

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 style="text-align: center;"><u>M.A.348/2021in O.A.653/2021</u></p> <p>Shri Yogesh Bhandalkar ... Applicant/ Intervener</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors. ... Respondents And</p> <p>Shri P.K. Shelar ... Ori. Applicant</p> <p>1. Heard Shri D.B. khaire, learned Advocate for Applicant/Intervener, Mrs. A.B. Kololgi, learned Presenting Officer for Respondents and Mrs. Punam Mahajan, learned Advocate for Ori. Applicant.</p> <p>2. This M.A. is filed in pending O.A.No.653/2021 wherein Applicant Shri P.K. Shelar has challenged his transfer order dated 21.08.2021 whereby he is transferred from the post of Sub-Divisional Officer, Mutha Canal, Pathbandhare Vibhag, Pune to the Office of Chief Engineer, Water Resources Department, Pune on vacant post. During the pendency of this O.A, this intervention application is filed.</p> <p>3. Shri D.B. Khaire, learned Advocate for the Applicant sought permission to intervene in O.A. on the ground that the additional charge of the post held by the Applicant has been given to him by the Department by letter dated 27.08.2021. He further submits that he was likely to be posted in place of Applicant, and therefore, he is necessary party to the O.A.</p> <p>4. Whereas, the learned Advocate for the Applicant in O.A. submits that Intervener has no locus.</p> <p>5. The learned P.O. submits that the Tribunal may pass appropriate order.</p> <p>6. As such, M.A.No.348/2021 is filed for intervention wholly on the ground of additional charge of the post held by the Applicant by order dated 27.08.2021. Here, material to note that the Tribunal in O.A.No.653/2021 by order dated 02.09.2021 granted interim relief to the Applicant to continue as Sub-Divisional Officer, Mutha Canal Irrigation, Sub Division, Pune meaning thereby he has to continue on the same post. This being the position, the order of additional charge dated 27.08.2021 has become totally insignificant and its effect, if any, has come to an end. Apart this being the matter relating to transfer, it is in between Government servant and Government. Intervener who was given only additional</p>

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

charge before interim relief granted by the Tribunal has no locus.

7. M.A. is, thus, totally misconceived and hereby rejected. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member-J
02.12.2021

(skw)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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**O.A.663/2021 with M.A.407/2021 in
M.A.425/2021**

**Shri K.S. Adhe ... Applicant
Vs.
The State of Maharashtra & Ors. ... Respondents**

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant, Mrs. K.S. Gaikwad, learned Presenting Officer for Respondents, Ms. Rekha Musale, learned Advocate for Respondent No.2 as well as learned Advocate Shri A.B. Tajane in M.A.No.407 & Shri S.S. Dere, learned Advocate in M.A.425/2021 (Intervenors).

2. O.A. be kept for hearing at the stage of admission.
3. O.A. is expedited in view of interim relief granted by the Tribunal.

4. Interim relief to continue till next date.

Sd/-

(A.P. Kurhekar)
Member-J
02.12.2021

2/12/21

Member (A)

Punam Mahajan

K.S. Gaikwad

Rekha Musale for R. No. 2

A.B. Tajane in MA407 &
S.S. Dere in MH425/21
(for Intervenors)

Adj. to 14/12/21.

