

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>02.05.2022</u></p> <p><u>O.A 1133/2018 with M.A 63/2021 with O.A 338/2021</u></p> <p>B.A Kale A.S Shah & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Punam Mahajan, learned advocate for the applicants in O.A 614/2014, Ms Swati Manchekar, learned C.P.O for the Respondents and Shri L.S Deshmukh, learned counsel for Respondents no 39 to 51.</p> <p>2. While referring to the Rules dated 10.1.1964, for appointment of the Nursing Personnel in the Maharashtra Nursing Services, we refer to Pages 78 & 79 in O.A 339/2021, we were shown the procedure of appointment of Matrons who are appearing at page 170. Learned C.P.O has pointed out that this appointment was made earlier by promotion and also by nomination. However, in the said Rules we could not come across the ratio, i.e. how much quota is to be maintained for filling up the post of Matrons either by promotion or by nomination.</p> <p>3. Learned C.P.O informs that whenever there is no such quota prescribed in the Rules as per the general instructions of the State, the quota is to be filled in for such post on the basis of 50 : 50, i.e. 50% by promotion and 50% by nomination. So also whenever no age is prescribed for the direct recruits appearing for the examination, then as per the general instructions, the age is prescribed by G.A.D from time to time.</p> <p>4. Learned C.P.O is directed to produce such general instructions.</p> <p>5. S.O to 4.5.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p>M.A. No.119 of 2022 in O.A. No.195 of 2022</p> <p>T.S. SableApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Perused contents of Application, Reply of Respondent No.2, Rejoinder of the Applicant and record of O.A. 2. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 3. The delay is stated to be on one year and eleven months. 4. It is pointed out by learned Advocate Shri K.R. Jagdale for the Applicant that in the O.A. the Applicant is claiming relief of regularization based on G.R. dated 10.03.2005. It is his submission that on the basis of this G.R. benefits has been extended to similarly placed persons in Feb-2019 and his representation dated 27.01.2022 is also forwarded to the concerned authorities so that the benefit of parity can be extended to him. 5. The Applicant has also relied on order dated 12.04.2022 passed by this Tribunal in M.A. No.445/2021 in O.A.833/2021. In this order it is observed that the Applicant was claiming benefits of parity with the person in whose favour relief was granted by this Tribunal. On this ground and among others delay was condoned. For all these reasons, I have come to the conclusion that the Application deserves to be allowed. 6. Misc. Application is allowed and delay is condoned. <p style="text-align: right;">Sd/- (M.A. Lovekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p>O.A. No.195 of 2022</p> <p>T.S. SableApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 27.06.2022. 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 Original Application. 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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 27.06.2022. <p style="text-align: right;">Sd/- (M.A. Lovekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. 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
	<p>Date: 02.05.2022</p> <p style="text-align: center;">M.A. No.229 of 2022 in O.A. No.244 of 2022</p> <p>D.K. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pragathi B Malle, learned Advocate for the Intervener (M.A. No.229/2022), Shri Satyavrat Joshi, learned Advocate instructed by Shri S.R. Deshpande, learned Advocate for the Applicant in O.A. No.244/2022, Shri A.J. Chougule, learned Presenting Officer for the Respondent Nos.1 & 2, Shri A.P. Aswodkar, learned Advocate instructed by Shri Kshitija Wadatkar, learned Advocate for the Respondent No.3.</p> <p>2. By this application the Applicant prays that she be permitted to intervene in O.A. No.244/2022. It is pointed out by the intervener that on her complaint enquiry came to be initiated against the Applicant, the Applicant was placed under suspension. It is pointed out that there is no dispute regarding the instant Applicant / proposed intervener being the person because of whom enquiry against the Applicant started leading to his suspension. Correctness of this submission is borne out by record.</p> <p>3. Only question which arises is whether, in the Original Application filed under Section 19 of the Administrative Tribunal Act, intervention of this Applicant can be allowed.</p> <p>4. To resist the application the Advocate for the Applicant in original application has relied on Dr. Duryodhan Sahu and Ors. v/s. Jitendra K. Mishra & Ors. (1998) 7 SCC 273. In this ruling it is observed in Para 18 & 19.-</p> <p>"18.The constitution of Administrative Tribunals was necessitated because of large pendency of cases relating to service matters in various courts in the country. It was expected that the setting up of Administrative Tribunals to deal exclusively in service matters would go a long way in not only reducing the burden of the Courts but also provide to the persons covered by the Tribunals speedy relief in respect of their grievances. The basic idea as evident from the various provisions of the Act is that the Tribunal should quickly redress the grievances in relation to service matters. The definition of 'service matters' found in Section 3 (q) shows that in relation to a person the expression means all service matters relating</p>

