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

Tribunal's orders

O.A. No.568 of 2017

Arvind B. Bhagwat Vs.

..Applicant

The State of Maharashtra & Ors.

..Respondents

Heard Shri S.S. Deokar, Ld. Advocate for the Applicant and K.B. Bhise, Ld. Presenting Officer for the Respondents.

- 2. The Applicant was working as Associate Professor in Poddar Ayurvedic College, Worli, Mumbai. He was declared permanently incapacitated by Medical Board on 2.5.2013. Therefore, he was retired w.e.f. 2.5.2013. Rs.77,962/- has been recovered from salary before his retirement.
- On account of wrong pay fixation during annual increments recovery of Rs.3,89,165/- has been raised against the Applicant after his retirement and the same has been recovered from his gratuity by impugned order dated 1.8.2014 (Exhibit F page 25). The Respondent No.4 has done this as per Rule 132(3)(b) of the MCS (Pension) Rules, 1982. The recovery pertains to revised pay scales. The Pay Band of the Applicant was revised for the period from 1.1.2005 to 31.1.2013 (Exhibit R-1). According to Respondent No.4, the Applicant was temporarily promoted as Reader while his original post was Assistant Professor. The annual increments should have been fixed on the post of Demonstrator. Respondent No.4 admits that error in calculation in excess payment was done by the office. However, recovery order of Rs.3,89,165/- was issued after his retirement from gratuity on 1.8.2014.
- 4. The Applicant has challenged the impugned order dated 1.8.2014. He has cited the judgment and order dated 20.12.2016 passed by this Tribunal at Aurangabad Bench in OA No.711 of 2016 Omparakash D. Mane Vs. The State of Maharashtra & Ors.
- In view of permanent incapacitating condition of the Applicant and recovery made after his retirement, it would be iniquitous to recover the amount from his gratuity even though he is a Group 'A' officer.
- 6. The impugned order dated 1.8.2014 is, therefore, set aside. In view of special reasons stated by the Applicant, the amount of Rs.3,89,165/- recovered from his gratuity should be refunded to the Applicant within four weeks without interest. The amount is being refunded only as a special case and not as a right. With these observations OA is disposed off.

24/-

(P.N. Dixit)
Member (A)
1.8.2018

DATE 1/8/18

CORAM
Hon'ble Shri P.N. DIXIT (Member) A

APPEARANCE: Shr/Smt 5.5. Decker

Advocate for the Applicant

ShritSmt K. B. Bus C. C.P.O.P.O. for the Respondent/s

Agiso to D.A. is disposed

Original Application No.

Original Application No.	ef 20	Distr	ICT
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The State		arashtra and others	
	. A Mai	ardshira and others	
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	I V.J.	Pagare Vs.	Applicant
	The	State of Maharashtra & Ors.	Respondents
	Appl Offic	Heard Shri K.R. Jagdale, licant and Miss Neelima Go ter for the Respondents.	earned Advocate for the had, learned Presenting
	· <u>2</u> .	Ld. PO requests for three we	eks time to file reply
	3.	S.O. to 29.8.2018.	
. 1			Sd/
DATE 1/8/18 CORAM Hora'ble Shri P.N. DIXIT (Member) A	(sgj)		(P.N. Dixit) Member (A) 1.8.2018
APPEARANCE: Shrismer K.D. Jagdale			÷
Advocate for the Applicant			
Shore Me N.a. Golad C50/20. for the Respondent/s Aci./S.O. to 29/8/18.	! L		
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Original Application No.	of 20	DISTRICT	
		·	Applicant/s
(Advocate		•	
	versus		
The Stat	e of Maharashtra and	d 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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	R.C. Advani Vs.		Applicant
	The State of Maha	rashtra & Ors.	Respondents
	Heard Shri the Applicant and the Respondents.	A.V. Bandiwadekar, le K.B. Bhise, learned Pre	arned Advocate for esenting Officer for
	2. Ld. PO file	es reply and the same is	taken on record.
. 1	3. Ld. Advoc	ate for the applicant re	equests for time to
DATE 1/8/18	4. S.O. to 27.	8.2018.	
Hon'ble Shri P.N. DIXIT (Member) A	1		Sd/-
APPEARANCE: Shrisme A.V. Bondinodek	(sgj)	Me	N. Dixit) mber (A) .8.2018
Advocate for the Applicant	:		
Shriperat K. B. Buise. C.P.O/P.O. for the Respondent/s			
Adj./S.O. to 27/8/18. Reply lited log Ato.			

