

O.A. 599/2019 (S.B.)

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

Dated : 17/09/2021.

C.A. No. 37/2021 -

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

For the reasons stated in the application, the C.A. for amendment is allowed and disposed off.

C.A. No. 43/2021 –

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

For the reasons stated in the application, the C.A. for filing documents on record is allowed and disposed off.

O.A. No. 599/2019 –

Put up before regular D.B.

Vice-Chairman

dnk.

O.A. 632/2019 (S.B.)

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

Dated : 17/09/2021.

C.A. No. 236/2021 -

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

For the reasons stated in the application, the C.A. for early hearing is allowed and disposed off.

O.A. 632/2019 –

S.O. 18/10/2021.

Vice-Chairman

dnk.

O.A. 762/2020 (S.B.)

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

Dated : 17/09/2021.

C.A. No. 212/2021 -

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

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

Vice-Chairman

dnk.

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

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

Dated : 17/09/2021.

Heard Shri D.H. Sharma, Id. counsel for the applicant 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.

Vice-Chairman

dnk.

O.A. 04/2021 (S.B.)

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

Dated : 17/09/2021.

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

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

Vice-Chairman

dnk.

O.A. 56/2021 (S.B.)

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

Dated : 17/09/2021.

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

At the request of Id. counsel for the applicant, **S.O. four weeks.**

Vice-Chairman

dnk.

O.A. 182/2021 (S.B.)

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

Dated : 17/09/2021.

Heard Shri G.G. Bade, Id. counsel for the applicants, Shri A.M. Ghogre, Id. P.O. for respondent nos.1&2 and none for R-3&4.

2. The learned counsel has relied on Govt. GAD G.R. dated 10/7/2009 (A-1,P-10) and Govt. GAD G.R. dated 21/09/2017 (P-18) for compassionate appointment. However, it is pointed that the Govt. GAD G.R. dated 10/7/2009 (A-1,P-10) has been withdrawn by the Govt. GAD G.R. dated 21/09/2017 (P-18) which is listed at Sr.No.27 of the said G.R.

3. In view of this, the applicant's application dated 31/5/2010 (A-4,P-16) was decided by the respondents vide their letter dated 30/8/2010 (A-5,P-17) in which it is mentioned that the said application has been decided by the GAD G.R. dated 26/10/1994. Since the Govt. GAD G.R. dated 21/09/2017 (P-18) has withdrawn many various G.Rs. and fresh G.R. has been issued.

4. The respondents are directed to consider the applicant's application dated 3/5/2010 (A-3,P-15) in view of recent Govt. GAD G.R. dated

21/09/2017 (P-18) which is marked Exh-X within two months from the date of receipt of this order.

5. In view of above, the O.A. stands disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 331/2021 (S.B.)

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

Dated : 17/09/2021.

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

At the request of Id. P.O., **S.O. 6/10/2021**
for filing reply.

Vice-Chairman

dnk.

O.A. 442/2021 (S.B.)

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

Dated : 17/09/2021.

Heard Shri P.V. Thakre, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri A.P. Sadavarte, Id. counsel for R-3.

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

Vice-Chairman

dnk.

O.A. 453/2021 (S.B.)

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

Dated : 17/09/2021.

None for the applicants. Shri A.M. Ghogre, 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. 640/2021 (S.B.)

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

Dated : 17/09/2021.

C.A. 230/2021 -

Heard Shri Y.P. Kaslikar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri G.R. Sadar, Id. counsel for R-4.

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

Vice-Chairman

dnk.

O.A. 726/2021 (S.B.)

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

Dated : 17/09/2021.

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

2. The matter was heard on 25/8/2021 and considering the medical problems in the family of applicant, the transfer order dated 9/8/2021 (A-3,P-28) was stayed. However, today as pointed out by the Id. counsel, when the applicant wrote a letter on 26/8/2021, the respondent served a letter on 26/8/2021 only, inspite of that he has been relieved. However, the respondents have failed to appreciate that matter was heard on 25/8/2021 in the forenoon and in the order dated 25/8/2021 it is mentioned that the applicant was relieved on 25/8/2021 (A.N.). This clearly shows that it is contempt of court of the Tribunal's order. It seems that the matter was heard on 25/8/2021 before the Court and the order was dictated on dias before 2.00 pm, but inspite of that by order dated 25/8/2021 the applicant was relieved 25/8/2021 (A.N.). The respondents are directed to join the applicant immediately and file relevant document on record, otherwise, necessary action will be taken.