Office Notes, Office Memoranda of Coram,
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to the conditions of his service. The significance of the word 'his' cannot be ignored. Section 3 (b) defines the word 'application' as an application made under Section 19. The latter Section refers to 'person aggrieved'. In order to bring a matter before the Tribunal, an application has to be made and the same can be made only by a person aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal. We have already seen that the work 'order' has been defined in the explanation to sub-s. (1) of Section 19 so that all matters referred to in Section 3 (q) as service matters could be brought before the Tribunal. It in that context, Sections 14 and 15 are read, there is no doubt that a total stranger to the concerned service cannot make an application before the Tribunal. If public interest litigations at the instance of strangers are allowed to be entertained by the Tribunal the very object of speedy disposal of service matters would get defeated.

19. Our attention has been drawn to a judgement of the Orissa Administrative Tribunal in Amitarani Khuntia Versus State of Orissa 1996. (1) OLR (CSR)-2. The Tribunal after considering the provisions of the Act held that a private citizen or a stranger having no existing right to any post and not intrinsically concerned with any service matter is not entitled to approach the Tribunal. The following passage in the judgement is relevant: "...A reading of the aforesaid provisions would mean that an application for redressal of grievances could be filed only by a 'person aggrieved' within the meaning of the Act.

Tribunals are constituted under Article 323 A of the Constitution of India. The above Article empowers the Parliament to enact law providing for adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or any local or other authority within the territory of India or under the control of the Government and such law shall specify the jurisdiction, powers and authority which may be exercised by each of the said Tribunals. Thus, it follows that Administrative Tribunals are constituted for adjudication or trial of the disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts. Its jurisdiction and powers have been well-defined in the Act. It does not enjoy any plenary power."

5. These observations shows that a total stranger to the service concerned cannot be said to be the person aggrieved within the meaning of the Act. It is apparent that though enquiry against the Applicant was started on complaint of the proposed intervener, the proposed intervener is a total stranger to the service concerned i.e. service held by the Applicant in the Original Application.

6. Considering the afore-mentioned binding precedent of the Hon'ble Supreme Court, intervention application cannot be allowed. Hence, the order.

7. Misc. Application is rejected.

Sd/-

M.A. Lovekar
(M.A. Lovekar)
Member (J)

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	<p style="text-align: center;"><u>O.A. No.765 of 2021</u></p> <p>Rahul F. Khairnar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Asawari Ghate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant today placed on record copy of representation dated 24.3.2022 made by him to respondent no.2.</p> <p>3. It is submitted that by circular dated 16.3.2022 following policy is laid down in the matter of transfer:</p> <p style="padding-left: 40px;">“१. संदर्भाकित अधिनियमानुसार गट-अ, ब, क, व ड मधील अधिकारी /कर्मचारी यांनी एकाच टिकाणी एकाच पदावर पदावर पुर्ण केलेला सेवेचा पदावधी विचारात घेऊन त्यांची अन्यत्र बदली करण्यात येते. तुरुंगाधिकारी श्रेणी-१, तुरुंगाधिकारी श्रेणी-२, कार्यालयीन अधीक्षक, फोरमन, लघुलेखक पदावरील अधिकारी/ कर्मचारी यांची एकाच पदावर एकाच कार्यालयात तीन वर्षांचा विहित पदावधी पुर्ण झालेल्या संबंधित अधिकारी/ कर्मचारी यांना शासन निर्णय दिनांक ०९.०४.२०१८ नुसारी पसंतीक्रम (एकूण १० टिकाणे) देणेबाबत सूचित करावे.”</p> <p>4. The applicant has relied on the order dated 27.8.2021 to contend that by this order some employees were transferred after 4 years. The representation dated 24.3.2022 and order dated 27.8.2021 are marked Exhibit X and Y respectively for identification.</p> <p>5. It is submitted on behalf of the applicant that if representation dated 24.3.2022 submitted by the applicant is duly considered, purpose behind filing this OA would be served.</p>

