

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 659/2023</u></b></p> <p>Shri S.G Beldar &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicants are all Class-III employees working as Forest Guard with the Respondents at Shahapur.</p> <p>3. Learned counsel for the applicants submit that the applicants are due for transfer. Learned counsel submits that the applicants have given preference of 10 choice for their posting. However, none of the applicants are given the choice posting given by them. Learned counsel further submits that as per G.R dated 11.7.2000, the preference is also to be given to the employees who have worked in the Tribal areas. All the applicants have worked in the Tribal areas and therefore, it was mandatory on the part of the Respondents to give them their choice posting. Therefore, he prays that the order of relieving the applicants is to be stayed and they be allowed to continue to work on their earlier post. Learned counsel further submitted that nobody is posted in the place where the applicants are presently working.</p> <p>4. Learned P.O submits that the applicants are due for transfer. There are 34 posts vacant in Shahapur Forest Division which falls in Scheduled Area. But they are to be filled in under 'PESA', i.e., Panchayats (Extension to the Scheduled Areas) Act, 1996, and hence the applicants are not entitled for these posts. Learned P.O, further submitted that the Respondents have considered the choice posting given by the applicants and all the choice postings are from one and the same Taluka, i.e., Shahapur. As the backlog of posts under 'PESA' is to be filled up in Shahapur, the case of the applicants cannot be considered even as per G.R dated 11.7.2000. Learned P.O further submitted that the applicants may give their choice of preference for any other place in Thane or Alibaug. Though, this option was given to them on earlier date, the applicants have not given the said option till date.</p> <p>5. It is to be noted that the applicants are working at Shahapur since 2019 and therefore, as per the policy they are due for transfer. The submissions made by the learned P.O are found reasonably legal and correct. Hence, no stay can be granted to the orders relieving them.</p> <p>6. S.O to 22.8.2023 for final hearing.</p> <p style="text-align: right;">Sd/- / <b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</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 style="text-align: center;"><u>O.A. No.491 of 2023</u></p> <p>V.K. Awhad ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks time to file reply.</p> <p>3. S.O. to 22.8.2023 by way of last chance.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 1.8.2023</p> <p>(sgj)</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 align="center"><u>O.As. No.326 &amp; 863 of 2022</u></p> <p>N.N. Kulkarni ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicant in person has sent his written submissions by email today. The same is taken on record and marked as Court Exhibit 'A' for identification.</p> <p>3. Ld. PO to take note and make submissions accordingly.</p> <p>4. S.O. to 18.8.2023.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 1.8.2023</p> <p>(sgj)</p>



**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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 893/2023</u></b></p> <p>Sandeep P. Patil ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that the matter can be disposed of as the request of the applicant is considered by order dated 25.7.2023 and now he is posted at Dhule.</p> <p>3. In view of the above Original Application stands disposed.</p> <p style="text-align: right;">Sd/-  / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Original Application No.

of 20

DISTRICT

..... Applicant/s

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*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
	<b>01.08.2023</b>
	<b><u>M.A 487/2023 in O.A 786/2023</u></b>
	<p>The Principal Secretary, Industries, Energy and Labour Dept &amp; Ors</p> <p style="text-align: right;">... Applicants (Ori Respondents)</p> <p style="text-align: center;">Vs.</p> <p>Shri Ayub Gulab Pathan</p> <p style="text-align: right;">... Respondent (Ori Applicant)</p> <p>1. Heard Shri A.J Chougule, learned P.O for the applicants (Ori Respondents) and Shri M.D Lonkar, learned counsel for the Respondent (Ori Applicant).</p> <p>2. Learned counsel for the Respondent (Ori Applicant) prays that copy of the M.A be served on him.</p> <p>3. Learned P.O is directed to serve copy of M.A to the learned counsel for the Respondent (Ori Applicant).</p> <p>4. At the request of learned counsel for the Respondent (Ori Applicant), matter adjourned to 8.8.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**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
	<p><b><u>01.08.2023</u></b></p> <p><b><u>O.A 730/2023 with Caveat No. 21/2023</u></b></p> <p>Dr R.M Gangurde ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. None present for the applicant. Heard Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. At the request of learned P.O, matter adjourned to 22.8.2023.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 1280/2023</u></b></p> <p>Mr P.S Kale ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that the applicant, Police Inspector, has already reported for duty at Borivali Police Station. Thus, the applicant has complied with the order of transfer.</p> <p>3. Learned counsel submits that the applicant seeks permission to withdraw the Original Application with liberty to file representation to the Respondents to consider his case for transfer during the general transfers.</p> <p>4. Original Application is disposed of with liberty to the applicant to file representation to the Respondents to consider his case for his transfer during the general transfers and if such representation is made, the same may be considered accordingly to law.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/v (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 400/2023</u></b></p> <p>Shri I.J Korbu ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Affidavit in reply is already filed.</p> <p>3. Learned counsel for the applicant seeks time to file rejoinder.</p> <p>4. S.O to 8.8.2023.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