S.O. after one week.

Vice-Chairman

dnk.

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

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

Dated : 17/09/2021.

Heard Shri D.M. Kakani, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and none for R-4.

2. The Id. P.O. files reply of R-1&2. It is taken on record. Copy is supplied to the other side.

3. The respondent nos.1&2 have filed reply on 13/7/2021 after repeated date of hearing. Today, the learned counsel has pointed out that certain developments which are not on record. In view of this, the learned counsel is directed to file all the stages of development which has taken place and finally what is the position of applicant when and where he joined. After that only compulsory period of applicant can be decided as mentioned in para-6 of the order dated 4/2/2021.

S.O. 24/9/2021.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 567/2021 (S.B.)

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

Dated : 17/09/2021.

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

At the request of Id. counsel for the applicant, **S.O. 1/10/2021.**

Vice-Chairman

dnk.

O.A. 631/2021 (S.B.)

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

Dated : 17/09/2021.

Heard Shri K.S. Motwani, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The applicant was initially appointed as Forest Guard in 2004. However he claims that he was having diploma in Civil Engineering and for that's why he desires to be appointed as Junior Engineer, Class-III post since Forest Guard is also a Class-III category post. In other round of litigation he had filed O.A.No. 270/2020 in which order was passed on 26/5/2020 and the respondent nos.1&2 were directed to decide the representation within a period of three months from the date of order. Today, the learned counsel submits that the representation has been decided, but he is aggrieved with the order in the representation and hence he has filed this O.A. No.631/2021.

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.

S.O. after four weeks.

Vice-Chairman

dnk.

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

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

Dated : 17/09/2021.

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

2. After hearing sometime, it was pointed out that rejoinder is not attached on record which is filed by the learned counsel. The office is directed to file rejoinder on record.

3. The matter will be heard **on 22/9/2021 (PH).**

Vice-Chairman

dnk.

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

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

Dated : 17/09/2021.

Heard Ms. Garima Jain, Id .counsel holding for Mrs. R.S. Sirpurkar, 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. next week.**

Vice-Chairman

dnk.

O.A. 982/2018 (S.B.)

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

Dated : 17/09/2021.

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

With the consent of Id .counsel for both the parties, **S.O. 24/9/2021.**

Vice-Chairman

dnk.

O.A. 280/2020 (S.B.)

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

Dated : 17/09/2021.

Heard Shri N.R. Saboo, 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. 4/10/2021**

Vice-Chairman

dnk.

O.A. 468/2017 (S.B.)

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

Dated : 17/09/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and Shri N.S. Khandewale, Id. counsel for R-3.

With the consent of Id .counsel for both the parties, **S.O. 29/9/2021.**

Vice-Chairman

dnk.

O.A. 866/2018 (S.B.)

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

Dated : 17/09/2021.

Heard Shri K.J. Khanorkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel has filed correspondence dated 30/8/2021. It is taken on record and marked Exh-X. In this letter, it is mentioned that vide Cheque No.117405, dated 30/08/2021 the applicant has been already paid Rs.3,59,660/- and hence nothing survives in the O.A. Since nobody appeared for the applicant, the matter will be heard for disposal in next week.

3. **S.O. next week (PH).**

Vice-Chairman

dnk.

O.A. 842/2021 (S.B.)

(Ku. Lalita S. Mawaskar Vs. State of Mah.& ors.)

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

Dated : 17/09/2021.

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

2. The applicant has been transferred and posted vide order dated 6/8/2021 (A-1,P-14 to 20) from Aagar Beat, Dharni Round, Dharni Range to Miroja Beat in Chikhali Round in Tarubanda Range, Gugamal Wild life Division and her name appears at Sr.No.60. The learned counsel submits that the applicant has given choice as per Annex-A-2, P-21 and submits that out of 10 choices of the applicant, the posts at Sr.No.1 i.e. Kekdabod Beat, Dharni Range, Melghat Territorial Division and at Sr.No.8 i.e. Chatwa Beat, Dharni Range, Melghat Territorial Division are still vacant. The Id. counsel further submits that nobody has been posted in place of applicant.

3. In view of this situation, the respondent no.2 is directed to consider the representation of the applicant dated 13/8/2021 (A-3,P-22) to any vacant post out of 10 choices given by the applicant as per Annex-A-2,P-21 or alternatively as submitted by the learned counsel, since nobody has been posted against the applicant, the applicant be retained in present post and may be considered during next general transfer season of 2022 for transfer. This should be done within two weeks from the date of receipt of this order.