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	Apr Offi	Heard Shri K.R. Jagdal blicant and Miss Neelima icer for the Respondents.	e, learned Advocate Gohad, learned Pre	for the senting
	2.	Ld. PO requests for three	weeks time to file rep	oly
, 1	1.3.	S.O. to 29.8.2018.		
ATE 1/8/18			Sd/-	
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SHISML KA Jagdall	(sgj)	1		
Advocate for the Applicant	ļ.			
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	K.E.	Pawar Vs.	Applicant
	' The	State of Maharashtra & Ors.	Respondents
	∫ the /	Heard Shri A.V. Bandiwadeka Applicant and Miss Neelima Go eer for the Respondents.	ar, learned Advocate for had. learned Presenting
	2. instr	Ld. PO states that she huctions in the matter. The resp	ondents are directed to
	3.	S.O. to 27.8.2018.	
DATE 1/8/18	4.	The request for interim relief i	s kept open.
CORAM Hon'ble Shri P.N. DIXIT (Member) A	i		Sd/-
APEARANCE:	· I		(P.N. Dixit) Member (A) 1.8.2018
Son Sont AU Brondrowdol	(sgj)		1.6.2016
Advocate for the Applicant			
Shringment 148. N. G. Gohad O.P.O.P.O for the Respondents		•	
Adi./S.O. to 27/8/18.	/		

Original Application No.	ਰ 20	DISTRICT
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	Q.A. No.	1090 of 2017
	M.M. Sawant & Ors.	Applicants
	Vs. The State of Maharashtra & (OrsRespondents
	Heard Shri A.V. Band the Applicant and Miss Presenting Officer for the Res	liwadekar, learned Advocate for Savita Suryawanshi, learned spondents.
	2. Ld. PO requests fo progress in the matter.	r two weeks time to report
DATE 18/18	3. S.O. to 20.8.2018.	
CORAM Hon'ble Shri P.N. DIXIT (Member) A		Sd/-
APPEARANCE:	(sgj)	(P.N. Dixit) Member (A) 1.8.2018
Advocate for the Apolicant		
P.O. for the Respondents		
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The State	of Mahai	rashtra and others	
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		O.A. No.467 of 2015 & other	r connected matters
å.	V.R.	Badekar & Ors. Vs.	Applicants
	The :	State of Maharashtra & Ors.	Respondents
DATE 1/8/18	Spec Prese 2. meet	ed Advocates for the Applicantial Counsel with Shri N. Enting Officer for the Respondent Ld. Advocates for the Appling at the Government level request for adjournment. S.O. to 27.8.2018.	K. Rajpurohit, learned ents.
CORAM			Sd/-
APPEARANCE: Shri/Smt K.R. Jagdall, Rayana Todankan Advotate for the Applicant	(sgj)		(P.N! Dixit) Member (A) 1.8.2018
Shrirson S.K. North C.F. O. For the Pespon in this Respond SDI. Coccursed with N.K. Respond Adi./S.O. to	dist		

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL $|\mathrm{Spt.}_{\mathbb{P}}||\mathrm{MAT}(p)\geq 1.$ MUMBAL

