IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLICATION NO.903 OF 2021

Dr. A.S. Nevkar & Ors. **....Applicants**

Vs.

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

Mr. R.S. Naktode, learned Advocate for the Applicants.

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Ms. Mridula Bhatkar, Chairperson.
Ms. Medha Gadgil, Member (A)

DATE : 01.12.2021

PER : Justice Ms. Mridula Bhatkar, Chairperson

O R D E R

1. The Applicants' screening test was conducted on 22.12.2019 for the post of Live Stock Development Officer. Pursuant to G.R. dated 05.07.2021 the circular was issued on 20.07.2021 regarding distribution of the reserved SEBC posts in view of the judgment of the Hon'ble Supreme Court in ***Civil Appeal No.3123/2020, Dr. Jaishri Laxmanrao Patil Versus The Chief Minister & Ors. dated 05.05.2021***.

2. In respect of the recruitment of Livestock Development Officer, G.R. was issued on 20.07.2021. The learned Advocate submits that today he is pressing for interim relief to the effect that the operation of the result dated 08.10.2021 and the select list of

the candidates eligible who were recommended by the said list for the post of Livestock Development Officer be stayed. The learned Advocate submits that in view of the judgment of the Hon'ble Supreme Court in ***Dr. Jaishri Laxmanrao Patil (supra)*** the Government has issued G.R. dated 05.07.2021 as to how the posts for SEBC who are reserved under 13% reserved SEBC candidates are to be distributed in Open and EWS category. Pursuant to the said G.R. Government has come up with the circular dated 20.07.2021, that the total 60 posts which were reserved in SEBC were distributed incorrectly. He comes with the 2nd leg of arguments that the two applicants are from female OBC category and other two candidates are from N.T. female category. In the said circular 33% are shown as carried forward and it was necessary that from those 33% which were carried forward from backlog, 3% posts were required to be shown reserved for female OBC category so that 9 to 10 posts should have been kept reserved for OBC female in carried forward category.

3. On the basis of oral instructions as the matter is pressed for interim relief, the learned C.P.O. points out to corrigendum dated 09.10.2020 (Exhibit -A) for the examination of Livestock Officer. The said corrigendum in which the post for earlier of SR were increased by 10 to 11 posts pursuant to judgment of M.A.T. Bench Nagpur in the case of Ms. Karuna Bombode and Others in O.A.No.978/2019, earlier posts shown in the advertisement as 23 were increased to 34 post in SC and those 11 posts were deputed from the post of Open Category i.e. from 144 and it was reduced to

133 posts. She further submitted that 60 posts which were made available by the G.R. dated 05.07.2021 are included in the Open category and thus Open posts of 133 + 60 comes to 193 posts and therefore in the circular dated 20.07.2021 for open, number of posts are shown as 193, which is correct calculation by the State.

4. While addressing 2nd point learned C.P.O. has submitted that in the number of 33% which were shown as backlog and carried forward backlog for OBC, she would require time to go through the earlier record 73% reservation in OBC category in the backlog. She further submitted that in original advertisement dated 23.08.2019, the State has declared 89 posts + 33 posts as carried forward backlog for OBC candidates. However, at that time the present applicants did not raise any objection to participate in the process, appear for screening test and also interview without the reason in objection of keeping reservation for female in OBC category in carried forward backlog that issue was raised and therefore no interim relief be granted.

5. Perused the documents, relevant G.Rs., declaration and also corrigendum which are pointed out by both the learned Counsel. In view of these documents, we are of the view that prima facie, distribution of 60% posts of SEBC in the reserved category as 133 + 60 = 193 posts category in the earlier original advertisement of 23.08.2019 backlog 33% is shown separately which is 89 + 33 = 122 and for female as per 30% reserved, 27 posts are kept reserved in different categories. However, there is no separate reservation shown for the carried forward backlog of 33% thus no objection was

raised by the applicants for appearing in the preliminary, screening test and the interview and the applicant and all the candidates have participated. Thus we do not find any prima facie ground to grant interim relief. Moreover, we are of the view that some reasonable time is required by the Respondent-State to go through the earlier record and find out how the female quota reserved was maintained in earlier OBC reservation and so also list of all other 431 candidates is also recommended, which cannot be stayed.

