(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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

Date : 01.09.2023

O.A.No.1100 of 2023

B. P .Chaudhari & Ors. ....Applicants

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the respondents present with Shri K. D. Utale, ACP, Wireless, Mumbai for ADG Wireless, Pune on instructions submits that as the Respondents are placed as senior in the seniority list dated 05.08.2022 as on 01.01.2022 and therefore, their information is called.

3. Learned C.P.O. on instructions from the office of D.G. Police further makes statement that the department will follow G.R. dated 07.05.2021.

4. Learned C.P.O. requested for time to file reply.

5. S.O. to 29.09.2023.

Sd/-

Sd/-

(Debashish Chakrabarty)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

vsm

[P.T.O.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1128 of 2023

A. T. Sakore)...Applicant

Versus

The State of Maharashtra & Ors.) ...Respondents.

Shri B. Deshmukh, Counsel for the Applicant
Smt. Kranti Gaikwad., Presenting Officer for the Respondent No.1 & 2.

CORAM : Justice Mridula Bhatkar, Chairperson
Shri Debashish Chakrabarty, Member (A)

DATE : 01.09.2023.

PER : Shri Debashish Chakrabarty, Member (A)

ORDER

1. Heard Shri B. Deshmukh, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant states that subject matter of the present O.A. No.1128 of 2023 is for appointment to the post of Assistant Commissioner of Labour-Group A.

3. Learned Counsel for the Applicant further states that the Applicant had earlier filed O.A.No.119/2019 before this Tribunal, challenging the Appointment Order dated 17.12.2018 issued in favour of Smt. S. P. Sable. Similarly, the Applicant had also filed another O.A. No.705/2020 before this Tribunal when the M.P.S.C. by communication dated 15.10.2020 had refused to recommend her name for the post of Assistant Commissioner of Labour, Group A of the Applicant. Another O.A.No.576/2020 had also been filed before the Tribunal by Smt. S. P. Sable.

4. Learned Counsel for the Applicant further submits that O.A.No.119/2019 with O.A.705/2020 and O.A.576/2020 were heard together and common judgment was passed by the Tribunal on 07.04.2022 by allowing O.A.No.705/2020 and partly allowing O.A.No.119/2019. Thereafter, the

M.P.S.C. had approached the Hon'ble High Court challenging judgment passed by the Tribunal on 07.04.2022 by filing W.P. No.475 of 2023 and W.P. No.476 of 2023. Learned Counsel for Applicant also pointed out that Smt S. P. Sable had also approached the Hon'be High Court challenging judgment passed by the Tribunal on 7.04.2022 by filing W.P. No.3001 of 2023. The Hon'ble High Court dismissed these Writ Petitions and the order passed by the Tribunal on 07.04.2022 came to be affirmed by the Hon'ble High Court. Thereafter, M.P.S.C. approached to the Hon'ble Supreme Court of India by filing S.L.P. No.15362 and 15363/2020 and these were dismissed on 17.07.2023.

5. Learned Counsel for the Applicant states that the present O.A.No.1128/2023 is to challenge the letter dated 20.06.2023 issued by Respondent No.1. The basis of letter of Respondent No.1 is the report dated 27.04.2023 of the 'Officers Committee' of 3 Assistant Commissioners of Labour of Pune Division which enquired into the claims of 'Experience Certificates' submitted by Applicant in which it is mentioned that premises of M/s Dev Gaurav Facility Pvt. Ltd ,Pune was found closed on the date of visit on 27.04.2023 and information sought on 21.04.2013 from the office of EPF and ESIC also have not been made available to the Officers Committee. The subsequent reports of Dy. Commissioner of Labour, Pune dated 02.05.2023 and Addl. Commissioner of Labour, dated 03.5.2023 substantiate the earlier findings of the Officers Committee of 3 Assistant Commissioners of Labour from Pune Division on 27.04.2023. These reports which were submitted through the Commissioner of Labour, Mumbai came to be accepted by the Respondent No.1 to come to the conclusion that total experience required of at least 3 years is not fulfilled by the Applicant and she cannot be recommended for appointment to the post of Assistant Commissioner of Labour, Group A.

6. The letter of Respondent No.1 dated 20.06.2023 inter-alia mentions that the Applicant had earlier submitted her 'Experience Certificates' to MPSC only from (i) M/s HYT Engineering Company Pvt. Limited Pune and (ii) M/s Enkei Wheels India Ltd. and had not submitted 'Experience Certificate' from M/s Dev Gaurav Facility Services Ltd. Pune. The letter of Respondent No.1, dated 20.06.2023 further states that its 'Field Officers' who were 3 Assistant Commissioner of Labour from Pune Division had visited the premises of the companies and then reported about the veracity of the 'Experience Certificates'. It was only thereafter that Respondent No.1 came to the conclusion that total experience required of at least 3 years by the Applicant is not fulfilled and she cannot be given appointment to post of Assistant Commissioner of Labour, Group A.

7. The present O.A. No.1128/2023 challenges the letter dated 20.06.2023 of Respondent No.1 and also by way of 'Interim Relief' seeks that 'One Post' of Assistant Commissioner of Labour, Group A be kept vacant till disposal of present O.A.No.1128/2023.

8. The issues raised in present O.A. No.1128/2023 are required to be duly considered given the fact contentions made are about veracity of 'Experience Certificates' and fulfillment of the requirement of at least 3 years' experience by the Applicant resulting also into fresh cause of action post the earlier rounds of litigation before the Tribunal and carried to Hon'ble High Court and Hon'ble Supreme Court of India. Prima facie, the 'Balance of Convenience' at this stage lies in the favour of the Applicant. Therefore, if State Government was to fill up all the posts of Asst. Commissioner of Labour, Group A , it will result in injustice to the Applicant. Therefore, 'Interim Relief' is granted to the Applicant and Respondent No. 1 is directed to keep 'One Post' of Assistant Commissioner of Labour- Group -A vacant till next date.

9. S.O. to 15.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Date : 01.09.2023

O.A.No.988 of 2023

R. D. Kanade ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri M.D.Lonkar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In this matter, the Applicant who is going to retire on 28.02.2024 prays for directions to Respondents to consider his case for promotion from the cadre of Chief Officer (Class-I) to the cadre of Selection Grade as per G.R. dated 15.12.2017 though two departmental inquiries are pending against him and Criminal Case is also pending.

3. Learned Counsel for the Applicant submits that in Criminal Case, the Hon'ble High Court directed the Criminal Court to complete the trial within one year from the date of order i.e. till July 2024. Learned Counsel for the Applicant further submits that first Departmental Enquiry was initiated on 02.05.2017. The said enquiry is completed and report is also submitted on 12.10.2022 yet final result is not communicated to the applicant.