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	<p data-bbox="748 440 1528 517">6. Ld. PO states that appropriate order deemed just under the circumstances be passed. Hence, the order.</p> <p data-bbox="1057 556 1208 595" style="text-align: center;"><u>ORDER</u></p> <p data-bbox="740 625 1523 806">Respondent No.2 shall consider representation dated 24.3.2022 submitted by the applicant on its own merit and in accordance of law regard being had also to his medical condition at the time of ensuing annual general transfers. OA disposed of accordingly.</p> <p data-bbox="1224 883 1284 917" style="text-align: right;">Sd/-</p> <p data-bbox="1162 963 1365 1066" style="text-align: right;">(M.A. Lovekar) Member (J) 2.5.2022</p> <p data-bbox="735 1063 792 1097">(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p>M.A. No.602 of 2021 in O.A. No.1061 of 2021</p> <p>B.G. KardeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Perused contents of Application, Reply of Respondent No.2, Rejoinder of the Applicant and record of O.A.</p> <p>2. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>3. The delay is stated to be on one year and nine months.</p> <p>4. It is pointed out by learned Advocate Shri K.R. Jagdale for the Applicant that in the O.A. the Applicant is claiming relief of regularization based on G.R. dated 10.03.2005. It is his submission that on the basis of this G.R. benefits has been extended to similarly placed persons in Feb-2019 and his representation dated 27.01.2021 is also forwarded to the concerned authorities so that the benefit of parity can be extended to him.</p> <p>5. The Applicant has also relied on order dated 12.04.2022 passed by this Tribunal in M.A. No.445/2021 in O.A.833/2021. In this order it is observed that the Applicant was claiming benefits of parity with the person in whose favour relief was granted by this Tribunal. On this ground and among others, delay was condoned. For all these reasons, I have come to the conclusion that the Application deserves to be allowed.</p> <p>6. Misc. Application is allowed and delay is condoned.</p> <p style="text-align: right;">Sd/-  (M.A. Lovekar) Member (J)</p> <p style="text-align: center;">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p>O.A. No.1061 of 2021</p> <p>B.G. KardeApplicant VersusRespondents. The State of Maharashtra & Ors.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 27.06.2022. 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 Original Application. 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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 27.06.2022. <p style="text-align: right;">Sd/- (M.A. Lovekar) ~ Member (J)</p> <p style="text-align: center;">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.359 of 2022</u></p> <p>Ramchandra K. Tanpure ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Savita Suryawanshi holding for Ms. P.H. Hendre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Perused the record.</p> <p>3. It is submitted that respondent-department proposes to recover an amount of Rs.1,00,700/- from the applicant in 20 monthly installments of Rs.5000/- and last installment of Rs.700/- from the pension of the applicant. It is stated that applicant is getting monthly pension of Rs.9,120/- out of which an amount of Rs.5000/- is sought to be deducted towards recovery. It is further submitted that in case recovery is effected at this rate, survival of the applicant and his family would not be possible. On behalf of the applicant reliance is sought to be placed on Rafiq Masih case.</p> <p>4. Ld. PO states that Rafiq Masih case will not be applicable in the present case.</p> <p>5. Ld. Advocate for the applicant has placed on record at Annexure E copy of judgment dated 12.1.2022 delivered in W.P. No.1192 of 2021 by the Hon'ble Bombay High Court. It is stated that this ruling will squarely apply to the facts of the case.</p> <p>6. Mere fact that after proposed recovery the applicant would be left with meager amount of Rs.4,120/- shall suffice for the present to stay the effect and implementation of the impugned order, but only till returnable date.</p> <p>7. The effect and implementation of the impugned order is stayed till 20.6.2022.</p> <p style="text-align: right;">Sd/- (M.A. Lovekar) Member (J) 2.5.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.05.2022</p> <p align="center">O.A.No.288 of 2022</p> <p>M.V. GaikwadApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that the file has been referred to G.A.D. as the Applicant has been found fit for promotion, wherein further procedure of allotment of Revenue Division and posting on promotion will be finalized. Learned Advocate submits that there is no necessity of allotment of Revenue Department as the Applicant is retiring on 31.05.2022 and such persons are exempted from the allotment of new division.</p> <p>3. Learned Advocate seeks leave to amend to add and make G.A.D. as party Respondent today itself.</p> <p>4. Amendment to be carried out forthwith. Amended copy to be served upon the concerned.</p> <p>5. Adjourned to 05.05.2022</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date : 02.05.2022</p> <p align="center">O.A.No.329 of 2022</p> <p>D.P. DeoreApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate has filed a praecipe requesting that the matter may be tagged along with similar matter i.e. O.A.No.413/2022.</p> <p>3. O.A.No.329/2022 is allowed to be tagged along with O.A.No.413/2022.</p> <p>4. Learned Advocate further submits that as per information gathered by the Applicant, the students who have participated in International Level and eligible for OBC sports, Group-A category are excluding Applicants.</p> <p>5. Adjourned at 2.30 today.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>02.05.2022</p> <p align="center"><u>O.A 643, 645 & 892/2021</u></p> <p>Shri S.B Kharat & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Madhvi Ayyappan, i/b Shri S.B Talekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. However, for the purpose of the affidavit of Dr Kareer and the affidavit of the Investigating Officer, if the State wants that can be filed on 4.5.2022.</p> <p>3. The matter is fixed at 12.00. It is made clear that the copy can be served on the applicants and the applicants on going through the short affidavit will be given opportunity to comment on it on the same day.</p> <p>4. S.O to 4.5.2022 at 12.00 hrs.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