6. Adjourned to 07.02.2022.

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: 01.12.2021

M.A. No.516 of 2019 in O.A. No.950 of 2019 with M.A. No.561 of 2019 in O.A. No.1018 of 2019

S.K. Inamke
G.F. Patil **.....Applicant**
Versus
The State of Maharashtra & Ors. **.....Respondents.**

1. Applicant and his Advocate both are absent.

2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present.

3. Perusal of record reveals that Applicant and his Advocate both are continuously absent for long time.

4. Today also the Applicant and his Advocate are absent. Thus they seems not interested in the matter. Hence M.A. No.516/2019 in O.A. No.950/19 & M.A. No.561 of 2019 in O.A. No.1018 of 2019 both are dismissed in default.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

LATER ON IN AFTERNOON SESSION

5. This M.As. and O.As. were dismissed in default in morning session since Applicants and their Advocate was absent.

[*P.T.O.*

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

6. In afternoon session learned Advocate Ms. Savita T. Suryawanshi appeared and requested for restoration of matter stating that she was held up in Hon'ble High Court. She states that she is appearing on behalf of learned Advocate Shri V.V. Joshi and will argue the matter on next date.

7. In the interest of justice order of dismissal is recalled and proceedings are restored.

8. S.O. to 07.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.922 of 2021

A.G. Choudhari .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. This matter is taken for speaking to the Minutes to delete one sentence "**presently he is under training**" from para 3 of order dated 24.11.2021.

3. In O.A. on 24.11.2021 the Tribunal issued notices to the Respondents. In para 3 of the order, in view of submission advanced Tribunal recorded that the Applicant is appointed on the post of Police Constable and presently he is under training.

4. Shri M.B. Kadam, learned Advocate for the Applicant however submits that till date the Applicant is not sent for training, and therefore, last sentence in para 3 "**presently he is under training**" being incorrect it be deleted.

5. In view of above, last sentence from para 3 "**presently is under training**" be deleted. It be corrected accordingly.

6. S.O. to 22.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

M.A. No.522 of 2021 in O.A. No.933 of 2021

M.S. Radaye .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. This M.A. is filed for Condonation of delay of two months caused in filing O.A. No.933/2021 wherein the Applicant has challenged Transfer order dated 17.09.2020.

3. Issue notice before admission returnable on 05.01.2022.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

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.T.O.

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

8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. to 05.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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

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Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

Date: 01.12.2021

O.A. No.937 of 2021

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

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

2. This O.A. is filed for direction to the Respondent to release retrial benefits which has been withheld for more than two years. The Applicant stands retired on 31.05.2018 and after his retirement F.I.R. is registered against him under section 409 r/w 34 of Indian Penal Code 1860 therefore his some of the retrial benefits were withheld.

3. Issue notice before admission returnable on 05.01.2022.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.T.O.

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

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.

8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. to 05.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

M.A. No.487 of 2021 in O.A. No.644 of 2021

A.J. Sayyad .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri S.K. Hande, Applicant-in-Person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This M.A. is filed for restoration of O.A. No.644/2021 which was dismissed in default for non compliance of conditional order dated 27.08.2021. However, no application for Condonation of delay is filed thus in M.A. office has also raised objection but not complied with.

3. Learned Advocate for the Applicant submits that he will file Application for Condonation of delay.

4. Allowed to file M.A. within 7 days from today. If M.A. is not filed this M.A. will deemed to be dismissed for want of non-compliance of the Office objection.

5. If M.A. for delay is filed within 7 days in that event it be listed before Tribunal.

6. S.O. to 08.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

M.A. No.521 of 2021 in O.A. No.932 of 2021

S.R. Arte .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. This M.A. is filed for Condonation of delay of four years caused in filing O.A. No.932/21 wherein the Applicant prayed to quash and set aside order dated 23.06.2016 whereby recovery of excess amount of Rs.1,24,200/- (One Lakh Twenty Four Thousand and Two Hundred only) was effected from gratuity.

