

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate))

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A.490/2022

Shri B.K. Rathod & Ors. ... Applicants

Vs.

The State of Mah. & Ors. ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned P.O. for Respondents.
2. Matter pertained to Division Bench but in view of urgent relief claimed in the matter, it is placed before this Bench in Vacation.
3. The Applicants are working on the post of Awal Karkun on the establishment of Collector, Satara. They contend that their juniors were promoted to the post of Naib Tahasildar by order dated 19.01.2021 issued by the Government. Thereafter, they made representation, but in vain. The Respondents have again called for certain information to initiate the process of promotion in next batch and DPC is likely to be held soon. It is on this background, the Applicants have filed this O.A. for direction to the Respondents to consider their candidature for promotion to the post of Naib Tahsildar.
4. This O.A. was filed on 26.05.2022 and notices were issued returnable today for taking instructions from the Respondents.
5. Today, learned P.O. on instructions from Mrs. Sulabha Shinde, Tahasildar submitted that information about eligibility of the Applicants are also called and the names of Applicants will be considered in DPC likely to be held in the next month.
6. As such, in view of statement made by learned P.O, it is explicit that Applicants are in zone of consideration and they are going to be considered for promotion to the post of Naib Tahasildar.
7. This being the position, the apprehension of the Applicants that they will not be considered is incorrect

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and O.A. is liable to be disposed of, since their names are under consideration.

8. In view of above, O.A. is disposed of with no order as to costs.

9. If Applicants felt aggrieved, they are at liberty to redress their grievance in accordance to law.

10. No order as to costs.

Sd/-

^w
(A.P. Kurhekar)
Member-J
01.06.2022

(skw)

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	<p align="center"><u>M.A.326/2022 in O.A.508/2022</u></p> <p>Shri S.V. Borhade & Ors. ... Applicants Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned P.O. for Respondents.</p> <p>2. This matter pertains to Division Bench, but in vacation, it is placed before Single Bench.</p> <p>3. This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.</p> <p align="right">Sd/- (A.P. Kurhekar) Member-J 01.06.2022</p> <p>(skw)</p>

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(Presenting Officer.....)

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	<p style="text-align: center;"><u>O.A.508/2022</u></p> <p>Shri S.V. Borhade & Ors. ... Applicants Vs. The State of Mah. & Ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned P.O. for Respondents. 2. Matter pertained to Division Bench, but in vacation, it is placed before Single Bench. 3. The matter pertains to promotion to the post of Head Wireless Operator. The Applicants claims to be fully eligible for the post of promotion but allegedly deprived of promotion for not completing Cryptography training which is made mandatory in terms of Circular dated 21.07.1976 issued by Inspector General of Police, M.S, Mumbai. 4. The Applicants contend that in past, promotions were made without insisting for completing of training in Cryptography and secondly, Circular dated 25.07.1976 issued by Inspector General of Police for mandating Cryptography training is without jurisdiction. Furthermore, Applicants contend that it was for the Department to arrange for training as per seniority and they cannot be blamed for not completing training in Cryptography. 5. Whereas, learned P.O. submits that she need to take instruction from the Department and sought time. 6. Issue notice to Respondents made returnable on 6th June, 2022. 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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>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.</p> <p>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.</p> <p>11. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>12. S.O. to 6th June, 2020.</p> <p>13. Issue of interim relief is kept open.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member-J 01.06.2022</p> <p>(skw)</p>

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Tribunal's orders

O.As.509 & 510/2022

**Shri N.K. Kurade
Shri S.D. Khomane**

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

1. Heard Ms. Savita Suryawanshi, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned P.O. for Respondents.

2. The Applicants have challenged the transfer order dated 19.05.2022.

3. Admittedly, Applicants have completed normal tenure and ~~are~~^{was} due for transfer. However, their grievance is that the options given by them have not considered in terms of G.R. dated 09.04.2018. The Applicants, therefore, prayed for stay to the impugned transfer order.

