

O.A. 194/2020 (S.B.)

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

**Dated : 04/10/2021.**

Shri A.B. Moon, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

O.A. 644/2021 (S.B.)

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

**Dated : 04/10/2021.**

Shri S.N. Gaikwad, 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. three weeks** for filing reply.

**Vice-Chairman**

dnk.

O.A. 884/2020 (S.B.)

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

**Dated : 04/10/2021.**

Ms. Aarti Singh, Id. counsel holding for Shri P.D. Meghe, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 840/2021 (S.B.)**

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

**Dated : 04/10/2021.**

Heard Shri A. Chaware, Id .counsel for the applicant and Shri S.A. Sainis, 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. 630/2020 (S.B.)**

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

**Dated : 04/10/2021.**

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

The Id. P.O. files reply of R-1 to 4. 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. 525/2020 (S.B.)**

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

**Dated : 04/10/2021.**

**C.A. 302/2021 -**

Heard Shri A.S. Shukla, Id. counsel for the applicant and Shri P.N. Warjurkar, 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. 525/2020 –**

**S.O. 28/10/2021.**

**Vice-Chairman**

dnk.

**O.A. 138/2020 (S.B.)**

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

**Dated : 04/10/2021.**

**C.A. 274/2021 -**

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

2. The Id. counsel has filed C.A. 274/2021 mentioning that he wants to add newly respondent nos. 4&5. For the reasons stated in the application, the C.A. for amendment is allowed and disposed off. The necessary amendment be carried out within one week.

**O.A. 525/2020 –**

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

2. After amendment, issue notice to the newly added respondents returnable **in two weeks**. 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. two weeks.**

**Vice-Chairman**

dnk.

**O.A. 721/2021 (S.B.)**

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

**Dated : 04/10/2021.**

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

2. The learned counsel is challenging the order dated 28/10/2013. So it appears that the issue of delay is involved in this matter. The learned counsel for the applicant is directed to file condonaton of delay application before the next date of hearing.

3. In the meantime, 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.

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

(Dr. Prakash S. Khatwani Vs. State of Mah.)

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

**Dated : 04/10/2021.**

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

2. The learned P.O. has filed reply of respondent no.1 on 5/7/2021 (P-30 to 37). On page no.31 in para-3 they have mentioned that the applicant did not attend the duty on 4/2/2021, 5/2/2021 and 6/2/2021. However, as submitted by the learned counsel and the applicant himself also, from these three days his mother was ill and he has asked for leave. In para-4 of the reply, the respondents have submitted that they have asked explanation vide letters dated 12/2/2021,6/4/2021 and 9/4/2021 and copies are annexed at Annex-R-1. It appears that there is some kind of conflict between the applicant and the respondents. But admittedly as on today the applicant is receiving only his basic salary as it was directed to Id. P.O. by the Bench that in case of any conclusion, atleast to pay him the basic salary so that he cannot say that he is starving. Now question of his regular salary is the question mark.

3. The respondents are directed to pay regular salary from which date the applicant is working continuously as per Maharashtra Civil Services (Pay) Rules and file on record that what amount they have paid from which date they have paid and if not paid then what is the problem. It is also directed to pay him regular salary for the working days of the applicant except for the period for which his unauthorizedly absent and if he has taken proper leave for period, that should be also counted for regular pay. The respondents are at liberty to decide the period on which dates the applicant was unauthorised absent and after conclusion of inquiry, they may decide the salary for those days lateron.

**S.O. 20/10/2021 (PH).**

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 892/2021 (S.B.)**

(Dr. Mrs. N.A. Sk. Dilawar Vs. State of Mah.)