# 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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 646/2023</u></b></p> <p>Shri S.R Bhadange ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</li> <li>2. Learned counsel files affidavit in rejoinder.</li> <li>3. Learned P.O submits that she requires time to file sur-rejoinder. Time granted.</li> <li>4. If the Respondents chose not to file sur-rejoinder, the matter will proceed.</li> <li>5. S.O to 23.8.2023 for hearing.</li> </ol> <p style="text-align: right;">Sd/-  / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

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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 <b>01.08.2023</b> <b><u>O.A 938/2023</u></b>
	<p>Smt S.U Pathak ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant is a retired Clerk-cum-Typist prays for release of her retiral dues and also her salary from May 2016 till the date of her retirement, that is 31.10.2020.</p> <p>3. Issue notice before admission returnable on 5.9.2023.</p> <p>4. 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>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.</p> <p>6. 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>7. In case notice is not collected within <b>seven</b> days or service report on affidavit in not filed <b>three</b> days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption '<b>for Dismissal</b>' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>8. S.O to 5.9.2023. <span style="float: right;">M. A. Sd/-</span></p> <p style="text-align: right;"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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
	<b>01.08.2023</b>
	<b><u>O.A 944/2023</u></b>
	J.K Kadam ... Applicant
	Vs.
	The State of Maharashtra & Ors ... Respondents
	1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.
	2. The applicant challenges the suspension order dated 5.6.2023 passed by the Respondent.
	3. Issue notice before admission returnable on 22.8.2023.
	4. 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.
	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. 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.
	7. In case notice is not collected within <b>seven</b> days or service report on affidavit in not filed <b>three</b> days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption ' <b>for Dismissal</b> ' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."
	8. S.O to 22.8.2023.
	Sd/-  (Mridula Bhatkar, J.) Chairperson
	Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

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..... 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 <b>01.08.2023</b>
	<b><u>O.A 908/2023</u></b>
	<p>Shri S.M Chim ... Applicant</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, holding for Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant prays that the Respondents be directed to change the date of birth of the applicant in service record as 11.6.1974 and to grant him consequential benefits.</p> <p>3. Issue notice before admission returnable on 5.9.2023.</p> <p>4. 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>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.</p> <p>6. 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>7. In case notice is not collected within <b>seven</b> days or service report on affidavit in not filed <b>three</b> days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption '<b>for Dismissal</b>' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>8. S.O to 5.9.2023.</p>
	<p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>
	Akn
	[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

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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 align="center"><u>O.A. No.787 of 2023</u></p> <p>A.R. Deokar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant prays for interim relief. Ld. CPO seeks time to file reply.</p> <p>3. Ld. Advocate for the applicant submits that different criterion is applied to the applicant and respondent no.2 &amp; 3 for the purpose of seniority. In the case of applicant the date of joining is considered and in the case of respondent no.2 &amp; 3 the date of appointment order is considered. So applicant is pushed down though he is senior to respondents no.2 &amp; 3 since the date of joining.</p> <p>4. Ld. Advocate submits that applicant was appointed by order dated 16.6.1999 and he joined on 17.6.1999. Respondent No.2 was appointed by order dated 18.6.1999 and he joined on 21.6.1999 and respondent no.3 was appointed by order dated 28.6.1999 and he joined on 28.6.1999.</p> <p>5. Ld. CPO to file reply.</p> <p>6. S.O. to 11.8.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 1.8.2023 1.8.2023</p> <p>(sgl)</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 Coxam, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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M.A. No.439 of 2023 in O.A. No.466 of 2018

