

**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
	<p><b>Date : 02.05.2019.</b></p> <p align="center"><b>O.A.No.304 of 2019</b></p> <p><b>S. V. Pawar</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the challenge is to the transfer order dated 19.01.2019 whereby the Applicant who is Group 'D' employee has been transferred from Nashik to Nagpur and was also directed to vacate the quarter within three days. The Tribunal by order dated 27.03.2019 has already granted interim protection in respect of vacation of quarter.</p> <p>3. The Respondents have filed reply and the matter is ripe for final hearing. However, in view of ensuing vacation, it is not possible to hear the matter finally and pass the judgment as only one working day is left. Therefore, learned Advocate for the Applicant has requested for grant of interim relief.</p> <p>4. Learned Advocate for the Applicant has pointed out that it being mid-term and mid-tenure transfer there has to be compliance of provisions of section 4(4) (2) and 4(5) read with section 5(3) of Transfer Act, 2005. He has pointed out that the Applicant being Group 'D' employee, Regional Head of the Department is only competent authority and there is no notification of declaration of competent authority as contemplated under section 6 of Transfer Act, 2005. He has further emphasized that there is no approval of Civil Services Board (CSB) and, therefore, the Impugned transfer order is prima-facie unsustainable in law.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Whereas Shri A. J. Chougule, learned P.Q. sought to contend that in view of serious complaints of behavior, the transfer of the Applicant was necessitated. He fairly concedes that there is no approval of CSB. However, he sought to urge that the Respondent No.1 is Competent Authority to transfer the Applicant.</p> <p>6. The Applicant is working as Ward Boy in ESIS Hospital, Satpur, Nashik. As such, he falls in Group 'D' category. As per section 3(2), employee in Group 'D' shall normally are not subjected to fix tenure and they shall not be transferred out from the station where they are serving except on request when a clear vacancy exists at the station where posting is sought, or on mutual transfer, or when a substantiated complaint of serious nature is received against him. Perusal of O.A. reveals that he was transferred on account of huring abuses to women near his quarter and reporting once late on duty.</p> <p>7. In the present matter, the Applicant has been transferred from Nashik to Nagpur which is out of region and far away from Nashik. Even assuming that there are substantiated complaint of serious nature against the Applicant there has to be approval of CSB which is admittedly not taken. Beside, the transfer order seems to have been passed by the Respondent No.1 who is Head of the Department. Whereas for Group 'D' employee, Regional Head of the Department is Competent Authority. Apart there is no notification declaring the Respondent No.1 as Competent Authority. This being the position, prima-facie the impugned transfer order is in defiance of provisions of Transfer Act, 2005.</p> <p>8. In view of above, interim relief is granted in terms of prayer clause 10(a) of Original Application.</p> <p>9. Hamdast and steno copy is allowed.</p> <p>10. S.O. to 12.06.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurnekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

of 20

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Original Application No.

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 02.05.2019.
	<p align="center"><b>O.A.No.213 of 2019 with O.A. No.235 of 2019</b></p> <p><b>P. N. Lohakare &amp; Ors. (OA 213/19)</b>  <b>R. K. Jamdare (OA 235/19)</b> .....Applicants  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant in O.A.No.213/2019, Shri C.T. Chandratre, learned Advocate for the Applicant in O.A. No.235/2019 and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In present Original Applications, the Applicants are seeking repatriation to Thane, District in terms of orders dated 27.06.2018 and 17.07.2018. The Applicants were serving in the office of District Collector, Thane but they were temporarily deputed in Paighar Oistrict. They were to be repatriated in terms of G.R. dated 19.08.2016.</p> <p>3. In similar situation, this Tribunal in O.A.No.09/2019 has given directions to the District Collector, Paighar to relieve the Applicants therein within eight weeks from the date of order which was passed on 25.02.2019.</p> <p>4. Today, in the morning session, M.A.No.223/2019 was filed in O.A.No.09/2019, whereby the learned P.O. has sought extension of time for the compliance of direction given in the order dated 25.02.2019 citing administrative difficulties for implementation of order as well as on the ground that department also contemplates to challenge the order dated 25.02.2019 in higher forum. Accordingly, four weeks time is granted for compliance of order dated 25.02.2019. In so far as these two O.As are concerned, on last date, the matter was adjourned to apprise the Tribunal about the proposed steps by Collector, Paighar.</p>

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

Tribunal's orders

5. Today, learned P.O. submitted that in vacation, the Collector, Palghar<sup>4</sup> likely to solve the administrative difficulties so as to relieve the Applicants and, therefore, requested for four weeks time.