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

**Dated : 04/10/2021.**

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

2. The applicant was appointed vide order dated 9/3/2011 (A-1,P-25) in Group-A post against handicapped category. The relevant handicapped certificate is filed on Annex-A-2,P-26. On page no. 27 the learned counsel has also filed physically disability certificate issued by the Aruna Asaf Ali Govt. Hospital, Govt. of NCT of Delhi, Delhi-110054 mentioning that the applicant is handicapped to the extent of 41%. Vide impugned order dated 29/9/2021 (A-6,P-35&36) the applicant is transferred from Daga Hospital, Nagpur to General Hospital, Bhandara and her name appears at Sr.No.2. Aggrieved with this order, the applicant has approached to this Tribunal.

3. The learned counsel further submits that as per Annex-A-7, P-37 at Sr.No.8 there are two sanctioned posts of Anaesthetist Specialists, Class-I, out of that only one post is filled up and one post is vacant. The learned counsel also pointed out the Govt. Circular dated 15/12/2004 (A-11,P-46) which says that such employee should be posted at the nearest place where he/she is residing. This has also not been considered while transferring the applicant.

4. In view of this situation, **the order dated 29/9/2021 (A-6,P-35&36) is stayed to the extent of applicant. The respondents are directed to consider the applicant's posting at Daga Hospital, Nagpur where one post is still vacant.**

5. The learned counsel has prayed as per clause no.14(a) of the O.A. on page no.17. After going through it is required to be allowed. Hence, the interim relief clause no.14 (a) of the O.A. is allowed and the respondents are directed to act upon it.

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

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

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 837/2021 (S.B.)**

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

**Dated : 04/10/2021.**

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

2. As per page no.3 of the O.A. the applicant retired on superannuation on 31/10/2011 from Chandrapur District as ASI. As per impugned order dated 13/8/2021 (A-1,P-12) recovery order has been issued by the Additional Treasury Officer, Chandrapur to the tune of Rs. 2,90,046/-. It appears that the recovery order has been issued without giving opportunity of hearing to the applicant.

3. In view thereof, **the impugned order dated 13/8/2021 (A-1,P-12) is stayed till filing of reply.**

4. Issue notice to the respondents returnable **in four weeks**. Learned 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.**

**Vice-Chairman**

dnk.

**O.A. 860/2021 (S.B.)**

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

**Dated : 04/10/2021.**

Heard Shri P.V. Thakre, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Stte.

2. As per para-6.3 on page no.4 of the O.A., the applicant stood retired on 30/06/2016 from Amravati District. As per order dated 12/6/2021 (A-5,P-28) recovery order has been issued by the Sub-Divisional Agriculture Officer, Amravati to the tune of Rs. 3,35,693/- without conducting the D.E. against the applicant. It appears that it incidence pertains to the year 2014 and no charge sheet given to the applicant till now. Without conducting the D.E. the recovery order cannot be issued.

3. In view thereof, **the recovery order dated 12/6/2021 (A-5,P-28) is stayed till filing of reply.**

4. Issue notice to the respondents returnable **in four weeks**. Learned 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.**

**Vice-Chairman**

dnk.

**O.A. 875/2021 (S.B.)**

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

**Dated : 04/10/2021.**

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

2. The learned counsel has filed service book record of the applicant and on page no.19 wherein it is written that the applicant Shri B. P. Motghare, ouiky retired on superannuation on 30/6/2007. In the above portion it is mentioned that if he could not have been working in tribal and naxal affected area, his pay scale should have been one step above i.e. 6500-200-10500 and also it is written that his original pay scale Rs. 4000-100-6000 means at the time of his retirement, he was not working in tribal and naxalite affected area. Hence, according to this his pension fixation was done.

3. Now vide impugned order dated 13/8/2021 (A-1,P-13) the respondent no.4, the Additional Treasury Officer, Bhandara has written letter to the applicant that his pension case has been revised and therefore recovery of Rs. 7,62,915/- is proposed from August, 2021 Rs.5000/- p.m. On page no. 14 it is mentioned that excess payment of Rs.87,780/- may be recovered from pension of further one step promotion vide G.R. dated 17/12/2013. In the service book of applicant it is mentioned that the pay scale of tribal and naxal affected area has been removed and he has been considered as per basic pay scale.

