

O.A. 759/2019 (S.B.)

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

Dated : 20/10/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. in due course.

Vice-Chairman

dnk.

O.A. 802/2019 (S.B.)

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

Dated : 20/10/2021.

Shri S.S. Sanyal, 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. After
Vacation** for filing reply.

Vice-Chairman

dnk.

O.A. 101/2021 (S.B.)

(M.K. Dudhbawre & ors. Vs. State of Mah. & Ors.)

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

Dated : 20/10/2021.

C.A. 31/2021 -

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

2. Considering the similar grievance of the applicants, the C.A. No.31/2021 for filing Jt. O.A. is allowed and disposed off.

O.A. 101/2021 -

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

2. The applicants are working in the Gadchiroli District and therefore they are entitled for the benefit as per G.R. dated 6/8/2002 for working in tribal and naxalite area, but at the same time they are also entitled for first ACP after completion of 12 years of service. As pointed out by the learned P.O., the decision in O.A.No. 892/2020 decided by this Bench on 2/3/2021 and it has been clarified that as per G.R. dated 6/8/2002, no employee can get both the benefits i.e. one step above benefit as per G.R. dated 6/8/2002 and also benefit of ACP. The para-2 of the said order is reproduced as below –

“2. The issue involved is that employees who are working in tribal/ naxal affected area how their pay fixation should be done as per the guidelines given in Govt. G.R. dated 6/8/2002 (A-1,P-53) and relevant part i.e. Clause no.7 is mentioned on page nos.58&59. It is cleared that any employee working in tribal / naxal affected area will be given only one benefit either ACP or one step above pay scale. Both are not entitled to any employee. As submitted by the learned counsel for the applicants, the applicants’ pay bills are not passed by the Treasury since September,2020 and they are not getting any salary”.

3. The learned counsel has relied on Writ Petition (Stamp) No.9543/2021 along with other W.Ps. which were decided by the Hon'ble Bombay High Court on 14/7/2021. In the bunch of Writ Petitions, the order was passed on 14/7/2021. As per this order, it appears that the applicants were mostly Zilla Parishad employees working under Education Officer (Primary). The matter has been remanded back to Education Officer (Primary), Zilla Parishad for deciding the grievance of the applicants. On the same line, the applicants in this matter are Agriculture Assistant working with the Agriculture Department in Gadchiroli District under the respondent no.4, i.e., the Divisional Joint Director, Agriculture Department, Nagpur.

4. The respondent no.4 is directed that as decided by this Tribunal and by Hon'ble High Court, the matter is remanded back to the respondent no.4. He should take personal hearing to the applicants and hear the matter and take from them in writing that which option they want to opt whether one step above benefit or ACP benefit and after taking consent decide the issue of applicants as per G.R. dated 6/8/2002 and accordingly send bills to the Treasury Office. Till that time the respondents should pay applicants as on today payment.

5. The respondent no.4 should decide the grievance of the applicants in consultation with the respondent no.5 i.e. the Joint Director, Accountants and Treasuries, Nagpur Division, Nagpur as per provisions in G.R. dated 6/8/2002 so that in future the pay bills of applicants are not held up in Treasury Office.

6. The applicants should submit their applications within two weeks and after receipt of their applications, the respondent no.4 should hear and decide in consultation with the respondent no.5 within six weeks.

7. It is also directed that the respondents should pay the salary to the applicants which are paid till today by them and after decision whichever decision is taken that type of bills will be prepared and sent to the Treasury.

8. The learned counsel is at liberty to file fresh O.A. if aggrieved by the order passed in appeal.

9. With this direction, the O.A. stands disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 210/2021 (S.B.)

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

Dated : 20/10/2021.

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

2. The applicant is aggrieved with the recovery order dated 8/2/2021 (A-1,P-9) by Head Master, Govt. Technical High School cum Industrial Training, Akola (R/6). The recovery of Rs.1,59,528/- has been effected since Pay Verification Unit has taken objection of pay fixation of the applicant.

3. Issue formal 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.

O.A. 259/2021 (S.B.)

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

Dated : 20/10/2021.

Shri G.K. Bhusari, 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. Next week** for filing reply.

Vice-Chairman

dnk.

O.A. 262/2021 (S.B.)

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

Dated : 20/10/2021.