3. Issue notice before admission returnable on 05.01.2022.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.T.O.*

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

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.

8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. to 05.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

M.A. No.402 of 2021 in O.A. No.494 of 2021

M.P. Jamadar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri M.P. Jamadar, Applicant-in-Person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Enough chances are granted to learned P.O. to file Affidavit-in-Reply, however on the request of learned P.O. two weeks time is granted by way of most last chance to file Reply to M.A. and O.A.

3. S.O. to 15.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.57 of 2021

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

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

2. This matter is already proceeded for Hearing without reply by order dated 30.07.2021.

3. Today, however learned P.O. sought permission to file Affidavit-in-Reply on behalf of Respondent No.4, In the interest of justice allowed to file. It is taken on record. No reply is filed on behalf of Respondent No.1 to 3.

4. In so far as Respondent No.5 – Mrs. Rekha A. Devale-Bodhe is concerned, learned Advocate for the Applicant submits that she is already served and service affidavit along with acknowledgment is tendered in Office. If it is so, Office to verify the same and shall make necessary endorsement in the file.

5. Learned Advocate for the Applicant seeks two weeks time to file Rejoinder.

6. S.O. to 16.12.2021.

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

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: 01.12.2021

O.A. No.335 of 2020

S.M. Sathe .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Applicant and his Advocate both are absent.

2. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.

3. The Applicant has sent letter stating that he is enable to remain present today and requested to keep the matter on 10.12.2021. The Applicant is conducting the matter in person.

4. In view of his request letter dated 30.11.2021, adjourned to 10.12.2121 by way of last chance.

5. S.O. to 10.12.2021.

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

NMN

[P.T.O.

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

Date: 01.12.2021

O.A. No.874 of 2021

A.J.A.W. Kazi .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1 & 2. Today, Shri M.B. Kadam for intervener has also filed M.A. No.549/2021 to contend that intervener is necessary party.

3. Shri A.V. Bandiwadekar, learned Advocate for the Applicant prayed for interim relief which is kept open by order dated 29.10.2021.

4. Since, Government has already filed Affidavit-in-Reply the matter is ripe for Final Hearing at the stage of admission, therefore it would be appropriate to decide the O.A. on merit itself.

5. In so far as M.A. No.549/2021 is concerned, learned Advocate for the Applicant requested for three days time to file Reply *inter-alia* contending that intervener has no locus.

6. Three days time is granted to learned Advocate for the Applicant to file Reply to M.A.

7. O.A. be kept on 06.12.2021 for hearing at the stage of admission.

8. Matter is expedited.

9. S.O. to 06.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.597 of 2020

R.D. Ghane .....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. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record. Reply of Respondent No.1 is already filed.

3. On request of learned Advocate for the Applicant two weeks time is granted for filing Affidavit-in-Rejoinder, if any.

4. S.O. to 16.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.500 of 2021

H.G. Kulkarni & Ors. .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri R.G. Panchal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. On request of learned P.O. last chance is granted for filing Affidavit-in-Reply.

3. S.O. to 15.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.732 of 2021

N.A. Ashtekar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply by way of last chance.

3. S.O. to 16.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

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

Date: 01.12.2021

O.A. No.616 of 2021

V.L. Gadada .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant along with Shri K.R. Jagdale, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri C.T. Chandratre, learned Advocate for the Respondent Nos.3 & 4.

2. Today during the course of hearing learned P.O. sought permission to file short Affidavit of Respondents to produce minutes of Civil Service Board (C.S.B.) dated 09.08.2021. This is filed to controvert the argument made by learned Advocate for the Applicant that there is no approval of C.S.B. Indeed, there is reference to minutes of C.S.B. in the impugned order of transfer itself.