4. In view of this situation, **the orders dated 13/8/2021 (A-1,P-13) and dated 14/1/2020 (A-2,P-14) both are stayed till filing of reply.**

5. Issue notice to the respondents returnable **in four 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 four weeks.**

**Vice-Chairman**

dnk.

**O.A. 787/2020 (S.B.)**

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

**Dated : 04/10/2021.**

**C.A. 297/2021 -**

Heard Shri J.R. Kidilay, Id. counsel for the applicant and Shri P.N. Warjurkar, Id .P.O. for the State.

2. The Id. counsel has filed C.A. No.297/2021. For the reasons stated the C.A. for issuance of fresh notice is allowed and disposed off.

**C.A. No. 298/2021 in O.A. 787/2020 –**

Heard Shri J.R. Kidilay, Id. counsel for the applicant and Shri P.N. Warjurkar, Id .P.O. for the State.

2. The learned counsel has filed C.A.298/2021 for grant of stay over the recruitment procedure initiated by the respondents for the post of Laboratory Assistant and Technician.

3. **The respondents are directed to make it clear that if at all made any recruitment process and if any person is recruited and**

**selected, his/her appointment will be subject to the out of this O.A.**

4. Issue notice on C.A. and O.A. returnable in **four weeks**.

5. The learned P.O. waives notice for State. Hamdast granted.

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 the O.A.

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 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.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

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

( Ku. Vaishnavi B. Badgayye Vs. State of Mah.)

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

**Dated : 04/10/2021.**

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

2. As submitted by the Id. counsel, the applicant was working as temporary employee for more than 20 years. However, Id. P.O. submitted that he remained a temporary employee till March, 2005 and lateron he made a permanent employee and expired on 9/2/2006. Since the employees who were appointed in Government service after 2005 are not entitled for regular GPF and pension. Unless the respondents filed the reply it is not clear on what ground the problem has taken place. The mother of the applicant had expired prior to her father. The Id. counsel further submits that the mother of applicant expired on 27/1/2002 i.e. almost four years prior to expired of her father.

**S.O. 20/10/2021** for filing reply.

Steno copy is granted...

**Vice-Chairman**

dnk.

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

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

**Dated : 04/10/2021.**

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

2. The applicant has produced pursis dated 4/10/2021 and alongwith that he has attached order in O.A. 1159/2016 decided on 15/12/2016 by the MAT, Principal Bench Mumbai. It is taken on record.

3. The Id. P.O. submitted that in this matter the Special Counsel has been appointed. In this situation, after hearing on the side of Special Counsel, the matter will be heard.

**S.O. 18/10/2021.**

**Vice-Chairman**

dnk.

O.A. 556/2021 (S.B.)

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

**Dated : 04/10/2021.**

Shri M.R. Deshmukh, Id. counsel holding for Shri S.K. Wankhede, 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. three weeks** for filing reply.

**Vice-Chairman**

dnk.

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

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

**Dated : 04/10/2021.**

None for the applicnat. 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. 674/2021 (S.B.)**

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

**Dated : 04/10/2021.**

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

The Id. P.O. submits that he desires time to take instructions for compliance of the order dated 20/9/2021. The Id. P.O. is granted one week time to take instructions.

**S.O. 11/10/2021.**

**Vice-Chairman**

dnk.

**O.A. St. 1942/2020 (S.B.)**

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

**Dated : 04/10/2021.**

**C.A. 234/2021 -**

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

2. The C.A. No.234/2021 for L.Rs. is allowed and disposed off.

**C.A.No. 386/2020 –**

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

2. The Id. counsel has filed C.A. 386/2020 for condonation of delay. The Id. P.O. submits that the respondents have not been served notices. Hence after the notices have been served, the matter will be heard.

**S.O. after two weeks.**

**Vice-Chairman**

dnk.