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DISTRICT

..... Applicant/s

(Advocate

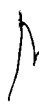

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 02.05.2022
	<p align="center">O.A.No.207 of 2022 with O.A.No.909 of 2021 with O.A.No.141 of 2022</p> <p>D.N. Gutte & Ors. (O.A.207/2022) A.M. Chandanshiv (O.A.909/2021) V.S. Tengale (O.A.141/2022)Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants in O.A.No.207/2022, Mr. U.V. Bhosale, learned Advocate for the Applicant in O.A.No.909/2021 & O.A.No.414/2022 and Ms. S.P. Manchekar, learned Chief Presenting Officer with Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Pursuant to order dated 07.04.2022 learned C.P.O. submits order dated 12.04.2022 wherein she has given the details of the position for the posts of Accountant and Auditor, Class-3 as on today. However, we require the vacancy position for the said posts of the period related to Advertisement dated 05.04.2018.</p> <p>3. Adjourned to 07.06.2022. Interim relief to be continued till next date.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.05.2022</p> <p>O.A.No.1079 of 2019</p> <p>M.S. ChouguleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant of order dated 19.04.2022 learned C.P.O. submits that out of 10 posts recommended for the Open Sports Category, 8 candidates from Sports Category were recommended while remaining two posts are filled up by horizontal reservation. She produces communication dated 29.04.2022 wherein it is stated that as of now there is no vacant post available. Taken on record and marked as Exhibit-A.</p> <p>3. In view of this learned Advocate submits that he wants to proceed with the matter on merit as the Applicant has secured more marks than the candidates who were appointed against Sports Category by taking benefits migration in horizontal reservation.</p> <p>4. Under such circumstances we are of the view that if the Applicants want to press for relief of selection and appointment where no post is vacant then adding of the appropriate persons in the array of Respondents is required.</p> <p>5. Learned Advocate Mr. Dere submits that he does not have the name of these persons so he will apply to the Respondent-Department of Agriculture with specific query so that the information can be furnished in respect of the names and addresses of the candidates to whom he wants to make proposed Party Respondents.</p> <p>6. If the application is made today information to be furnished today itself.</p> <p>7. Adjourned to 05.05.2022.</p> <p>Sd/-  Sd/- </p> <p>(Medha Gadgil) Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