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

4. Learned Counsel thereafter submits that in between 2nd Departmental Enquiry was started on 28.08.2019, the Enquiry Officer was appointed only on 21.05.2022. Learned Counsel for the Applicant in view of the ratio laid down in ***Civil Appeal No.958/2010 (Prem Nath Bali V/s Registrar, High Court of Delhi & Anr.), dated 16.12.2015*** held that D.E. is to be completed within Six Months and utmost period can be extended up to One Year. Learned Counsel further placed reliance on G.R. dated 15.12.2017 issued by G.A.D. wherein specific directions were given to all the departments that where Departmental Enquiries are pending for longer time, in such cases, promotion can be given to the Government Servants though D.E. or criminal case is pending.

5. This is second round of litigation. On 11.08.2023, the matter was placed on board for the first time and notices were issued. Today, learned C.P.O. submits that she has not received any instructions.

6. Learned Counsel for the Applicant pointed out that he has filed Affidavit of Service. Under such circumstances, learned Counsel further relied on the judgment passed by this Tribunal M.A.T. Bench at Nagpur in O.A. No.318/2021 on 20.10.2022 to consider the promotion of the Applicant in said O.A. in view of the various judgments of Hon'ble High Court and Apex Court holding that any Departmental Enquiry or Criminal Case should not come in the way of promotion of any employee.

7. On request of learned C.P.O., the matter is adjourned. The department is directed to take instructions and specifically answer about the reason for delay in finalizing the first Departmental Enquiry and aopointment of Enquiry Officer in Second Departmental Enquiry.

8. S.O. to 08.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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

Date : 01.09.2023

O.A.No.856 of 2023

P. N. Joshi & Ors. ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. submits that Affidavit in Reply is sent for affirmation to the authority and it will take some time.

3. On request of learned C.P.O., one week time is granted to file reply.

4. The copy of reply be served to Applicant on or before 06.09.2023.

5. S.O. to 08.09.2023 under 'Urgent Admission' caption.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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
	Date : 01.09.2023 **O. A. No. 866 of 2023** **S. B. Padwal & Ors. .....Applicants** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. The Applicant and his Counsel are absent. Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents is present. 2. On request of learned C.P.O., the matter is adjourned to 07.09.2023. 3. S.O. to 07.09.2023. Sd/- Sd/- **(Debashish Chakrabarty) Member (A)** **(Mridula Bhatkar, J.) Chairperson** vsm

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

Date : 01.09.2023

O.A.No.1105 of 2023

A. Karwande ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri M. Purandare, learned Counsel for the Applicant and Smt. S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant submits that order dated 09.06.2023 in O.A.No.1055/2021 was obtained by the Respondents by suppression of the facts and misleading this Tribunal and Applicant, therefore, prays that enquiry is to be conducted against Respondent No.3 and also against Respondent Nos.4, 9, 10, 11 and 12. He also prays that order dated 09.06.2023 in O.A.1055/2021 is to be recalled.

3. Learned Counsel for the Applicant further submits that Applicant could not serve the notices to Respondent Nos.1, 2 and 3 because they are not residing at addresses which were furnished to the Applicant. So Applicant be allowed to serve them by email.

4. Learned Counsel submits that this matter pertains to recruitment of PSI, STI and Asst. Section Officer pursuant to the advertisement dated 28.02.2020 issued by M.P.S.C.

5. Learned Counsel submits that PIL filed before the Hon'ble High Court challenging G.R. dated 23.08.2021 in respect of one percent orphan reservation. He states that advertisement of this post was issued on 28.02.2020 and as per advertisement, the candidate should possess orphan certificate on or before 19.03.2020.

6. On request of learned C.P.O., time is granted and matter is adjourned to 15.09.2023.

7. S.O. to 15.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

vsm

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

01.09.2023

683/2023
O.A 684/2023

Shri K A Badiwale ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Admit with liberty to file rejoinder, if any.

3. Place for final hearing on 29.9.2023.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[*P.T.O.*

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

01.09.2023

M.A 337/2023 in O.A 971/2019

Shri Ravindra P. Gaikwad ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.

2. The applicants were given ad hoc promotion on 4.7.2013 against the quota which were reserved for direct recruits. Out of 12 persons who were promoted, 9 persons were reverted by order dated 30.8.2019 which includes the applicant. Learned counsel submits that person shown at Sr No. 11 Mr S.R Gaikwad is not reverted, though he is junior to the applicant.

3. Learned P.O submits that Shri S.R Gaikwad who is at Sr. No. 11 in the order dated 10.2.2023 was not reverted because he was transferred to another Division and his seniority was maintained.

4. Considered the submissions of learned counsel for the applicants. The applicants are also having Post Graduate Degree. No explanation has come from the Respondents as to on what basis the person at Sr. No. 11 Shri S.R Gaikwad is not reverted. Shri S.R. Gaikwad, is not party to this proceeding. However, if he is promotion then his promotion will be subject to the outcome of this Original Application.

5. S.O to 29.9.2023.

Sd/-

(Medha Gadgil)
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

[P.T.O.

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

01.09.2023

M.A 566/2023 in O.A 460/2021

Shri Kapil B. Ghodake & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. Misc Application is moved for amendment and seeking stay to the operation and execution of announcement of provisional as well as final result declared on 12.7.2023 and 17.8.2023 by Respondent No. 2 and also clarification is sought to explain as to what criteria is applied to declare the result sheet of skill test of typing.

3. Learned C.P.O submits that copy is not served on the Respondents.

4. Learned counsel submits that he will serve copy of the M.A on the Respondents. Learned counsel further submits that there are many reliefs sought in the Misc Application. He prays that the relief in respect of amendment is to be allowed and he is not pressing the relief for interim stay because it depends on the amendment.

5. The prayer seeking amendment is allowed. Learned counsel for the applicants is directed to amend the Original Application and serve the same on the Respondents along with copy of the Misc Application. Respondents are free to file affidavit in reply to the amended O.A. The prayer regarding stay on operation and execution of the provisional as well as final result declared on 12.7.2023 and 17.8.2023 by Respondent No. 2 is kept open.

6. Learned counsel for the applicants submit that he is filing affidavit of 32 candidates who are the applicants they do not want to prosecute the matter and they want to be deleted. Permission granted. The name of the 32 applicants from the array of the Original Application stands deleted.

7. Misc Application is partly allowed.

8. O.A stands adjourned to 22.9.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959 (A) (50,000—3-2017)

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

01.09.2023

O.A 478/2023

Shri A.B Suryawanshi ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Sunil Gaikwad holding for Dr U.P Warunjikar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Learned P.O seeks time to file reply.