6. As stated above, in O.A.No.09/2019, four weeks time was already granted to implement the order passed in O.A.No.09/2019. In view of above, four weeks time is again granted to Collector, Palghar to take necessary steps so as to relieve the Applicants from the office of Collector, Palghar and to enable them to join in Thane, District else the matter will be disposed of by passing judicial order.

7. As regard O.A. No.235/2019, learned Advocate for the Applicant submitted that the Applicant's wife is suffering from Schizophrenia and, therefore, his earliest repatriation is necessary. The Collector, Palghar is, therefore, directed to consider his difficulty within next four weeks and shall pass appropriate order.

8. In view of above, the matters are adjourned for hearing on 12.06.2019.

Sd/-

(A.P. Kurnekar)  
Member(J)

vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Date : 02.05.2019. Tribunal's orders O. A. No.332 of 2019
	<p>L. M. Kamble .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the Applicant has challenged the impugned order dated 14.01.2019 whereby the Applicant has been declared medically unfit and invalid pension has been granted Invoking the Rule 68 of the Maharashtra Civil Services (Pension) Rules, 1982.</p> <p>3. Learned Advocate for the Applicant has pointed out that in view of the provisions of Rights of Persons with Disabilities Act, 2016, the Applicant cannot be made to retired on medical ground as he has acquired disability during service and, therefore, he has entitled to be continued on the same post or by creating supernumerary post till he attain the age of superannuation. He has also invited my attention to Section 20 (4) of Rights of Persons Disabilities Act, 2016 which is in pari materia with section 47 of "The Persons with the Disabilities (equal Opportunities, Protection of Rights and Full Participation) Act, 1995 which stands repealed in view of implementation of Rights of Persons with Disabilities Act, 2016.</p> <p>4. Learned P.O. is, therefore, directed to bring this aspect to the knowledge of the Respondents so as to take appropriate steps in accordance to law.</p> <p>5. On the request of learned P.O., four weeks time is lastly granted for filing reply as well as to take appropriate steps as directed above in accordance to rule.</p> <p>6. Hamdast and steno copy is granted.</p> <p>7. S.O. to 10.06.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

Date : 02.05.2019.

M. A. Nos.244, 245, 246, 247, 248, 249, 250, 251, 252, 253,  
254, 255, 256 of 2019

in

O. A. Nos.1080, 1081, 1082, 1083, 1098, 1099, 1100, 1103,  
1104, 1105, 1106, 1107, 1101 of 2018

Arun S. Kharbude & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

...Respondents.

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

2. Issue notice before admission returnable on 11.06.2019.

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

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 M.As.. 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.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Misc. Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 11.06.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 02.05.2019.</b></p> <p style="text-align: center;"><b>O.A.No.860 of 2018</b></p> <p><b>S. B. Kamble</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The present O.A. is filed for regularization of suspension period. The learned P.O. for the Respondent has pointed out that the Government by order dated 21.04.2018 has already decided that the suspension period of the Applicant cannot be regularized except for the purpose of pensionary benefits. However, this order dated 21.04.2018 has not been challenged by the Applicant in O.A.</p> <p>3. The statement made by the learned Advocate that the order dated 21.04.2018 was not served upon the Applicant is apparently incorrect as there is acknowledgment of the Applicant on the order dated 21.04.2018. He has received the copy of order on 25.05.2018 whereas the O.A. has been filed on 24.09.2018. the Applicant thus sought to have challenged the final order passed by the Government on 21.04.2018.</p> <p>4. However, in the interest of justice and to decide the matter on merit permission is granted to Applicant to amend the O.A. so as to challenge the impugned order dated 21.04.2018.</p> <p>5. Amendment be carried out within a week.</p> <p>6. S.O. to 10.06.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 02.05.2019</b></p> <p><b>M. A. No.223 of 2019 in O.A.No.09 of 2019</b></p> <p><b>The State of Maharashtra &amp; Ors. ....Applicants</b> <b>(Ori. Respondents)</b></p> <p><b>Versus</b></p> <p><b>S. M. Gadhaave &amp; Ors. ...Respondents.</b> <b>(Ori. Applicants)</b></p> <p>1. Heard Shri A. J. Chougule, learned Presenting Officer for the Applicants (Ori. Respondents) and A. V. Bandiwadekar, learned Advocate for the Respondents (Ori. Applicants)</p> <p>2. In O.A. No.09/2019, the directions were issued to Collector, Paigdar to relieve the Applicants within eight weeks by order dated 25.02.2019. The Applicants were deputed temporarily in Paigdar District and were seeking repatriation to Thane District. By order dated 27.06.2017 and 17.07.2017, the Applicants were temporarily shifted to Paigdar District with clear condition that they will be again taken back in Thane as per seniority list and they will have lean on their post held in Thane District. The Collector, Thane was ready to accommodate on his establishment but the Collector, Paigdar did not relieve them. It is on this background, the O.A. was disposed of with direction to Collector, Paigdar to relieve the Applicant within eight weeks.</p> <p>3. Shri A. J. Chougule, learned P.O. for the Applicants (Ori. Respondents) submitted that due to administrative difficulties, the Respondents (Ori. Applicants) could not be relieved within time granted by the Tribunal. At the same time, the matter seems to be under process for filing W.P. against the order passed by this Tribunal in D.A.No.09/2019.</p>