4. The learned counsel further submits that the applicant is yet not relieved, **so till decision is taken on the representation, the status-quo be maintained.**

5. Issue notice to the respondents returnable **after two weeks**. Learned 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 two weeks.

Steno copy is granted...

Vice-Chairman

dnk.

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

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

Dated : 17/09/2021.

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

2. The applicant was appointed by the State Government vide order dated 12/02/2009 (A-1,P-18 to 20) and by record it appears that the applicant was posted to Palaskhed Health Center by the Government order dated 30/05/2013 which empowered the CEO, Zilla Parishad, Amravati to relieve him and join there. However, the present order of transfer dated 26/8/2021 (A-13,P-43) has been issued by the CEO, Zilla Parishad, Amravati. Since the applicant has been appointed by the State Government, this Bench feels that the applicant's case should be heard in MAT, but the Zilla Parishad, Amravati must be heard before issuing any order. The learned counsel has made party to the Zilla Parishad, Amravati as respondent no.2.

3. In view of this situation, issue notice to the respondents returnable on **24/09/2021.** 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. 24/09/2021.**

Vice-Chairman

dnk.*

O.A.No.207/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

C.A.No.109/2020:-

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, 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:-17/09/2021.
aps.

O.A.No.710/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

C.A.No.192/2021:-

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed G.R. dated 01.03.2019. In the G.R. at point no. 2 it is mentioned which is reproduced below:-

"R; huk prfikZs k l jGI oB; k i nke/; sf*ki kbZEg. hu i Eke fu; D rhp k d k/ k 25 % o: u 40 % i ; r ok<fo.; kpk i Lrko fr- 08-01-2019 jkstP; k ek- ea-hemykP; k cBche/; sl knj dj.; kr vkyk glrk- efi-eMGkus ; k l mHkzr ?ky y; k fu.kz ku k j 'kk l u i fi-yiek.ksvkns k fuxZer djhr vkgs"

3. However, there is no mention about whether this G.R. will be effective from retrospective date or not? In view of this, the Id. P.O. is directed to clarify whether this G.R. is given retrospective effect or from date of issue?

4. **S.O. one week.**

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.756/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/2021.

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

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

3. The Id. counsel for the applicant requires three weeks time to file Rejoinder. **S.O. three weeks.**

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.731/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

Heard Smt. M.D.Awachat, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. None for the respondent no. 4.

2. Issue fresh notice to Respondent nos. 2 & 3, returnable on four weeks. Learned P.O. waives notice for R-1. 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. four weeks.**

Vice Chairman

Date:-17/09/2021.

aps.

O.A.No.54/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

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

2. At the request of Id. P.O., **S.O. 24.09.2021 to file reply.**

Vice Chairman

Date:-17/09/2021.

aps.

O.A.No.172/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/2021.

Heard Shri P.S.Patil holding for Shri V.A.Kothale, the Id. Counsel for the applicant and Shri S.A.Sainis, 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:-17/09/2021.

aps.

O.A.No.318/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 17/09/2021.

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

2. The Id. P.O. has filed reply of respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

3. Para no. 6 of reply of respondent nos. 2 & 3 is reproduced below:-

"It is pertinent to note here that, the applicant's case for promotion has been considered twice by the department as per the provision of above quoted government resolution and the D.P.C. had taken a conscious decision not to promote the applicant on the post of A.P.I.. As stated above the applicant's case will again be considered in the forth coming D.P.C. for the year 2020-2021 and the applicant's case will examined as per the G.R. dated 15.12.2017 and the result of the same will be communicated to the applicant."

4. However, this Bench feels that while taking decision by respondents vide letter dated 05.08.2021 one Shri Satish Martand Gotekar (Pg. No. 89), secondly in the case of Shri Vilas Harishchandra Jadhav (Pg. No. 93), third and last Shri Amol Chandrakant Gawali (Pg. No. 96); conscious decision have been taken in their favour.

5. All the above three persons and applicant have similar situation but in other three cases conscious decision have been taken as per G.R. dated 15.12.2017 in favour of these employees. It is always better that conscious decision should be taken with some logic which should show transparency with equal opportunity have been given to all similarly placed persons.