3. S.O to 8.9.2023.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

01.09.2023

O.A 684/2023

Ms M.D Mohite ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. Learned C.P.O is directed to file affidavit in reply by way of last chance.

3. S.O to 7.9.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

01.09.2023

O.A 710/2021

Shri N.S Kumbhar ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.B Kadam, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Admit with liberty to file rejoinder, if any.

3. Place for final hearing on 29.9.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

01.09.2023

O.A 651/2021

Dr V.P Wahane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. Though this matter is listed before the DB-II, the same be placed before DB-I.

3. The matter is preponed and kept on 7.9.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

01.09.2023

O.A 741/2023

Dr Vilas P. Wahane ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. S.O to 15.9.2023.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017)

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

01.09.2023

O.A 713/2023

Shri K.D Khandare & Ors ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.N Rajpurohit, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Learned P.O is directed to file reply within two weeks.

3. S.O to 15.9.2023.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.1137 of 2023

Dr. R. Ramteke .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that she has sent Affidavit-in-Service by email.

3. Learned Advocate for the Applicant states that the Applicant is transferred from R.C.S.M. Government Medical College, Kolhapur to Government Medical College, Chatrapati Sambhajinagar in place of Respondent No.3 – Dr. Hemant Kokandkar. She further submits that Dr. Hemant Kokandkar has not joined till today.

4. Learned Advocate for the Applicant mentioned that the Tribunal in (i) Nagpur Bench by its Order dated 17.07.2023 in O.A. No.784 of 2023 & 5 other O.As (ii) Aurangabad Bench by its order dated 06.07.2023 in O.A. No.550 of 2023 and 14 other O.As has already granted Interim Relief to the Applicants who are working in various Government Medical Colleges. The learned Advocate for the Applicant further stated that the Tribunal in Mumbai Bench by its Order dated 21.07.2023 in O.A. No.880 of 2023 and O.A. No.884,885, 888 of 2023 has granted Interim Relief to the Applicants serving as Associate Professors in Grant Medical College, Mumbai and stayed their Transfer orders and permitted Applicants to be continued at the respective present posts in Grant Medical College Mumbai. The Mumbai Bench by its Order dated 25.07.2023 in O.A. No.881 of 2023 with O.A. No.882 of 2023 and O.A. No.883 of 2023 has also granted Interim Relief and permitted Applicants to be continued in their present posting at Grant Government Medical College, Mumbai.

[P.T.O.

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

5. The Applicant in O.A. No.1033 of 2023 with O.A. No.1034 of 2023 are serving on posts senior to the Applicants in the above mentioned O.As have been granted 'Interim Relief' by the Mumbai Bench on 18.08.2023. Therefore in concurring with the view already taken by the Tribunal across Mumbai, Aurangabad & Nagpur Benches in these similar matters of Transfer of Applicants serving in Government Medical Colleges. 'Interim Relief' is thus granted to the Applicant and he is permitted to work on the present post of Professor of Pathology at R.C.S.M. Government Medical College, Kolhapur till the final decision in this O.A. No.1137 of 2023.

6. Learned C.P.O. opposes the interim relief and seeks time to file Affidavit-in-Reply.

7. Time as prayed is granted to file Affidavit-in-Reply to the Respondents.

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

9. Issue notice before admission returnable on 20.09.2023.

10. 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.

11. 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.

12. 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.

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

14. S.O. to 20.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.1136 of 2023

Dr. N.P. Zanjad .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that she has sent Affidavit-in-Service by email.

3. Learned Advocate for the Applicant is transferred from B.J. Government Medical College, Pune to Dr. Shankarrao Chavan Government Medical College, Nanded in place of One Dr. Hemant Godbole. She further submits that Dr. Hemant Godbole has filed O.A. No.781/2023 in this Tribunal, Aurangabad Bench and his Transfer Order is already stayed by this Tribunal on 30.08.2023.

4. Learned Advocate for the Applicant mentioned that the Tribunal in (i) Nagpur Bench by its Order dated 17.07.2023 in O.A. No.784 of 2023 & 5 other O.As (ii) Aurangabad Bench by its order dated 06.07.2023 in O.A. No.550 of 2023 and 14 other O.As has already granted Interim Relief to the Applicants who are working in various Government Medical Colleges. The learned Advocate for the Applicant further stated that the Tribunal in Mumbai Bench by its Order dated 21.07.2023 in O.A. No.880 of 2023 and O.A. No.884,885, 888 of 2023 has granted Interim Relief to the Applicants serving as Associate Professors in Grant Medical College, Mumbai and stayed their Transfer orders and permitted Applicants to be continued at the respective present posts in Grant Medical College Mumbai. The Mumbai Bench by its Order dated 25.07.2023 in O.A. No.881 of 2023 with O.A. No.882 of 2023 and O.A. No.883 of 2023 has also granted Interim Relief and permitted Applicants to be continued in their present posting at Grant Government Medical College, Mumbai.

[*P.T.O.*

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

5. The Applicant in O.A. No.1033 of 2023 with O.A. No.1034 of 2023 are serving on posts senior to the Applicants in the above mentioned O.As have been granted 'Interim Relief' by the Mumbai Bench on 18.08.2023. Therefore in concurring with the view already taken by the Tribunal across Mumbai, Aurangabad & Nagpur Benches in these similar matters of Transfer of Applicants serving in Government Medical Colleges. 'Interim Relief' is thus granted to the Applicant and he is permitted to work on the present post of Professor of Forensic and Medicine at B.J. Government Medical College, Pune till the final decision in this O.A. No.1136 of 2023.

6. Learned C.P.O. opposes the 'Interim Relief' and seeks time to file Affidavit-in-Reply.

7. Time as prayed is granted to file Affidavit-in-Reply to the Respondents.

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

9. Issue notice before admission returnable on 20.09.2023.

10. 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.

11. 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.

12. 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.

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

14. S.O. to 20.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.1131 of 2023

Dr. R.M. Nimbalkar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that he has filed Affidavit-in-Service on 31.08.2023.

3. Learned Advocate for the Applicant submits that even in this matter the Applicant is posted as Assistant Professor, B.J. Government Medical College, Pune. She was also discharging duties at 'Urban Health Centre, Bandra' and in addition to serving as Assistant Professor, Government Medical College, Alibaug. Learned Advocate for the Applicant further submits that Respondent have not posted any Assistant Professor, Government Medical College, Alibaug in place of the Applicant.