M.R. Tambe & Anr. ..Applicants  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The applicant has filed this MA for fixing early date of hearing.
3. The OA pertains to promotion of the applicant to the post of Excise Inspector in State Excise from the post of Sub Inspector, State Excise. Applicant no.1 is retiring in December, 2023 and applicant no.2 is retiring in February 2024.
4. In view of the above and as the OA is filed in 2018 hearing of OA is expedited. OA is fixed for hearing on 25.9.2023. HOB.
5. MA disposed off accordingly.

Sd/-

Sd/-

(Medha Gadgil)  
Member (A)  
1.8.2023

(Mridula Bhatkar, J.)  
Chairperson  
1.8.2023

(sgj)

**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 align="center"><u>O.A. No.265 of 2016</u></p> <p>Prashant J. Ganjale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. In this matter the applicant challenges order dated 1.10.2013 and the publication dated 26.2.2016 in respect of appointment to the post of Kotwal of Village Bhopar, Taluka Kalyan, District Thane. He also prays for directions to the respondents to allow the applicant to join his duties as per appointment order dated 27.9.2013.</p> <p>3. Ld. Advocate for the applicant submits that respondent no.3 issued notification dated 18.10.2012 for filling up 11 posts of Kotwal in Taluka Kalyan, District Thane. Applicant applied for the post of Kotwal of Village Bhopar, Taluka Kalyan, District Thane from Open category. He fulfilled all the conditions laid down in the advertisement. Subsequently his appointment order was issued on 27.9.2013 but which was cancelled by order dated 1.10.2013 on the ground that appointment of the applicant was done by following the rules and procedure of 7.5.1959 without taking into account the amendment by GR dated 5.9.2013. Ld. Advocate submits that the said cancellation is illegal on the ground that GR dated 5.9.2013 is subsequent to the advertisement and therefore appointment of the applicant as Kotwal which was done as per the Rules of 7.5.1959 was correct.</p> <p>4. Ld. PO submits that the recruitment process of Kotwal is of the year 2013 and appointment order dated 27.9.2013 was issued in favour of the applicant but however, respondents cancelled the same on the same date because the department did not follow the rules. The applicant is 46 years of age and the OA is filed on 14.3.2016. Ld. PO has raised the issue of delay.</p>



Office Notes, Office Memoranda of Coram,  
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5. Ld. Advocate for the applicant submits that MA No.120 of 2016 for delay was allowed by order dated 6.4.2016 passed by this Tribunal and the delay was condoned and therefore the issue of delay on merit now cannot be gone into by the Tribunal.

6. The delay is condoned as per Limitation Act or as per the procedure of the Tribunal. However, it has nothing to do with the merits. If at all on account of delay and laches no relief can be granted then, it is a substantial and valid ground though delay is condoned. Condonation of delay and laches in respect to merit are different issues. After 2013 there was another recruitment process of 26.2.2016 and the Ld. Advocate has challenged the appointment of respondent no.5 who is at present working as Kotwal of Bhopar. The appointment has taken place on 30.4.2016 and amendment application was taken out on 8.6.2022 which was granted on 8.6.2022 and amendment was carried out on the same day. This approach of the applicant shows that applicant was absolutely casual towards his own legal recourse. The appointment of respondent no.5 should have been challenged much earlier during pendency of this OA. Now respondent no.5 has been working on the post of Kotwal from 30.4.2016 i.e. nearly for 7 years. Similarly 10 other posts were filled up by fresh recruitment process.

7. Ld. Advocate submits that Tahsildar did not cancel the appointments made as per notification dated 26.2.2016. We fail to understand that applicant did not press for interim relief and did not challenge the fresh publication. It is the inaction of the applicant which has led to this stage.