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DATE 1818 CORAM Hon'ble Shri P.N. DIXIT (Member) A APPEARANCE: Shrient Dhee of Political Shrows Advocate for the Applicant Strikent Us. S. P. Manchake C.P.O/P.O. for the Respondent/s Adj./S.O. to 23818	for S and M Respondence 2.	G.A., No. 406 of A. Fale Vs. State of Maharashtra & Ors. Heard Shri Dheeraj Patil, leahri P.S. Bhavake, learned Adv. Aiss S.F. Manchekar, learned Prondents. Ld. CPO requests for two wee S.O. to 25.8.2018.	ApplicantKespondents arned Advocate notating ocate for the Applicantesenting Officer for the

Original Application No.	of 20	DISTRICT
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The State	Vetsus	
	of Manarashtra and others	
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	<u>O.A. No.33</u>	6 of 2018
	R.D. Akrupe Vs.	Appticant
	The State of Maharashtra & Ors	
	Heard Shri K.R. Jagdar Applicant and Shri K.B. Bhise for the Respondents.	e, learned Advocate for the , learned Presenting Office:
DATE 1/8/18	2. Ld. FO files sur-rejoinad record.	er and the same is taken on
CORAM Hon'ble Shri P.N. DIXIT (Member) A	3. I.d. Advocate for the weeks time to seek instructions in	applicant requests for avo-
APPEAD ANOC.	4. S.O. to 23.8.2018.	
Show L. R. Jagdala		Sd/-
Shrift IK. B. Bhuse C. P. O. F. F. F. G. See Applicant See - P. J. J. L.	(sgj)	(P.N. Dixit) Member (A) 1.8 2018
5.0. to 23/8/18.		

Original Application No.	of 20 District
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(Advocate	·············)
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The State	of Manarashtra and others
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Appearance, Tribunal's orders or directions and Registrar's orders	Pribunai's orders
	- Date : 01.08.2018.
	O.A.No.1158 of 2016 with O.A.No.352 of 2017 with
	O.A.No.353 of 2017
•	S.K. Goraksha & Ors. (O.A.No.1158/2016)
	S.D. Narvekar (O.A.No.352/2017) K.S. Gadkari (O.A.No.353/2017)Applicants.
	VersusApplicants.
	The State of Manarashtra & OrsRespondents.
	1. Heard Shri A.V. Bandiwadekar, the learned Advocate
0.75	for the Applicants and Shri A.J. Chougule, the learned
DATE 118/18	Presenting Orficer with Shri S.D. Dote, the learned Presenting
CORAM Hos/bio Shri Bay Bayer ab	Officer for the Respondents.
Hon'ble Shri P.N. DIXIT (Member) A	Omeer for the Respondents.
APPEADANCE	2. Learned P.O. for the Respondents proposes to file
APPEARANCE: Shrisme A.V. Bondisonololo	sur-rejoinder shortly.
The state of the s	
Advocate for the Applicant	 Learned Advocate for the Applicant Shri A.v.
Shripman A.J. chaeegoles	Bandiwadekar prays for adjournment.
C.P.O/P.O. for the Sospondant	
MITHA S. T. LIMIP AA	4. In view of the foregoing adjourned to 30,08,2018.
Adj./S.O. to 30/8/18	_
Qual !	Sd/-
	(P.N. 'Dixit)
	Member(A)
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Original Application No.	of 20	LUSTRICT
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(Advocate	***************************************	
	tersas.	
The	State of Manarasi	otr. and others
		Respondent/s
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	Date : 01.	08.2018.
		O.A.No.609 of 2017
•	S.A. Patif	Applicant.
	Versus	
•	The State	of Maharashtra & OrsRespondents.
	1. He	ard Ms. S. Suryawansni, the learned Presenting
ı		the Respondents.
DATE 1/8/18	2. Ap	pplicant is not present. As a last chance Applicant is
CORAM		remain present on the next date, failing which the
Hon'ble Shri P.N. DIXIT (Member) ▲		decision will be taken in the matter.
APPEARANCE	3. Adi	curned to 31. 0 8.2018.
Smilsme Applicant es	, Au	ourned to 31.08.2018.
Lot posedent.		Sd/-
Advocate for the Applicant	1	(P.N. Dixit)
Sceregoro	· [(P.W. Dixit) Member(A)
2.P.O. for the Respondent's	prk	
idj./S.O. to 31/8/18		