Shri N.B. Rathod, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 405/2021 (S.B.)

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

Dated : 20/10/2021.

Heard the applicant in person and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. submits that he received the parawise reply and he will file reply before the next date.

3. The Id. P.O. submits that in this matter the Special Counsel has been appointed from Mumbai and therefore fixed date may be given. In view of this, the matter is fixed on 17/11/2021 and on this date the Special Counsel should appear to argue the matter, otherwise, the matter will be heard and decided in his absence.

S.O. 17/11/2021.

Vice-Chairman

dnk.

O.A. 410/2021 (S.B.)

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

Dated : 20/10/2021.

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

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

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. 569/2021 (S.B.)

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

Dated : 20/10/2021.

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

Issue of limitation is kept open.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

Vice-Chairman

dnk.

O.A. 853/2021 (S.B.)

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

Dated : 20/10/2021.

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.**
15/11/2021 for filing reply.

Vice-Chairman

dnk.

Rev. A. 04/2021 in O.A. 351/2019 (S.B.)

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

Dated : 20/10/2021.

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
15/11/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 234/2020 (S.B.)

(N.R. Bhagat Vs. State of Mah. & Ors.)

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

Dated : 20/10/2021.

Heard Shri A.B. Mirza, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed. **The issue of limitation is kept open.**

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. 332/2021 (S.B.)

(N.S. Pandel Vs. State of Mah. & Ors.)

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

Dated : 20/10/2021.

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

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

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

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

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

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

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

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

S.O. after four weeks.

Vice-Chairman

dnk.

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

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

Dated : 20/10/2021.

Heard Shri S.K. Patil, 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&3. It is taken on record. Copy is served to the learned counsel for the applicant.

3. As submitted by the Id. counsel, the applicant was placed under suspension vide order dated 7/7/2021(A-6,P-25). The Id. P.O. submitted that the charge sheet has been served on the applicant on 18/10/2021. The Id. P.O. has filed report of Review Committee meeting dated 21/9/2021 at 3.00 p.m. regarding reinstatement of employees in which the applicant's name appears at Sr.No.17, i.e. Smt. Aruna Kapkar. The observation in Review Committee in last column is reproduced as below –

^ vi pk&; kfo#/n foHkkxh; pk&I'kh rkrMhus I # djkoh-
I nj i dj.kkr U; k; ky; hu i dj.kkph I ?kLFkrh I knj d#u
I c&/kr vi pljh ; kps pkfj=;] I pk&/h o orU ; kckcr
I foLrj pk&I'kh d#u rI k vgoky Lo; Li "V vfhki k; kl g

*i qhy fuyæu vk<lok l Hke/; sl knj djlok- R; kpsfuyæu
pkyqBb.; kr ; kos***

4. After perusing the documents submitted by the Id. P.O. it appears that the charge sheet has been served vide order dated 18/10/2021. The Id. P.O. submits that he will file the copy of charge sheet and copy of Review Committee meeting on record and also supply to the Id. counsel for the applicant along with his short affidavit within one week.

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

S.O. after two weeks.

Vice-Chairman

dnk.

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

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

Dated : 20/10/2021.

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

2. Today, the Id. P.O. filed the letter dated 20/10/2021 issued by the Dean, Govt. Medical College & Hospital, Nagpur and submitted that the applicant's bill has been submitted to the Treasury Office, Nagpur and after sanction from Treasury Office, Nagpur the due amount has been paid to the applicant. The letter dated 20/10/2021 is taken on record and marked Exh-X. The copy is supplied to the Id. counsel for the applicant.

S.O. one week.

Vice-Chairman

dnk.

O.A. 928/2021 (S.B.)

(D.H. Surwade Vs. State of Mah. & Ors.)

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

Dated : 20/10/2021.

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

2. Issue notice to the respondents returnable **17/11/2021**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

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

S.O. 17/11/2021

Vice-Chairman

dnk.

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

(Abdul Latif Abdul Rauf Kanoje Vs. State of Mah.)

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

Dated : 20/10/2021.