4. Learned Advocate for the Applicant mentioned that the Tribunal in (i) Nagpur Bench by its Order dated 17.07.2023 in O.A. No.784 of 2023 & 5 other O.As (ii) Aurangabad Bench by its order dated 06.07.2023 in O.A. No.550 of 2023 and 14 other O.As has already granted Interim Relief to the Applicants who are working in various Government Medical Colleges. The learned Advocate for the Applicant further stated that the Tribunal in Mumbai Bench by its Order dated 21.07.2023 in O.A. No.880 of 2023 and O.A. No.884,885, 888 of 2023 has granted Interim Relief to the Applicants serving as Associate Professors in Grant Medical

[P.T.O.

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

College, Mumbai and stayed their Transfer orders and permitted Applicants to be continued at the respective present posts in Grant Medical College Mumbai. The Mumbai Bench by its Order dated 25.07.2023 in O.A. No.881 of 2023 with O.A. No.882 of 2023 and O.A. No.883 of 2023 has also granted Interim Relief and permitted Applicants to be continued in their present posting at Grant Government Medical College, Mumbai

5. The Applicant in O.A. No.1033 of 2023 with O.A. No.1034 of 2023 are serving on posts senior to the Applicants in the above mentioned O.As have been granted 'Interim Relief' by the Mumbai Bench on 18.08.2023. Therefore in concurring with the view already taken by the Tribunal across Mumbai, Aurangabad & Nagpur Benches in these similar matters of Transfer of Applicants serving in Government Medical Colleges. 'Interim Relief' is thus granted to the Applicant and She is permitted to work on the present post of Assistant Professor, Government Medical College, Alibaug and discharge Additional Responsibilities at 'Urban Health Centre, Bandra' till the final decision in this O.A. No.1131 of 2023.

6. Learned C.P.O. opposes the Interim Relief and seeks time to file Affidavit-in-Reply.

7. Time as prayed is granted to file Affidavit-in-Reply to the Respondents.

8. The learned Advocate for the Applicant submits that this O.A be tagged along with O.A. No.1052/2023 on next date i.e. 20.09.2023.

9. S.O. to 20.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

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

O.A. No.1119 of 2023

S.R. Wadekar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 27.9.2023. The respondents are directed to file reply.

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. 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 **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption **"For Dismissal"** and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)

Member (A)

1.9.2023

(sgj)

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

O.A. No.1120 of 2023

V.V. More ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 27.9.2023. The respondents are directed to file reply.

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. 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 **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption **"For Dismissal"** and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)

Member (A)

1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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 Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

M.A. No.558 of 2023 in O.A. No.1084 of 2023

V.N. Ashtekar & 5 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Ms. Shrutika Tilak holding for Smt. Punam Mahajan, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

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.

Sd/-
(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

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

O.A. No.1084 of 2023

V.N. Ashtekar & 5 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Ms. Shrutika Tilak holding for Smt. Punam Mahajan, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 27.9.2023. The respondents are directed to file reply.

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. 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 **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption **"For Dismissal"** and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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

M.A. No.558 of 2023 in O.A. No.1084 of 2023

V.N. Ashtekar & 5 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Ms. Shrutika Tilak holding for Smt. Punam Mahajan, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicants submits that there is a delay of 18 days in filing the above OA which is unintentional and the same may kindly be condoned. Ld Advocate for the applicant submits that there is continuous cause of action.

3. In the facts and circumstances of the case and in the interest of justice the delay is condoned. MA is allowed.

Sd/-

(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50 000—2-2915)

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

M.A. No.145 of 2023 in O.A. No.200 of 2023

D.S. Chikkhale ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. PO seeks time to file reply.

3. S.O. to 14.9.2023 by way of last chance.

Sd/-
(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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 Corrigendum, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

O.A. No.278 of 2023

R.K. Bhosale ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO submits that the issue regarding regularization of the leave period has been decided by the Social Justice and Special Assistance on 24.7.2023.

3. Ld. Advocate for the applicant to verify the position.

4. S.O. to 11.9.2023.

Sd/-

(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000--2-2015)

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 Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

O.A. No.410 of 2023

S.B. Kumavat & 81 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO raises preliminary objection that some of the applicants are not within the territorial jurisdiction of this Bench.

3. Ld. PO files affidavit in reply dated 1.9.2023 of Rajendra V Kudale, Under Secretary, Public Health Department on behalf of respondent no.2 and the same is taken on record.

4. Ld. Advocate for the applicants seeks leave to delete the names of Respondents No.7 to 24 from the array of respondents in the above OA.

5. Leave granted. Amendment be carried out and amended copy be served on all concerned.

6. S.O. to 7.9.2023.

Sd/-

(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(C.C.P.) J 2260(B) (50,000—2-2015)

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

O.A. No.461 of 2023

Ratan B. Asan ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Applicant and his advocate both are absent.

3. Ld. PO submits that copy of OA is not served in the office of Ld. CPO.

4. Ld. Advocate for the applicant is directed to serve the Ld. CPO.

5. S.O. to 15.9.2023.

Sd/-
(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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

O.A. No.782 of 2023

S.T. Salunkhe ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. A responsible officer from the office of respondents is directed to remain present on the next date along with information as to why applicant who is a Driver has not been given his pension.

3. S.O. to 5.9.2023.

Sd/-
(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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

O.As. No.833 & 834 of 2023

A.Y. Illager
P.S. Kuchekar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO to verify whether earlier interim relief has been complied with.

3. S.O. to 5.9.2023.

Sd/-
(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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 Corres, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

O.A. No.30 of 2023

G.N. Tate ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO on instructions from the department states that proposal for disbursing the amount has been received by the Govt. on 18.8.2023 and decision will be taken within one month.

3. S.O. to 27.9.2023.

Sd/-

(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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

O.A. No.277 of 2023

K.R. Dhumal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO produces copy of order dated 21.3.2023 issued by Superintendent of Police, Sangli reinstating the applicant in service. The said order is taken on record and marked as Court Exhibit-1 for identification.

3. Ld. Advocate for the applicant submits that the OA can be disposed off.

4. In view of the above, OA is disposed off accordingly.

Sd/-

(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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

M.A. No.79 of 2023 with O.A. No.140 of 2023

Dr. M.G. Khan ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. MA is filed for condoning the delay of 19 years in filing the OA.

3. Ld. PO produces letter dated 15.8.2022 issued by respondent no.2 to respondent no.1 sending proposal to respondent no.1 for decision regarding retirement benefits.

4. Ld. Advocate for the applicant seeks leave to withdraw the above MA and OA with a direction to the respondents to decide the proposal within four weeks.

