

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.09.2021</p> <p>M. A. No.314 of 2021 in O.A.No.678 of 2020 with O.A.No.679 of 2020 with O.A.No.680 of 2020</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>S. S. Mujawar & Ors. ...Respondents (Ori. Applicants)</p> <p>1. Heard Shri A. J. Chougule, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri G. A. Bandiwadekar, learned Counsel for the Respondents (Ori. Applicants).</p> <p>2. Though this M.A. is filed for seeking two months time to challenge the order passed by the Tribunal, today, learned P.O. on instructions from Shri Vijay Gosavi, Asstt. Conservator of Forest, Forest Dept. made a fair statement that the Respondents are going to implement the order passed by the Tribunal by reposting the Applicants on the post from which they are transferred but sought two weeks time to take necessary step in this behalf.</p> <p>3. The Tribunal by order dated 10.08.2021 quashed the impugned orders of transfer of Applicants and directions were given to repost the Applicants on the post they were transferred from within two weeks from the date of order. The period of two weeks is already over.</p> <p>4. However, in view of fair submission made by learned P.O. that Applicants will be reposted within two weeks from today, I am inclined to grant his request.</p> <p>5. Accordingly, two weeks time is granted to implement the order passed by the Tribunal on 10.08.2021.</p> <p>6. In view of above, Misc. Application is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p align="center">LATER ON</p> <p>1. In afternoon session Shri A.J. Chougule, learned P.O. submits that there is some communication gap and Department indeed wants to challenge the order passed by this Tribunal. He prayed that statement made by him that the Applicant will be reposted within two weeks is allowed to be withdrawn.</p> <p>2. Anyway, in view of the order passed by the Tribunal in the morning, two weeks time is already granted to implement the order from today.</p> <p>3. If Department wants to challenge, it is at liberty to challenge the order passed by the Tribunal as permissible in law.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 01.09.2021</p> <p align="center">O.A. No.06 of 2021</p> <p>U.R. HarmalkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Sadhna Singh, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Since pleading is complete adjourned for Final Hearing.</p> <p>4. S.O. to 17.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 01.09.2021</p> <p>O.A. No.273 of 2021</p> <p>D.B. NayakApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. This is Part Heard matter, it was heard but adjourned on request of learned C.P.O. so as to consider the issue of withdrawal of impugned Transfer order and thereafter to issue transfer order a fresh. 3. Today learned C.P.O. has shown letter dated 01.09.2021 addressed by Respondent No.2 to her wherein it is stated that liberty be sought from the Tribunal to issue transfer order afresh for the withdrawal of the impugned transfer order. 4. Shri M.D. Lonkar, learned Advocate for the Applicant insists that Respondent No.2 should first withdraw the impugned Transfer order. 5. The Tribunal has granted interim relief by order dated 12.05.2021, staying implementation of impugned Transfer order having found that <i>prima-facie</i> it is not in consonance with Section 22 N (2) of Maharashtra Police Act. 6. In view of above, Respondent No.2 is at liberty to withdraw impugned Transfer order dated 06.05.2021. 7. O.A. be kept day after tomorrow to facilitate Respondent No.2 to withdraw impugned Transfer order dated 06.05.2021. 8. S.O. to 03.09.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

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	<p>Date : 01.09.2021</p> <p align="center">M.A. No.178 of 2021 in O.A.No.490 of 2020</p> <p>S. R. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted for filing reply in M.A. by way of last chance.</p> <p>3. S.O. to 08.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p align="center">M.A. No.264 of 2021 in O.A.No.512 of 2021</p> <p>B. D. ChaubheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. R. Joshi holding for Shri V. V Joshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply to M.A. by way of last chance.</p> <p>3. S.O. to 17.09.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.704 of 2020</p> <p>K. M. Patole ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record. 3. The matter is adjourned for hearing at the stage of admission. 4. S.O. to 05.10.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.807 of 2020</p> <p>J . R. GundApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. R. Deshpande , learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 21.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No. 410 of 2021</p> <p>S. T. ZawareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 16.09.2021.</p> <p align="right">Sd/- ✓ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.357 of 2021 with O.A.No.358 of 2021</p> <p>J. P. Chavan & Anr. D. R. Nikam & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted for filing reply in both O.A.s</p> <p>3. S.O. to 08.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.462 of 2021</p> <p>R. M. KashelkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing reply.</p> <p>3. S.O. to 16.09.2021.</p> <p align="right">Sd/- (A. P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.531 of 2021</p> <p>P. S. KhatemateApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 26.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 01.09.2021</p> <p>R. A. No.04 of 2021 in O.A. No.323 of 2019 with R.A. No.05 of 2021 in O.A.321 of 2019 with R.A. No.06 of 2021 in O.A.No.322 of 2019</p> <p>A. T. Rajam & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, two weeks time is granted.</p> <p>3. S.O. to 17.09.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 01.09.2021</p> <p align="center">O.A. No.1105 of 2016</p> <p>A.C. Rane & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. During the course of hearing of the matter it is transpired that the Applicants could not challenge order dated 26.11.2015 passed by Government thereby rejecting their claim for absorption in service. 3. Applicants are claiming absorption on the post of Clerk-Typist <i>inter-alia</i> contending that they are in continuous service from 2007, they are working in the Office of Government Pleader (Original Side), Hon'ble High Court, Bombay. The Applicants have only prayed for direction to absorb them in service and all other consequential service benefits. 4. In view of above, learned Advocate for the Applicant sought permission to amend prayer clause to challenge communication dated 26.11.2015. 5. Learned P.O. has no objection for the same since the said document is filed by the Government itself along with Reply. 6. Indeed, after the Government had filed order dated 26.11.2015 in O.A., it ought to have been challenged by making certain amendment in O.A., however O.A. being still pending, I am inclined to grant permission to the Applicant to amend prayer clause in P.T.O.

