

C.P. 10/2020 in O.A. 272/2014 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

Shri G.G. Bade, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

2. The learned P.O. submits that Cheque of the applicant no.1 is ready and she should go and collect the Cheque. The learned counsel for the applicant submitted that the applicant is not informed in this regard, therefore, she has not collected the Cheque.

3. The Id. P.O. is directed to take necessary instructions and communicate the learned counsel for the applicants in this regard.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 19/2020 in O.A. 874/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

Heard the applicant in person and Shri H.K. Pande, Id. P.O. for the respondents.

2. The Id. P.O. has filed the letter dated 29/07/2020 (P-35) received from the Under Secretary, Government of Maharashtra, Medical Education and Drugs Department. In the letter, it is mentioned that the proposal is forwarded to the Government for posting the applicant as Dean. In view thereof, the matter be taken on board on 20/08/2020.

S.O. 20/08/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 366/2020 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

Shri V.B. Gawali, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. for R-1 to 4. None for R-5.

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

Member (J)

Vice-Chairman

dnk.

O.A. 355/2020 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

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

2. The Id. CPO has filed letter dated 24/07/2020 (P-37) received from the Section Officer, Soil and Water Conservation Department, Government of Maharashtra. The para-5 of the letter, it is mentioned that there is no substance in contention of the applicant that disregarding the claims of the departmental Officers, the Government is intending to fill the promotional post. The Id. CPO has invited our attention to para-3, clause (i) of the letter, wherein, it is mentioned that on availability of the departmental candidate, the deputation would be cancelled. Here the question is why action was not taken by the Department to comply the order dated 3/3/2020 wherein specific direction was given to the respondents to verify when the applicant become Executive Engineer and if answer was 'yes' to place his case along with portfolio of the respondent nos.3&4 in that case before the Establishment Board. In spite of this

direction, no action was taken by the State to comply the order. Now also no specific submission is made that within how much period this process would be completed. In this view, it is not desirable to withdraw the order of status-quo. On the contrary, we direct the respondents to expedite the process to fill the post by promotion within a period of 60 days from the date of this order. The matter would be taken on board after 60 days.

S.O. 10th September, 2020.

Steno copy be supplied.

Member (J)

Vice-Chairman

dnk.

O.A. 978/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

Shri S.P. Palshikar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for respondent nos. 1 to 4. None for R-5.

2. The Id. P.O. has filed reply on behalf of R-1&3. It is taken on record. Copy is served on the applicant. The Id. counsel for the applicant wants to go through the same and for that purpose he seeks further time.

3. At the request of Id. counsel for the applicant, **S.O. 13/8/2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 327/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

Shri A.P. Sadavarte, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 5 and Shri S.N. Gaikwad, Id. counsel for R-6.

At the request of Id. counsel for R-6,
S.O.13/08/2020 for filing reply as a last chance.

Member (J)

Vice-Chairman

dnk.

(D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

**Cont. Pet. No.21/2020 in O.A. 44/2020 & Cont.
Pet. 05/2020 in O.A. 712/2019 -**

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

2. The respondent no.4 in Cont. Pet. 05/2020 in O.A. 712/2019 is present in person. The respondent no.4 is directed to withdraw the letter dated 7/7/2020 (A-4, P-10) in Cont. 21/2020 and relieve the applicant on 31/7/2020 as per the applicant's application dated 6/7/2020 (A-3,P-9). It has been agreed by the respondent no.4.

3. The respondent no.4 has not shown any justification in the order dated 7/7/2020. While relieving the applicant on 7/7/2020 (A-4,P-10), the respondent no.4 is directed to clear all dues to the applicant till 31/07/2020.

4. The respondent no.1 is directed to take suitable action against the respondent no.4 in Cont. Pet. 05/2020 in O.A. 712/2019.

5. With this direction, the Contempt Petition Nos. 21/2020 and 05/2020 stand disposed of. No order as to costs.

Steno copy be supplied.

Member (J)

Vice-Chairman

dnk.

C.P. 18/2019 in O.A. 123/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/07/2020.