..... Applicant/s

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versus

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	<p align="center">Tribunal's orders Date : 02.05.2022</p>
	<p align="center">O.A.No.385 of 2022</p> <p>S.K. Hankare & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the applicant raised issue of implementation of the G.R. dated 06.02.2019 regarding appointment of Kotwals Group-B posts. She further states that the Respondents were directed to keep seniority list every year by considering the 40% quota. She further submits that only the District of Washim, Osmanabad, Chandrapur and Ahmednagar have followed the procedure whereas other Districts have failed to prepare the seniority list every year.</p> <p>3. Learned P.O. on instructions submits that Kotwals Association has made representation to Additional Chief Secretary, Revenue & Forest and the matter is under consideration.</p> <p>4. Learned Advocate prays for interim relief as the Applicants will become age barred as the cut-off age for appointment of Kotwals is 45 years.</p> <p>5. Matter is kept on 04.05.2022. Learned P.O. to take instructions in view of the prayers for interim relief.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member(A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p align="right">[P.T.O.]</p> <p>prk</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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 02.05.2022 Tribunal's orders M.A.No.245 of 2022 in O.A.No.385 of 2022</p>
	<p>S.K. Hankare & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p>Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 02.05.2022

O.A.No.360 of 2022

N.R. PakhareApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. V.K. Jagdale, learned Advocate holding for Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Applicant is challenging the order of major punishment.
3. 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 05.07.2022.
4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. Adjourned to 05.07.2022.

Sd/-

(Medha Gadgil)
Member(A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.05.2022</p> <p>O.A.No.293 of 2020</p> <p>A.R. LoharApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate adjourned to 14.06.2022.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 02.05.2022

O.A.No.392 of 2022

J.L. KatareApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. M.D. Lonkar, 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 30.06.2022.

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. S.O. to 30.06.2022.

Sd/-

(Medha Gadgil)
Member(A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.05.2022</p> <p>O.A.No.1017 of 2018</p> <p>V.P. KapadeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate adjourned to 09.06.2022.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.305 of 2022</u></p> <p>M.P. Patil & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad with Shri A.J. Chougule, learned Presenting Officers for the Respondents.</p> <p>2. It is pointed out by Ld. Advocate for the applicants that by communications at Exhibit D (Collectively), respondent no.4 has informed that applicants no.1 and 2 can be accommodated on the establishment of respondent no.4. It is submitted that in case these vacancies are filled up the purpose behind filing this OA would be defeated.</p> <p>3. Respondent No.4 is directed not to fill up two vacancies communicated by Exhibit D till the next date.</p> <p>4. S.O. to 14.6.2022.</p> <p align="right">Sd/-  (M.A. Lovekar) Member (J) 2.5.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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