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respect of Government order dated 26.11.2015, the amendment be carried out immediately.

7. Learned P.O. submits that short time may be granted for filing Additional Reply in respect of the amendment made today.

8. Adjourned for Final Hearing, with liberty to the learned P.O. to file Additional Reply in respect of amended prayer.

9. S.O. to 06.09.2021.

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

NMN

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	<p>Date: 01.09.2021</p> <p align="center">O.A. No.323 of 2021</p> <p>D.G. VasgadekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record. 3. Matter pertains to Deemed Date of Promotion. 4. Respondents in para 8 (Pg. 71) states as follows:- <p align="center"><i>“(viii) Thus, in view of the aforesaid position, had the promotion to the post of Armed P.I. was not given to Shri N. V. Koli from the S.C. category on the D.P.C. held for the year 2004, the next number from the S.C. category on that D.P.C. was of the applicant herein and as stated hereinabove, the seniority of Shri N.V.Koli has been refixed, from the S.B.C. category, and hence, now, it is found necessary to this office to review the decision of grant of deemed date of promotion to the post of Armed P.O. on the basis of the D.P.C. 2004 and then on that basis, a proposal to the State Government for examining his eligibility and fitness for grant of deemed date of promotion to the post of Armed Dy.S.P. will have to be submitted, being a competent authority. Hence, for doing all these exercise this office is seeking suitable time in this matter.”</i></p>

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	<p>5. Adverting to the aforesaid paragraph of Affidavit-in-Reply of the Respondents, Shri A.V. Bandiwadekar, learned Advocate for the Applicant submits that matter seems to be under consideration of the Government for grant of Deemed Date of Promotion and direction be given to pass appropriate order on the said proposal.</p> <p>6. Learned P.O. submits that appropriate decision in reference to Para.8 will be taken soon.</p> <p>7. As such Respondents seems considering the issue of Deemed Date of Promotion and it is in process, if grievances of the Applicant is accepted, O.A. may not survive.</p> <p>8. In view of above, Respondents are directed to take appropriate decision in the matter of Deemed Date of Promotion of the Applicant in the post of P.S.I. as well as Dy. S.P. as referred in Para. 8 of Affidavit-in-Reply, within a month from today since, the Applicant is already retired from service.</p> <p>9. Learned P.O. is directed to inform compliance of the order of Respondent and to appraise the Tribunal about the same on next date.</p> <p>10. Steno Copy is granted.</p> <p>11. S.O. to 30.09.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p data-bbox="639 522 868 555" style="text-align: center;"><u>O.A. No.411 of 2019</u></p> <p data-bbox="420 583 1031 621">S.P. Kapile ..Applicant</p> <p data-bbox="503 621 545 650" style="text-align: center;">Vs.</p> <p data-bbox="420 650 1063 687">The State of Maharashtra & Ors. ..Respondents</p> <p data-bbox="420 703 1094 814">Heard Shri M.D. Lonkar with Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p data-bbox="420 836 1094 909">2. Ld. Advocate for the applicant seeks three weeks time.</p> <p data-bbox="420 931 718 968">3. S.O. to 23.9.2021.</p> <p data-bbox="801 1013 978 1145" style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 1.9.2021</p> <p data-bbox="435 1159 487 1190">(sgj)</p>

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O.A. No.265 of 2021

A.B. Nyaynit

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Applicant in person and Smt. Archana B.K.,
learned Presenting Officer for the Respondents.