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

2. The order was passed on 03/10/2019 and the respondents were directed to comply the order within a period of 30 days. The learned counsel for the applicant submits that after October,2019 the respondents have not taken any action till today. It is cleared that respondents did not pay any attention to pay the interest to the applicant as per the order dated 03/10/2019. However, the learned P.O. has filed letter dated 29/7/2020 (P-60) received from the Civil Surgeon, Amravati, who is also present personally. The Civil Surgeon is directed to pay interest to the applicant within a period of four weeks from the date of this order.

3. The learned P.O. is also directed to make correspondence in this regard to the applicant.

S.O. 27/8/2020.

Member (J)

Vice-Chairman

dnk.
** **

(SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

**O.A. Nos. 1057, 1058, 1059, 1060 & 1061 of
2019 -**

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

The Id. P.O. files reply on behalf of R-4. Same are taken on record. Copies are served to the applicants. The Id. P.O. submitted that the reply of R-4 are sufficient to decide the matters. Hence, the O.As. are admitted and it be kept for final hearing.

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

S.O. 10/08/2020.

Member (J)

dnk.

O.A. 379 / 2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

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

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

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

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

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

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

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

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

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

Member (J)

dnk.

O.A. 378 / 2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

Heard Shri J.M. Gandhi, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

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

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

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

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

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

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

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

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

Member (J)

dnk.

O.A. 285/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

Shri S.A. Pathak, Id. counsel holding for
Ku.K. K.Pathak, 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. Six
weeks** for filing reply.

Member (J)

dnk.

O.A. 284/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

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

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

Member (J)

dnk.

O.A. 279/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

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

2. The Id. counsel for the applicant submitted that the applicant has made representation on 15/6/2020 and there is likelihood of transfers in near future.

3. In these circumstances, the respondent no.1 is directed to consider the representation of the applicant in the event of any transfers. In the meantime, the respondents to file reply.

S.O. three weeks.

Steno copy be supplied to the P.O...

Member (J)

dnk.

O.A. 767/2016 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1,2,4&5 and none for R-3&6.

At the request of Id. P.O., **S.O.**
13/8/2020.

Member (J)

dnk.

(SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

**O.A.Nos. 388, 389,390,391,392,393,394, 395,
396, 397 & 398 of 2020.**

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

2. It is submitted that the impugned order Annex-A-1 is illegal. The respondent no.2 is not authorized to post the applicants on the post of Senior Clerk (Awwal Karkun). It is submitted that the applicants are not relieved from the post.

3. The Id. CPO submitted that the reliever of the applicants has resumed the charge and therefore interim relief cannot be given. In view of it, issue notices to the respondents returnable after four weeks till then status-quo as on today be maintained.

4. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for the 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. Applicants are 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. Applicants are directed to file Affidavit of compliance and notice.

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

S.O. after four weeks.

Steno copy be supplied...

Member (J)

dnk.

O.A. 348/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

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

2. It is contention of the respondents that the order of transfer of the applicant dated 30/5/2014 was cancelled vide order dated 4/6/2014. It is submission of the applicant that though he retired on superannuation in the year 2018, his pension is not fixed and other retiral benefits are not released by the respondents. The learned P.O. submitted that there was absence from the duty and this objection was raised by the A.G. office.

3. The learned counsel for the applicant submitted that direction be given to the respondents to determine the nature of his absence from 5/6/2014 to 31/5/2015. Hence, I pass the following order –

ORDER

(i) The respondents are directed to decide the nature of period of absence from 5/6/2014 to 31/5/2015 and remove the objection raised by the A.G. office within a period of 60 days from the date of this order. In the meantime, the

respondents are directed to release the provisional pension and pay the provisional pension along with the arrears from the date of retirement.

(ii) The O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. 736/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

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

2. The Id. P.O. files reply on behalf of R-2. It is taken on record. The learned P.O. submitted that on the basis of said reply the O.A. can be decided.

3. The O.A. is admitted and it is heard along with O.A. Nos. 700,701,703,704,705,706,718, 719, 720,721, 722, 723,724,725,728,729 & 730 of 2019.