**O.A. 705/2020 (S.B.)**

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

**Dated : 04/10/2021.**

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

2. The applicants are ouetj in the Yavatmal District in the Forest Department. The Id. counsel has relied on order of this MAT in O.A. 964/2017 decided on 30/7/2020. The learned counsel is directed that he should ask the applicants to make representation to the Department and the Department should take decision as per the provisions contained in the G.R. dated 16/10/2012 and take decision on the representation within three months from the date of receipt of this order by giving personal hearing to the applicants and showing their relevant documents. While taking decision, the respondents are directed to take into consideration as per order dated 30/7/2020 in O.A. 964/2017. If the applicants are similarly placed, the decision should be taken in the background of the said order.

3. The learned counsel has also relied on the Judgment of Hon'ble Bombay High Court,

Bench at Aurangabad in Writ Petition No.933/2012. The respondents are also directed to take into consideration on the decision of the said Judgment if the said decision is applicable to the applicant as per rules and regulations.

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

**Vice-Chairman**

dnk.

**O.A. 693/2021 (S.B.)**

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

**Dated : 04/10/2021.**

**C.A.No. 304/2021 -**

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

2. The Id. P.O. files reply of R-2 on O.A. on 6/9/2021. It is taken on record. Copy is served on the applicant.

3. It is submitted that the applicant had given 10 choices for posting. As per reply filed by the respondents, 10 posts are filled up. The applicant has filed representation dated 20/9/2021.

4. Meanwhile, the respondents are at liberty to decide the applicant's representation dated 20/9/2021 within three weeks.

5. In view of above, the C.A. is allowed and disposed off.

**O.A. 693/2021 -**

The O.A. is admitted and kept for final hearing.

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

**S.O. three weeks.**

**Vice-Chairman**

dnk.

Rev, A, 24/2019 in O.A. 226/2018 (S.B.)

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

**Dated : 04/10/2021.**

Shri G.G. Bade, 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. three weeks.**

**Vice-Chairman**

dnk.

O.A. 194/2020 (S.B.)

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

**Dated : 04/10/2021.**

Shri A.B. Moon, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

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

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

**Dated : 04/10/2021.**

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

With the consent of Id. counsel for parties, **S.O. 13/10/2021 (high on board.)**.

**Vice-Chairman**

dnk.

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

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

**Dated : 04/10/2021.**

Heard Shri V.A. Kulkarni, Id. P.O. for the applicants (Org. respondents PWD Dept.), Shri N.H. Munghale, Id. counsel holding for Shri S.V. Deshmukh, Id. counsel for respondent no.1 (Org. applicant) and Shri T.M. Zaheer, Id. counsel for R-4.

At the request of Adv. T.M. Zaheer, Id. counsel for R-4, **S.O. 11/10/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 200/2017 (S.B.)**

**( Asha Wd/o G. Chaudhary Vs. State of Mah.)**

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

**Dated : 04/10/2021.**

**C.A. No.104/2017 -**

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

2. Earlier the matter was heard on 24/9/2018 and the impugned order was passed on 23/10/2013 and the applicant's husband i.e. Gajanan Choudhary expired on 15/2/2016. As per the impugned order, his suspension period was treated as suspension period. For four years the applicant's husband was alive, but he did not prefer to agitate against that order. When the applicant's husband expired on 15/2/2016, the L.Rs. have preferred appeal on 06/04/2017 that it almost after one year expiry of the deceased. This application is filed by wife of the deceased person. The issue involved is related to suspension order of the City Police Constable Gajanan Chaudhary, Buckle No.801. He was suspended vide order dated 01/10/2004 (A-2,P-22) by the Superintendent of Police, Buldana. He was charged under Sections 363,342, 376 (X) of the IPC and Section 3 (1) (12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The FIR was filed before the Court of Adhoc Additional Sessions Judge-2, Khamgaon (A-3,P-24 to 19). Vide order dated 19/3/2009 as per operative part on page no.48, Accused were acquitted which is reproduced below –

*“(1) Accused are acquitted of the offence punishable under Sections 366,342,376 R/w Section 34 of I.P.C. and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.*