of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.306 of 2022</u></p> <p>M.P. Rao & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad with Shri A.J. Chougule, learned Presenting Officers for the Respondents.</p> <p>2. S.O. to 14.6.2022.</p> <p align="right">  Sd/- (M.A. Lovekar) Member (J) 2.5.2022 </p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.308 of 2022</u></p> <p>Gorakh D. Chaudhari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad with Shri A.J. Chougule, learned Presenting Officers for the Respondents.</p> <p>2. It is pointed out by Ld. Advocate for the applicant that by communication at Exhibit C, respondent no.4 has informed that applicant can be accommodated on the establishment of respondent no.4. It is submitted that in case this vacancy is filled up the purpose behind filing this OA would be defeated.</p> <p>3. Respondent No.4 is directed not to fill up one vacancy communicated by Exhibit C till the next date.</p> <p>4. S.O. to 14.6.2022.</p> <p align="right">Sd/- (M.A. Lovekar) ✓ Member (J) 2.5.2022</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.398 of 2022</u></p> <p>Pratap D. Rathod ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Asawari Ghate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Perused the original application and record.</p> <p>3. By consent the matter is taken up for final disposal.</p> <p>4. Prayer (a) in the OA shows that the applicant is aggrieved by transfer order dated 9.8.2021 under which he has been transferred from the post of Naib Tahsildar, Tahsildar Office, Dahanu, District Palghar to the post of Election Naib Tahsildar, Tahsildar Office, Khed, District Ratnagiri.</p> <p>5. It is submitted that the applicant has made an application to respondent no.1 (Annexure A-11 at page 81). By this application the applicant has prayed that he be accommodated at a convenient place as per his application.</p> <p>6. The applicant is relying on GR dated 11.7.2000 (Annexure A-1), circular dated 30.8.2002 (Annexure A-2) and GR dated 9.4.2018 (Annexure A-4).</p> <p>7. Today, on instructions from Shri V.P. Thorat, Under Secretary, Revenue & Forest Department, Ld. PO states that request application of the applicant shall be considered during the ensuing annual general transfers. In view of this statement the OA can be disposed of by passing the following order.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>The Respondent No.1 shall consider application (Annexure A-11) filed by the applicant during the ensuing annual general transfers in the light of GR dated 11.7.2000 (Annexure A-1), circular dated 30.8.2002 (Annexure A-2) and GR dated 9.4.2018 (Annexure A-4). OA is disposed of accordingly.</p> <p style="text-align: right;">Sd/- (M.A. Lovekar) Member (J) 2.5.2022</p> <p>(sgj)</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.As. No.396 & 397 of 2022</u></p> <p>Rajendra S. Kajale Ajay B. Gangurde ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants prays for directions to the respondents to release provisional pension since 2020.</p> <p>3. Ld. PO on instructions from Ms. K.H. Dhuri, Law Officer, Social Justice Department, Pune, makes a statement that the amount of provisional pension shall be released within four weeks from today.</p> <p>4. In view of this statement S.O. to 13.6.2022.</p> <p align="right">  Sd/- (M.A. Lovekar) Member (J) 2.5.2022 </p> <p>(sgj)</p>

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

Tribunal's orders

Date: 02.05.2022

O.A. No.251 of 2022

R.S. ShindeApplicant
Versus
The State of Maharashtra & Ors.Respondent.

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

2. In this O.A. the applicant has challenged order of his suspension dated 21.08.2014 (Exhibit A). After notice was issued on (22.03.2022) the Respondent, by order dated 20/21-04-2022 exonerating the Applicant of the charges leveled against him in the Departmental Enquiry (D.E.) and treating entire period of his suspension as duty period.

3. Shri A.V. Bandiwadekar, learned Advocate for the Applicant submits that except payment of pay and allowances for the period of suspension which has been treated to be duty period by order dated 20/21-04-2022, rest of the grievances of the Applicant have been redressed and if this Tribunal stipulates a time framed for releasing his amount of pay and allowances the propose behind filing this proceeding will be fully served.

4. According to the learned P.O. Department would require ~~the~~ reasonable time to make necessary compliance.

5. The Respondent – Department shall make payment of pay and allowances payable to the Applicant for the period till which he was placed under suspension, within six weeks from today. With this direction O.A. is disposed of.

Sd/-

(M.A. Lovekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p align="center">O.A. No.26 of 2022 with M.A. No.201 of 2022</p> <p>A.K. Pawar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate instructed by Ms. Savita Suryawanshi, learned Advocate and Shri M.B. Kadam, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The question is what policy is being adopted for relieving the persons who had applied for inter district transfer i.e. whether the policy of "first come first served" is being adopted or whether the policy of relieving the candidates either on the basis of date of application or date of recruitment is being followed. Competent / ^{concerned} consent authority shall file Affidavit on the point on next date.</p> <p>3. S.O. to 05.05.2022.</p> <p align="right">Sd/- /v (M.A. Lovekar) Member (J)</p> <p>NMN</p>

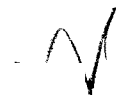
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p align="center">O.A. No.138 of 2022</p> <p>D.B. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Reply of Respondent Nos.1 & 2 filed by learned P.O. is taken on record. This Reply is stated to be sufficient to decide the O.A. finally.</p> <p>3. Learned Advocate for the Applicant seeks time to file Rejoinder.</p> <p>3. S.O. to 04.07.2022.</p> <p align="right">Sd/-  (M.A. Lovekar) Member (J)</p> <p align="center">NMN</p>