4. The impugned order Annex-A-1 was issued on 31/8/2019. In the remark column, it is mentioned that the transfer was for administrative reason. I have perused the reply filed by the respondent no.2. It appears from the transfer order itself that it was mid-term transfer and for which no justification is given. As a matter of fact, mere writing the word 'administrative reason' is not sufficient for compliance of the provisions of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"). If protection is given to

the Government servant, such protection cannot be taken away without following the procedure laid down by the statute. After reading the transfer order, it is difficult to accept that really there were any special reasons for which it was necessary to transfer the applicant in the middle of the session.

5. It is submitted that now the respondents have decided to call options from the applicant and others for their transfers and the transfer order would be issued within a short time. The Id. P.O. submitted that the respondents would consider the representation made by the applicant and then would issue the transfer order. In view of this, I pass the following order-

ORDER

(i) The impugned order Annex-A-1 is hereby set aside. The respondents are at liberty to issue transfer order in terms of G.R. dated 7/7/2020 after considering the representation made by the applicant.

(ii) The O.A. stands disposed of. No order as to costs.

Member (J)

Dnk

(SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 30.07.2020

**O.A. Nos. 700,701,703,704,705,706,718, 719,
720,721,722,723,724,725,728,729 & 730 of
2019.**

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. and other Id. P.Os. for R-1 to 3. None for R-4 in the respective O.As.

2. The impugned order Annex-A-1 was issued on 31/8/2019. In the remark column, it is mentioned that the transfer was for administrative reason. I have perused the reply filed by the respondent no.2. It appears from the transfer order itself that it was mid-term transfer and for which no justification is given. As a matter of fact, mere writing the word 'administrative reason' is not sufficient for compliance of the provisions of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"). If protection is given to the Government servant, such protection cannot be taken away without following the procedure laid down by the statute. After reading the transfer order, it is difficult to accept that really

there were any special reasons for which it was necessary to transfer the applicant in the middle of the session.

3. The learned counsel for the applicants submitted that now the respondents have decided to call options from the applicants and others for their transfers and the transfer order would be issued within a short time. The Id. P.O. submitted that the respondents would consider the representation made by the applicants and then would issue the transfer order. In view of this, I pass the following order-

ORDER

(i) The impugned order Annex-A-1 is hereby set aside. The respondents are at liberty to issue transfer order in terms of G.R. dated 7/7/2020 after considering the representation made by the applicant.

(ii) All the O.As. stand disposed of. No order as to costs.

Member (J)

dnk.

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O.A.No.291/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

Heard Shri G.G.Bade, 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. The Id. counsel for the applicant submits that he will file service affidavit within a week time. At his request, **S.O. two weeks.**

Vice Chairman

Date:-30/07/2020.
aps.

O.A.No.924/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

C.A.No.102/2020 :-

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. 102/2020 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week.

3. **S.O. three weeks.**

Vice Chairman

Date:-30/07/2020.
aps.

O.A.No.930/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

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. Matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondent nos. 1 & 2.

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

Vice Chairman

Date:-30/07/2020.

aps.

O.A.No.955/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

Heard Shri S.N.Gaikwad, 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 has filed affidavit dated 16.03.2020. It is taken on record. Copy is served to the other side.

3. He further requested to withdraw the O.A.. Though the affidavit is filed; **matter is disposed of as withdrawn with no order as to costs.**

Vice Chairman

Date:-30/07/2020.

aps.

O.A.No.964/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

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

2. The Id. PO. has filed reply of respondent nos. 1, 2 & 6. It is taken on record. Copies are supplied to the other side.

3. The Id. counsel for the applicant has placed on record order dated 03.12.2019 in O.A. No. 705/2017 of MAT, Nagpur Bench and it appears that as per para no. 3 of the said order which is reproduced below:-

"The Id. P.O. pointed out that in G.R. itself the cut-off date has been given as 01.06.2012 on the supernumerary posts were created specifically from that date only. However, the Id. counsel for the applicant is advised to ask the applicant to file representation about his grievance before the appropriate authority who may consider regularization as per G.Rs. 01.11.1994 and 16.10.2012 together and consider the applicant's grievances sympathetically and disposed of their representations within 08 weeks from the date of receipt of their representations. The Id. counsel for the applicant is also requested to ask the applicant to move the application within one week."

As the grievances of the applicant is also same. So, the respondents are directed to adopt the para no. 3 of order in O.A. No. 705/2017 for the applicant and disposed of the representations **within 08 weeks from the date of receipt of their representations.**

4. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-30/07/2020.
aps.