Original Application No.	of 20	
(Advocate	•••••	
	versus The State of Maharasht	د. ۱
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Office Notes, Office Memoran Appearance, Tribunal's of directions and Registrar	rders or	. 20
	U.C. Bangar Versus The State of	M
	1. Heard Applicant a. Officer for th	d
DATE 18/18 CORAM Horible Shri P.N. DIXIT (Membro	2. Learn mentions to expressed se family member	at ric
APPEARANCE:	<u> </u>	
Acvocate for the Applicant Shalsat A. T. Choca C.P.O/P.O. for the Rescondent	3 Learne states that in	

DISTRICT

.... Appneant/s

and others

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Tribunal's orders

018. - -

O.A.No.407 of 2017 (Subject : Transfer)

....Applicant.

/laharashtra & Ors.

.....Respondents.

- Shri K.R. Jagdale, the learned Advocate for the Shri A.J. Chougule, the learned Presenting Respondents.
- ed P.O. for the Respondents Shri A.J. Chougule t there are four other nurses who nave ious medical difficulties in respect or their rs or should have completed more than three utside and therefore intend to be posteo at
- d Advocate for the Applicant Shri K.R. Jagoaie request of the applicant may be considered under humanitarian grounds as her father-in-law is suffering from Cancer of Prostate Gland.
- 4. Respondent No.2 is therefore directed to look intuthe representation and try to accommodate the same as much as possible in the course of time .
- 5. O.A. is disposed of accordingly.

Sd/-

(P.N. Dixit) Member(A)

Original Application No.	of 20	Dist	RICT
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The State	of Mah	arashtra and others	
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(Presenting Officer		· ······	
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		U.A. No.234	ot 2018
	P.R.	Wagh & Ors. Vs.	Applicants
	The	State of Maharashtra & Ors.	Respondents
	the A	Heard Ms. Ranjana Todai Applicant and Shri N.K. Rajj eer for the Respondents.	nkar, learned Advocate 101 purohit, learned Presenting
1	2.	Not on board. Taken on bo	oard.
DATE 1/8/18 CORAM Hon'ble Shri P.N. DIXIT (Member) A	3. 1.8.2 week	018 and requests for extending	cant has filed a note dated age the time granted by two
	4.	Request granted.	
APPEARANCE: Shright Shill Rangona			Sd/-
Advocate for the Applicant	(ovi)		(P.N. Dixit) Member (A) 1.8.2018
Sportoca the Adapondents	(sgj)		
order pressed in the			
Pequest granted.			

Original Application No.	of 20	DISTRIC	Т	
			Appacant/s	
(Advocate				
	versus	•		
The St.	ate of Manaras	shtra and others		
			Respondent/s	
(Presenting Officer		2000 Herry		
Define Nature Over 12				
Office Notes, Office Memoranda of Coran Appearance, Tribunal's orders er directions and Registrar's orders	ı,	Tribunal's orders		
		O.A. No.417 of 2014		
	V.J. Kull	karn 's.	Applicant	
	The State	e of Maharashtra & Ors.	Respondents	
	K.B. Bhi	eard Applicant who is presse, learned Presenting Office	ent in person and Shri r for the Respondents.	
DATE 1/8/18	period of District (applicant applicant approach	2. The Government has issued directions to condone the period of seven months as a special measure and directed the District Collector to expedite the pension papers of the applicant. This directive has been issued on 1.3.2018. The applicant, who is present in person, mentions that he had approached the respondents and they have assured that action would be taken.		
CORAM Hon'ble Shri P.N. DIXIT (Member) A	personally	ne respondent no.2 is gired y or send responsible offic 20.8.2018.	eted to remain present cer with the progress	
APPEARANCE: Shri/smt: Applicant inpo	4. S.	Оло 20.8.2018.		
Advocate for the Applicant	5. Ste directed to	enc copy and namdast is communicate this order to t	granted, Ld. PO is the respondents.	
Shrifting IX B Bhr S C			Sd/-	
adj. 15.0. to 20/8/18. 3 teno copy ound hamolic es granted.	(sgj)		(PIN. Dixit) Member (A) 1.8.2018	