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

2. The applicant is working as Hawaldar in Bhandara District Jail since 2/6/2015 for more than six years. As per applicant's representation dated 8/3/2021 (A-2,P-10) his wife is suffering from mental illness. The certificate is dated 8/3/2021, attached on page no.17. Considering the applicant's tenure at Bhandara which he has already completed and considering applicant's personal problems, as pointed out by the Id. counsel. The Id. counsel has relied on G.R. dated 9/4/2018 particularly at Annexure-I point no.6 the special provision has been incorporated regarding dependent of employee. It has been also mentioned that such employee should be posted as per his convenient place. The learned counsel has also placed letter dated 25/9/2021 by Incharge Superintendent, Gadchiroli District Prison by which as per direction of DIG (Jail), East Division, Nagpur it appears that some

employees from Gadchiroli have been deputed to Nagpur.

3. The respondent no.2,i.e., DIG (Jail), East Division, Nagpur is directed to take personal hearing to the applicant and either take the method of order dated 25/9/2021 issued by the Incharge Superintendent, Gadchiroli District Prison for deputation of employee from Gadchiroli to Nagpur Jail or consider the applicant for future vacancy at the earliest or to any other vacant post at Nagpur.

4. The learned counsel further submits that the applicant's grievance was considered as per provisions of G.R. dated 9/4/2018 but due to some reason it was not decided . Now today as pointed out by the Id. counsel, if the applicant is given relief as per letter dated 25/9/2021 that can be also considered and it will redress the grievance of applicant. The respondent no.2 is directed to consider all these points and take appropriate decision.

5. With this direction, the O.A. stands disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 214/2020 (S.B.)

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

Dated : 20/10/2021.

Heard Shri I.G. Meshram, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. As submitted by the Id. P.O., the Department has fixed the salary of applicant and bill submitted to the Treasury. The Id. P.O. further submits that he will file short affidavit along with the relevant documents by 27/10/2021.

S.O. 24/11/2021.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 253/2018 (S.B.)

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

Dated : 20/10/2021.

Heard Shri S.P. Palshikar, 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. 15/11/2021.**

Vice-Chairman

dnk.

O.A. 581/2019 with C.A. 150/2021 (S.B.)

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

Dated : 20/10/2021.

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

The Id. P.O. has filed reply of R-5&7 on C.A. It is taken on record and copy is supplied to the Id. counsel for the applicant.

S.O. 17/11/2021 (PH).

Vice-Chairman

dnk.

O.A. 552/2018 (S.B.)

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

Dated : 20/10/2021.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri V.A. Kulkarni, 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. 145/2019 (S.B.)

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

Dated : 20/10/2021.

Heard Shri M.R. 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. 15/11/2021.**

Vice-Chairman

dnk.

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

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

Dated : 20/10/2021.

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

With the consent of Id .counsel for both the parties, **S.O. 17/11/2021.**

Vice-Chairman

dnk.

O.A. 139/2020 (S.B.)

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

Dated : 20/10/2021.

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

With the consent of Id .counsel for both
the parties, **S.O. 15/11/2021.**

Vice-Chairman

dnk.

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

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

Dated : 20/10/2021.

Heard Shri M.M. Sudame, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri S.P. Palshikar, Id. counsel for R-3.

With the consent of Id .counsel for both the parties, **S.O. 25/10/2021. (High on board.)**

Vice-Chairman

*dnk.

O.A.No.700/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/2021.

Heard Shri A.M.Sudame, 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 on behalf of the respondent no. 2. 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:-20/10/2021.

aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/2021.

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

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

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

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

5. **S.O. after winter vacation.**

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

Vice Chairman

Date:-20/10/2021.
aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 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. As pointed out by Id. P.O., in O.A. para no. 4.22; it is mentioned that Interview was conducted on 20.08.2019 by Collector for appointment to Group-D posts in which kotwal were also one of the party. However, till filing of this O.A., No appointment orders were issued. Government has issued G.R. dated 01.03.2019, which is marked Exh. X for the purpose of identification. However, it has been given effect from 01.02.2019 as per its para no. 5. Applicant was entitled for getting the benefits of G.R. dated 01.03.2019 in Interview dated 20.08.2019. As per record when matter was heard on 09.09.2019 in para no. 4 following directions were given to the respondents, which are below:-

"We have heard submissions on behalf of the Id. C.P.O.. In this situation, in our opinion it is suitable to direct that if any appointments are made by the respondents to fill the posts of Group-D, then such appointments shall be subject to the final outcome of this O.A."