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

Tribunal's orders

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4. Shri A.V. Bandiwadekar, learned Advocate for the Respondents (Ori. Applicants) opposes the Application contending that more than enough time was granted to Collector, Palghar to implement the order.

5. The Respondents (Ori. Applicants) were temporarily deputed in Palghar District on the post of Sr. Clerk. It appears that the Collector, Palghar has initiated process to promote some of the employees who were working on his establishment so as to replace the Respondents (Ori. Applicants). True, the steps ought to have been taken in right earnest to promote deserving candidates from the establishment of Palghar District so that the Respondents (Ori. Applicants) could be repatriated to their original place in Thane District. Ongoing general elections are cited one of the reason for non-completion of promotional process. As such, in view of these difficulties put forth by the Collector, Palghar, I am inclined to grant four weeks time to implement the order passed by this Tribunal on 25.02.2019. No further extension will be granted.

6. In view of above, Misc. Application is accordingly disposed of with no order as to costs.

Sd/-

✓  
(A.P. Kurhekar)  
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

W.A./C.A. No. \_\_\_\_\_ of 20\_\_\_\_

Continuation Application No. \_\_\_\_\_ of 20\_\_\_\_

**VERAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 02.05.2019.</b></p> <p align="center"><b>O.A.No.1013 of 2018 with O.A. No.18 of 2019</b></p> <p><b>S. A. Patil</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ..Respondents.</p> <p>1. The Applicant is absent. Heard Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. As per order passed by this Tribunal on 25.04.2019, today learned P.O. is present along with Logbook of relevant period. She wants to produce the same on record along with short affidavit. However, she sought time for filing short affidavit along with copies of Logbook.</p> <p>3. The matter is adjourned to 06.06.2019 for filing short affidavit and Logbook of the relevant period.</p> <p>4. S.O. to 06.06.2019.</p> <p align="right">Sd/-</p> <p align="right"><b>(A.P. Kurhekar)</b> Member(J)</p>

Date : 02.05.2019.

O.A.No.59 of 2019

P. B. Gurav

....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. In the present O.A., the Applicant has sought limited relief to modify the transfer order dated 31.05.2017, qua the Applicant and to post him at Sangali. Though the Applicant was transferred by order dated 31.05.2017 he was relieved only on 05.01.2019 to give suitable posting at Sangali.
3. Learned Advocate for the Applicant on the above background submitted that the O.A. be disposed of with suitable direction to Respondent No.2 to consider the Applicant's representation dated 05.01.2019 in ensuing general transfers of 2019 which are due in this month.
4. In view of above, the O.A. is disposed of with direction to the Respondent No.2 to consider the representation of the Applicant dated 05.01.2019 in accordance to rules.
5. Hamdast and steno copy is allowed.
6. No order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

O.A./C.A. No. \_\_\_\_\_ of 20\_\_\_\_

IN

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

**PARAD CONTINUATION SHEET No.**

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

Tribunal's orders

Date : 02.05.2019.