(Signature)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.717 of 2021</p> <p>S.A. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</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. Learned P.O. submits that Affidavit-in-Reply is under preparation and if possible it will be filed during the course of the day or latest by tomorrow. It be taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 23.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.733 of 2021</p> <p>S.P. KolteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1. It is taken on record. 3. Respondent No.2 is served but absent. 4. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder. 5. S.O. to 16.12.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.775 of 2021</p> <p>S.S. FawadeApplicant Versus The State of Maharashtra & Ors.Respondents.</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. On request of learned P.O. one week time is granted for filing Affidavit-in-Reply by way of last chances.</p> <p>3. S.O. to 09.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.820 of 2021</p> <p>S.D. ArjunApplicant 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 Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 16.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.825 of 2021</p> <p>G.S. KaranjeApplicant 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 Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 17.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.864 of 2021</p> <p>J.R. SonkawadeApplicant 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 Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 3. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 17.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.921 of 2021</p> <p>R.P. MhaskarApplicant Versus The State of Maharashtra & Ors.Respondents.</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. On request of learned Advocate for the Applicant one week time is granted to submit^{submit} how O.A. is maintainable without filing of appeal. ↙</p> <p>3. S.O. to 09.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.206 of 2019</p> <p>S.C. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri M.D. Lonkar, learned Advocate for the Respondent No.3.</p> <p>2. Today Shri M.D. Lonkar, learned Advocate for the Respondent No.3 has filed Affidavit-in-Reply on behalf of Respondent No.3. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 14.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.12.2021</p> <p align="center">O.A. No.272 of 2020</p> <p>K.S. DeshpandeApplicant Versus The State of Maharashtra & Ors.Respondents.</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. During the course of hearing learned P.O. has tendered order dated 27.07.2019 written by the Applicant which is also referred in impugned order dated 14.10.2020. He submits that inadvertently said order was not Annexed with the Reply and requested to take it on record.</p> <p>3. Learned Advocate for the Applicant admitted that his client is author of letter dated 27.07.2019 which is tendered today.</p> <p>4. It be taken on record and marked by letter 'X' placed at page 65 of P.B.</p> <p>5. S.O. to 07.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="left">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date: 02.12.2021</p> <p align="center">O.A. No.707 of 2021</p> <p>S.K. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</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 learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of the Respondent. It is taken on record.</p> <p>3. S.O. to 14.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 02.12.2021
	<p align="center">O.A. No.946 of 2021</p> <p>S.B. MulaniApplicant 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. The Applicant has challenged suspension order dated 30.05.2020 whereby he was suspended ^{due to} against registration of crime against him.</p> <p>3. The Applicant grievance is that he is subjected to prolong suspension for period of 1 ½ years but till date no review is taken.</p> <p>4. Thus Applicant seems to be subjected to prolong suspension of 1 ½ years without taking any steps to review the suspension. In law Respondents were under obligation to take review of suspension after initial period of 90 days was over. Thus <i>prima-facie</i> prolong suspension is not sustainable in law.</p> <p>5. Learned P.O. is therefore directed to take instructions as to why review is not taken in view of judgment of Hon'ble Suprme Court in (2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India & Anr.) and to appraise the Tribunal tomorrow so that O.A. can be disposed of with suitable direction.</p> <p>6. S.O. to 03.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. _____ of 20____

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	<p align="center">Date: 02.12.2021</p> <p align="center">M.A. No.543 of 2021 in O.A. No.900 of 2021</p> <p>B.R. GirmeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.S. Kadam, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for restoration of O.A. No.900/2021 which is dismissed in default for failure to collect notices from the Office within seven days and to submit service report of Affidavit three days before returnable date.</p> <p>3. Learned Advocate for the Applicant submits that due to inadvertently notices could not be collected. He undertakes to collect the notices and to serve upon Respondent.</p> <p>4. In view of above, M.A. is allowed and O.A. is resorted.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 02.12.2021</p> <p align="center">O.A. No.510 of 2021</p> <p>S.J. Pendharkar @ A d/o. K. DoijadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Shraddha Vavhal, learned Advocate holding for Ms. P.V. Bodke Patil, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Enough chances are granted to file Rejoinder, however on request of learned P.O. two weeks time is granted as most last chance.</p> <p>3. S.O. to 17.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.12.2021</p> <p>O.A. No.471 of 2021</p> <p>A.E. SalunkheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 06.01.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.470 of 2021</p> <p>N.A. AshtekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Gaurav V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1. It is taken on record. No separate Reply is filed on behalf of Respondent No.2.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 16.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.12.2021</p> <p align="center">O.A. No.662 of 2021</p> <p>M.B. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today matter is for filling Affidavit-in-Rejoinder of the Applicant but the same is not filed.</p> <p>3. Since pleading is complete, admit for Final Hearing.</p> <p>4. S.O. to 06.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.580 of 2021</p> <p>V.S. MaliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Shraddha Vavhal, learned Advocate holding for Shri S.R. Ghanavat, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today matter is for filling Affidavit-in-Rejoinder of the Applicant but the same is not filed.</p> <p>3. O.A. is kept for hearing at the stage of admission.</p> <p>4. S.O. to 07.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 02.12.2021</p> <p align="center">M.A. No.536 of 2021 in O.A. No.25 of 2021</p> <p>W.B. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. This Application is to being legal heirs of the deceased Original Applicant on record but application for Condonation of delay is not filed. Office has already raised objection on the point of delay. 3. Shri C.T. Chandratre, learned Advocate for the Applicant submits that the application for Condonation of delay will be filed and thereafter this M.A. be heard. 4. One week time is granted to learned Advocate to file application for Condonation of delay caused in filing application to bring heirs of deceased Government servant on record. If application is made within seven days as directed above, in that event matter he listed before Tribunal on immediately next date. 5. If, M.A. is not filed within seven days as directed above all these proceeding will stand dismissed in default without reference to the Tribunal. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN [PTO.]</p>

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(Presenting Officer.....)