3. In view of above, Respondents are allowed to file Affidavit along with minutes of C.S.B. It be taken on record.

4. At this stage, learned Advocate for the Applicant also sought permission to file Additional Affidavit so as to issue raised of absence of notification as contemplated under section 7 of Transfer Act 2005. In the interest of justice allowed to file Additional Affidavit

5. Learned P.O. sought time to take instruction from the department about the issuance of notification issued which is raised now for the first time. She is allowed to filed short Affidavit along with Annexure, if any.

6. S.O. to 07.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.450 of 2021

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

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

2. On request of learned P.O. adjourned for hearing at the stage of admission.

3. S.O. to 22.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.958 of 2021

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

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

2. The Applicant has challenged order dated 25.11.2021 issued by Superintendent of Police, Kolhapur in his individual capacity whereby she is temporarily attached to control room, Kolhapur on the ground of default.

3. This matter was taken up for considering interim relief yesterday but on the request of learned P.O. it was adjourned for taking instructions from Respondents.

4. Today, learned P.O. submits that as per her instructions from Respondents there were complaint against the Applicant and on that ground Superintendent of Police, Kolhapur temporarily attached to control room, Kolhapur. She therefore sought to contend that it is not transfer but temporarily attachment for preliminary enquiry.

5. Admittedly impugned order has been passed by Superintendent of Police, Kolhapur in his individual capacity and not by P.E.B. it is also not clear what was the nature of complaint / allegation made against the Applicant. Needless to mention power of transfer even on compliant or administrative exigencies vest with P.E.B. in terms of Maharashtra Police Act. However in present case Superintendent of Police, Kolhapur in his individual capacity passed the order of temporarily

[P.T.O.

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

attachment which has effect of shifting of the Applicant from Wadgaon to Control Room, Kolhapur.

6. The period of alleged temporary attachment is also not mentioned in impugned order.

7. As such prima facie under the garb of temporary attachment by way of punishment, the Applicant is displaced only to circumvent provision of Maharashtra Police Act.

8. In view of above, implementation of impugned order dated 25.11.2021 is stayed till filing of Reply.

9. Issue notice before admission returnable on 13.01.2022.

10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

11. 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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

12. 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.

13. 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.

14. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

15. S.O. to 13.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.461 of 2020

D.J. Ambilwade .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri D.J. Ambilwade, Applicant-in-Person and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The Applicant was suspended by order dated 30.03.2011 under contemplation of Departmental Enquires (D.E.) for certain misconduct. However, later by order dated 03.11.2012 suspension was revoked and he was reinstated in service. In the mean time, D.E. was initiated by charge-sheet dated 02.11.2011. Inquiry authority has submitted report on 29.01.2018 to the effect charge No.1, 2 & 4 are not proved but charge No.3 & 5 are partially proved. The Applicant was directed to submit his explanation and copy of Report was served upon him. The Applicant gave reply taking defence that the enquiry report holding him guilty is not correct. However, since then no steps has been taken in respect of final order in D.E.

3. Government by order dated 21.01.2016 has taken decision to the effect that his suspension period will be considered for pension purpose and pay and allowances were restricted to 75% for the said period. It is further stated in the order that final decision about regularization of suspension will be taken after final order in D.E.

[P.T.O.

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

4. The Applicant has raised grievances that though inquiry authority has submitted report in 2018 no final order is passed in D.Es. and his claim for pay and allowances of suspension period is kept in abeyance. It is on this background he filed the present O.A. for direction to the Respondents to regularize period of suspension and for remaining 25% pay and allowances.

5. Learned C.P.O. submits that since there are other D.Es as well as criminal case pending against the Applicant decision was taken by the disciplinary authority to wait till the conclusion of those D.Es and criminal case.

6. However, no such records except pleading in reply is forthcoming. It is necessary to see what is exact decision taken by the Government in this behalf. Learned C.P.O. is therefore directed to produce the file.