2. Ld. PO states that she has received parawise remarks
and seeks time to file reply.

3. S.O. to 8.9.2021.

Sd/-

(Medha Gadgil)

Member (A)

1.9.2021

(sgj)

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>01.09.2021</u></p> <p style="text-align: center;"><u>M.A 177/2018 in O.A 276/2018</u></p> <p>Shri S.S Deshmukh & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. This applicant is filed seeking condonation of delay of 3 years in approaching this Tribunal. Learned counsel for the applicants submits that the cause of action arose on 18.1.2014 when the Respondent no. 3, Director, Health Services, has send the proposal to the Government to consider the difference in the pay scale of Dental Mechanics under the Public Health Department vis-à-vis of Dental Technician in the Medical Education and Drugs Department. He submits that it is a continuous cause of action and therefore though assuming that there is a delay of 3 years, it is not in true sense a deliberate delay on the part of the applicants and hence it is to be condoned. Learned counsel submits that the applicants have submitted representation dated 20.2.2018 to the Principal Secretary, Public Health Department, Mantralaya, Mumbai.</p> <p>3. Learned C.P.O relies on the affidavit in reply filed by Shri V.D Patil, Chief Administrative Officer in the office of Civil Surgeon, District Hospital, Nasik. Learned C.P.O submits that there is a delay of 3 years and no explanation is given by the applicants.</p> <p>4. Considered the submissions of the learned counsel for the applicants and learned C.P.O for the Respondents. The different in pay scale of two cadres remains a continuous cause of action. Moreover, the applicants have made a representation dated 20.2.2018 to the Principal Secretary, Public Health Department. However, there is no reference to that representation in the affidavit in reply filed by the Respondents. It appears that the said representation is not considered by the Respondent-State. Hence, we take it that the cause of action continued. Moreover, we rely on the ratio of the Hon'ble Supreme Court in the case of Union of India & Ors Vs. Tarsem Singh, (2008) 8 SCC 648, on the point of continuing wrong which can be entertained despite delay.</p> <p>5. In view of the above, Misc Application seeking condonation of delay in the filing the Original Application is allowed.</p> <p>6. O.A 276/2018 to be placed on Board on 30.9.2021.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>


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	<p><u>01.09.2021</u></p> <p align="center"><u>M.A 305/2021 in O.A 538/2021</u></p> <p>Shri Chandrakant B. Katkar & Anr ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Varsha Thorat i/b Shri Sanjeev P. kadam, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application seeking to sue jointly is allowed, subject to payment of court fees, if not already paid.</p> <p>3. O.A 538/2021 to be, placed on Board on 30.9.2021.</p> <p align="center">Sd/- _____ Sd/- </p> <p>(Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>01.09.2021</u></p> <p align="center"><u>M.A 105/2021 in O.A 191/2021</u></p> <p>Mr D.M Sawant ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application is filed seeking condonation of delay of 24 years in filing the present Original Application.</p> <p>3. O.A 191/2021 is filed seeking directions to the Respondents to grant two time bound promotions to the applicant as on 18.7.1995 and 18.7.2007 and to revise the pension and other retirement benefits.</p> <p>4. S.O to 2.9.2021.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p>

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	<p align="center">Date : 01.09.2021</p> <p align="center">O.A.No.351 of 2021</p> <p>U.S. KoliApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Connected matters i.e. O.A.No.663/2020, O.A.No.682/2021 and O.A.No.683/2021 be clubbed and all matters adjourned to 05.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.343 of 2021</p> <p>S.G. Rajpurt & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the outset we have questioned the maintainability of this O.A. as the ratio of the promotees and the direct recruits is 33 for promotions and 67 for transfers respectively. The learned Advocate is directed to satisfy on this point.</p> <p>3. The learned Advocate prays for increasing the quota. The applicant, Chief Intelligence Officer seeks promotion for the post of Assistant Commissioner.</p> <p>4. The learned Advocate submits that he may consider for amendment and move application for the same.</p> <p>5. Adjourned to 21.09.2021.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.310 of 2021</p> <p>B.R. GaikwadApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Sandesh More, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. has already filed affidavit-in-reply. Taken on record. Copy is served upon learned Advocate for the Applicant today.</p> <p>3. The learned Advocate seeks time to file rejoinder, if any.</p> <p>4. Time granted. Adjourned to 05.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.10 of 2021</p> <p>N.N. GhodeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. files affidavit-in-reply. Taken on record. Copy is served upon learned Advocate for the Applicant.</p> <p>3. The learned Advocate seeks time to file rejoinder, if any.</p> <p>4. Time granted. Adjourned to 05.10.2021.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 01.09.2021</p> <p>O.A.No.204/2021 with O.A.No.205/2021 with O.A.No.429/2021 with O.A.No.642/2021</p> <p>B.B. Nimgire (O.A.204/2021) S.J. Katkar (O.A.205/2021) A.R. Ghemud & Ors. (O.A.429/2021) R.H. More (O.A.642/2021)Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicants in O.A.No.204/2021, O.A.No.205/2021 and O.A.No.429/2021, Mr. V.P. Sangvikar, learned Advocate for the Applicant in O.A.642/2021 and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate Mr. V.P. Sangvikar O.A.No.204/2021 with O.A.No.205/2021 with O.A.No.429/2021 is clubbed with O.A.No.642/2021.</p> <p>3. The learned P.O. seeks time to file affidavit-in-reply as she has received para-wise reply in respect of O.A.No.642/2021. Time granted.</p> <p>4. The learned Advocate for the Applicant in O.A.No.642/2021 submits that the order dated 12.08.2021 has called off the entire select list for the impugned posts and they are likely to issue fresh advertisement and start the process afresh and the applicants being selected candidates prays that the Respondents be restrained from issuing fresh advertisement for filling up the impugned posts.</p> <p>5. In view of the submissions made by learned Advocate Mr. Sangvikar and learned P.O. Ms. K.S. Gaikwad, Respondents shall not issue fresh advertisement for the impugned posts till filing of the reply.</p> <p style="text-align: right;">[P.T.O.]</p>