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Tribunal's orders

O.A.273/2020**Shri M.N. Thombre**
Vs.**... Applicant****The State of Maharashtra & Ors. ... Respondents**

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

2. Today, the learned P.O. has filed Affidavit-in-Surrejoinder on behalf of Respondent No.2. It is taken on record.

3. Adjourned for final hearing to 16.12.2021.

Sd/-

(A.P. Kurhekar)
Member-J
02.12.2021

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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(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"><u>O.A.329/2020</u></p> <p>Shri M.H. Mhaldar ... Applicant Vs. The State of Maharashtra & Ors. ... Respondents</p> <p>1. Heard Ms. Asawari Ghate holding for Mrs. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents.</p> <p>2. The learned Advocate for the Applicant submits that she wants to amend the O.A. for challenging the legality of G.R. dated 10.11.2015 and sought two weeks' time to file M.A.</p> <p>3. Two weeks' time is granted. S.O. to 16.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member-J 02.12.2021</p> <p>(skw)</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
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O.A.610/2021

Shri P.B. Ingale ... Applicant
Vs.
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 Respondents.
2. Today, the learned P.O. has filed Affidavit-in-reply on behalf of Respondent. It is taken on record.
3. At the request of learned Advocate for the Applicant, two weeks' time is granted to file Rejoinder.
4. S.O. to 16.12.2021.

Sd/-
(A.P. Kurhekar)
Member-J
02.12.2021

(skw)

**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
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**O.A.663/2021 with M.A.407/2021 in
M.A.425/2021**

Shri K.S. Adhe ... Applicant
Vs.
The State of Maharashtra & Ors. ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant, Mrs. K.S. Gaikwad, learned Presenting Officer for Respondents, Ms. Rekha Musale, learned Advocate for Respondent No.2 as well as learned Advocate Shri A.B. Tajane in M.A.No.407 & Shri S.S. Dere, learned Advocate in M.A.425/2021 (Intervenors).
2. O.A. be kept for hearing at the stage of admission.
3. O.A. is expedited in view of interim relief granted by the Tribunal.
4. Interim relief to continue till next date.

Sd/-

(A.P. Kurhekar)
Member-J
02.12.2021

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 align="center"><u>M.A. No.450 of 2021 in O.A. No.780 of 2020</u></p> <p>S.M. Bhagwat ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar with Shri M.V. Thorat, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO files affidavit in reply dated 1.12.2021 of Shri Madhav V. Veer, Joint Secretary, Revenue & Forest Department, Mantralaya, Mumbai and the same is taken on record.</p> <p>3. Ld. CPO is directed to file affidavit producing the documents mentioned in letter dated 4.11.2020 sent by Shri Sudeep Jain, Deputy Election Commissioner, New Delhi to Chief Secretary, Govt. of Maharashtra, Mumbai (page 74 of OA).</p> <p>4. S.O. to 3.12.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 2.12.2021</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 2.12.2021</p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 02.12.2021</p> <p style="text-align: center;">O.A.No.325 of 2018 with O.A.No.13 of 2020</p> <p>A.M. JadhaoApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent No.2 and Mr. K.R. Jagdale, learned Advocate for the Respondent No.3. in O.A.No.325/2018.</p> <p>Mr. S.S. Dere, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent No.1-M.P.S.C. and Mr. C.T. Chandratre, learned Advocate for the Respondent No.3.</p> <p>2. Mr. A.A. Desai, learned Advocate for the Respondent No.1 is absent.</p> <p>3. The said Original Applications are remanded by the Hon'ble High Court by order dated 26.10.2021 passed in Writ Petition No.1652 of 2021, A.M. Jadhao along with Writ Petition Stamp No.5931 of 2021, Mr. R.S. Pawar Versus Maharashtra Public Service Commission & Ors. whereby the Tribunal's order dated 25.01.2021 is set aside with directions to the Tribunal to consider the O.A.No.325 of 2018 with O.A.No.13 of 2020 and decide the same in accordance with law, without being influenced by its earlier findings. The Hon'ble High Court has directed that the Tribunal shall look into any documentary evidence that is not made part of the affidavits filed by the parties and brought on record in a manner known to law, and if any party wishes to rely on any additional evidence, the procedure mandated by law shall be followed.</p>