8. Principally we accept the submissions of Ld. Advocate for the applicant that if the GR dated 5.9.2013 was made applicable by Govt. it should not have been made applicable to the earlier selection process. However, it was the responsibility of the applicant to take necessary orders from the Court to stay the proceedings.

9. We are of the view that no relief can be granted in such case and we cannot set aside the impugned order. Hence, OA is dismissed. No orders as to cost.

Sd/-

(Medha Gadgil)  
Member (A)  
1.8.2023

(sgj)

Sd/-

(Mridula Bhatkar, J.)  
Chairperson  
1.8.2023



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	<p>Date: 01.08.2023</p> <p align="center">C.A. No.28 of 2023 in O.A. No.101 of 2022</p> <p>S.T. Ghawali .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Contemnor Nos.1 &amp; 2 are also present.</p> <p>3. When the matter is taken up for hearing and heard for some time, Tribunal observed that there is <i>prima-facie</i> contempt of the order passed by the Tribunal, since contemnor have mixed issue of other employee giving them preference over the Applicant.</p> <p>4. Contemnor No.2 who is present before the Tribunal stated that order of the Tribunal will be implemented and sought three days time to issue appropriate order.</p> <p>5. S.O. to 07.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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: 01.08.2023</p> <p align="center">O.A. No.815 of 2017</p> <p>S.M. Patil .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Rajiv Deokar along with Shri Milind Narvekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent Nos.1 to 3 and Shri S.H. Patil, learned Advocate for the Respondent No.4.</p> <p>2. Today Shri Rajiv Deokar filed Vakalatnama on behalf of the Applicant and sought time to go through the record and argue the matter.</p> <p>3. S.O. to 23.08.2023.</p> <p align="center">Sd/-  (Debashish Chakrabarty) Member (A)</p> <p align="center">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

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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: 01.08.2023</p> <p align="center">O.A. No.140 of 2017</p> <p>A.V. Veer &amp; Ors., .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri D.B. Khaire, Spl. Counsel along with Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Shri D.B. Khaire, Special Counsel for Respondents has tender Additional Affidavit on behalf of Respondent No.2. It is taken on record.</p> <p>3. Arguments heard.</p> <p>4. Closed for order.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Debashish Chakrabarty) <span style="float: right;">(A.P. Kurhekar)</span> Member (A) <span style="float: right;">Member (J)</span></p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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: 01.08.2023</p> <p align="center">C.A. No.71 of 2023 in O.A. No.56 of 2018 with C.A. No.72 of 2023 in O.A. No.55 of 2018</p> <p>N.B. Kamble A.T. Mane .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one day time is granted to file Reply on behalf of the Contemnor.</p> <p>3. S.O. to <sup>27</sup><del>02</del> 08.2023.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Debashish Chakrabarty) <span style="float: right;">(A.P. Kurhekar)</span> Member (A) <span style="float: right;">Member (J)</span></p> <p>NMN</p>

**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
	<p><b><u>01.08.2023</u></b></p> <p align="center"><b><u>O.A 914, 921, 922, 947 &amp; 956/2023</u></b></p> <p>A.E Kerure D.B Kadge &amp; Ors S.M Wazarkar B.U Patil D.N Mirajkar</p> <p align="right">... Applicants</p> <p align="center">Vs.</p> <p>The State of Maharashtra &amp; Ors</p> <p align="right">... Respondents</p> <p>1. Heard Ms Pooja Mankoji holding for Shri S.S Dere, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. All the applicants are Assistant Commissioner, Food and have retired. The applicants challenge the order dated 17.7.2023 passed by Respondents no 1 &amp; 2 thereby recovering the benefits of Time bound promotion granted to them. All the applicants challenge the order dated 17.7.2023 and except the applicant in O.A 947/2023 challenge the order dated 21.7.2023.</p> <p>3. Learned counsel for the applicant relies on the order of this Tribunal dated 25.7.2023 in C.A 898/2023. Learned counsel submits that the applicants are similarly situated and in that matter the recovery order is stayed.</p> <p>4. Learned P.O submit that she wants to verify whether the applicants are similarly situated.</p> <p>5. S.O to 2.8.2023.</p> <p align="right">Sd/- <b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</p>