7. No reply is filed by Government and Reply is on record is on behalf of Respondent No.2. Infact it was for the Respondent No.1 – Government to file Reply and to make their stand clear about the decision it had taken.

8. One week time is granted to file Affidavit-in-Reply along with concerned noting file.

9. The Applicant states that matter be kept in January since he needs to undergo Eye surgery.

10. S.O. to 07.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLICATION NO.916 OF 2019

S.D. Haral & Ors. **....Applicants**

Vs.

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

Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants.

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Ms. Mridula Bhatkar, Chairperson.
Ms. Medha Gadgil, Member (A)

DATE : 01.12.2021

PER : Justice Ms. Mridula Bhatkar, Chairperson

O R D E R

1. Applicants seek relief that the order dated 17.07.2019 and 24.07.2019 are to be set aside qua the Petitioners informing that they are not eligible to compete with the post of Range Forest Officer by way of direct recruitment since their educational qualification of B.E. (Information Technology) is not provided in paragraph 5.4.2 of the Examination Notification. Both the applicants had appeared for the examination for the post of Range Forest Officer (RFO) in the year 2019 examination.

2. The Advertisement date for Preliminary Examination is 15.03.2018 and the Advertisement date for the main Examination

is 12.09.2018 and the names of the Applicants appeared in the select list dated 24.05.2019.

3. For Range Forest Officer, Applicant No.1, who appeared in Open Female Category secured 228 marks, while the candidate from Open Female who secured 224 was recommended. Applicant No.2 who appeared in S.C. (General) category had secured 211 marks, while the candidate from S.C. (General) category who secured 208 marks was recommended.

4. Though there was a common examination for the post of Assistant Conservator Forest, Applicant No.1 had secured 228 marks against the cut-off marks of 243. Hence, she was not eligible and does not claim appointment for the post of Assistant Conservator of Forest. Applicant No.2 has secured 211 marks against the cut-off marks of 240 and therefore he also does not claim appointment for the post of Assistant Conservator of Forest. Hence both the applicants never claim of Assistant Conservator Forest in their respective categories.

5. In the judgment of M.A.T. Nagpur Bench dated 13.04.2020 passed by the Division Bench in O.A.No.466/2019, Gaurav Gulbarao Ganvir Versus State of Maharashtra, through its Secretary Ministry for Revenue and Forest, Department. There is a G.R. of equivalence of the education dated 18.10.2016 (page 35) wherein the Government has taken on policy decision to treat the degree in the Engineering Department as equivalent to some degrees. As per Clause 6 of the G.R. in the table under the

discipline of Computer Engineering / Information Technology, the equivalence discipline are shown under the Computer Science and Engineering Degree Information Technology is shown equivalent and both the applicants hold the degree in Engineering in the discipline of Information Technology.

6. The main advertisement, paragraph 5.4.2 for Range Forest Officer wherein the computer application and computer science and engineering is mentioned. In the case of O.A.No.466/2019 he applied for Automobile Engineering of B.E. and as per the advertisement, Engineering in discipline of Chemical/ Structural/ Civil/ Computer/ Electrical/ Electronics / Mechanical / Computer Science Engineering etc. it was held that in the case of Mr. Ganvir, the Respondent-State has taken stand that the Mechanical Engineering is different from Automobile Engineering. However, G.R. dated 18.10.2016 was relied by the Division Bench of Nagpur where the State of Maharashtra has taken policy decision and clarified that the degree in Automobile Engineering is equivalent to Mechanical Engineering and thus based on the said G.R. O.A.No.466/2019 was allowed.

7. The learned C.P.O. relies on the affidavit-in-reply dated 22.01.2020 on behalf of Respondents No.2 & 3 through Mr. Sopan Rambhaji Girhe, Administrative Officer, office of Chief Conservator of Forest. She further relies on point No.8, Educational Qualification of Entrance and Training Rules (Revised) 2004, for Forest Range Officers, Notification, Published in Part II, Section 3, Sub-Section (i) of the Extraordinary Gazette of India Vide GSR

No.466(E), dated 22.07.2004. She further relies on the affidavit-in-sur-rejoinder dated 29.06.2021 on behalf of Respondents No.2 & 3 through Mr. Sopan Rambhaji Girhe, Administrative Officer, office of Chief Conservator of Forest.