4. Whereas, learned P.O. submits that Applicants have relieved and the post on which Applicants were transferred were required to be filled-in on priority basis.

5. Since Applicants are already relieved from their present post, I am not inclined to grant interim relief.

6. Issue notice to Respondents made returnable on 27th June, 2022.

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

8. 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. Respondents are 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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>12. S.O. to 27th June, 2022.</p> <p style="text-align: right;">Sd/- ψ (A.P. Kurhekar) Member-J 01.06.2022</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No.

of 20

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 01.06.2022</p> <p align="center">M.A. No.325 of 2022 in O.A. No.644 of 2021 (SINGLE BENCH)</p> <p>A.J. SayyadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.K. Hande, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed in pending O.A. seeking interim relief. O.A. is ripe for final hearing and fixed on 07.06.2022 for final hearing.</p> <p>3. As rightly pointed out by learned P.O. by G.R. dated 27.05.2022, Government has taken policy decision not to effect general transfer till the end of June 2022.</p> <p>4. Therefore at this stage no interim relief is required. M.A. will be heard along with O.A on merit with liberty to the Respondents to file Reply to M.A.</p> <p>5. S.O. to 07.06.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 01.06.2022</p> <p align="center">O.A. No.501 of 2022 (DIVISION BENCH)</p> <p>S.S. IngleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Matter is of Aurangabad bench but due to non availability of Member at Aurangabad it is placed before this Bench in vacation. 2. Heard Ms. Madhavi Ayyappan holding for Shri Talekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 3. The Applicant is challenging seniority list for the post of Junior Clerk of 2019, 2020, 2021 published together on 28.07.2021 and seeking interim stay to the said seniority lists. 4. Issue notice before admission returnable on 08.06.2022. 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 Original Application. Respondents are 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.

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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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. Issue of interim relief is kept open.

11. S.O. to 08.06.2022.

Sd/-
v-
(A.P. Kurhekar)
Member (J)

NMN

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	<p>Date: 01.06.2022</p> <p align="center">O.A. No.507 of 2022 (DIVISION BENCH)</p> <p>R.G. ShendgeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Matter pertains to Division Bench but it being vacation placed before Single Bench in view of urgent relief claimed in the matter. 2. Heard Shri G.M. Bagade, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 3. The Applicant has challenged notice dated 19.04.2022 whereby he was directed to appear in regular departmental enquiry initiated against the Applicant. By the said notice the Applicant was directed to remain present on 27.04.2022. The Applicant accordingly appeared and sought adjournment and now D.E. is fixed on 02.06.2022. 4. At this stage, no case is made out to grant interim relief. 5. Issue notice before admission returnable on 01.07.2022. 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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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	<p>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.</p> <p>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.</p> <p>10. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>11. S.O. to 01.07.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 01.06.2022</p> <p align="center">O.A. No.504 of 2022 (SINGLE BENCH)</p> <p>S.P. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.K. Hande, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged transfer order dated 25.05.2022 whereby he is transferred from the post of Sub Inspector State Excise – M/s. Amber Distilleries Ltd., District – Palghar to Check Post – Talsari, District – Palghar, <i>inter-alia</i> contending that though he worked in tribal area his options were not considered which were required to be considered in terms of G.R. dated 09.04.2018 read with circular issued by G.A.D. dated 11.07.2000. Learned Advocate for the Applicant therefore prayed for interim relief.</p> <p>3. Whereas, learned P.O. submits that the Applicant was due for transfer and completed three years tenure but he has not completed nine years tenure in same division, and therefore he was transferred in same district in terms of letter issued by Commissioner of State Excise dated 25.05.2021 whereby certain instructions were issued in the matter of transfer.</p> <p>4. The Applicant is already relieved from his present post. Secondly, he is transferred in same district. It appears that he is transferred in same district in terms of letter dated 25.05.2021. Therefore, I am not inclined to grant interim relief.</p>

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	<p>5. Issue notice before admission returnable on 27.06.2022.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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.</p> <p>10. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>11. S.O. to 27.06.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>