# 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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 691/2023</u></b></p> <p>A.V Kurhade ... Applicant  Vs.  The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant, Ms Archana B.K, learned P.O for the Respondent no 1 and Shri M.D Lonkar, learned counsel for Respondent no. 2.</p> <p>2. As the pleadings are complete and the matter is to be heard as it is a transfer matter. The responsible officer from the Department is directed to remain present with the necessary files and the minutes of the meeting of the C.S.B dated 3.5.2023.</p> <p>3. S.O to 2.8.2023.</p> <p style="text-align: right;">Sd/-  <b>(Mridula Bhatkar, J.)</b>  <b>Chairperson</b></p> <p>Akn</p>



**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
	<p><b><u>01.08.2023</u></b></p> <p><b><u>M.A 479/2023 in O.A 921/2023</u></b></p> <p>D.B Kadge &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Pooja Mankoji holding for Shri S.S Dere, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Misc Application to sue jointly allowed, subject to payment of court fees, if not already paid.</p> <p style="text-align: right;">Sd/- ✓ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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: 01.08.2023</p> <p align="center">C.A. No.71 of 2023 in O.A. No.56 of 2018 with C.A. No.72 of 2023 in O.A. No.55 of 2018</p> <p>N.B. Kamble A.T. Mane .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one day time is granted to file Reply on behalf of the Contemnor.</p> <p>3. S.O. to <sup>27</sup><del>02</del> 01.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 625/2021</u></b></p> <p>K.D Binner &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O states that the Secretary, Public Health Department has issued directions vide letter dated 10.7.2023, to the Commissioner, Health Services that the order of this Tribunal dated 27.6.2023 should be complied with. Learned P.O also refers to the letter dated 25.7.2023 of the Deputy Director, Health Services asking for necessary funds for making payment to the applicants.</p> <p>3. Learned P.O submits that order of this Tribunal will be complied with within three weeks. Time granted.</p> <p>4. S.O to 22.8.2023.</p> <p>Sd/- <b>(Medha Gadgil)</b> Member (A) Akn</p> <p style="text-align: right;">Sd/-  <b>(Mridula Bhatkar, J.)</b> Chairperson</p>

# 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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 916/2023</u></b></p> <p>Shri Rajiv S. Bubane ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>3. Learned counsel for the applicant submits that the applicant is retiring in October, 2023 and therefore he seeks promotion to the post of Sub Divisional Officer (Civil) w.e.f 31.3.2022 since his juniors were promoted.</p> <p>2. Learned C.P.O on instructions submit that the Respondents want time to file reply because the case of the applicant was already considered by the Departmental Promotion Committee and his case is kept in sealed cover as a criminal case is pending against the applicant and charge sheet for the same has been filed on 19.6.2017.</p> <p>4. We, therefore, grant two weeks' time to the Respondents to file reply.</p> <p>5. S.O to 18.8.2023.</p> <p style="text-align: center;">Sd/-</p> <p><b>(Medha Gadgil)</b> <b>Member (A)</b></p> <p style="text-align: center;">Sd/-</p> <p><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</p>