1. Notice of Admission of Comm.
 2. Applicant's orders of
 3. Registrar's orders

Tribunal's orders

6. Issue notice before admission returnable on 28.09.2021 in O.A.No.204/2021, O.A.No.205/2021 and O.A.No.429/2021.

7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

11. O.A.No.204 of 2021 with O.A.No.205 of 2021 with O.A.No.429 of 2021 with O.A.No.642 of 2021 Adjourned to 28.09.2021.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>01.09.2021</u></p> <p align="center"><u>O.A 110/2019</u></p> <p>S.H Pathan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, learned counsel for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. On instructions, from Shri S.K Jadhav, Awal Karkun, from the office of the Collector, Sangli, learned P.O produces seniority list dated 1.1.2016, wherein the applicant Mr Pathan is shown as cleared the Departmental Examination on 6.8.2012 and he was given the seniority. We are not happy with the instructions and submissions made before us by the Respondents.</p> <p>3. It is necessary for the Collector, Sangli to look into the matter personally and go through the file and find out who has committed the mistake in considering the seniority of the applicant and whether the applicant cleared all the required examination within the stipulated time and stipulated opportunities.</p> <p>4. The Collector, Sangli is directed accordingly to depute the Officer, who is conversant and will give the correct information to the learned P.O as we are keeping this matter on 6.9.2021.</p> <p>5. We make it clear that no further delay hereafter will be tolerated; otherwise we will be constrained to saddle cost on the Respondents.</p> <p>6. S.O to 6.9.2021.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

Office Notes, Office Memoranda of Coram,
Appearances, Tribunal's orders or
Directions and Registrar's orders

Tribunal's orders

01.09.2021

**M.A 281/2021 in O.A 480/2021 with M.A 280/2021
in O.A 481/2021**

Shri Y.D Kanoja
Shri N.H Salunke ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Along with this Original Application, O.A 481/2021 along with M.A 280/2021 is filed. However, these two matters are inadvertently not shown on the Board today with the present M.A 281/2021 in O.A 480/20210.

3. However, as per submission of Mr Bandiwadekar, learned counsel, the applicants stand on the same footing and prays for same relief as they are similarly placed.

4. The Misc Application is filed seeking interim relief to keep one post of Circle Officer vacant at District-Palghar.

5. The applicant in the Original Application prays that the order dated 29.6.2021 issued by Respondent no. 1 due to which the applicant has lost seniority in the cadre of Talathi be set aside. He also seeks other relief along with the main relief.

6. The Original Applications is fixed by filing affidavit in reply on 9.9.2021. In between the applicant has filed the present Misc Application seeking interim relief on 3.8.2021 praying that one post of Circle Officer is to be kept vacant in District Palghar.

7. Learned C.P.O seeks time. Learned C.P.O on instructions from Ms Manisha Patil, Law Officer in the office of the Collector, Palghar on query submits that the orders of promotion of other Talathis are not issued.

8. Under such circumstances, we dispose of both the Misc Application with following order:-

In case the Respondents issued the orders of promotion of Talathi, then the said order will be subject to keeping one post of Circle Officer vacant in District Palghar.

9. Both the Original Applications 480 & 481/2021 are fixed on 9.9.2021 for filing affidavit in reply.

Sd/-

(Medha Gadgil)
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p><u>01.09.2021</u></p> <p align="center"><u>O.A 960/2018</u></p> <p>Shri T.A Diwan ... Applicant Vs. The State of Maharashtra & 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>2. Learned C.P.O submits that she has intimated the Finance Department to file reply. However, till today no instructions have been received from the Respondents.</p> <p>3. We grant three weeks by way of last chance to the Finance Department to file affidavit in reply otherwise we will proceed without affidavit in reply.</p> <p>4. S.O to 21.9.2021.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p>Akn</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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01.09.2021

O.A 43/2020

Shri H.R Das ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri H.R Das, applicant in person and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. This matter is Suo Moto taken on Board today. This Praecipe is placed by the party in person on 27.8.2020 before the Bench and he was heard by us. It was necessary for us to go through the Praecipe carefully as we found that party in person has made some statements in the Praecipe on the ground of transferring the matter.