6. It will not be out of place to remind respondents and particularly respondent no. 2 about the concept of conscious decision/ discriminatory power for decision making. These two things are incorporated in decision making after a lot of inputs and case studies. The concept of making provisions regarding conscious decision or discriminatory power for any decision is given in public administration to any post or any position holding in public governance does not mean that decision should be arbitrary, opaque and without any backing

of logics. These powers are vested in very-very limited post/ position holding in public governance in order to provide equal opportunity and similar justice to similar kind of persons before that post/ position holding in public governance. These powers need to be always used very scrupulously and in such a manner that it neither appears in discriminatory nor appear to be partitioned, rather than it must appear in itself a strong arguments behind this that all have been treated equally by using conscious decision/ discriminatory power for decision making. Respondents are reminded that in public governance when such powers are used it must be in similar fashion as explained above otherwise the purpose of giving such faith in that post/ position will start de-generating. This Bench feels to remind that since respondent no. 2 is duty bound to go with the spirit of Constitution of India, he requires to ensure that above principle is always followed while taking conscious decision.

7. However as per reply filed on 17.09.2021 by respondent nos. 2 & 3 in para no. 6; they have admitted that applicant's case will be considered in the forth coming D.P.C. for the year 2020-2021. It is directed that applicant's name must be considered as per their own admission in fourth coming D.P.C. for the year 2020-2021 and justice should be given to applicant as per other similarly placed employees.

8. In the interest of justice, the Id. P.O. is also directed to take instructions that what will be tentative date of fourth coming D.P.C. for the year 2020-2021 and file it on record before next date of hearing.

9. **S.O. four weeks.**

Vice Chairman

Date:-17/09/2021.

aps.

O.A.No.328/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

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

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

Vice Chairman

Date:-17/09/2021.

aps.

O.A.No.419/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

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

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

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.434/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/2021.

None for the applicant. Shri P.N.Warjekar,
the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the
respondent nos. 1 to 5. It is taken on record. The Id.
P.O. further submits that he will serve the copy 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:-17/09/2021.
aps.

O.A.No.435/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

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

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

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.451/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

Heard Shri S.N.Gaikwad holding for Shri S.D.Khati, 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. two weeks to file reply.**

Vice Chairman

Date:-17/09/2021.

aps.

O.A.No.502/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

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

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

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.592/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

3. *Put up this matter along with O.A. Nos. 1011 & 1012/2019.*

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.637/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

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

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

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.305/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

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

2. Since, the pleadings are completed; O.A. is **admitted** and kept for final hearing.

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

4. As requested by Id. P.O., **put up this matter as and when D.B. will available.**

Vice Chairman

Date:-17/09/2021.
aps.

O.A.No.796/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on six weeks. Learned P.O. waives notice for R-1. 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. six weeks.**

Vice Chairman

Date:-17/09/2021.

aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 17/09/ 2021.**

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

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

Vice Chairman

Date:-17/09/2021.
aps.

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

(Sushilkumar S/o Sarjuprasad Shukla Vs. State of Mah. & Ors.)

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

Dated : 17/09/2021.

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

2. As submitted by the learned counsel, the applicant joined in the Police Department as Police Constable on 9/6/1974. His date of birth is 14/11/1954 and he stood retired on superannuation on 30/11/2012. At the time of retirement, there was court case against the applicant along with seven other persons where the applicant's name i.e. Sushilkumar Sarjuprasad Shukla is at Sr.No.7 on page no.25. The offence was punishable under Sections 147,148,149,302,120-B and 201 of Indian Penal Code. There was trial in this case before the Additional Sessions Judge in the court of Sessions at Nagpur and order was delivered on 26/02/2013 i.e. after retirement of the applicant. The operative part of Judgment in para-5&6 (P-83) is reproduced below -

*“ (5) Accused no. (4) Pramod Chandrikaprasad Mishra, (5) Dhiraj Sheshram Gawande and (7) **Sushilkumar Sarjuprasad Shukla**, All R/o Nagpur are hereby acquitted for the offence punishable under Sections 147,148,149 r/w 302 of Indian Penal Code vide Section 235 (i) of Criminal Procedure Code.*

*(6) Accused No. (4) Pramod Chandrikaprasad Mishra (5) Dhiraj Sheshram Gawande and (7) **Sushilkumar Sarjuprasad Shukla**, All R/o Nagpur were on bail during pendency of trial their bail bonds shall stand cancelled and surety be disposed of.”*

3. The applicant at Sr.No.7, Sushilkumar Sarjuprasad Shukla was acquitted. The respondents preferred Criminal Case No.423/2013 before the Hon'ble Bombay High Court ,Bench at Nagpur and order was pronounced on 7/8/2013. In the para-11 (P-88) of the order, the appeal has been refused. The operative part of para-11 is reproduced below –

“ (11) In that view of the matter, the view taken by the learned Trial Judge cannot be said to be perverse or impossible to warrant any interference. Hence, the leave to file appeal is refused.”