5. The respondents are directed to take a decision on the said proposal within six weeks from today.

6. In view of the above Ld. Advocate for the applicant is allowed to withdraw the above MA and OA.

Sd/-

(Medha Gadgil)

Member (A)

1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000--2-2015) (Spl. Matter)

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

O.As. No.743 & 744 of 2022

Dr. K.S. Madar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. S.O. to 26.9.2023. Interim relief to continue.

Sd/-

(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

(G.C.P.) J 2260(B) (50,000—2-2015)

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

O.A. No.284 of 2023

R.N. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.A. Shinde, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. PO seeks time.

3. S.O. to 5.9.2023. Interim relief to continue.

Sd/-
(Medha Gadgil)
Member (A)
1.9.2023

(sgj)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLICATION NO.1112 OF 2023

1. Shri Santosh S. Borude.)
2. Shri Swapnil G. Patil.)...**Applicants**

Versus

1. The State of Maharashtra & Anr.)...**Respondents**

Shri Suhas Deokar holding for Shri Chetan Alai, Advocate for Applicant.

Smt. S.P. Manchekar, Presenting Officer for Respondents.

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Debashish Chakrabarty, Member-A

DATE : 31.08.2023

ORDER

1. Learned Advocate for the Applicants submits that this is an examination for Assistant Commissioner of Drugs. The Model Answer Key was published on 05.06.2023. He points out that Applicants have correctly answered Question No.80 but the answer given to Question No.80 in the model answer key is wrong. Ld. Advocate points out Page No.81 was regarding to "Scheduled formulation" and he chooses Option No.2 i.e. 'First'. This number was shown as wrong in the Model Answer Key.

2. The Ld. Advocate for the Applicants points out Page No.81, Question No.85 which was regarding Schedule formulation and he chose Option No.2 i.e. '1st'. But Option No.2 '1st' was shown as wrong in the Model Answer Key (Page No.126). However, the Ld. Advocate submits

that under 'Drugs (Prices Control) Order, 2013' in definition Clause No.2 Sub-Clause zb "Schedule formulation" is defined, which is included in the 1st Schedule.

3. Applicant No.1 has received 98 marks out of 200 and Applicant No.2 has received 109 marks out of 200. Applicant No.1 belongs to OBC Category and Applicant No.2 belongs to NT(C) Category. The cut-off marks for OBC candidate is 99 and cut-off for Open Category is 110. Learned Advocate points out that no NT(C) reservation was provided in the Advertisement. Both the Applicants have given Option as '1st' to Question No.80. However, in the Model Answer Key, '1st' is shown as wrong, and therefore, on account of negative marks, both the Applicants lost 0.5 marks. Each question carries 2 marks, and therefore, both Applicants in the result have lost 2.5 marks. Learned Advocate points out that because of this wrong Answer Key, both the Applicants have lost 2.5 marks. Both the Applicants could have crossed cut-off marks, as Applicant No.1 would have secured 110.5 marks and Applicant No.2 secured 111.9 marks.

4. Learned CPO submits that the Applicants have approached the Tribunal belatedly. The result was declared on 24.04.2023 and Model Answer Key was published on 05.06.2023. The learned CPO submits that the initial list of eligible candidates was published on 21.07.2023 and those eligible candidates were directed to submit their documents. At that time also, the Applicants did not approach the Court and challenged the Model Answer Key. The learned CPO also submits that MPSC disclosed the list of qualified candidates on 24.04.2023 and the names of the Applicants were not included in that list and at that time, the Applicants should have approached the Court. as per definition learned Advocate submits that under Sub-clause zb of 'Drugs (Price Control) Order, 2013', "Scheduled formulation" is defined which is included in first schedule.

5. Applicant No.1 has received 98 marks out of 200 and Applicant No.2 has received 109 marks out of 200. Applicant No.1 belongs to OBC Category and Applicant No.2 belongs to NT(C) Category. The cut-off marks for OBC candidate is 99 and cut-off for Open Category is 110. Learned Advocate points out that no NT(C) reservation was provided in the Advertisement. Both the Applicants have given Option as '1st' to Question No.80. However, in the Model Answer Key, '1st' is shown as wrong, and therefore, on account of negative marks, both the Applicants lost 0.5 marks. Each question carries 2 marks, and therefore, both Applicants in the result have lost 2.5 marks. Learned Advocate points out that because of this wrong Answer Key, both the Applicants have lost 2.5 marks. Both the Applicants could have crossed cut-off marks, as Applicant No.1 would have secured 110.5 marks and Applicant No.2 secured 111.9 marks.

6. Learned CPO submits that the Applicants have approached the Tribunal belatedly. The result was declared on 24.04.2023 and Model Answer Key was published on 05.06.2023. The learned CPO submits that the initial list of eligible candidates was published on 21.07.2023 and those eligible candidates were directed to submit their documents. At that time also, the Applicants did not approach the Court and challenged the Model Answer Key. The learned CPO also submits that MPSC disclosed the list of qualified candidates on 24.04.2023 and the names of the Applicants were not included in that list and at that time, the Applicants should have approached the Court.

7. Ld. CPO today submits that she has received the instructions from Mr. Umranikar, Joint Secretary and Controller of Examination, MPSC that MPSC has contacted TCS body from whom entire process of this screening examination is outsourced and it is informed that TCS needs time of 15 days to consult the expert who settled the paper and Model Answer Key. Ld. CPO further submits today that yesterday 20 candidates have appeared for the interview and today 16 candidates are

going to be interviewed and the process cannot be stopped. Thus, 36 candidates who were found eligible have appeared for interview. Learned CPO further submits that out of 36 candidates, 16 candidates have come from other distance places.

8. We have considered the submissions of both the parties. We have recorded the submission advanced by leaned Advocate for the Applicant about the answer to Question No.80, which is mentioned in Model Answer Key. The Question and Answer of that Model Answer Key is reproduced as follows :-

> "80 Question :- According to Drugs (Price Control) Order 2013, "Scheduled formulation" means any formulation included in ____ schedule of the Act.
>
> Answer :- 1. First

9. Sub-clause zb of Section 2 of 'Drugs (Prices Control) Order, 2013' about Scheduled formulation is defined as follows :-

> "**(zb)** "Scheduled formulation" means any formulation, included in the First Schedule whether referred to by generic versions or brand name.

10. Ld. Advocate for the Applicants has further pointed out that in Answer Sheet, the Applicant No.1 has chosen Option No.2 i.e. "First" for Question No.93 and Applicant No.2 has chosen Option No.2 i.e. "First" for Question No.85. After going through the question and Sub-clause zb of Section 2 of 'Drugs (Prices Control) Order, 2013', we found that the option chosen "First" is the correct answer. We make it clear that in order to ascertain the correctness of this particular question which is based on only Sub-clause of definition, one requires reasonable common sense. It does not require expert, and therefore, we are of the view that there is substance in the case of both the Applicants. This examination is conducted by the MPSC which is constitutional body and we expect from this constitutional body to go strictly by merit and the correctness of the answers.