Original Application No.	of 20	District	
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	Versus		
The State	of Maharashtra and	others	
			14 a .
(Presenting Officer	······································		Ke spondent/.
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orders	
	O.A. No.41 of 2017		
	S.N. Patvardnan Vs.		Appucan:
	The State of Maharas	htra & Ors.	Kespondents
	Applicant and Miss S Officer for the Respon	4.B. Kadam, tearned Savita Suryawanshi, ndents.	Advocate for the learned Presentin
r 1	2. Ld. A.ivocate weeks time to substitu	e for the applicant ute the OA.	requests for tw
DATE 1/8/18 CORAM	3. Request granted. S.O. to 23.8.2018.		
Hon'ble Shri P.N. DIXIT (Member) A			Sd/-
Shown M. B. Idaday		Me	N.*Dixti) inber (A) .8.2018
Advocate for the Applicant	(sgj <i>)</i>		
Shrifemt No. 5. Scale agencies G.P.O/P.O. for the Respondence	ui.		
Adj./S.O. to 23/8/18.			

Original Application No.	of 20	DISTRICT		
		Appneanus		
(Advocate				
	versus			
Th	e State of Maharashtr	a and others		
		Respondent/:		
(Presenting Officer				
Office Notes, Office Memoranda of (Appearance, Tribunal's orders directions and Registrar's orde	or ·	1 ribunat's orders		
	Date : 01.08.	2018.		
		O.A.No.19 of 2018		
	P.M. Bhosie	Applicant.		
	Versus	,		
	The State of	Maharashtra & OrsRespongents.		
	1. Hears	Shri A.V. Bandiwadekar, the learned Advocate		
	for the App	icant and Shri N.K. Rajpurohit, the learned		
1 1	£.	ficer for the Respondents.		
DATE 1818	2. At the	a request of Applicant Journal Advance Ch		
CORAM	3	e request of Applicant, learned Advocate Shridekar seeks adjournment.		
Hon'ble Shri P.N. DIXIT (Member)	7. V. Barra	ckar seeks aujournment.		
	3. Adjou	rned to 03.09.2018.		
APPEARANCE:				
Shri/Smt - A. N. 1502 holices	Marcon -	Sd/-		
Advocate for the Applicant	, 🖠	(P.N. Oixit)		
Shrisme N. 12. Rayparo	prik	Member(A)		
C.P.O/P.O. for the Respondent/s	MIII			
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Original Application No.	of 20	District
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	versus	
The State	of Maharashtra and others	
		Respondents
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunat's o	orgers
	O.A. No.40	7 of 2018
	C.V. Ghare Vs.	Аррисат
	The State of Maharashtra & Ors	
DATE 18 18 CORAM Hon'bie Shri P.N. DIXIT (Member) A	Heart. Shri Dheeraj Patil, learned Advocate nording for Shri P.S. Bhavake, learned Advocate for the Applicant Smt. Archaga B.K., learned Presenting Officer 101 Respondents No.1 to 3 and Shri A.D. Gugare, learned Advocate holding for Shri A.S. Shalgaonkar, learned Advocate for Respondent No.4. 2. Ld. Advocate for the applicant is directed to provide copy of OA to Ld. Advocate for Respondent No.4. 3. S.O. to 23.8.2018.	
Shrismt Dheeraj Potil holding		Sd/-
Advocate for the Applicant Shri/Smt. Acachaena B.K. G.P.O/P.O. for the Respondent/s to 1 to 3 L.D. Gregole, holding Roca Adj/S.O. to A.S. Shalpanhae S.O. +0 2-3/8/18.	(sgj)	(P.N. Dixit) Memoer (A) 1.8.2018