3. According to the above para, if any appointments were made as per Interview dated 20.08.2019; those appointments were subject to the outcome of the O.A.. In the said order in para no. 2 it has been clarified that as per G.R. dated 22.03.2001; if Kotwal is posted in Group-D, then it be treated as new appointment and his previous service as kotwal is not taken into consideration for any purpose. It is only for the reference of respondents.

4. In view of G.R. dated 01.03.2019 and it's para no. 5; whatever appointments have been made subsequent to the meeting of 20.08.2019; it should be made as per provisions of G.R. dated 01.03.2019 and all applicants should be given benefits of provisions of G.R. dated 01.03.2019, since its effect is given from 01.02.2019 i.e. prior to date of meeting dated 20.08.2019.

5. In view of this situation, in the interest of justice, respondents are directed to act according to the order dated 09.09.2019 and G.R. dated 01.03.2019 and issue suitable orders to all the applicants **within 90 days from the date of this order.**

6. With the above directions, **C.A. as well as O.A. are disposed of with no order as to costs.**

Vice Chairman

Date:-20/10/2021.

aps.

O.A.No.93/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

Heard Shri C.V.Jagdale, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 29.10.2021 to file reply.**

Vice Chairman

Date:-20/10/2021.
aps.

O.A.No.935/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 to 5.

2. The Id. counsel for the applicant has filed G.R. dated 16.09.2021 along with that he has also attached certain correspondence and documents. It is taken on record. Copy is served to the other side.

3. **S.O. 22.10.2021.**

Vice Chairman

Date:-20/10/2021.
aps.

O.A.No.940/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

C.A.No.315/2021:-

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

2. The Id. counsel for the applicant submits that this application is similar to O.A. No.935/2020. Hence, let the O.A. NO. 935/2020 is decided. As suggested by Id. P.O., issue notice to the respondents on C.A. No. 315/2021.

3. Notice on C.A. No. 315/2021 to Respondents be issued returnable in **two weeks**.

4. Shri A.M.Ghogre, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. 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:-20/10/2021.

aps.

O.A.No.07/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/2021.

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

2. As pointed out by Id. counsel for the applicant, matter has been postponed many times for filing of the reply. Today also Id. P.O. desires sometime. As prayed by Id. P.O., last chance is given to the Id. P.O. to file reply. The Id. P.O. is directed to make clear to respondents that if respondents fail to file reply till next date then it will be presumed that there is nothing to file as reply.

3. **S.O. 15.11.2021.**

Vice Chairman

Date:-20/10/2021.

aps.

O.A.No.627/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/2021.

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

2. The matter was heard on many occasions and particularly on 11.08.2021 and 08.09.2021; clear orders have been passed about the grievances of the applicant as well as of respondents. As far as inquiry is concerned; the Id. P.O. has filed letter today according to that original inquiry report has been also submitted by inquiry officer on 31.08.2021. It is not understood that why so much time is taken by respondents to file reply?

3. However, considering the request of Id. P.O., three weeks time is granted as a last chance to file reply. If reply is not filed within three weeks, matter will heard on merit.

4. S.O. 17.11.2021.

5. Steno copy is granted.

Vice Chairman

Date:-20/10/2021.
aps.

O.A.No.768/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

C.A.No. 334/2021:-

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

2. **C.A. No. 334/2021 for amendment is allowed and disposed of.** The Id. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

3. At the request of Id. counsel for the applicant, **S.O. 29.10.2021.**

Vice Chairman

Date:-20/10/2021.
aps.

O.A.No.908/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

None for the applicant. Shri A.M.Khadatkar,
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:-20/10/2021.

aps.

O.A.No.916/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

Heard Shri K.B.Zinjarde, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant is directed to remove office objection immediately.

3. However, as pointed out by Id. counsel for the applicant; the applicant retired on 30.06.2021; even provisional pension has not been started to the applicant. This will put applicant in hardship position. Hence, respondents are directed to process the paper atleast for provisional pension as early as possible.

4. Issue notice to Respondents, returnable on four 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. four weeks.**

Vice Chairman

Date:-20/10/2021.

aps.