8. During the course of arguments learned Advocate referred to G.R. dated 18.10.2016 about regarding equivalence of the syllabus of Engineering and Technology. He argued that the said G.R. while it was referred by the Nagpur Bench in O.A.No.466/2019, was not applicable for the teaching faculty, could be extended to all other Department in matters of recruitment. We request the Director, Higher and Technology Education to clarify whether the said G.R. of equivalence could be extended to the other Departments of the State with regard to equivalence for the recruitment.

9. Adjourned 12.01.2022.

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
	C.A. No.45 of 2019 in O.A. No.651 of 2018 R.V. Somane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Applicant and Advocate both are absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Ld. CPO to find out the latest position. 3. S.O. to 8.12.2021 Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 1.12.2021 1.12.2021 (sgj)

(G.C.P.) J 2737 (50,000—4-2019)

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: 01.12.2021

O.A. No.638 of 2021

H.S. Potdar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Learned Advocate for the Applicant submits that Affidavit-in-Rejoinder is under preparation and the same will be filed during the course of the day. Statement is accepted. It be taken on record.

3. O.A. be kept for hearing at the stage of admission.

4. S.O. to 06.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

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: 01.12.2021

O.A. No.648 of 2021

M.M. Thakur .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Today learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent. It is taken on record.

3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.

4. S.O. to 16.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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: 01.12.2021

O.A. No.634 of 2021

S.V. Hitare .....**Applicant**

Versus

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

1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Today learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1 to 3. It is taken on record.

3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.

4. S.O. to 15.12.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

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

01.12.2021

M.A 43/2018 in O.A 1103/2017 with M.A 511/2021

Shri S.S Chavan ... 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. The applicant seeks compliance of the order dated 7.12.2016 passed by this Tribunal in O.A 742/2016 that he is to be promoted to the post of Executive Engineer (Mechanical).

3. Learned counsel for the applicant submits that the Tribunal has given specific order that on the post of reservation he is to be promoted in NT(B) category. The said order of the Tribunal was not implemented till 4.8.2017 when the Hon'ble Bombay High Court passed order dated 4.8.2017 in The State of Maharashtra & Ors Vs. Shri Vijay Ghogare & Ors, Writ Petition No. 2797/2015 and ors, while dealing with the legality of G.R dated 25.5.2004, wherein the Hon'ble High Court held that the said G.R was void and quashed it and set aside and further held that there is no reservation policy in promotion at all stages. In view of the judgment of the Hon'ble Bombay High Court, the Respondent-State has stopped the implementation of the order of this Tribunal dated 7.12.2016 and now the Respondents are going to issue orders of promotion to six posts of Executive Engineer, which is to be stayed.

4. Learned C.P.O while opposing the Original Application has submitted that affidavit in reply is already filed. However, the prayer made in the Misc Application is the same, which is made in the Original Application. Therefore, deciding the Misc Application is as good as deciding the Original Application. She therefore submits that she wants time to file affidavit in reply to the Misc Application. She submits that the delay in implementation of the order of the Tribunal from December, 2016 till August 2017 is explained in detail in the affidavit in reply.

5. Be that as it may. We have considered the submissions of the learned counsel for both the sides. In view of the order passed by this Tribunal, which is in force, the Respondent-State may issue the orders of promotion of five Executive Engineers, and keep one post of Executive Engineer vacant till the decision in the Original Application.

6. S.O to 15.12.2021.

Sd/-

(Medha Gadgil)
Member (J)

Sd/-

(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

O.A. No.919 of 2015

S.T. Khade ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for Respondents No.1 & 2 and Shri B.A. Bandiwadekar, learned Advocate for Respondent No.3.