3. Subsequently, the applicant's husband was reinstated vide order dated 25/2/2010 (A-1,P-19) and it was mentioned that his suspension period will be decided subsequently. Vide order dated 22/8/2012 (P-20) by the Superintendent of Police, Buldana, the applicant's husband of suspension period from 6/10/2004 to 25/2/2010 was treated as suspension period only. The applicant's husband

preferred appeal (A-5,P-53) before the respondent no.2, i.e. the Inspector General of Police, Amravati and who rejected the appeal by the order dated 23/10/2013 (P-21) and it has been communicated by the office of the Superintendent of Police, Buldana. The learned counsel in the Synopsis of the O.A. mentioned order dated 22/8/2012 and page numbers are mentioned from 19 to 21, but on page no.21 the order date seems to be as 23/10/2013. However, the learned counsel has not placed the order passed by the Inspector General of Police, Amravati in appeal, so that it cannot be seen clearly what observations made by the respondent no.2. **The learned counsel is directed to file copy of order passed by the respondent no.2 i.e. the Inspector General of Police, Amravati on appeal.** Since the respondent no.2 is party in the O.A. and notice has been served to the respondent no.2, the learned P.O. is directed to take instructions from the respondent no.2 and get a copy of order passed in appeal by the respondent no.2 and place on record and supply to the learned counsel also.

4. Now issue involved is suppose the condonation of delay is allowed, then what about decision of suspension period of the deceased person which is between 6/10/2004 to 25/2/2010 as per reinstatement order dated 22/8/2012 on page no.20. The order passed by the learned Adhoc Additional Sessions Judge-2, Khamgaon on page no.48 is perused and just before order it is mentioned that *“prosecution failed to establish the charge against accused beyond all reasonable doubt. Accused are therefore **entitled to get benefit of doubt in this case.** In the result, I record my findings on these points accordingly in negative and pass the following order.”* (The operative order is mentioned below).

*“(1) Accused are acquitted of the offence punishable under Sections 366,342,376 R/w Section 34 of I.P.C. and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.*

5. So it is clear that the learned Adhoc Additional Sessions Judge-2 acquitted the accused not on the evidences, he acquitted them by giving benefit of doubt. These points are to be considered before deciding suspension period. The applicant's husband has preferred O.A.No.891/2009 before this Tribunal (A-4,P-50) which was heard on 5/5/2010 against his suspension order. The suspension was revoked vide order dated 25/2/2010 (A-1,P-19) by the respondent no.3 and since the matter was heard on 5/5/2010, the order itself mentioned that since suspension has been revoked, so the O.A. was disposed of.

6. Though apparently there is much delay and that is not justified also, but since application has been filed by the widow of Police Constable late Gajanan Chaudhary and if delay is not condoned and the matter is not heard on merit, it will be harmful to the widow and family of the Police Constable late Gajanan Chaudhary.

7. In view of this situation, the delay is condoned and the C.A. for condonation of delay is allowed and disposed off and the matter is taken up on merit.

**O.A. 200/2017 –**

**S.O. three weeks (PH).**

Steno copy is granted.

**Vice- Chairman**

\*dnk.

O.A.No.537/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 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. The Id. P.O. has filed reply on behalf of the respondent no. 1 to 3. It is taken on record. Copy is served to the other side.

3. He further submits that it is sufficient to decide the O.A.. Hence, the matter is **admitted** and kept for final hearing.

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

5. As submitted by Id. counsel for the applicant matter requires to be decided at earliest. Meanwhile, respondents are directed not to proceed with D.P.C. for promotion of Group-D employees till next date of hearing.

6. **S.O. 18.10.2021.**

7. **Steno copy is granted.**

**Vice Chairman**

**Date:-04/10/2021.**

aps.