**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
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 930/2023</u></b></p> <p>Sonale M. Hirave &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri A.A Desai i/b Shri A.S Raktade, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. It is pointed out by the learned counsel for the applicants that the order passed on 28.7.2023 in para 8, it is stated that if the appointment orders are issued the same will be subject to the outcome of this Original Application. We make it clear that the same is to be mentioned in the recommendation list, if published and the appointment order, if issued.</p> <p>3. Learned C.P.O seek two weeks' time to file reply.</p> <p>4. Time granted. S.O to 17.8.2023.</p> <p style="text-align: center;">Sd/- _____ Sd/- _____</p> <p><b>(Medha Gadgil)</b> <b>(Mridula Bhatkar, J.)</b> <b>Member (A)</b> <b>Chairperson</b></p> <p>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>01.08.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 933/2023</u></b></p> <p>Shri S.V Deshpande ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant prays that the Tribunal be pleased to quash and set aside the Memo dated 23.3.2017 passed by Respondent under which departmental enquiry was initiated against the applicant.</p> <p>3. Issue notice before admission returnable on 21.8.2023.</p> <p>4. 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>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.</p> <p>6. 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>7. In case notice is not collected within <b>seven</b> days or service report on affidavit in not filed <b>three</b> days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption '<b>for Dismissal</b>' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>8. S.O to 21.8.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p><b>(Medha Gadgil)</b> <b>Member (A)</b></p> <p><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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: 01.08.2023</p> <p align="center">O.A. No.809 of 2022</p> <p>N.D. Tasgaonkar .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Applicant and his Advocate both are absent.</li> <li>2. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.</li> <li>3. Since, enough time is availed to file Affidavit-in-Reply, we are not inclined to grant further time. O.A. to proceed without Affidavit-in-Reply and be kept for Final Hearing.</li> <li>4. S.O. to 17.08.2023.</li> </ol> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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: 01.08.2023</p> <p>O.A. No.1024 of 2022 with O.A. No.763 of 2022 with O.A. No.1053 of 2022 with C.A. No.08 of 2021 in O.A. No.848 of 2018 with M.A. No.344 of 2020 with O.A. No.36 of 2021 (A'Bad)</p> <p>Y.A. Ahire &amp; Ors., R.L. Patil &amp; Ors., M.L. Pawar R.S. Salunkhe &amp; Ors. R.A. Mali &amp; Anr., .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A. No.1024/22 &amp; 1053/22, Shri M.D. Lonkar, learned Advocate for the Applicant in O.A. No.763/22 &amp; 36/21 (A'bad) and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Shri A.A. Gharte, learned Advocate for the Applicant in C.A. No.08/21 is absent.</p> <p>3. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply in O.A. No.1024/22 by way of most last chance.</p> <p>4. S.O. to 09.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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: 01.08.2023</p> <p align="center">C.A. No.52 of 2023 in O.A. No.964 of 2022</p> <p>D.D. Shirsat .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that order of the Tribunal is complied with and requested to disposed of C.A.</p> <p>3. In view of above, contempt proceedings are disposed of with no order as to costs.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Debashish Chakrabarty) <span style="float: right;">(A.P. Kurhekar)</span> Member (A) <span style="float: right;">Member (J)</span></p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 01.08.2023</b></p> <p><b>C.A. No.64 of 2023 in O.A. No.623 of 2023</b></p> <p><b>Dr. V.N. Dekate &amp; Ors. ....Applicant</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <ol style="list-style-type: none"> <li>1. Heard Shri A.A. Desai, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. Today learned C.P.O. has tendered Reply of Contemnor Nos.1 to 6 to the Show Cause Notice issued by the Tribunal. Those are taken on record.</li> <li>3. During the course of hearing of Contempt proceeding, it was transpired that Contemnor Nos.3, 4 &amp; 5 were indeed not party to O.A. in which interim relief was granted by the Tribunal on 01.06.2023. When this aspect is brought to the notice of learned Advocate for the Applicant, he fairly stated that Contemnor Nos.3, 4, 5 were not party to the O.A. and sought permission to delete their names from the contempt proceeding.</li> <li>4. In view of above, permission is granted to delete the name of Contemnor No.3 – Dr. Radhakishan Pawar, Contemnor No.4 – Dr. Hemant Borse and Contemnor No.5 – Dr. Premchand Kamble from contempt proceeding.</li> <li>5. Learned C.P.O. requested for adjournment for one week on the account of ongoing session. Learned Advocate for the Applicant opposed the long adjournment.