3. The applicant does not want the matter to be placed before the Chairperson (Mrs Mridula Bhatkar) and so it can be placed before brother Judge Mr A.P Kurhekar, Member (J). However, it is a matter of Division Bench. Mr A.P Kurhekar, Member (J) cannot sit in Division Bench and decide singly.

4. Learned C.P.O submits that the Respondent-State is not giving consent to hear the matter finally by sitting singly by Member (J).

5. Thus, now the bench of brother Judge Mr. A.P Kurhekar, Member (J) and Sister Medha Gadgil, Member (A) is available. Hence the matter can be transferred before the said Division Bench.

6. My Sister Mrs Medha Gadgil, who is sharing the bench express that whatever was said which is appearing in para 6 of the Praecipe was in fact was not said in the lighter note. Hence she recuses from hearing the matter of the applicant.

7. Under the circumstances, the choice is given to the applicant who is present in the Court as to before which Bench he wants to place his matter for hearing.

8. He reiterated that his matter be transferred to M.A.T, Nagpur bench and placed before Shri Bhagwan, Vice-Chairman (A). It is made clear to him that Shri Bhagwan, Vice-Chairman (A) cannot sit singly and decide the matter finally as per law.

9. However, it is suggested to the applicant that a Bench of brother Shri Bhagwan, Vice-Chairman (A) and Mr A.P Kurhekar, Member (J) at Nagpur can be constituted and could heard through Video Conference.

10. Hence, matter be placed before the bench consisting of Shri Bhagwan, Vice-Chairman (A) and Mr A.P Kurhekar, Member (J) on 3.9.2021 at 2.30 pm.

Sd/-

(Medha Gadgil)
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>01.09.2021</u></p> <p><u>O.A 340, 341, 342, 343, 344, 687, 757 and 875/2011</u></p> <p>Shri K.P Shah & Ors ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned counsel for the applicants and Shri Pramod Londhe holding for Shri Sunil Lahan, learned advocate for the applicant in O.A 757/2011 and Shri A. Khandekar, learned counsel with Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Affidavit in reply by Shri D.R Mane, Director, Higher Education, Pune dated 31.8.2021 is taken on record.</p> <p>3. Pursuant to the order of this Tribunal dated 30.8.2021, answer to query (a) is that the present Respondent has not issued any appointment order to Part Time Lecturers in Sydenham College. The answer is incorrect and it is not proper answer given to query no. (a). The Director, Higher Education, Pune, is directed to give the correct answer.</p> <p>4. In view of the answer given to query (c), who is the supervisory authority on the administration of Respondent no. 3, i.e. Sydenham College, who did not point out this mistake.</p> <p>5. On instructions, Mr Khandekar, learned counsel for the Respondents prays for some time to make further submissions as the issue is under consideration before the Respondents.</p> <p>6. S.O to 7.9.2021 at 2.30 pm.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p style="font-size: small;">Akn</p>

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

Date : 01.09.2021

O.A.No.522 of 2021

V.V. TamhankarApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 05.10.2021.

3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. 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. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. Adjourned to 05.10.2021.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