2. Whether eligibility in the advertisement dated 20.1.2015 for the post of Data Entry Operator is consistent with Rule 2 of Rules dated 7.2.1997?

3. The respondents are directed to answer this point.

4. S.O. to 13.12.2021. Ld. PO is directed to furnish copy of affidavit in reply of the State to the Ld. Advocate for the applicant on or before 9.12.2021.

Sd/-

(Medha Gadgil)
Member (A)
1.12.2021

Sd/-

(Mridula Bhatkar, J.)
Chairperson
1.12.2021

(sgj)

[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

O.A. No.349 of 2021

V.E. Mhatre ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO seeks time to file reply.

3. S.O. to 15.12.2021. Interim relief to continue.

Sd/-

Sd/-

(Medha Gadgil) Member (A) 1.12.2021

(Mridula Bhatkar, J.) Chairperson 1.12.2021

(sgj)

(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

O.A. No.158 & 223 of 2021

M.M. Dawane & Ors.
A.V. Dudhal & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants in OA No.223 of 2021, Shri Yogesh Morbale i/b. Shri Vinod Sangvikar, learned Advocate for Respondent no.16 in OA No.158 of 2021 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO submits that reply has been filed in both the matters. Ld. Advocate Shri Yogesh Morbale submits that reply is filed by Respondent No.16 in OA No.158/2021.

3. Other respondents have not filed the reply.

4. S.O. to 25.1.2022 for filing reply by way of last chance.

Sd/-
(Medha Gadgil)
Member (A)
1.12.2021

Sd/-
(Mridula Bhatkar, J.)
Chairperson
1.12.2021

(sgj)

[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
	C.A. No.4 of 2020 in O.A. No.1119 of 2015 Dr. B.M. Lad ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Ms. Poushali Roychoudhary i/b Talekar & Associates, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. PO seeks time to file reply. 3. S.O. to 12.1.2022 by way of last chance. Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 1.12.2021 1.12.2021 (sgj)

[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

C.A. No.44 of 2019 in O.A. No.1134 of 2016

B.R. Nalawade & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO submits that SLP filed in the above matter is listed before the Hon'ble Supreme Court and seeks time.

3. S.O. to 12.1.2022.

Sd/-

(Medha Gadgil)
Member (A)
1.12.2021

Sd/-

(Mridula Bhatkar, J.)
Chairperson
1.12.2021

(sgj)

[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

O.A. No.257 of 2020

Ujwala D. Thorat & Anr. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. Advocate for the applicants produces written instructions dated 27.11.2021 and 29.11.2021 from the both the applicants and seeks leave to withdraw the above OA.

3. Written instructions are taken on record and marked Exhibit 'A' for identification.

4. Leave granted. OA is allowed to be withdrawn and disposed off as such.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)
1.12.2021

(Mridula Bhatkar, J.)
Chairperson
1.12.2021

(sgj)

[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

O.A. No.879 of 2021

R.T. Jagtap ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri S.K. Hande, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief 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 19.1.2022. 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 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.

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.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
1.12.2021 1.12.2021

(sgj)

[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

O.A. No.938 of 2021

D.B. Vaishnav ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.A. Desai with Ms. Surbhi Agrawal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief 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 12.1.2022. 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 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.

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.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
1.12.2021 1.12.2021

(sgj)

[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

30.11.2021

M.A 258/2021 in O.A 371/2021

Shri P.G Dhavalikar ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. The present M.A is filed seeking condonation of delay in filing the Original Application.

3. Learned P.O files affidavit in reply opposing the Misc Application seeking condonation of delay.

4. Learned counsel for the applicant submits that the cause of action arose on 9.4.2020. Hence, there is no delay in filing the present Original Application in view of the directions of the Hon'ble Supreme Court in M.A 665/2021 in Suo Moto W.P (Civil) No. 3/2020 dated 23.9.2021.

5. In view of the above, there is no delay in filing the Original Application.

6. Misc Application stands disposed of.

Sd/- Sd/-

(Medha Gadgil)
Member (J)

(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.