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

Tribunal's orders

4. Matter taken on board on motion. Today the matter appeared on board. Learned C.P.O. is made aware that as per the observations made in the judgment the M.P.S.C. may file its affidavit in respect of production of any record. The learned C.P.O. may file any documents as observed especially which is mentioned in paragraph 4 of the judgment of Hon'ble High Court. The learned C.P.O. and also all the learned Counsel who are representing the parties in these two Original Applications shall file documents if any they want by way of additional evidence on affidavit. The learned CPO and learned advocate Mr. Chandratre who is present submits that they needs two weeks time.

5. Time granted. If additional documents is filed on affidavit then the other parties will be given time to file their reply if they want.

6 Adjourned to 15.12.2021.

Sd/-
(Medha Gadgil)
Member(A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.12.2021</p> <p align="center">O.A. No.777 of 2021 with O.A. No.792 of 2021 with O.A. No.793 of 2021</p> <p>Y.B. Akolkar S.R. Patil P.B. BhangareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri J.P. Gaikwad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. All these O.As are filed challenging order of punishment of withholding increment for two years with cumulative effect. 3. Issue notice before admission returnable on 06.01.2022. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>9. S.O. to 06.01.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 02.12.2021</p> <p align="center">M.A. No.532 of 2021 in O.A. No.945 of 2021</p> <p>J.G. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 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. 2. This M.A. is filed for Condonation of delay of three years caused in filing Application for appointment on compassionate ground. 3. Issue notice before admission returnable on 06.01.2022. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>9. S.O. to 06.01.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.12.2021</p> <p align="center">O.A. No.955 of 2021</p> <p>G.H. BhusareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged suspension order dated 03.08.2021 whereby he is suspended in view of detention in custody for more than 48 hours i.e. deemed suspension under provision of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. 3. Issue notice before admission returnable on 16.12.2021. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>9. S.O. to 16.12.2021.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.12.2021</p> <p align="center">O.A. No.956 of 2021</p> <p>V.A. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant has filed this O.A. for grant of arrears of pay and allowances for the period from 19.04.2019 to 08.03.2021 <i>inter-alia</i> contending that he was deliberately kept out of service for the said period though his punishment of compulsory retirement was modified into minor punishment. 3. Issue notice before admission returnable on 06.01.2022. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>9. S.O. to 06.01.2022.</p> <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 02.12.2021</p> <p align="center">O.A. No.918 of 2021</p> <p>P.B. ZendeApplicant 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. This O.A. is filed challenging communication dated 04.06.2019 whereby the Applicant requested for grant of retiral benefits which has been rejected on the ground of pendency of appeal against the acquittal.</p> <p>3. In 2012 Applicant was serving as Police Constable but came to be suspended by order dated 16.08.2012 due to the registration of criminal case under the provision of Prevention of Corruption Act against him. Later in 2016 he was reinstated in service by order dated 15.02.2016. In criminal case No.03/2013 he was acquitted by learned Session Judge on 14.12.2016. Thereafter the Applicant was promoted as A.S.I. and came to be retired on 31.05.2017. However State preferred appeal before Hon'ble High Court against the judgment of acquittal which is subjudice. It is on this background the Applicant made representation to the Respondent for retiral benefits. However it came to be rejected on the ground of pendency of appeal which is <i>prima-facie</i> not sustainable in law.</p> <p>4. Once the Applicant is acquitted in criminal case, in law judicial proceeding comes to an end and the Applicant retiral benefits cannot be withheld on the ground of filing of appeal.</p> <p align="right">[P.T.O.]</p> <p>5. In view of above O.A. is expedited.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Issue notice before admission returnable on 16.12.2021.</p> <p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of 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>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. 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>12. S.O. to 16.12.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 02.12.2021</p> <p align="center">O.A. No.961 of 2021</p> <p>G.M. KankdandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant is primary teacher ^{and} has challenged transfer order dated 02.08.2021. 3. Issue notice before admission returnable on 23.12.2021. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. <p 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>8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>9. S.O. to 23.12.