11. Ld. Advocate for the Applicants submits that the Applicants were just one mark below the cut-off marks of their respective categories i.e. OBC and Open respectively as they have scored 98 and 109 marks respectively. Applicant No.1 belongs to OBC category where cut-off for OBC is 99 and he scored 98 marks and the Applicant No.2 belong to Open category where cur-off marks is 110 and he scored 109 marks. Each Question carries two marks and thus, the answer to Question No.80 is found correct as per Model Answer Key. Both the candidates are entitled to secure 2.5 marks and thus, both the candidates as on today have scored more than cur-off marks. So, they are eligible for the verification of the documents and interview. So also the cut-off in all the categories may vary after examining the Answer Key.

12. We are informed by Ld. Advocate for the Applicants that Applicant No.1 has raised total 4 objections including about Question No.80 of Model Answer Key. As per the submission of learned CPO, the MPSC wants 14 days' time to seek information from the experts of TCS which is required to be given. However, considering the nature of Model Answer Key, especially found in respect of Question No.80, we direct MPSC to consider this Model Answer Question No.80 and also the other objections though MPSC has not invited the objections from the candidates after publishing the Model Answer Key. However, as Applicants have approached the Tribunal and we have come to the conclusion that Model Answer Key in respect of Question No.80 is incorrect, we think it is necessary to direct MPSC to examine the Answer Key and take the opinion of the experts and submit the reply accordingly. We are aware that there may be other candidates who are similarly situated. However, they are not before us, but it is MPSC to take the call.

13. The interview process which is going on today can be completed, as there can be some candidates who are secured really higher marks and they may have come from other distance places. However, these 2 candidates are being found eligible, their documents are to be verified

and they be interviewed. So their interviews are deferred, as the MPSC wants time to verify the documents. The MPSC shall file reply within 3 weeks.

14. The results of the interview shall not be declared, as it is subject to outcome of this O.A.

15. S.O. to 22nd September, 2023.

Sd/-
(DEBASHISH CHAKRABARTY)
Member-A

Sd/-
(MRIDULA BHATKAR, J.)
Chairperson

Mumbai
Date : 01.09.2023
Dictation taken by :
S.K. Wamanse.

Uploaded on

(C.C.P.) J 2260(B) (50,000--2-2015)

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

O.A.Nos.1133 & 1134/2023

K.M. Karande
B.A. Ingale **... Applicants**
Vs.
The State of Mah. & Ors. **... Respondents**

1. Heard Shri A.V. Patil with Shri A.V. Sakolkar, learned Advocate for the Applicant and Smt. S.P. Manchekar, learned Presenting Officer for the Respondents.

2. In both the matters, the Applicants are aspiring for the post of Assistant Commissioner (Drugs), Food & Drugs Administration Services and have challenged the decision of MPSC excluding them in shortlisting the eligible candidates for interview for the reason that they do not hold the requisite experience of 5 years in manufacturing and testing. The learned Advocates for the Applicants pointed out the Certificates of the respective candidates and they said that both the candidates are M.Pharm and they have vide experience in manufacturing and testing. The learned Advocate for both the Applicants have submitted that the post of the Applicants is shown has same quality assurance by the Company where they were working. The nomenclature of the post cannot be the ground to reject the work experience, as the nature of job of quality assurance was very important in the process of manufacturing and testing.

3. Ld. Advocate for the Applicants took our attention to the communication between MPSC and them. Ld. Advocate submits that their Certificates of experience are not properly considered and they are wrongly rejected on the ground of not having sufficient requisite experience in manufacturing and testing. Ld. Advocate further relied on the Judgment where interim order was passed by Aurangabad Bench on 28th August, 2023 wherein similar case for the same post, this Tribunal has allowed the Applicant by way of interim relief to appear for the interview. Ld. Advocate has pressed on the same relief on the ground of parity, as it is same post and similarly situated.

4. Ld. CPO produces the opinion of the experts after verification of the Certificates on the point of experience of the Applicant for this post. She further submitted that such verification of the Certificates by the experts was not placed when Aurangabad Bench decided the said matter.

5. We considered the submissions of both the parties. Especially, we have gone through the verification of reports, which are placed before us. These reports

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

disclose that the concerned expert has applied the mind. However, Ld. Advocate raised the point of nomenclature.

6. The Respondents to file reply and to specify why the nature of work was not taken into account by the concerned expert apart from the nomenclature.

7. We do not find *prima-facie* case to send the candidates for interview.

8. S.O. to 12th September, 2023.

Sd/-

(Debashish Chakrabarty)
Member-A
01.09.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
01.09.2023

(skw)

(C.P.) J 2260(B) (50,000--2-2015) (Spl.- MAT-F-2 E.

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

O.A.Nos.1117 & 1118/2023

S.T. Aher
N.M. Baraskar **... Applicants**
Vs.
The State of Mah. & Ors. **... Respondents**

1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Smt. S.P. Manchekar, learned Presenting Officer for the Respondents.

2. The learned Advocate for the Applicants submits that his prayer for interim relief be deferred, as Respondents are given time to file their reply within two weeks. We make it clear that it is a matter of taking experience, which was considered by the experts. So we need Affidavit-in-reply from the Respondents on this issue to decide the matter even at interim stage or finally. Hence, we keep this matter now on 14th September, 2023 and after getting reply, the matter may be heard finally.

3. S.O. to 14th September, 2023.

Sd/-

(Debashish Chakrabarty)
Member-A
01.09.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
01.09.2023

(skw)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.477 of 2023 with O.A. No.541 of 2023 with O.A. No.595 of 2023 with O.A. No.878 of 2023

G.S. Ghube
R.R. Sapkal & Ors.,
R.S. Gawali
B.K. Mandlik .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K. & Shri A.J. Chougule, learned Presenting Officer for the Respondents and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned P.O. submits that Affidavit-in-Reply is already filed in O.A. No.541/2023 & O.A. No.555/2023 by Respondents.

3. On request of learned P.O. time is granted to file Affidavit-in-Reply before next date in O.A. No.477/2023 & 878/2023.

4. S.O. to 11.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.601 of 2023 with O.A. No.608 of 2023 with M.A. No.432 of 2023

Dr. S.K. Marsale
Dr. S.B.Chidrawar & Ors. .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.G. Jadhav, learned Advocate holding for Shri P. Bodke- Patil, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that Applicant in O.A. No.601 of 2023 and also the Applicant in No.608 of 2023 with M.A. No.432 of 2023 desires to withdraw both the O.As. Learned Advocate for the Applicant submits that the Applicant is not interested in taking forward the O.A. and requested that Tribunal may allow them to withdraw O.A.

