

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
---	-------------------

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. Respondents are 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. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.

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. S.O. to 14th June, 2023.

Sd/-

(A.P. Kurhekar)
01.06.2023

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

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: 01.06.2023</p> <p>M.A. No.363 of 2023 in O.A. No.623 of 2023 (Division Bench matter placed before Single Bench in Vacation)</p> <p>Dr. V.N. Dekate & 6 Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Abhijeet A. Desai, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: right;">^ Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 01.06.2023
	<p style="text-align: center;">O.A. No.623 of 2023 (Division Bench matter placed before Single Bench in Vacation)</p> <p>Dr. V.N. Dekate & 6 Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Abhijeet A. Desai, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicants are working in the cadre of Medical Officer and filed the present O.A. for continuation in service till they attain age of 60 years in view of amendment to Rule 10 of M.C.S. (Pension) Rules, 1982 by notification dated 23.02.2022. The Applicants are in the age bracket of 58 to 60 years and none of them have completed 60 years of age.</p> <p>3. Shri A.A. Desai, learned Advocate for the Applicant contends that in view of amendment to Rule 10 of M.C.S. (Pension) Rules, 1982 by notification dated 23.02.2023 the Applicants are entitled to extension of age upto 60 years. However, Respondents are in process to retire them by the end of 31.05.2023 in view of last proviso of amendment to Rule 10 of M.C.S. (Pension) Rules, 1982. According to him once the Applicants have crossed 58 years they deemed to have been granted extension upto 60 years by virtue of notification dated 23.02.2022. On this line of submission he prayed for interim relief. In this behalf he placed reliance on the order dated 26.05.2023 passed by Hon'ble High Court, Nagpur Bench in <i>Writ Petition No.3349/2023 (Shri Anil J. Rudey v/s. State of Maharashtra & Ors.)</i> in which interim relief has been granted in similar situation.</p> <p>4. Learned P.O. opposed interim relief and sought time to take instruction and to file Affidavit-in-Reply. She further submits that in view of last proviso the benefit of extension of age is not available after 31.05.2023.</p> <p>5. <i>Prime-facie</i>, perusal of amendment to Rule 10 of M.C.S. (Pension) Rules, 1982 reveals that the age of Medical Officer amongst others is extended from 58 to 60</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>years and they shall retire from services on the afternoon on the last date of the month in which he attained age of 60 years. True, as per last proviso amendment shall be in-force till 31.05.2023. Thus last proviso is much debatable. <i>Prima-facie</i> once the Applicants crossed age of 58 years they seems to be entitled to extension of age upto 60 years. Admittedly till date the Applicants are in service. Hon'ble High Court, Nagpur Bench granted interim relief to the Medical Officer and the Applicants are also <i>prima-facie</i> similarly situated persons.</p> <p>6. In view of above, Respondents are directed to continue the services of the Applicants if they have not crossed 60 years of age and interim relief will be in-force till 08.06.2023.</p> <p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 08.06.2023.</p> <p>9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>10. 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>11. By Hand delivery, speed post, courier notice to be served 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>12. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>14. Matter be placed before Division Bench on 08.06.2023.</p> <p style="text-align: right;">Sd/- ↓ (A.P. Kurhekar) Member (J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<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 O.A. 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. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.</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. S.O. to 14th June, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) 01.06.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

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: 01.06.2023</p> <p align="center">O.A. No.622 of 2023</p> <p>S.D. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri V.V. Ugale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant has challenged suspension order dated 23.05.2023 in contemplation of regular D.E. 3. Learned Advocate for the Applicant prayed for stay to the Suspension order and to keep his post vacant so that in case of reinstatement in service on merit he could be posted on same place. 4. Learned P.O. opposed interim relief <i>inter-alia</i> contending that O.A. itself is premature and no such interim relief could be granted. 5. As stated above, the Applicant is suspended recently, hardly one week ago and rushed to the Tribunal to challenge suspension order. Therefore, Affidavit-in-Reply of the Respondents is necessary to decide the legality of Suspension. 6. In view of above, I am not inclined to grant interim relief. 7. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 8. Issue notice before admission returnable on 26.06.2023. <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>10. 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>11. By Hand delivery, speed post, courier notice to be served 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>12. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>13. S.O. to 26.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

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: 01.06.2023</p> <p align="center">O.A. No.618 of 2023</p> <p>S.B. GoneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In terms of order passed by the Tribunal on 30.05.2023, Respondent No.3 – Collector, Pune has taken decision by passing order on 31.05.2023 stating that the Applicant is not due for Transfer since he has completed only 9 months tenure in present post of Awal Karkoon and therefore he cannot be posted on the post of Circle Officer in rotation.</p> <p>3. In view of above, at this stage no interim relief can be granted. Learned Advocate for the Applicant is at liberty to challenge decision dated 31.05.2023.</p> <p>4. Since, Respondents have already appeared through P.O. issuance of notice is dispensed with.</p> <p>5. Learned P.O. shall file Affidavit-in-Reply to O.A. be next date.</p> <p>6. S.O. to 16.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>