O.A.No.303 of 2019

M. N. Tosare

...Applicant

Versus

The State of Maharashtra &amp; 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, the learned P.O. for the Respondents has filed reply on behalf of the Respondent. It is taken on record.
3. The matter is adjourned for hearing at the stage of admission.
4. S.O. to 03.06.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Writ Petition/Original Application No. \_\_\_\_\_ of 20\_\_\_\_

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Continuation Application No. \_\_\_\_\_ of 20\_\_\_\_

**PARAD CONTINUATION SHEET No.**

<p>Case Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Directions and Registrar's orders</p>	<p>Tribunal's orders</p>
	<p>Date : 02.05.2019.</p> <p align="center"><b>O.A.No.409 of 2019</b></p> <p><b>Dr. B. H. Tadvil</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent. It is taken on record.</p> <p>3. On the request of learned Advocate for the Applicant, time is granted for filing Rejoinder.</p> <p>4. S.O. to 04.06.2019.</p> <p align="right">Sd/-</p> <p align="right"><b>(A.P. Kurhekar)</b> Member(I)</p>

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

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

**VERAD CONTINUATION SHEET No.**

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

Tribunal's orders

Date : 02.05.2019.

O.A.No.1000 of 2018

L. G. Lonkar & Ors.

....Applicants

**Versus**

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent Nos.2, 3, 5 and 6. It is taken on record. No reply is filed by Respondent Nos.1 and 4.
3. On the request of learned Advocate for the Applicant time is granted to file Rejoinder.
4. S.O. to 10.06.2019.

Sd/-

**(A.P. Kurhekar)  
Member(J)**

vsrh

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

C.A./C.A.N

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**PARAD CONTINUATION SHEET No.**

File Notes, Office Memoranda of Coram, Appearance Tribunal's orders or Directions and Registrar's orders	Tribunal's orders
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Date : 02.05.2019.

O.A.No.339 of 2019

S. S. Jatkar

...Applicant

Versus

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

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Today, the learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record.
3. The matter is adjourned for hearing at the stage of admission.
4. S.O. to 04.06.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 02.05.2019.

O.A.No.1135 of 2018

**F. B. Mulla** ...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. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent Nos.2, 3 and 4. It is taken on record.
3. On the request of learned Advocate for the Applicant, time is granted for filing Rejoinder as well as for reply on behalf of the Respondent No.1, if any.
4. S.O. to 12.06.2019.

Sd/-

  
 (A.P. Kurhekar)  
 Member(J)

vsm



Date : 02.05.2019.

O.A.No.217 of 2019

V. J. Kamble

....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. In the present O.A., the Applicant who is retired from service in 2018 is seeking direction to grant of retiral dues as well as medical reimbursement claim etc. It seems that three Departmental Enquiries were initiated against him before retirement and those are continued after his retirement. Department Enquiries are still pending.

3. Learned Advocate for the Applicant has pointed out that only gratuity and regular pension can be withheld till conclusion of D.E. proceeding but there is no provision to withhold the medical reimbursement bill and travelling allowance of the Applicant which are pending with the department for a long time. He has invited my attention to Page No.76 of the Paper-Book which shows that the medical bills and one travelling allowance bill is pending with the department for long time. Beside, leave encashment is also not paid.

4. Respondent Nos.1 and 2 are, therefore, directed to take necessary steps in respect of medical reimbursement bill and travelling allowance bill payable to the Applicant and shall pass appropriate order in accordance to rules. If the Applicant is entitled to the same, it be processed and released within four weeks.

5. Hamdast and steno copy is allowed.

6. S.O. to 03.06.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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<p>... Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Directions and Registrar's orders</p>	<p align="center">Tribunal's orders</p>
	<p><b>Date : 02.05.2019.</b></p> <p align="center"><b>O.A.Nos.207 of 2019 with 211 of 2019</b></p> <p><b>P. K. Hile</b> <b>S. M. Awalkanthe</b> <span style="float: right;"><b>...Applicants</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadkar, learned Advocate for the Applicants. Shri A. J. Chougule, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent No.1 and Shri M. D. Lonkar, learned Advocate for the Respondent No.2.</p> <p>2. Shri M. D. Lonkar, learned Advocate for the Respondent No.2 submitted that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted. It is taken on record.</p> <p>3. These two Original Applications along with O.A. No.206/2019 be kept for hearing at the stage of admission.</p> <p>4. S.O. to 18.06.2019.</p> <p align="right">Sd/- <b>(A.P. Kurhekar)</b> <b>Member(I)</b></p>

Date : 02.05.2019.