**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 : 01.09.2021</p> <p align="center">O.A.No.626 of 2021</p> <p>G.N. SarodeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Additional Commissioner, Tribal Development Nashik wants to modify the order dated 12.08.2021 transferring him from Additional Commissioner Nashik to Joint Additional Commissioner Tribal Scrutiny Committee Nandurbar.</p> <p>3. The Applicant is transferred after 2 years and 10 months. The Applicant has submitted representation dated 04.08.2021 requesting that he be transferred either to</p> <p>(i) Joint Additional Commissioner Tribal Scrutiny Committee Gadchiroli (ii) Joint Additional Commissioner Tribal Scrutiny Committee Amravati (iii) Joint Additional Commissioner Tribal Scrutiny Committee Nagpur.</p> <p>4. The learned P.O. seeks time to take instructions.</p> <p>5. Adjourned to 03.09.2021.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.09.2021</p> <p>O.A.No.634 of 2021</p> <p>S.V. HitareApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Ganesh Masurkar, learned Advocate holding for Mr. C.T. Chandratre, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission returnable on 05.10.2021.</p> <p>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. 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. 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>7. Adjourned to 05.10.2021.</p> <p style="text-align: right;">Sd/- /(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 01.09.2021</p> <p align="center">O.A.No.606 of 2021</p> <p>P.P. DoiphodeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned Advocate for the Applicant produces one circular dated 29.07.2021 issued by Ms. Smita Puranik, Assistant Director Pay and Accounts office wherein at Annexure-A which is in tabular form shows the name of the Applicant at serial No.28 and in the column of remarks written as extension is recommended in her case.</p> <p>3. At the request of learned P.O. adjourned to 08.09.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 align="center">Date : 01.09.2021</p> <p align="center">O.A.No.627 of 2021</p> <p>P.D. PawarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned Advocate submits that the matter be adjourned by one week, as she wants to take instructions in view of the transfer of the applicant to Cyber Cell in Pune.</p> <p>3. Adjourned to 07.09.2021.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 01.09.2021</p> <p align="center">O.A.No.655 of 2021</p> <p>J.M. KumbharApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. seeks time to file affidavit-in-reply.</p> <p>3. Time granted. One post at Tungat Citcle, Tahasil Office, Pandharpur be kept vacant until further orders.</p> <p>4. Adjourned to 06.09.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 01.09.2021</p> <p style="text-align: center;">O.A.No.653 of 2021</p> <p>P.K. ShelarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Mr. D.B. Khaire, the learned Advocate appearing for the intervener submits that Mr. Yogesh Bandalkar, SDO has taken the charge on the post of SDO Mutha Canal, Sub Division, Pune on 27.08.2021. He submits that today he has received instructions and so he wants time to move the application for intervention as party Respondent.</p> <p>3. The learned Advocate Ms. Punam Mahajan for the Applicant submits that the proposed Intervener has no locus to come in this matter as the said person is not transferred in the place of the applicant but is given the Additional charge, hence his case is totally different.</p> <p>4. Mr. V.P. Sangvikar, learned Advocate appearing for the Caveator, Private person is instructed to intervene in this matter and he wants to file application for Intervener.</p> <p>5. Adjourned to 02.09.2021 at 10.00 a.m.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 01.09.2021</p> <p style="text-align: center;">O.A.No.652 of 2021</p> <p>J.M. KawadeApplicant Vs. The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. seeks time to file affidavit-in-reply.</p> <p>3. The Applicant to start working in the office of Deputy Collector, Land Acquisition Office No.1 Pune without prejudice.</p> <p>4. The State is directed not to fill up the post at Circle Officer, Bhosari, Pimpri Chinchwad Tahasil Office, Tal. Haweli, District Pune till filling of affidavit-in-reply by the Respondent. If any post is filled-up it will be subject to outcome of this O.A.</p> <p>5. Adjourned to 07.09.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>01.09.2021</u></p> <p style="text-align: center;"><u>C.A 12/2021 in O.A 365/2014</u></p> <p>Shri A.A Wanve ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The present C.A is filed for not implementing the order of this Tribunal dated 22.4.2014.</p> <p>3. Learned P.O produces order dated 24.6.2021 passed by Dr G.M Gaikwad, Deputy Director, Public Health Services, Pune, thereby reinstating the applicant in service. Same is taken on record. It shows that the termination order which was issue don 5.3.2021 is withdrawn by the said order dated 24.6.2021 and the applicant is reinstated in service.</p> <p>4. On query, learned counsel or the applicant confirms from the applicant, who is present in Court that he has resumed duty on 25.6.2021. Learned counsel for the applicant Mr Bandiwadekar raises issue that despite the order of this Tribunal dated 22.4.2014 directing the Respondents to conduct Departmental Enquiry against the applicant as per Rule 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, the termination order was issued and it is a case of gross violation of the order passed by this Tribunal and he presses action against the Respondents.</p> <p>5. Dr G.M Gaikwad, Deputy Director, Public Health Services, Pune is present in the Court. A query is made to learned P.O to give details as to why the enquiry was delayed from 2014 to 2021. We are informed that Mr Hindulal Pawar, the Enquiry Officer, who was appointed on 23.12.2020, has only taken the written statement of the applicant on record and hearing was held on 19.1.2021 and 4.2.2021.</p> <p>6. We would like to know the reasons as to why the Enquiry Officer has not completed the enquiry for a period of till today. We would also like to know why the Deputy Director, Public Health Services, Pune has terminated the services of the applicant and also the reasons in writing why such termination order was issued despite the order of this Tribunal.</p> <p>7. S.O to 2.9.2021 at 10.30 am.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application 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 : 01.09.2021</p> <p align="center">O.A.No.641 of 2021</p> <p>S.K. PatilApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Ganesh Maşurkar, learned Advocate holding for Mr. C.T. Chandratre, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission returnable on 05.10.2021.</p> <p>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. 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. 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>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The learned Advocate submits that the applicant was earlier convicted for the offence under Section 7, 12, 13(1) and 13(2) of the Prevention of Corruption Act, 1981. By the judgment and order dated 14.10.2010 by the Special Judge (Anti Corruption), Thane the Applicant was convicted. Hence, he was suspended. Thereafter he filed Criminal Appeal No.929 of 2010 before the Hon'ble High Court which was allowed by the judgment and order dated 23.02.2021. Thus as on today the applicant is acquitted. The learned Counsel submits that pursuant to the said judgment he made representation dated 04.03.2021 for his reinstatement and further pecuniary benefits.</p> <p>9. The learned P.O. submits that as per her instructions the D.E. was conducted against the applicant pursuant to that he was held guilty and now his appeal against the compulsory retirement is pending before the Government so the decision was not taken.</p> <p>10. The learned P.O. is directed to file affidavit-in-reply and so also in between Respondent No.2, Thane is directed to reply to the said representation.</p> <p>11. Adjourned to 05.10.2021.</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 30.08.2021.</p> <p align="center">O.A.No.539 of 2021</p> <p>V.D. Patil .Applicant Vs. The State of Maharashtra & Ors. .Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. In view of the short-affidavit-in-reply dated 12.08.2021 which is on record filed on behalf of Respondent No.2, through Dr. Vijay Poshshattirao Kandewad, presenting working as Joint Director (Administration and Finance) and considering the submissions of the learned Advocate I have expressed that the order of transfer can be justified.</p> <p>3. At this stage learned Advocate submits that he wants adjournment to produce 2 judgments on this point.</p> <p>4. The learned P.O. refers to the short-affidavit-in-reply dated 12.08.2021 and submits that in view of the vacancy of the post where he is transferred it was necessary for the Government to fill up the post on the ground of administrative exigencies. She further submitted that as per Government Resolution dated 09.04.2018 along with step 2, 5 and especially sub clause IV and step 5 is to be read, wherein the Government reserves its power of not to take into account the preferences given by the Government servant on the ground of administrative exigency/ administrative requirements.</p> <p>5. In reply to the above submissions of learned P.O. the learned Advocate submitted that clause IV of step 5 cannot be read in isolation, but it is also to be read with clause III of step 5 and bullet point 1 in step 2.</p> <p>5. Considered the submissions of both, learned Advocate and learned P.O.</p>