O.A.No.930/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 20/10/2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. As pointed out by Id. counsel for the applicant report submitted by Superintending Engineer, Public Works Department, Amravati to Government vide letter dated 04.01.2021 (A-10, Pg. No. 55) and annexure attached along with letter on Pg. No. 59; applicant's name is mentioned at Sr. No. 87 and in the column self explanatory and facts; remarks as per Pg. No. 59, following observations have been made:-

"Jherh l kfj d k ' ; ke i r c k H k G j L F k - v - l g k - g ; k f n u k a d 20-05-2008 j k s t h L F k - v - l g k - i n k o j : t w > k Y ; k v l u p R ; k a u h i f g y h v g z k e f o H k x h ; i f j { k k d j h r k l u 2010 e / ; s v t z n k [k y d y k i j n q l n j v t z v i q l z v l Y ; k e G s e g j k ' V ' v f H k ; k i = d h i f ' k { k . k i c k k u h u k f ' k d ; k a u h v i k = B j o h y k r l p J h e r h c k H k G s g k f n u k a d 18-11-2011 r s f n u k a d 18-08-2014 i ; r o s k d h ; d k j . k k L r o v l k / k j . k j t o j g k R ; k j R ; k p h l n j j t k ' k k l u k p s l k o z t f u d c k d k d k e f o H k x k p s i = d a j t k & 2015 @ i z d z 28 @ l o k & 3 @ e a - k y ; e p b z f n u k a d 05@06@2015 v u 0 ; s 1005 f n o l k p h j t k e a t j d y h v l g s R ; k a u h i f g y h v g z k e f o H k x h ; i j h { k k e l g s , i h y & 2015 f n y h v l u J h e r h c k H k G s g k ; k i f j { k r m R r h . k z > k Y ; k v l g s ' k k l u k p s f n u k a d 08-08-2001 P ; k v f / k l p u s e / k h y f u ; e 13 u d k j J h e r h c k H k G s ; k a u h i f g Y ; k i f j { k i k l u p k j o ' k k p s v k r i f g Y ; k l a k h e / ; s v g z k e f o H k x h ; i f j { k k m R r h . k z > k Y ; k e G s R ; k p k t s B r p k f n u k a d 20@05@2008 i L r k o h r d j . ; k r ; s v l g s "

3. Considering all these facts, Superintending Engineer has recommended that applicant's seniority should be maintained as on 20.05.2008. Now grievances of the applicant is that respondents has published seniority who are to be promoted in 20% quota vide letter dated 17.09.2021 and since applicant's seniority is not correct as on 20.05.2008 his name is not included.

4. Aggrieved with this, applicant has approached to this Tribunal. The Id. counsel for the applicant has also relied on Judgment in O.A.No. 858/2021 by this Tribunal delivered on 24.09.2021. As per internal correspondence of department;

the letter written by Superintending Engineer 04.01.2021 (A-10, Pg. Nos. 55 to 59) regarding applicant's seniority, it is recommended to correct as on 20.05.2008.

5. In view of all these facts, respondents are directed to maintain applicant's seniority as on 20.05.2008 recommended by Superintending Engineer letter and consider the applicant for promotion as per rule along with seniority list published vide letter dated 17.09.2021; subject to outcome of this O.A..

6. Issue notice to Respondents, returnable on six 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. six weeks.

Vice Chairman

Date:-20/10/2021.
aps.

O.A.No.931/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/2021.

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The applicant was initially appointed as Naib Tahsildar and he was promoted as Tehsildar in the year 2009. He was Tehsildar for Mangrulpir, District Washim for the period of 01.06.2010 to 09.04.2013. Afterwards he was transferred to Anjangaon Surji, Amravati. Presently he is working at Murtijapur.

3. A joint inquiry order was issued by Government vide order dated 18.04.2015 (A-6, Pg. No. 54) in which applicant was also one of the delinquent; his name appear at Sr. No. 3 i.e. Shri P.L.Pawar, Tehsildar. Since, chargesheet was served on 18.04.2015 as per direction given by **Hon'ble Apex 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** it was mandatory on the part of the Government to complete the whole process of the inquiry by 18.04.2016 i.e. outer limit is one year. Now, even after five years; respondents have not decided the departmental enquiry and aggrieved with this situation applicant approach to this Tribunal.

4. The Id. counsel for the applicant further pointed out that another O.A. No. 375/2020 is pending in this Tribunal by the same applicant in Single Bench. It will be proper that both the O.As. should be placed together. Office is directed to take note of this and both the O.As. should be heard together in D.B.