O.A.No.135 of 2019

L. R. Ghavate .....Applicant  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant has prayed for limited relief of direction to the Respondents to decide his representation dated 30.06.2016 within stipulated time for absorption in service.
3. The Applicant is working as Muster Assistant since 1992 and he had made representation dated 30.06.2016 for absorption in service. The copy of representation is at page No.19. It appears that in turn, the Government by its letter dated 23.12.2016 asked for some information from the Collector, Solapur as seen from letter at page No.20 of the Paper-Book. However, no further steps have been taken by the department and, therefore, the Applicant has approached this Tribunal for decision on his representation dated 30.06.2016.
4. Learned Advocate for the Applicant urged that in the seniority list the name of the Applicant is appearing at Sr. No.115 and he ought to have been absorbed in service considering his seniority.
5. In view of above, the O.A. can be disposed of with suitable directions. Hence the following order.

**ORDER**

- (A) The Original Application is disposed of with direction to the Respondents to decide the representation of the Applicant dated 30.0.2016 in accordance to law within two months from today.
- (B) The decision, as the case may be, be communicated to the Applicant within two weeks thereafter.
- (C) If the Applicant felt aggrieved by the decision, he may take recourse of law.
- (D) No order as to costs.

Sd/-

(A.P. Kurhekar)  
Member/1

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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**PARAD CONTINUATION SHEET No.**

<p>ice Notes, Office Memoranda of Coram. Appearance Tribunal's orders or directions and Registrar's orders</p>	<p align="center">Tribunal's orders</p>
	<p><b>Date : 02.05.2019.</b></p> <p align="center"><b>O.A.No.302 of 2019</b></p> <p><b>A. P. Galkwad</b> <span style="float: right;"><b>....Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri C. T. Chandratre, learned Advocate for the Applicant and Shri A. J. Chougule holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. for the Respondents submitted that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 18.06.2019.</p> <p align="right">Sd/-</p> <p align="right">▼ (A.P. Kurhekar) Member(J)</p>

vsm

Date : 02.05.2019.

O.A.No.123 of 2019

S. Y. Pawar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri G. B. Pawar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant is seeking interest on delayed retiral dues. He had made representation to Respondent No.1 on 07.09.2018 in pursuance of it the Government by letter dated 26.11.2018 asked for certain information from the Respondent No.4. However, nothing happen thereafter, therefore, the Applicant has filed the present O.A.
3. Thus, the representation made by the Applicant dated 07.09.2018 is not yet decided. Beside the Respondents have also not filed reply to this O.A.
4. On the request of learned P.O. four weeks time is granted to Respondent No.1 to 5 to file reply.
5. In the meantime, the Respondent No.1 is directed to decide the representation dated 07.09.2018 made by the Applicant and to pass appropriate order in accordance to rules. The decision as the case may be, be communicated to the Applicant as well as the Tribunal be apprised about the decision taken by the Respondent No.1.
6. Hamdast and stenp copy is allowed.
7. S.O. to 10.06.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./C.A.N

of 20

Original Application No.

of 20

**PARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.05.2019.</p> <p align="center"><b>O.A.No.77 of 2019</b></p> <p><b>K. P. Kapse &amp; Ors.</b> .....Applicants</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ..Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted for filing reply but not filed. On previous two dates, last chance was granted but in vain. This O.A. has been filed on 21.01.2019 and since then enough time has been granted but the Respondents seems not interest in filing reply though enough time is availed.</p> <p>3. Hence, the matter <del>is processed</del> <sup>to proceed</sup> without reply and <del>be</del> kept for hearing at the stage of admission.</p> <p>4. S.O. to 17.06.2019.</p> <p align="center">^ Sd/-</p> <p align="center"><b>(A.P. Kurhekar)</b> Member(J)</p>

vsm

Date : 02.05.2019.

O. A. No.442 of 2019

T. F. Nagvekar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri U. V. Bhosale, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 13.06.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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 D.A.. 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.
7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 13.06.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

Date : 02.05.2019.

O. A. No.443 of 2019

V. S. Ballal

....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. Issue notice before admission returnable on 04.06.2019.

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

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.. 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.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 04.06.2019.