O.A.No.376/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State.

2. Issue notice to R-2, returnable on six weeks. Learned C.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:-30/07/2020.

aps.

O.A.No.377/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State.

2. The applicant was punished in D.E. and he went in appeal and in that appeal order was modified to the extent of reduction in rank limited to two years against that revision was filed and that was dismissed.

3. Issue notice to R-2 to 4, returnable on six 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. six weeks.**

Vice Chairman

Date:-30/07/2020.

aps.

Rev.Appl.19/17 in O.A.No.710/14 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

Heard Shri G.G.Bade, 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 was pointed out about para no. 9 of the Judgment in O.A. No. 710/2014 delivered on 10.08.2017 and he was also explained that if he desires the O.A. be transferred to the other Single Bench or to the Division Bench or he may withdraw it. The Id. counsel for the applicant submits that he want to seek instructions regarding the same. At his request, **S.O. 13.08.2020.**

Vice Chairman

Date:-30/07/2020.
aps.

O.A.No.13/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

Heard Shri G.G.Bade, 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 pointed out suspension order dated 13.05.2010 (Annexure-A-2, P.B., Pg. No. 9). Subsequently, applicant has been reinstated in the service vide order dated 13.07.2011 (Annexure-A-3, P.B., Pg. No. 10). In O.A. No. 710/2014 in order sheet dated 13.12.2019 in para no. 4, the Id. counsel for the applicant was directed to file separate O.A. for suspension order issue. The applicant had been fined for Rs. 1000/- vide order dated 07.10.2011 (Annexure-A-II, P.B., Pg. Nos. 12 & 13 {both inclusive} in O.A. No. 710/2014). Judgment in O.A. No. 710/2014 was passed by this Tribunal on 10.08.2017 in said order punishment of Rs. 1000/- has been discussed in para no. 9 and O.A. was dismissed. In view of order dated 13.12.2019 para no. 4 in O.A. 710/2014; the Id. counsel for the applicant has filed this O.A. No. 13/2020.

3. The Id. counsel for the applicant has preferred O.A. No. 710/2014 and directions was given to file separate O.A. for suspension order as per order sheet dated 13.12.2019 in para no. 4. Now, the Id. counsel for the applicant has filed O.A. No. 13/2020; in this O.A. the Id. counsel for the applicant has pointed out order dated 02.02.2012 (Annexure-A-7, P.B., Pg. No. 18-A) i.e.

impugned order; by this order applicant's suspension period from 14.05.2010 to 17.07.2011 has been treated as suspension period. The Id. counsel for the applicant has relied upon circular dated 24.10.2007 (Annexure-A-4, P.B., Pg. No. 11) which has been issued by A.D.G. (Administration) Maharashtra State, Mumbai. In the said order it has been pointed out that if punishment is minor punishment in nature than suspension period treated as suspension is difficult.

4. In view of circular dated 24.10.2007 by A.D.G. (Administration); Respondents are directed to follow the directions in the said circular. The order dated 02.02.2012 (Annexure-A-7, P.B., Pg. No. 18-A) becomes illegal and bad in law. Hence, following order:-

ORDER

1. The order dated 02.02.2012 passed by respondent no. 4 is quashed and set aside. The applicant will be entitled for all the regular benefits of his service considering that he was on regular duty between 14.05.2010 to 17.07.2011. As pointed out by Id. counsel for the applicant that the applicant has taken V.R.S.
2. With these directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-30/07/2020.

aps.

O.A.No.289/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :30/07/ 2020.

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 Id. counsel for the applicant submitted that applicant was suspended vide order dated 22.11.2019 and then applicant was reinstated in service vide order dated 06.03.2020 and in order dated 06.03.2020; applicant was only given "Censure" as a punishment. However, applicant suspension period has been kept as it is. Applicant is aggrieved with this part of the order, has approached to the Tribunal. The Id. counsel for the applicant desires to file certain documents on record.

3. At the request of Id. counsel for the applicant, **S.O. 03.08.2020.**

4. *Matter be treated as P.H..*

Vice Chairman

Date:-30/07/2020.

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