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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>Date: 02.12.2021</p> <p style="text-align: center;">O.A. No.900 of 2021</p> <p>B.R. GirmeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R.S. Kadam, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. This O.A. was dismissed in default for noncompliance of condition order dated 16.11.2021 but it is restored today. In view of order passed in M.A. No.543/2021 fresh notices are required to be issued. 3. Issue notice before admission returnable on 06.01.2022. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. <p style="text-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 data-bbox="765 580 1506 766">8. In case notice is not collected within Seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p data-bbox="765 800 1110 835">9. S.O. to 06.01.2022.</p> <p data-bbox="1157 932 1365 1072" style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p data-bbox="765 1116 816 1141">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center">Date: 02.12.2021</p> <p align="center">O.A. No.964 of 2021</p> <p>D.P. VarpeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed for direction to the Respondent to release his retiral benefits which are withheld due to noncompliance of D.E. initiated against him in 2018.</p> <p>3. The Applicant retired on 31.05.2018 as Agricultural Development Officer. Before one month of his retirement he was served with charge-sheet issued under the Provision of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 which was continued after retirement. Inquiry officer was appointed. The Applicant has submitted Reply to the charge-sheet but thereafter no expeditious steps were taken to complete D.E.</p> <p>4. Now period of more than three years from retirement is over but the Applicant is deprived of D.E. due to pendency of D.E. which indeed ought to have been completed within six months in terms of circular dated 07.04.2008.</p> <p>5. Learned P.O. submits that inquiry officer Smt. Sable has already completed inquiry but report is awaited.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Indeed, it was responsibility of the Respondent/ disciplinary authority to ensure that inquiry officer has completed inquiry expeditiously in terms of circular dated 07.04.2008.</p> <p>7. Any way, now since inquiry seems to have been completed and report is awaited this O.A. deserved to be disposed of without waste of time by suitable direction.</p> <p>8. O.A. is disposed of with direction to the Respondent to ensure passing of final order in D.E. within two months from today in accordance to Rules and it should be communicated to the Applicant within two weeks thereafter.</p> <p>9. Respondent is further directed to see why inquiry officer has taken three years period for completion of D.E. and should take necessary action against inquiry officer for noncompliance of circular dated 07.04.2008.</p> <p>10. Compliance report in above terms be forwarded to the Registrar of this Tribunal without fail.</p> <p>11. No order as to costs.</p> <p style="text-align: right;">Sd/- w (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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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 <u>M.A.349/2021 in O.A.653/2021</u>
	<p>Shri Dnyaneshwar Arote & 3 Ors. ... Applicants/ Interveners</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors. ... Respondents And Shri P.K. Shelar ... Ori. Applicant</p> <p>1. Heard Shri Yeshideep Deshmukh holding for V.P. Sangvikar, learned Advocate for Applicants/Interveners, Mrs. A.B. Kololgi, learned Presenting Officer for Respondents and Mrs. Punam Mahajan, learned Advocate for Ori. Applicant.</p> <p>2. This intervention application is filed by 4 Applicants jointly for implementing them as Interveners in O.A. to oppose the O.A.</p> <p>3. O.A.653/2021 is filed by Applicant viz. P.K. Shelar, Sub-Divisional Officer, Mutha Canal Division challenging the order of transfer dated 24.08.2021.</p> <p>4. The learned Advocate for Applicants sought to contend that the complaints of harassment and ill treatment at the hands of Mr. P.K. Shelar was the reason for his transfer, which is challenged by him in O.A. He submits that these Applicants/Interveners as well as other employees working under Mr. Shelar made complaints about the harassment meted out to them from Mr. Shelar. It was enquired into and in view of preliminary report, his transfer was found necessitated for smooth administration of Office. On this line of submission, he submits that the Applicants are aggrieved because of harassment at the hands of Mr. Shelar, and therefore, they have locus to oppose the O.A. and are necessary parties.</p> <p>5. Per contra, the learned Advocate for the original Applicant opposed the application stating that these complainants have no locus to intervention in O.A. since it is in between Applicant and Government.</p> <p>6. Whereas, the learned P.O. submits that the transfer was made because of complaints against Mr. Shelar. According to her, it is after compliance of the requisite provision under 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005', the transfer order has been issued.</p>

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

Tribunal's orders

7. In view of above, the question arises whether Applicants are necessary parties to be implemented in the present O.A. and the answer is in negative.