Sd/-

v  
(A.P. Kurhekar)  
Member(J)



# 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 <u>O.A. No.817 of 2018</u>
<p><b>DATE:</b> <u>25/19</u></p> <p><b>CORAM:</b>  <del>Hon'ble Justice P. N. Joshi (Chairman)</del>  <del>Hon'ble Justice P. N. Joshi (Member) A</del>  <u>P. N. Joshi</u></p> <p><b>APPEARANCE:</b>  <u>Shri/Smt. Sonali Humane for P. Todankar</u>  Advocate for the Applicant  <u>Shri/Smt. S.P. Manchekar</u>  C.P.O./ P.O. for the Respondent/s</p> <p><b>Ad. To:</b> <u>12/6/19.</u></p> <p style="text-align: right;"><u>P</u></p>	<p>R. V. Khandekar ..Applicant  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. Sonali Humane, learned Advocate holding for Ms. Ranjana Todankar, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Id. CPO seeks additional four weeks time to file reply.</p> <p>3. S.O. to 12.6.2019.</p> <p style="text-align: right;">Sd/-  (P.N. Dixit)  Member (A)  2.5.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.14 of 2018
<p>DATE: <u>25/19</u></p> <p><del>Chairman</del></p> <p><del>Member (A)</del></p> <p><del>Member (A)</del></p> <p>APPEARANCE</p> <p>Shri <u>M.B. Kadam for P.V. Patil</u></p> <p>Advocate</p> <p>Shri <u>S.P. Manchekar</u></p> <p>C.P.O./P.O. for applicant</p> <p>Adv. To <u>1216119</u></p> <p><u>reply filed by respondent no.2</u></p>	<p>Dr. R.S. Shinge ..Applicant</p> <p>Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri M.B. Kadam, learned Advocate holding for Shri P.V. Patil, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Id. CPO files reply on behalf of respondent no.2 and the same is taken on record.</p> <p>3. Id. Advocate for the applicant seeks time to file rejoinder and requests that the matter may be adjourned to 12.6.2019.</p> <p>4. S.O. to 12.6.2019.</p> <p style="text-align: right;">Sd/- :</p> <p style="text-align: right;">(P.N. Dixit) Member (A) 2.5.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.1133 of 2018
<p><b>DATE:</b> 26/19</p> <p><b>CORAM:</b> Hon'ble Justice _____ (Chairman) Hon'ble Shri _____ (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. Harsh Nishar for P.R. Deshpande Advocate _____ Smt. S.P. Manchekar C.P.O. / P.O. for the Respondent/s</p> <p>Adm. To: Admit to come up for final hearing in due course with liberty to circulate.</p> <p style="text-align: right;"><i>l</i></p>	<p>B.A. Kale &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Harsh Nishar, learned Advocate holding for Shri A.R. Deshpande, learned Advocate for the Applicants and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Id. Advocate for the applicant files rejoinder and the same is taken on record.</p> <p>3. Admit. To come up for final hearing in due course with liberty to circulate.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 2.5.2019</p> <p>(sgl)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.1092 of 2018
<p><u>DATE</u> 4/5/19</p> <p><u>CORAM</u></p> <p>Hon'ble Justice <del>Shri. M. J. ...</del> (Chairman)</p> <p>Hon'ble Justice <del>Shri. ...</del> (Member) A</p> <p><u>AFFIDAVIT</u></p> <p>Shri/Shri Applicant and Advocate are absent.</p> <p>Advocate <del>...</del></p> <p>Shri /Smt S. P. Mandekar</p> <p>C.P.O / P.O. for the Respondent/s</p> <p>Ad. To 3/5/19 at the request of Ld. CPO.</p> <p style="text-align: right;">2</p>	<p>B.P. Davari &amp; Ors. ..Applicants</p> <p>Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p><u>heard</u> Applicant and Advocate for the Applicant. Heard Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. CPO, S.O. to 3.5.2019.</p> <p style="text-align: right;">Sd/- (P.M. Dixit) Member (A) 2.5.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>O.A. No.190 of 2019</u>
<p><b>DATE</b> <u>12/5/19</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice Mr. Ramesh Kumar (Member) A <u>P.N. Dixit</u></p> <p><b>APPEARANCE</b> Shri/Smt. <u>applicant and his AV</u> <u>are absent.</u> Advocate for the Applicant Shri/Smt. <u>S.P. Manchekar</u> C.P.O./P.O. for the Respondent/s</p>	<p>S.S. Mohare ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Applicant and Advocate for the Applicant are absent. Heard Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Id. CPO adjourned to 3.5.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 2.5.2019</p> <p>(sgj)</p>
<p>Adv. To. <u>315/19.</u></p> <p style="text-align: center;"><u>a</u></p>	