</li> <li>6. We are inclined to grant one day time for hearing of contempt proceeding <i>against Respondent No 1, 2 and 6.</i></li> <li>7. S.O. to 02.08.2023.</li> </ol> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(Debashish Chakrabarty) <span style="float: right;">(A.P. Kurhekar)</span>  Member (A) <span style="float: right;">Member (J)</span></p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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: 01.08.2023</p> <p align="center">O.A. No.1256 of 2022</p> <p>P.M. Khatal .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Applicant in Person, Shri P.M. Khatal is present, his Advocate is absent.</p> <p>2. Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents is present.</p> <p>3. The Applicant has tendered written Application along with I.D. Card (Driving license) and Government I.D. Card stating that he wants to withdraw O.A. since he is satisfied with the seniority list. The Application is taken on record and marked as letter 'X'. He further states that his Advocate Shri A.S. Khedkar is from Aurangabad and is unable to remain present due to heavy rain.</p> <p>4. Thus Applicant wants to withdraw O.A. Allowed to withdraw O.A.</p> <p>5. No order as to costs.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Debashish Chakraborty) <span style="float: right;">(A.P. Kurhekar)</span> Member (A) <span style="float: right;">Member (J)</span></p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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	<p>Date: 01.08.2023</p> <p>C.A. No.07 of 2023 with O.A. No.1012 of 2016 with O.A. No.1013 of 2016 with O.A. No.763 of 2017 with C.A. No.11 of 2023 with O.A. No.1013 of 2016 with O.A. No.642 of 2016 with O.A. No.764 to 766 of 2017</p> <p>S.S. Mirgal &amp; Ors., B.D. Kadam &amp; Ors., .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Smt. Preeti Walimbe, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice to the Contemnor to Show Cause as to why action for contempt of order dated 08.11.2019 passed by the Tribunal should not be initiated against them as per Contempt of Court Act, 1971.</p> <p>3. S.O. to 28.08. 2023.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Debashish Chakrabarty) <span style="float: right;">(A.P. Kurhekar)</span> Member (A) <span style="float: right;">Member (J)</span></p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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: 01.08.2023</p> <p align="center">M.A. No.38 of 2023 in C.A. No.07 of 2023 with O.A. No.1012 of 2016 with O.A. No.1013 of 2016 with O.A. No.763 of 2017 with M.A. No.63 of 2023 in C.A. No.11 of 2023 with O.A. No.1013 of 2016 with O.A. No.642 of 2016 with O.A. No.764 to 766 of 2017</p> <p>S.S. Mirgal &amp; Ors., B.D. Kadam &amp; Ors., .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Smt. Preeti Walimbe, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. These two M.As are filed for condonation of delay <sup>calculated</sup> <del>account</del> as 229 days caused in filing contempt proceeding for disobedience of the order passed by the Tribunal on 08.11.2019 in O.As. In M.A. notices were issued to the Respondents on 17.02.2023 and though period of more than six months is availed, no Reply is filed to the M.A.</p> <p>3. On previous date two weeks time was granted as most last chance but in vain. Suffice to say, Respondents failed to file Affidavit-in-Reply of M.A. despite enough chances.</p> <p>4. Tribunal decided the O.A. by Judgment dated 08.11.2019. The Contempt proceeding ought to have been filed within one year i.e. upto 08.11.2020. However, this M.As are filed on 17.02.2023. As rightly pointed out by learned Advocate for the Applicant, in view of order passed by the Hon'ble Supreme Court by order dated 10.01.2022 passed in Suo Moto Writ Petition (Civil) No.03/2020 directed that where limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all</p>

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

**Tribunal's orders**

person shall have a limitation period of 90 days from 01.03.2022.

5. As such, in view of the Hon'ble Supreme Court the period of lockdown and COVID-19 i.e. 15.03.2020 to 28.02.2022 is to be excluded. The Contempt proceeding therefore ought to have been filed within further 90 days i.e. upto 01.06.2022. However, it is filed on 17.02.2023, as such delay comes to near about six months.

6. The Applicants are retired employees, Tribunal granted relief of regularization of their services for the purpose of pensionary benefits, therefore in the interest of justice delay caused in filing C.A. is condoned.

7. Both the M.As are allowed with no order as to costs.

Sd/-

(Debashish Chakrabarty)  
Member (A)

Sd/-

(A.P. Kurhekar)  
Member (J)

NMN


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Ceram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.82 of 2016</u> <u>(OA.256/2013 – Aurangabad)</u></p> <p>Ravindra R. Mistry ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Matter is called out.</p> <p>3. Neither Advocate nor applicant is present in the Court.</p> <p>4. OA is dismissed.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A) 1.8.2023</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula Bhatkar, J.) Chairperson 1.8.2023</p> </div> </div>