rkj [kI kl u ykxwdj.; kr
; koh- ek=] R; kI kBh i q:hy 'krhzi qkzdjko; k ykxrhy-**

4. It is admitted fact that Juniors should not draw more pay than their seniors and the same principle has been adopted by the Finance Department. The learned counsel has made party to the Deputy Director of Accounts Officer, Pay Verification Unit, Civil Lines, Nagpur as respondent no.5. After hearing, the learned P.O. may be referred the matter to Pay Verification Unit to verify the pay of applicant as per Govt. Notification of Finance dated 30/1/2019 (A-13,P-72) .

5. The learned counsel has filed rejoinder to the reply filed by R-3 and on page no.61 in para-4 he has mentioned names of about 22 persons who are juniors to the applicant, but drawing more pay.

S.O. 22/10/2021 (PH).

Vice-Chairman

*dnk...