**O.A.No.728/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

**C.A.No.288/2021:-**

Heard Ms. Sunita Kulkarni holding for Shri S.D.Chande, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

2. The Id. counsel for the respondent no. 5 has filed pursis dated 09.08.2021 and he wants to be discharged from appearing on behalf of respondent no. 5. His prayer is allowed and he is discharged.

3. The Id. counsel for the applicant has filed C.A. No. 288/2021 for early hearing. However, since D.B. is not available the said prayer cannot be granted at this stage. Hence, **C.A. No. 288/2021 for early hearing is disposed of.**

4. **Matter be put up before regular D.B. as and when available.**

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

**O.A.No.261/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 1 to 3. It is taken on record. Copy is served to the other side.

3. He further submits that it is sufficient to decide the O.A.. Hence, the matter is **admitted** and kept for final hearing.

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

5. As submitted by Id. counsel for the applicant matter requires to be decided at earliest. Meanwhile, respondents are directed not to proceed with D.P.C. for promotion of Group-D employees till next date of hearing.

**6. S.O. 18.10.2021.**

**7. Steno copy is granted.**

**Vice Chairman**

**Date:-04/10/2021.**

aps.

O.A.No.298/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. R-2 & 3 await service.

2. At the request of Id. counsel for the applicant, **S.O. two weeks to file service affidavit.**

**Vice Chairman**

**Date:-04/10/2021.**

aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 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. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant desires two weeks time to file rejoinder. **S.O. two weeks.**

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

O.A.No.409/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

Heard Shri G.G.Bade, 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 4.

2. At the request of Id. counsel for the applicant, **S.O. two weeks to file service affidavit.**

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

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

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

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

**O.A.No.563/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

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

2. The Id. counsel for the applicant has produced Government letter dated 29.09.2021 address to Respondent no. 3 and in the last line in para no. 3 Government has clarified following points which are reproduced below:-

"Jh, u-ckyl qefu; e gs brj jkT; kru LFlykrjhr  
vI Y; keGs R; kau beko i dxlqk ykHk vuKs ukgh- I cc  
R; kau i dxlkrhy xtg; /k: u R; kau I knj dsys tkr i ek.ki =  
Lohdk: u nq jk ykHk eatj dj.; kl gjdr ukgh"

3. The Id. P.O. desires to file reply, **S.O.**  
**18.10.2021.**

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

O.A.No.753/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

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

**Vice Chairman**

**Date:-04/10/2021.**

aps.

O.A.No.762/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

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

2. The Id. P.O. desires further two weeks time to file reply; **S.O. two weeks.**

3. *However, directions given in para no. 5 of order dated 06.09.2021 will be continued.*

**Vice Chairman**

**Date:-04/10/2021.**

aps.

O.A.No.786/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

Heard Shri A.Barahate holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

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

3. *I.R. dated 04.09.2021 is to be continued.*

**Vice Chairman**

**Date:-04/10/2021.**

aps.

**O.A.No.859/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

**C.A.No.301/2021:-**

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

2. Considering the common grievance of the applicant; **C.A. No. 301/2021 for Jt. O.A. is allowed.**

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

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

10. *The Id. counsel for the applicant is further directed to remove office objection within one week.*

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

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

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

3. The Id. P.O. has also placed on record bill submitted by Treasury. It is marked Exh. "X" for the purpose of identification.

4. In the reply para no. 5; respondents have submitted that we are in the process of complying the order of the Tribunal and applicant will receive the benefits including arrears of payment as per revised pay fixation shortly.

5. **S.O. 11.10.2021.**

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

**O.A.No.780/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

Heard Shri D.M.Kakani, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the respondents and Smt. Prachi Joshi, has filed vakalatnama on behalf of the Intervenor.

2. As per order dated 04.09.2021; the Id. counsel for the applicant has made party to all the Six District Collectors and submitted the list to District Collectors. However, office has not issue notice to newly added respondents. Office is directed to issue notice to all the six District Collectors who have been added by the applicants.

3. **S.O. four weeks.**

**Vice Chairman**

**Date:-04/10/2021.**

aps.