4. After this order, the Special IG Police (Establishment) from Director General of Police Office, M.S. ,Mumbai has written letter dated 30/12/2013 (A-4,P-89) to the respondent no.1,i.e., the Additional Chief Secretary, Home Department, Mumbai for recommending to give regular promotion, deemed date and other benefits to the applicant. Again the Deputy Commissioner of Police from Commissioner of Police, Nagpur office has recommended the case of applicant to the Additional Chief Secretary, Home Department, Mumbai. However, it is pointed that in this letter date is not mentioned (A-5,P-91). Again the Special IG Police (Establishment) from Director General of Police Office, M.S. ,Mumbai has written letter dated 31/12/2015 (A-6,P-93) to the respondent no.1,i.e., the Additional Chief Secretary, Home Department, Mumbai for recommending the case of applicant and to provide him benefits in view of the Hon'ble High Court Judgment as per para-4 in the said letter. However, it appears that though three letters have been written to the respondent no.1 after through round of litigation where the applicant has been acquitted, till now nothing has been decided in favour of the applicant as per recommendation of Director General of Police office, M.S., Mumbai to the respondent no.1.

5. The learned P.O. desires three weeks time to file reply. However, meanwhile the respondent no.1 is directed to consider all three letters written by respondent nos.2&3, particularly, letter dated 31/12/2015 (A-6,P-93) written by the Special IG Police (Establishment) from Director General of Police Office, M.S. ,Mumbai to give justice to the applicant.

6. On perusal of documents, it seems that O.A. was filed on 16/06/2021, however, the respondents have not filed reply till now. It is made clear that if reply is not filed till next date, the matter will be decided on merits.

S.O. 11/10/2021.

Steno copy is granted.

Vice-Chairman

dnk.

O.A.St. 800/2020 (S.B.)

(Yogesh G. Meshram Vs. State of Mah. & Ors.)

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

Dated : 17/09/2021.

C.A. No. 178/2020 in O.A. St. 800/2020 -

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

2. The learned counsel has filed C.A. for condonation of delay. There is a delay of 2675 days i.e. more than 7 years 4 months. The learned counsel has explained in para-2 of C.A., but that is only about his pendency of communications with the respondents. The para-2 of C.A. (P-2) is reproduced as below –

“ (2) It is further submitted that the present original application is ought to have been filed upto the month of February,2013 looking to the latest impugned communication dated 21/2/2021 issued by the respondent no.2 challenged under the present original application. The applicant earlier has not challenged the said communication as the applicant and his mother was continuously pursuing the office of respondent no.4 and also because of the respondent no.4 has sought guidance from respondent no.1 and respondent no.2 regarding in such cases how to be dealt with, and also because of pendency of the communication dated 21/11/2012 and 21/05/2014 could not move within stipulated period before this Hon’ble Tribunal. It is further submitted that the said communications are still pending with the respondent no.4. But recently the applicant learned that the respondent no.4 office has included the name of same situated candidate in place of his mother. Therefore, the applicant after receiving judgment dated 5/4/2016 passed in O.A. No. 503/2015 and copy of Judgment dated 3/3/2018 passed in O.A. No.946/2017 contacted to undersigned counsel in the last week of the month of June,2020 and now is filing the present O.A. to redress his grievance.”

3. It appears that the respondent no.4 has written letter dated 10/11/2009 (A-6,P-20) to the applicant’s mother communicating that his application is pending with the DGP office. It also appears that vide Govt. GAD letter dated 21/2/2012 (A-3,P-16) communicating to the

Superintendent of Police, Yavatmal, i.e., the respondent no.4 regarding rejecting application of applicant. This communication is done on 21/2/2012 only.

4. The learned counsel for the applicant has filed O.A.No.503/2015 passed by the M.A.T., Bench at Mumbai on 5/4/2016 (A-10,P-39). After going through this Judgment, it appears that the said Judgment is not relevant in this matter.

5. In view of above observations it appears that except representations, no other cogent reason is given for condoning the delay. Hence, the C.A. and O.A. (St.) stand dismissed. No order as to costs.

Vice-Chairman

dnk.*