Office Notes, Office Memoranda of Coram,
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directives and Registrar's orders

Tribunal's orders

6. Admittedly the Applicant was due for transfer. The name of the applicant was considered in the Civil Services Board meeting held on 29.07.2021 and photo copy of the minutes of the meeting is produced by the learned P.O. On perusal of the record it reveals that the applicant is working as Administrative officer from 17.04.2018 till date. In the minutes all 9 preferences are given by the applicant is mentioned, so also representation of the applicant and the recommendation of Dr. Ashok Thorat, Civil Surgeon Nashik, the higher authority is also considered. On the basis of the affidavit-in-reply learned P.O. submitted that as per Annexure 1 of the G.R. dated 09.04.2018 regarding consideration of preferential list while issuing transfer orders of the employees, there is no mention of consideration of the aspect of children's education. Hence the ground that applicant's daughter is studying in 10th standard cannot be taken into consideration. Further it was pointed out that out of 10 posts, 5 posts are vacant since 2007 and 1 post is going to fall vacant today and 7 more posts are going to fall vacant on 30.04.2022. State has kept 5 posts vacant since 2017. However if the decision is taken by the State to fill up the posts now by following all legalities then no indulgence is required from the Tribunal. Moreover as per G.R. of 2018 after going through the relevant clauses i.e. step 2 and step 5 though it is necessary for the State to consider 10 preferences given by the Government servant at the time of his transfer, the power of the State not to consider either of the choices is reserved with the State as per clause IV, step 5 of the G.R. itself. Moreover on query it is found that the applicant is having his own house in Nashik city and his family is residing there. Hence, no inconvenience will be caused to the applicant, as such if at all he is required to leave Nashik and join his services at Mumbai.

7. In view of above, matter is dismissed at interim stage.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>O.A. No.577 of 2021</u></p> <p>Anil R. Shinde ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.B. Kadam, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Sub Inspector of State Excise is challenging the order dated 9.8.2021 transferring him from C-Division, Beat No.2, Mumbai City to M/s. Privilege Industries VRL, Satara.</p> <p>3. Ld. Advocate for the applicant produces a letter dated 28.5.2020 from Privilege Industries' Ltd. to the Superintendent of State Excise, Satara and states that the factory at Satara where applicant is transferred is closed and there is no work. The said letter dated 28.5.2020 is taken on record and marked Exhibit 'A' for identification.</p> <p>4. Ld. Advocate states that though the applicant had given options none of these options were taken into account as per GR dated 9.4.2018. Ld. Advocate submitted that respondents be directed to produce record of Civil Services Board. Ld. Advocate therefore prays that one post be kept vacant.</p> <p>5. Ld. PO submitted that yesterday was the last date of counseling and the posts have already been filled in on 31.8.2021.</p> <p>6. Considering the above facts, I see no reason to keep one post vacant as 31.8.2021 was the last date for counseling and the posts are filled in.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<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 7.9.2021.</p> <p>9. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would 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. 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 style="text-align: right;">Sd/- (Medha Gadgil)/ Member (A) 1.9.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders								
	<p align="center"><u>M.A. No.302 of 2021 in O.A. No.633 of 2021</u></p> <p>P.R. Jadhav & 6 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, 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 align="center"> <table border="0"> <tr> <td align="center">Sd/-</td> <td align="center">Sd/-</td> </tr> <tr> <td align="center">(Medha Gadgil)</td> <td align="center">(Mridula R. Bhatkar, J.)</td> </tr> <tr> <td align="center">Member (A)</td> <td align="center">Chairperson</td> </tr> <tr> <td align="center">1.9.2021</td> <td align="center">1.9.2021</td> </tr> </table> </p> <p>(sgj)</p>	Sd/-	Sd/-	(Medha Gadgil)	(Mridula R. Bhatkar, J.)	Member (A)	Chairperson	1.9.2021	1.9.2021
Sd/-	Sd/-								
(Medha Gadgil)	(Mridula R. Bhatkar, J.)								
Member (A)	Chairperson								
1.9.2021	1.9.2021								