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directibns and Registrar's orders	Tribunal's orders O.A. No.292 of 2019
<p><b>DATE:</b> 2/5/19</p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Kamleshwar (Member) A P.N. Dixit</p> <p><b>APPEARANCE:</b> Shri/Smt. Amit Hire for S.S. pede Advocate for the Applicant Shri/Smt. S.P. manchekar C.P.O./P.O. for the Respondent's</p> <p>Adv. To 20/5/19 for filing 2019</p>	<p>S. A. Sawant ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Amit Hire, learned Advocate holding for Shri Sandeep Dere, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. CPO adjourned to 20.5.2019 for filing reply.</p> <p>3. S.O. to 20.5.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 2.5.2019</p> <p>(sgj)</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>O.A. No.122 of 2019</u>
<p>DATE: <u>2/5/19</u></p> <p>COBAM</p> <p>Hon'ble Justice <u>P.N. Dixit</u> (Chairman)</p> <p>Hon'ble Shri <u>P.N. Dixit</u> (Member) A</p> <p>APPEARANCE</p> <p>Shri/Smt <u>C.T. Chandatre</u></p> <p>Advocate for Applicant</p> <p>Shri/Smt <u>S.P. Manchekar</u></p> <p>C.P.O / P.O. for the Respondent/s</p> <p>Ad. To: <u>5/7/19</u></p> <p style="text-align: right;"><u>0</u></p>	<p>S.N. Jadhav ..Applicant</p> <p>Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri C.T. Chandatre, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Id. CPO in compliance with the instructions issued on 25.4.2019 produces a communication dated 30.4.2019 by respondent no.2. The same is taken on record and marked 'X' for identification.</p> <p>3. Id. CPO mentions that one Shri Pralhad M. Shinde has filed Writ Petition No.459 of 2019 in the Hon'ble High Court. Bench at Aurangabad.</p> <p>4. S.O. to 5.7.2019. The progress and the status should be intimated on the same date.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 2.5.2019</p> <p>(sgl)</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>O.A. No. 115 of 2019</u>
<p>DATE: <u>25/19.</u></p> <p><del>Chairman</del></p> <p><del>Member) A</del></p> <p><del>P.N. Dixit</del></p> <p>APPEARED:</p> <p>Shri/ Smt. <u>Present in person</u></p> <p>Advocate: <u>S.P. Manchekar</u></p> <p>Shri/Smt. <u>S.P. Manchekar</u></p> <p>C.P.O./P.G. of the Respondent/s</p> <p>Att. To: <u>71619. Interim relief granted earlier to continue till then.</u></p> <p style="text-align: center;">4</p>	<p>A.M. Sawarkar ..Applicant</p> <p>Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Applicant is present in person. Heard Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Respondent no.1 Smt. V.S. Hadke is present in person and files her reply. The same is taken on record.</p> <p>3. Id. CPO states that she proposes to file reply on behalf of respondent no.2 and seeks adjournment till 7.6.2019.</p> <p>4. S.O. to 7.6.2019. Interim relief granted earlier to continue till then.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 2.5.2019</p> <p>(sgj)</p>



# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>O.A. No.108 of 2018</u>
<p>DATE: 21/19</p> <p>CC: _____</p> <p>Heard: _____</p> <p>For: <u>Shri P.N. Dixit (Member)</u></p> <p>AFF: _____</p> <p>Shri: <u>B.A. Bandiwadkar</u></p> <p>Advocate: _____</p> <p>Shri: <u>S.P. Manchekar</u></p> <p>C.P.O./P: _____</p> <p>Adm. To: <u>Admit to come up for final hearing with other connected matters</u></p> <p style="text-align: right;"><u>2</u></p>	<p>A.N. Mahamuni ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for Respondent No.1. None for Respondents No.2 &amp; 3.</p> <p>2. I.d. Advocate for the applicant files rejoinder and the same is taken on record.</p> <p>3. Admit. To come up for final hearing with other connected matters.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 2.5.2019</p> <p>(sgj)</p>