**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>Date: 02.05.2022</p> <p align="center">O.A. No.75 of 2022</p> <p>S.K. Patil & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On oral request of learned P.O., S.O. to 04.07.2022 for filing Reply as last a chance.</p> <p align="right">Sd/- (M.A. Lovekar) Member (J)</p> <p align="center">NMN</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p align="center">O.A. No.50 of 2022</p> <p>M.A. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghatе, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On oral request of learned P.O., S.O. to 27.06.2022 for filing Reply.</p> <p align="right">  Sd/-  (M.A. Lovekar) Member (J) </p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.05.2022</p> <p>O.A.No.350 of 2020</p> <p>Dr. Shaikh M.A.S.Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for time to file affidavit to show the correct position of GPF account of the Applicant. According to learned P.O., the Applicant withdrew the excess amount from GPF, and therefore, he needs to file additional affidavit to show the correct position of GPF account.</p> <p>3. S.O.to 08.06.2022 for final hearing.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____ Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.05.2022</p> <p>O.A.No.329 of 2020</p> <p>M. H. MhaldarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant requested for time to file certain documents which are sought invoking provisions of right to information Act from the concerned department. These documents /GRs are necessary for determination of issue involved in the present O.A.</p> <p>3. S.O. to 10.06.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p align="center">O.A. No.40 of 2022</p> <p>N.L. PaithankarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On oral request of learned P.O., S.O. to 27.06.2022 for filing Reply.</p> <p align="right">Sd/- (M.A. Lovekar) Member (J)</p> <p>NMN</p>

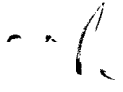
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

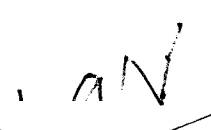
M.A./R.A./C.A. No. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Date: 02.05.2022 Tribunal's orders
	<p align="center">M.A. No.128 of 2022 in O.A. No.1047 of 2021 with M.A. No.129 of 2022 in O.A. No.1048 of 2021 with M.A. No.130 of 2022 in O.A. No.1049 of 2021 with M.A. No.151 of 2022 in O.A. No.187 of 2022</p> <p>Dr. R.V. Chougule Dr. Nazneen I. Shaikh Dr. Amit Chavan Dr. V.G. PetkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Perused contents of Application. Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. According to the Applicant, in fact, there is no delay because it is a continuous cause of action and even if contention regarding continuous cause of action is kept aside for the sake of argument delay would come to 60 days. According to the Applicant he is seeking benefit of parity with persons in whose favour identical relief was granted. According to the learned P.O. absolutely no case is made out for condonation of delay. On considering rival submission, facts and circumstance of the case and settled legal position i.e in the matter of condonation of delay liberal approach should be adopted, I have come to the conclusion that delay deserves to be condoned. Hence, the order. Misc. Application is allowed and delay is condoned. <p align="right">Sd/- </p> <p align="right">(M.A. Lovekar) Member (J) [P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p>O.A. No.1047 of 2021 with O.A. No.1048 of 2021 with O.A. No.1049 of 2021 with O.A. No.187 of 2022</p> <p>Dr. R.V. Chougule Dr. Nazneen I. Shaikh Dr. Amit Chavan Dr. V.G. PetkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 08.06.2022. 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 Original Application. 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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 08.06.2022. <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(M.A. Lovekar) Member (J)</p>

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

Tribunal's orders

Date: 02.05.2022

O.A. No.395 of 2022

A.D. PatilApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 27.06.2022.
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 Original Application. 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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 27.06.2022.

Sd/-

(M.A. Lovekar)
Member (J)