**C.P.No.09/2021 in O.A.No.485/2018 with  
C.P.No.10/2021 in O.A. No. 530/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/10/2021.**

Heard Shri S.M.Khan, 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 letter by Senior Administrative Officer (Estt.-3), Agriculture Commissionerate, Pune (M.S.). According to this letter, enquiry has been completed. Now, the matter has been referred to M.P.S.C. on 20.09.2021; after receipt of M.P.S.C. letter necessary action will be taken.

3. **S.O. 25.10.2021.**

**Vice Chairman**

**Date:-04/10/2021.**  
aps.

**C.P.No.22/2021inO.A.No.706/2015 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

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

2. Issue Notice to the respondents returnable in **six weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

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

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

**Vice Chairman**

**Date:-04/10/2021.**

aps.

**C.P.No.33/2021inO.A.No.253/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 04/10/ 2021.**

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 2 along with that he has also filed copy of hearing given by Hon'ble Minister, Agriculture and order passed by Hon'ble Minister at Pg. No. 37. According to that following decision has been taken which is below:-

"vfi ykoj vknk%

vij izlku eq; oul j {kd %dkfed1/2} ukxij rFlk f'kLrHkx fo"k; d  
itf/kdkjh ;kuh dyY;k vknk dk d{k&9@ eool @ fopk@  
, l , l dj&l ol @i:d&93@13&14@2155@14&15 ukxij fn- 10-12-  
2014 i ek.ksfnyysvknk dk; e dj.; kr ; r vkg-"

3. The Hon'ble Minister has confirmed the order passed by Disciplinary Authority i.e. the order dated 10.12.2014.

4. The Id. P.O. further submits that he has oral instructions i.e. telephonic instructions that this order has been already communicated to the applicant.

5. In view of this, **C.P. stands disposed of with no order as to costs.**

**Vice Chairman**

**Date:-04/10/2021.**

aps.

O.A.No.945/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 04/10/ 2021.**

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

2. As decided on 06.09.2021; **the matter will be put up before regular D.B. as and when D.B. will available.**

**Vice Chairman**

**Date:-04/10/2021.**

aps.

**O.A. No. 556/1995 with C.A. 43/16, 52/16, 53/16, 428/16, 101/17, 246/17 247/17 with (M.C.A. 40/17 in C.A. 74/18 & C.A. 379/18) (D.B.)**

**Coram: Justice Mrudula Bhatkar, Hon'ble Chairperson and Shri Shree Bhagwan, Hon'ble Vice Chairman**

**Dated : 04/10/2021.**

Heard Shri V.S.Mishra along with Shri K.Deogade, the Id. Counsel for the applicants and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The matter was heard today through Video Conferencing in between Hon'ble Chairperson (Mumbai Bench) and Hon'ble Vice Chairman (Nagpur Bench).

3. The direction was communicated through Registrar that the Id. counsel for the applicant is directed that matter will be again heard on Friday i.e. on 08.10.2021. The Id. counsel for the applicant is directed to file the application for modification to the service of 950 candidates as per M.A.T. order dated 04.01.2017.

4. Office is directed to make arrangement to send a copy of Original Application to Mumbai Bench.

5. **S.O. 08.10.2021 (10:10 a.m.).**

**Vice Chairman**

**Date:-04/10/2021.**

aps.

O.A. 158/2021 (S.B.)

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

**Dated : 04/10/2021.**

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

2. The learned P.O. files reply of R-3. It is taken on record. Copy is served on the applicant. The learned counsel has filed document of respondent's decision dated 11/1/2021 (A-4,P-27). In the last para, it appears that the respondents have asked certain documents for verifying the date of birth of applicant's sister Ku. Vaishnavi V. Patil so that decision can be taken as per G.R. Because, without verification of documents, the respondents cannot act upon as per rules and regulations.

3. The learned counsel desires to take instructions from the applicant in this regard.

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

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

**S.O. four weeks (PH).**

**Vice-Chairman**

Dnk