8. Only because Government servant is transferred on the ground of complaints by his subordinates that ipso-facto would not vests any right in the complainants to intervene in the O.A, which is subject matter in between Government servant and the Government. Otherwise, it would assume the character of Public Interest Litigation. The State is there to take care of the allegations or complaints and to justify the impugned transfer order.

9. In view of above, I find no substance in the submission advanced by the learned Advocate for the Applicants that the complainants are necessary parties to the O.A. The M.A. is, therefore, dismissed. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member-J
02.12.2021

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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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 align="center">Date: 02.12.2021</p> <p align="center">O.A. No.963 of 2021</p> <p>S.H. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed present O.A. seeking direction to the Respondent to release retiral benefits which is withheld on the ground of not passing of final order in D.E. for long time.</p> <p>3. The Applicant was due for retirement on 28.02.2019 from the post of Agricultural Development Officer. Few days before his retirement i.e. on 22.02.2019 he was served with charge-sheet for alleged misconduct committed in the year 2011. D.E. was continued after retirement. After completion of D.E. Respondent by order dated 05.06.2020 issued Show Cause Notice to the Applicant as to why punishment of reduction of 6% pension per month for one year should not be imposed upon him under Rule 27 of M.C.S. (Pension) Rules, 1982. The Applicant has submitted his Reply stating that proposed punishment is harsh but further stated that he is accepting the punishment in compelling situation. As such he did not oppose proposed punishment.</p> <p>4. However despite the Reply of the Applicant dated 01.07.2020, till date no final order is passed by Respondent which ought to have been passed much earlier. It clearly spells laxity in the administration.</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

5. All that learned P.O. submits that file is under process and necessary orders will be passed, which is nothing but lame excuse.

6. It is on the above background the Applicant has filed present O.A. along with interest contending that he has been deprived of retrial benefits for long time due to sheer negligence and laxity on the part of the Respondent for not deciding D.E. expeditiously.

7. Respondent No.1 is directed to explain why no final order is passed despite Reply of the Applicant dated 01.07.2020 to the Show Cause Notice and it is kept pending for 1 ½ years.

8. Issue notice before admission returnable on 16.12.2021.

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

10. 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.

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

12. 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.

13. 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.

14. S.O. to 16.12.2021.

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.965 OF 2021

Shri Suresh C. Garud).. **Applicant**

Versus

State of Maharashtra) ..**Respondent**

Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant.

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

CORAM : SHRI A.P. KURHEKAR, MEMBER (J)

DATE : 02.12.2021.

ORDER

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This is 2nd round of litigation since retired Government servant is again compelled to knock door of the Tribunal for release of his retiral benefits which has been withheld due to sheer apathy and negligence on the part of concerned which is indeed contempt of the orders passed by this Tribunal.

3. The Applicant stands retired as Technical Officer from the Office of Deputy Commissioner (Agriculture Census), Pune on 31.05.2017. Before his retirement charge-sheet was served upon him under the provision of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. However no steps were taken for conclusion of D.E., and therefore, the Applicant had filed O.A. No.1221/2019. Having noticed that there was inordinate delay in completing of D.E. O.A. was disposed of by order dated 18.12.2019. and direction were given to ensure completion of D.E. within four months from date of order and passing of final order within a month thereafter and then to release of retiral benefits subject to outcome of D.E.

4. Thereafter, Respondent filed M.A. No.23/2021 and M.A. No.24/2021 for extension of time for completion of D.E. which was

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strongly opposed by the Applicant while deciding M.As. The Tribunal has observed that there was no such genuine ground for extension of time. However, one month time was granted from the date of order to pass final order in D.E. with specific direction that no further time will be granted and accordingly M.A. were disposed of on 21.01.2021.

5. Despite aforesaid position Respondent No.1 did not pass final order in D.E. within time granted by the Tribunal. It is on 04.06.2021 only belatedly Government had issued Show Cause Notice to the Applicant as to why punishment of reduction of 6% pension per month for one year should not be imposed upon him. The Applicant has submitted his Reply by letter dated 23.06.2021 thereby accepting punishment with earnest request to release his retiral benefits.