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

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

7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete

paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

11. **S.O. six weeks.**

Vice Chairman

Date:-20/10/2021.
aps.

C.P.No.14/2021inO.A.No.893/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

Heard Ms. R.N.Gaikwad, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the State and Shri G.G.Bade, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the respondent no. 3 desires time to file reply. The Id. P.O. has already filed reply. The Id. counsel for the applicant submits that she has not received reply filed by Id. P.O.. The Id. P.O. is directed to supply the same to the Id. counsel for the applicant.

3. **S.O. after Diwali Vacation.**

Vice Chairman

Date:-20/10/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

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

2. The Id. P.O. has filed letter dated 12.10.2021, which is marked Exh.-X for the purpose of identification. It is taken on record. Copy is served to the other side.

3. As submitted by department, difference of first A.C.P. and Second A.C.P. i.e. dated 19.09.1996 to 15.05.2018 amounted Rs. 12,34,677/- has already been paid to the applicant by cheque no. 541925 on dated 11.10.2021.

4. Now, after revision of both the A.C.Ps. further benefits i.e. revision of Leave Encashment amount and pension that can be done after revision of pay scale by A.G. office. The Id. P.O. submits that six weeks time is required for revision of these benefits.

5. **S.O. after six weeks.**

Vice Chairman

Date:-20/10/2021.
aps.

C.P.No.46/2021inO.A.No.405/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/2021.

Heard Shri A.Y.Humne, the applicant in person. Shri S.A.Sainis, the Id. P.O. for the State.

2. The matter was heard on 27.05.2021 and order was passed. The Id. P.O. requested for some time; so he will produced the documents i.e. the order which has been compliance about his posting.

3. 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.

4. Shri S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. **S.O. four weeks.**

Vice Chairman

Date:-20/10/2021.
aps.

O.A.No.85/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

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

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

Vice Chairman

Date:-20/10/2021.
aps.

O.A.Nos.537/2019&261/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 20/10/ 2021.

Heard Shri S.A.Marathe, 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. 29.10.2021.**

Vice Chairman

Date:-20/10/2021.
aps.

O.A. 144/2020 (S.B.)

(Pitamber W. Armorikare Vs. State of Mah)

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

Dated : 20/10/2021.

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

2. The learned P.O. submits that he will file reply shortly. In view of this, the matter is admitted and kept for final hearing. Meanwhile the Id. counsel is at liberty to file rejoinder if he so desires. The Id. P.O. waives notice for the respondents.

3. The learned counsel submits that in this matter the recovery of Rs. 1,73,848/- has been proposed against the applicant.

4. The respondents are directed that whatever disputed amount they desire to deduct from the applicant's total gratuity amount as a recovery, they should withheld that much amount only and pay the balance amount to the applicant if any other rule does not prohibit them. The order be complied within eight weeks from the date of receipt of this order.

5. The Id. counsel further submits that the applicant is getting half pension only, however since July,2021 the half pension has not been paid to the applicant.

6. The respondents are directed to ensure that the half pension which is being paid, has to be paid in continuation as per rules and regulations.

S.O. After Vacation.

Steno copy is granted..

Vice-Chairman

dnk.

O.A. 145/2020 (S.B.)

(Pitamber W. Armorikare Vs. State of Mah)

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

Dated : 20/10/2021.

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

2. The learned P.O. submits that he will file reply during the course of day. He is permitted to do so. In view of this, the matter is admitted and kept for final hearing. Meanwhile the Id. counsel is at liberty to file rejoinder if he so desires. The Id. P.O. waives notice for the respondents.

3. The learned counsel submits that in this matter the recovery of Rs. 4,16,572/- has been proposed against the applicant.

4. The respondents are directed that whatever disputed amount they desire to deduct from the applicant's total gratuity amount as a recovery, they should withheld that much amount only and pay the balance amount to the applicant if any other rule does not prohibit them. The order be complied within eight weeks from the date of receipt of this order.

5. The Id. counsel further submits that the applicant is getting half pension only, however since July,2021 the half pension has not been paid to the applicant.

6. The respondents are directed to ensure that the half pension which is being paid, has to be paid in continuation as per rules and regulations.

S.O. After Vacation.

Steno copy is granted..

Vice-Chairman

*dnk