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	<p style="text-align: center;"><u>C.A. No.37 of 2019 in O.A. No.322 of 2017</u></p> <p>Dr. P.W. Khandezod ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Id. PO seeks four weeks time. It is the responsibility of the respondents to ensure that bill is passed through the Accountant General. <i>office</i></p> <p>3. S.O. to 30.9.2021 by way of last chance.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 1.9.2021</p> <p>(sgi)</p> </div> <div style="text-align: center;"> <p>Sd/-  (Mridula R. Bhatkar, J.) Chairperson 1.9.2021</p> </div> </div>

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.656 of 2021</u></p> <p>Dr. Tushar T. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Kalpana Kharate holding for Shri Vikas Kolekar. learned Advocate for the Applicant and Ms. S.P. Manchekar. learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant prays for directions to the respondents to quash and set aside the orders dated 27.4.2021 and 3.5.2021 passed by respondents no.2 & 3 respectively and to allow him to resume duties as Assistant Block Development Officer. Applicant also prays for directions to the respondents to grant him leave from 14.1.2017 to 29.1.2019 and to rejoin him along with necessary dues from 14.1.2017.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 30.9.2021.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 1.9.2021</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 1.9.2021</p> <p>(sgj)</p>

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.643 of 2021</u></p> <p>Rajendra R. Rathod ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Amol Chalak with Shri V.P. Sangvikar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant a Police Constable prays to quash and set aside the termination order dated 2.8.2021 passed by respondent no.6 and order dated 3.8.2021 passed by respondent no.2 thereby rejecting the second appeal arising out of order dated 1.4.2021 and communication dated 25.9.2020 cancelling the sport verification/validity certificate of the applicant.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 28.9.2021.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 1.9.2021 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 1.9.2021</p>

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.636 of 2021</u></p> <p>R.A. Hire & 2 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicants and their Advocate absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicants are praying for directions to the respondents to constitute DPC for promotion.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 28.9.2021.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- _____ Sd/- _____</p> <p style="text-align: center;">(Medha Gadgil) / (Mridula R. Bhatkar, J.) Member (A) Chairperson 1.9.2021 1.9.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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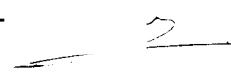
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	<p align="center"><u>O.A. No.645 of 2021</u></p> <p>Ramdas B. Jaybhay ..Applicant Vs. The State of Maharashtra & Ors. , ..Respondents</p> <p>Heard Shri Amol Chalak with Shri V.P. Sangvikar. learned Advocate for the Applicant and Ms. S.P. Manchekar. learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant a Railway Police Constable prays to quash and set aside the order dated 3.8.2021 passed by respondent no.2 thereby rejecting the second appeal arising out of order dated 4.3.2021 and communication dated 16.9.2020 cancelling the sport verification/validity certificate of the applicant.</p> <p>3. Ld. Advocate also prays for interim injunction restraining the respondents from taking any adverse action against the applicant pursuant to impugned order dated 3.8.2021.</p> <p>4. Ld. CPO argues that stay may not be granted because applicant has not played the sports and his appeals are rejected.</p> <p>5. Considering the above and the fact that applicant is still in service, the stay is granted till filing of the reply. The applicant is not to be terminated from service.</p> <p>6. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 28.9.2021.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <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> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 1.9.2021</p> </div> <div style="text-align: center;"> <p>Sd/-  (Mridula R. Bhatkar, J.) Chairperson 1.9.2021</p> </div> </div> <p>(sgj)</p>

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	<p><u>01.09.2021</u></p> <p align="center"><u>C.A 30/2021 in O.A 970/2014</u></p> <p>Shri V.D Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The present C.A is filed for non-compliance of the orders of this Tribunal dated 13.7.2016 and 5.10.2016.</p> <p>3. Learned C.P.O seeks two weeks' time.</p> <p>4. S.O to 14.09.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>01.09.2021</u></p> <p align="center"><u>C.A 26/2020 in O.A 1125/2013</u></p> <p>Smt P.S Sakhare & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O submits that affidavit in rejoinder filed by the applicants has been served on the Respondents today and she seeks two weeks' time. Time granted.</p> <p>3. S.O to 16.09.2021</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>