6. However, till date though period of more than five months is over no final order is passed in D.E. which clearly smells total lethargy and negligence on the part of concerned rather total disregard to the order passed by the Tribunal.

7. Learned P.O. all that tried to contend that file is under process which is nothing but lame excuse.

8. Now, this O.A. is filed for direction to Respondents to release his retiral benefits with interest since he is accepting the proposed punishment.

9. Thus it is appalling to note that despite specific direction given by the Tribunal final order in D.E. is not passed within period given by the Tribunal and serious cognizance of the same needs to be taken. Respondent No.1 seems to have no regard to the order passed by the Tribunal. *Prima-facie* Respondent has committed Contempt of Court for which necessary action needs to be initiated.

10. In view of above, Issue Notice to the Additional Chief Secretary, Agricultural Department as to why Suo-Motu cognizance of the Contempt of Court should not be taken and as to why Contempt proceeding should not be initiated against him returnable on 16.12.2021.

11. Simultaneously Additional Chief Secretary is directed to file Affidavit to explain why even after Reply of the Applicant to the Show Cause Notice it took more than five months for passing final order in D.E.

12. Issue notice before admission returnable on 16.12.2021.

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

14. 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.

15. 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.

16. 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.

17. 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.

18. S.O. to 16.12.2021.

19. Steno Copy granted.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

Place: Mumbai
Date: 02.12.2021
Dictation taken by: N.M. Naik.

**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>C.A. No.26 of 2020 in O.A. No.1125 of 2013</u></p> <p>P.S. Sakhare & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO produces letter dated 1.12.2021 and states that applicants have been given temporary appointments for a period of six months from 1.12.2021 in compliance of order dated 30.6.2015 passed in the above OA.</p> <p>3. Ld. Advocate for the applicants submits that order dated 30.6.2015 has not been complied with.</p> <p>4. Ld. CPO is directed to file affidavit regarding compliance of the said order within one week.</p> <p>5. S.O. to 9.12.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 2.12.2021 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 2.12.2021</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>M.A. No.226 of 2020 in O.A. No.495 of 2020</u></p> <p>S.A. Shaikh & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld CPO files reply in MA and the same is taken on record.</p> <p>3. Ld. Advocate for the applicant seeks time.</p> <p>4. S.O. to 13.12.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Mridula Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2021 2.12.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>C.A. No.32 of 2021 in O.A. No.433 of 2020</u></p> <p>M.R. Kasane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.Á. Bandiwadekar, learned Advocate for the Applicant and Shri M.D. Lonkar, learned Advocate for the Respondent.</p> <p>2. Shri Lonkar seeks time to file reply.</p> <p>3. S.O. to 12.12.2021.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2021 2.12.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. _____ of 20____

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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 align="center"><u>M.A. No.224 of 2021 in O.A. No.423 of 2021</u></p> <p>V.S. Mehta ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Savita Suryawanshi holding for Shri V.V. Joshi, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks time.</p> <p>3. S.O. to 13.1.2022.</p> <p align="center">Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2021 2.12.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 align="center"><u>M.A. No.254 of 2021 in O.A. No.476 of 2021</u></p> <p>D.D. Brande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Savita Suryawanshi holding for Shri V.V. Joshi, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks time.</p> <p>3. S.O. to 13.1.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 2.12.2021 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 2.12.2021</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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 align="center">Date : 02.12.2021</p> <p align="center">O.A.No.1073 of 2019</p> <p>M.G. KaleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned C.P.O. seeks two weeks time to file reply from the Director General of Police who has passed order in this matter.</p> <p>3. The Director General of Police to consider applicant's case based on the judgment of the Hon'ble Supreme Court in the case of Lok Prahari through its General Secretary Versus Election Commission Of India & Ors. reported in (2018) 18 SCC 114.</p> <p>4. Adjourned to 16.12.2021 (F.O.B)</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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I N

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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 : 02.12.2021</p> <p>O.A.No.794 of 2020</p> <p>N.N. Chavan & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Advocate Mr. A.S. Pawar along with Mr. S.D. Patil for the Applicant are absent.</p> <p>3. This matter was wrongly admitted after the filing of affidavit-in-reply on behalf of Respondents No.2 and 3. Affidavit of Respondents No. 1, 4 and 5 is not filed yet.</p> <p>4. Adjourned to 17.01.2022.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>