3. The Applicants ~~in both the O.As~~ are allowed to withdraw the O.A. No. 601 of 2023 and O.A. No. 608 of 2023 with M.A. No.432 of 2023 as per their request.

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

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

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

Date : 01.09.2023

C.A.No.77/2023 in O.A.No.299/2022

R.B. Yadav ....Applicant
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents

2. Learned P.O. has submitted that the Government is the competent authority to take decision for reinstatement of the applicant pursuant to the order passed by the Tribunal dated 28.07.2022. However, the Government is not made the Party to the Contempt proceedings.

3. Learned Advocate has submitted that the suspension is made by the Commissioner and therefore according to him the Commissioner is the competent authority and therefore the direction is given to the Review suspension of the application within three weeks.

4. Learned P.O. has submitted that suspension order is reviewed at the Government level on 17.08.2023.

5. Learned Advocate seeks two weeks time to go through the affidavit and file rejoinder, if any. Learned Advocate Mr. Bandiwadekar has submitted that the decision was not taken within six weeks from the date of the order dated 28.07.2022. Applicant retired on 30.06.2023.

6. Adjourned to 15.09.2023.

Sd/- Sd/-

(Medha Gadgil) Member (A) **(Mridula Bhatkar, J.) Chairperson**

prk

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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
	Date : 01.09.2023 **C.A.No.40/2022 in O.A.No.733/2021** S.P. Kolte ....Applicant Vs. The State of Maharashtra & Ors. ....Respondents. 1. Heard Mr. Pooja Mankoji, learned Advocate holding for Mr. S.S. Dere, learned Advocate for the Applicant, Mr. Archana B.K., learned Presenting Officer for the Respondents 2. Mr. M.D. Lonkar, learned Advocate for the Respondent No.2 is absent. 3. Learned P.O. has submitted that the order passed by the Tribunal is challenged before the Hon'ble High Court and the same is pending. 4. In view of above, C.A. adjourned to 13.10.2023. Sd/- Sd/- **(Medha Gadgil) Member (A)** **(Mridula Bhatkar, J.) Chairperson** prk

(G.C.P.) J 2959 (A) (50,000—3-2017)

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

Date : 01.09.2023

C.A.No.69/2022 in O.A.No.339/2020

M.V. Mohite ....Applicant
Vs.
The State of Maharashtra & Ors. ....Respondents.

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

2. Learned P.O. has submitted that today she will file affidavit-in-reply during the course of the day. It be taken on record. Copy be served upon the concerned.

3. Adjourned to 08.09.2023, for rejoinder if any.

Sd/- Sd/-

(Medha Gadgil) Member (A) **(Mridula Bhatkar, J.) Chairperson**

prk

(G.C.P.) J 2959 (A) (50,000—3-2017)

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
	Date : 01.09.2023 **C.A.No.51/2023 in O.A.No.1219/2022** S.B. Yadav ....Applicant Vs. The State of Maharashtra & Ors. ....Respondents. 1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents 2. Learned P.O. has submitted that during the course of the day she will file affidavit-in-reply dated 29.08.2023. It be taken on record. Copy be served upon the concerned. Learned P.O. has further submitted that in the said affidavit the Respondent has informed that no post of Awal karkoon is available as on today, therefore the Applicant cannot be promoted. 3. Learned Advocate has submitted that the said affidavit is not to be taken on record. 4. The submission of learned Advocate is discarded. 5. Time granted to learned Advocate Mr. Bandiwadekar for filing rejoinder and verify the position. 6. Adjourned to 15.09.2023. Sd/- **(Medha Gadgil)** **Member (A)** Sd/- **(Mridula Bhatkar, J.)** **Chairperson** prk

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

Date : 01.09.2023

C.A.No.17/2023 in O.A.No.50/2019

V.T. Jadhav ....Applicant
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. S.N. Rathod, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents

2. Learned P.O. has submitted that during the course of the day she will file affidavit-in-reply on behalf of all the three contemnors. It be taken on record. Copy be served upon the concerned. Learned P.O. has further submitted that in view of the order dated 05.07.2023, passed by the Hon'ble High Court in Writ Petition No.8103/2023, which is uploaded on 18.07.2023 the file is submitted to the Law and Judiciary Department on 04.08.2023 and the received opinion from the Law and Judiciary (L&J) Department on 14.08.2023 wherein the said Department has taken decision to challenge the order of the Bombay High Court before the Hon'ble Supreme Court.

3. Adjourned to 22.09.2023.

Sd/- Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Date : 01.09.2023

C.A.No.85/2023 in O.A.No.996/2019

S.P. Tadvalekar ....Applicant
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. Kunal Tilak, learned Advocate holding for Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents

2. Learned Advocate has submitted that the present C.A. is filed for not complying with the order dated 12.08.2022 passed in O.A.

3. Learned P.O. has submitted that the present C.A. be placed along with similar C.A.Nos.67 & 68/2023.

4. In view of the above, being similarly situated the present C.A.No.85/2023 be tagged along with C.A.Nos.67 & 68/2023.

5. We would like to know the movement of the file with regard to back wages.

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

7. Issue notice before admission returnable on 08.09.2023.

8. 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.

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. 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. Applicants are directed to file Affidavit of compliance and notice.

11. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.

12. Adjourned to 08.09.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.945 of 2023

R.K. Bhosale .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. states that he does not intent to file Affidavit-in-Sur Rejoinder and requested that O.A. be kept for Final Hearing.

3. Hence, O.A. is adjourned for Final Hearing on 04.09.2023 (H.O.B.).

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.555 of 2023

S.G. Ranpise .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Shrutika Tilak, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. On request of learned Advocate for the Applicant one week time is granted to file Affidavit-in-Rejoinder on behalf of the Applicant.

3. S.O. to 08.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.618 of 2023 with O.A. No.676 of 2023

S.B. Gone .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Interim Relief to continue till next date.

3. S.O. to 08.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.733 of 2023 with M.A. No.483 of 2023

V.J. Mane
S.A. Patil .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant in O.A. No.733/23 & Shri M.D. Lonkar, learned Advocate for the Applicant in M.A. No.483/23 and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Interim Relief to continue till next date.

3. S.O. to 04.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.540 of 2023

R.H. Shinde .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. On request of learned P.O. one week time is granted to file Affidavit-in-Sur Rejoinder on behalf of the Respondent.