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

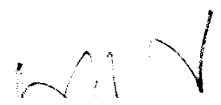
M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p>M.A. No.28 of 2022 in O.A. No.1042 of 2021</p> <p>N.L. PaithankarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that she will have to amend the Application. Time is granted</p> <p>3. S.O. to 20.06.2022.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(M.A. Lovekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p>O.A. No.400 of 2022</p> <p>R.D. KurangalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. Savita Suryawanshi, learned Advocate holding for Smt. P.H. Hendre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 13.06.2022. 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 Original Application. 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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 13.06.2022. <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(M.A. Lovekar) Member (J)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.717 of 2021</u></p> <p>Sujata A. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">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 this OA the applicant had challenged order of her transfer dated 9.9.2021 (Exh.A). It is not in dispute that by order dated 29.9.2021 the applicant was placed under suspension.</p> <p>3. It is submitted on behalf of the applicant that date of superannuation of the applicant is 31.5.2023.</p> <p>4. Ld. Advocate for the applicant states that notwithstanding the subsequent order of suspension, present OA very much survives. This is contested by the respondents.</p> <p>5. Order dated 30.9.2021 shows that this Tribunal had considered rival submissions at length as to whether interim relief was required to be granted. Ultimately, the Tribunal found that there was a prima facie to conclude that the impugned order was as per Section 22N(2) of Maharashtra Police Act and therefore no case was made out to pass interim order.</p> <p>6. By order dated 27.4.2022 it was observed that it would be advisable to hear both the matters viz. relating to transfer as well as relating to suspension – together.</p> <p>7. In the matter of suspension the respondent-department has not filed its reply. It is submitted by Ld. Advocate for the applicant that this Tribunal had recorded statement of the Ld. PO that he had received parawise comments in the matter of suspension. It is submitted that</p>

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	<p>under such circumstances reply ought to have been filed by the respondents in the matter of suspension of the applicant without delay. However, the fact remains that this has not been done.</p> <p>8. Presently, the question is whether this matter is required to be heard immediately or it can be adjourned to after vacation. I have referred to the order dated 30.9.2021 whereby interim relief was refused. Taking into account the facts and circumstances of the case the matter be kept on 5.5.2022.</p> <p>9. S.O. to 5.5.2022.</p> <p style="text-align: right;">Sd/- (M.A. Lovekar) Member (J) 2.5.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p align="center">O.A. No.406 of 2022 with O.A. No.407 of 2022</p> <p>A.K. Khairnar P.B. ManchekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Perused contents of Application. Heard Shri U.V. Bhosle, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. It is submitted on behalf of the Applicant that the impugned order attaches a stigma, therefore, before passing the order an opportunity ought to have been given to the Applicant, this was not done, on this ground alone the impugned order cannot be sustained. It is further submitted by learned Advocate Shri U.V. Bhosle, for the Applicant that Respondent No.3 is directed to conduct the enquiry against him, against Respondent No.3 he has made several complaints to the higher authorities alleging serious irregularities and under the circumstances Respondent No.3 should not hold the enquiry because there is a likelihood that in case he proceeds with the enquiry with malafide intention he may record findings against the Applicant. In Reply it is submitted by the learned P.O. that this is not a case where interim order should be passed without hearing the other side regard being had to the contents of the impugned order itself.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. On considering rival submission I find that notice is required to be issued to the Respondents and only thereafter question of granting interim relief can be considered.</p> <p>7. Issue notice before admission returnable on 20.06.2022.</p> <p>8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>12. 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.</p> <p>13. S.O. to 20.06.2022.</p> <p style="text-align: right;">Sd/-  (M.A. Lovekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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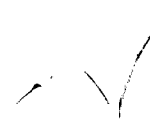
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.05.2022</p> <p align="center">M.A. No.447 of 2021 in O.A. No.795 of 2021</p> <p>Kamal NirbhavaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Perused contents of Application and Reply of Respondents.</p> <p>2. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>3. The delay in filing the Original Application is stated to be of one year and eight months. According to the Respondents the delay is in fact of more than two years.</p> <p>4. In the Application, in Para 4, explanation for the delay is given i.e. Pandemic.</p> <p>5. In their Reply the Respondents have referred to the circumstances under which the Applicant was placed under suspension, punishment imposed on him on conclusion of enquiry and the order passed in the enquiry treating the period of suspension as suspension period. According to the learned P.O. the Applicant ought to have explained satisfactorily as to what prevented him from approaching this Tribunal before the situation of Pandemic arose.</p> <p>6. I have considered rival submissions. Having regard to the extent of delay, explanation furnished for the same prevalence of Pandemic and settled legal position that in the matter of Condonation of delay liberal approach is required to be taken so that the matter can be contested on merits and heard and decided fully and finally. The Application deserve to be allowed.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Application is allowed and delay is condoned.</p> <p>8. O.A. is adjourned to 04.07.2022.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(M.A. Lovekar) Member (J)</p> <p>NMN</p>