3. O.A. is adjourned for Final Hearing (P.H.).

4. S.O. to 08.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.1081 of 2023

R.D. Ghunkikar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. had submitted copy of the Revenue and Forest Department Notification dated 28.07.2021 in which the preamble refers to Rule 6 & Rule 7. However, in 'Para 4' even delegation of powers under Rule 4 (4) and Rule 4 (5) also have been included and as the 'Next Higher Authority' the powers delegated to the Principal Chief Conservator of Forest (Head of Forest Force). Substantial question of law therefore arises as to whether the provision of delegation of powers under Rule 6 and Rule 7 can used to transgress ~~to~~ and even cover the provisions of Rule 4 (4) and 4 (5) of the Transfer Act, 2005. Thus, Learned P.O. is therefore directed to seek information specifically on this point of law from the Revenue & Forest Department.

3. Since it includes substantial issue of Transfer Act, Respondent may also take ~~a~~ advise of G.A.D., if so desire.

4. S.O. to 12.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.942 of 2023

R.V. Shinde & Ors., ...Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. states that Affidavit-in-Reply will be filed during the course of the day and if not possible then by Monday i.e. 04.09.2023.

3. S.O. to 06.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.09.2023

O.A. No.769 of 2023

U.S. Suryawanshi .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. On request of learned P.O. one week time is granted to file 'Additional Affidavit-in-Reply' consequent to the amendment made on 18.08.2023 in O.A. 769/2023.

3. Learned P.O. shall also inform the Tribunal whether the Respondent No.3 has worked in 'Tribal Area' and also he is entitled for preference posting as per G.R. of G.A.D. dated 11.07.2000 and 06.08.2002.

4. S.O. to 08.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

01.09.2023

O.A 649/2023

Shri S.N Bade & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicants, Ms Swati Manchekar, learned C.P.O for the Respondent No. 1 and Shri D.B Khaire, learned counsel for Respondents No 2 & 3.

2. Learned counsel has expressed a possibility of issuing the orders of promotion of eligible persons to the post of Deputy Director, hence he requested that till the decision of this Original Application, status quo is to be maintained.

3. We direct the Respondents to maintain status quo till the next date.

4. S.O to 5.9.2023. Part Heard at 2.30 pm.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017)

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
	~~Date : 01.09.2023~~ **O.A.No.1169/2022** K.A. Devkate ....Applicant Vs. The State of Maharashtra & Ors. ....Respondents. 1. Heard Mr. R.V. Shinde, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. O.A. though adjourned to 06.11.2023 is taken up at the request of learned Advocate Mr. Shinde. 3. O.A. is preponed and kept for Final Hearing on 11.09.2023. HOB. Sd/- Sd/- **(Medha Gadgil) Member (A)** **(Mridula Bhatkar, J.) Chairperson** prk

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

Date : 01.09.2023

O.A.No.1163/2017 with O.A.No.1164/2017 with O.A.No.1165/2017

S.Y. Rambade & Ors. ....Applicants
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. Ashok B. Tajane, learned Advocate Ms. Kavita P. Shinde, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. O.A. though adjourned to 29.09.2023 is taken up at the request of learned Advocate Mr. Tajane.

3. Learned Advocate has submitted that the issue in the present O.As is covered by the judgment dated 14.03.2013 passed by the Hon'ble High Court Bench at Aurangabad in Writ Petition No.4872/2012, Sachin Vitthalrao Kshirsagar Versus the State of Maharashtra & Ors.

4. Learned Advocate has submitted that all the applicants in the present O.As initially were appointed as Peon on compassionate ground. They were promoted to the post of Clerk-cum-typist thereafter they were further promoted to the post of Awal Karkoon. However, the applicants did not pass the M.P.S.C. examination and therefore they were reverted to the post of Peon. The Applicants' reversion was stayed by interim order dated 12.01.2018 passed by this Tribunal and all the applicants as on today are working as Awal karkoon. Learned Advocate has submitted that the Applicants in the present O.A. are similarly situated as Petitioner in W.P.No.4872/2012.

5. At the request of learned P.O. adjourned to 13.09.2023 HOB.

Sd/- Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

Date : 01.09.2023

O.A.No.1180/2016 with (O.A.No.237/2015 N'pur)
With
O.A.No.110/2017 with
O.A.No.401/2017 (O.A.No.658/2015 N'pur)

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

1. Heard Mr. K.S. Jadhav, learned Advocate holding for Mr. R.G. Panchal, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. At the request of learned Advocate adjourned to 05.09.2023.

Sd/- Sd/-

(Medha Gadgil) **(Mridula Bhatkar, J.)**
Member (A) **Chairperson**

prk

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

Date : 01.09.2023

O.A.No.6/2023

S.Y. Shinde & Ors. ....Applicants
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. S.V. Waghmare, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. O.A. is taken up from the board consisting of Hon'ble Chairperson and Hon'ble Member(A) Mr. Debashish Chakrabarty at the request of learned Advocate Mr. Waghmare.

3. Learned Advocate Mr. Waghmare has submitted that today the O.A. is shown on board of the Division Bench consisting of Hon'ble Chairperson and Hon'ble Member(A) Mr. Debashish Chakrabarty, however, the present O.A. is fully heard by the Division Bench consisting of Hon'ble Chairperson and Hon'ble Ms. Medha Gadgil, Member (A). Hence, it be placed before the same Division Bench consisting of Hon'ble Chairperson and Hon'ble Ms. Medha Gadgil, Member (A).

4. Considering the submissions made by learned Advocate, O.A. is to be placed before the Division Bench consisting of myself and Hon'ble Ms. Medha Gadgil.

5. Kept back.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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

Date : 01.09.2023

O.A.No.1114/2016

B.M. Sonawane & Ors. ....Applicants
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. to furnish the information as to how many posts are still vacant in the office of Respondent, Government Pleader.

3. On instructions learned P.O. has submitted that as on today 16 posts by nomination i.e. direct records and 5 posts by way of promotion are vacant. Learned P.O. has further submitted that from the office of Government Pleader requisition for recruitment of 16 posts is already sent in December, 2022 and as on today the advertisement is issued and examination is conducted. Learned P.O. has further submitted that requisition was made considering the total vacancies even taking into account the vacancies of the post in the case of Applicants Mr. Arvind C. Rane & Ors. in O.A.No.1105/2016.

4. The Principal Secretary, Law and Judiciary Department is required to appoint a responsible officer to brief the matter especially on the point whether the posts wherein, in the year 2016 all these Applicants who have filed O.A.No.1105/2016 and O.A.No.1114/2016, were filled up through M.P.S.C.

5. Adjourned to 13.09.2023.

Sd/- Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk