

**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: 02.12.2022</p> <p align="center">O.A. No.694 of 2019 with O.A. No.809 of 2019 to O.A. No.811 of 2019 with O.A. No.854 of 2019 to O.A. No.858 of 2019 with O.A. No.552 of 2021 & O.A. No.553 of 2021</p> <p>G.B. Shinde A.G. Salvi K.R. Kadam D.S. Mane N.R. Bhosale D.P. Jadhav V.S. Patil Y.K. Nevase S.R. Pawar K.T. More P.G. KulkarniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms Savita Suryawanshi, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents in M.A. No.282/2021 & M.A. No.283/2021 along with Shri A.J. Chougule, learned Presenting Officer for the Respondents in all other M.As.</p> <p>2. All these Original Applications are filed with M.A. for condonation of delay which is allowed today. Therefore O.As are required to be decided on merit. Since, Respondents already appeared in M.A. Notices of O.As. are dispensed with.</p> <p>3. Three weeks time is grated to learned P.O. to file Reply.</p> <p>4. S.O. to 23.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J) [P.T.O.]</p> <p align="left">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**M.A. No.372 of 2019 in O.A. No.694 of 2019 with
M.A. No.442 of 2019 in O.A. No.809 of 2019 to
M.A. No.444 of 2019 in O.A. No.811 of 2019 with
M.A. No.463 of 2019 in O.A. No.854 of 2019 to
M.A. No.467 of 2019 in O.A. No.858 of 2019 with
M.A. No.282 of 2021 in O.A. No.552 of 2021 &
M.A. No.283 of 2021 in O.A. No.553 of 2021**

Shri Ganpat Babajirao Shinde & Ors.,).. **Applicant**

Versus

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

Ms Savita Suryawanshi, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents in M.A. No.282/2021 & M.A. No.283/2021 along with Shri A.J. Chougule, learned Presenting Officer for the Respondents in all other M.As.

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

DATE : 02.12.2022.

ORDER

1) Heard Ms Savita Suryawanshi, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents in M.A. No.282/2021 & M.A. No.283/2021 along with Shri A.J. Chougule, learned Presenting Officer for the Respondents in all other M.As.

2) All these M.As. are disposed of with common order.

3) The Applicants have filed Original Applications for grant of retiral benefits considering the period of their temporary promotion. Some of them were temporarily promoted and retired while holding promotional post, whereas others temporary promotion came to an end before their

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retirement and they were sent back to earlier post. Following chart shows Date of Joining, Post held & Date of Retirement & Delay period.

Sr. No.	M.A. and O.A. No. with Name of the Applicant	Post and Date of joining	Post held and Date of Retirement	Delay period:
1	M.A.372/2019 in O.A.694/2019 Ganpat B Shinde	Police Constable - 14.11.1973	A.S.I. on 31.1.2013	5 years
2.	M.A.442/2019 in O.A.809/2019 Ashok G. Salvi	Police Constable - 11.10.1978	P.S.I on 31.7.2016	1 year and 6 months
3.	M.A.443/2019 in O.A.810/2019 Kishor R. Kadam	Police Constable - 2.8.1977	P.S.I on 31.8.2017	5 months and 15 days
4.	M.A.444/2019 in O.A.811/2019 Dilip Sonaji More	Police Constable - 5.11.1976	A.P.I. on 31.8.2015	2 years 5 months and 15 days
5.	M.A.463/2019 in O.A.854/2019 Namdev Raghunath Bhosale	Police Constable - 25.10.1977	P.S.I on 31.5.2016	1 year and 8 months
6.	M.A.464/2019 in O.A.855/2019 Dadasaheb P. Jadhav	Police Constable - 1.9.1978	P.S.I. on 31.5.2016	1 year and 9 months
7.	M.A.465/2019 in O.A.856/2019 Vasudeo S. Patil	Police Constable - 9.5.1979	P.S.I. on 31.5.2016	1 year and 9 months
8.	M.A.466/2019 in O.A.857/2019 Yeshwant K. Nevase	Police Constable - 1.8.1977	P.S.I. on 31.5.2016	1 year and 9 months
9.	M.A.467/2019 in O.A.858/2019 Subhash Ramchandra Pawar	Police Constable - 10.8.1978	P.S.I. on 31.5.2017	7 months and 15 days
10.	M.A.282/2021 in O.A.552/2021 Kamal T.More	Police Constable - 16.9.1980	P.S.I. on 31.8.2018	2 year and 5 months
11.	M.A.283/2021 in O.A.553/2021 Pratibha G. Kulkarni	Police Constable - 16.9.1980	A.S.I. on 31.5.2018	1 year and 10 months

Out of the above 11 Applicants, Applicants at Sr. No.1, 4 & 11 were reverted to the earlier post after expiration of temporary promotion. Thus, they stand retired from their substantive post and accordingly pension was granted without considering promotional pay. Whereas, the Applicants at Sr. No.2, 3 & 5 to 10 retired while holding temporarily promotional post.

4) The Applicants have raised grievances for not considering promotional pay while fixing pension.

5) Learned Advocate for the Applicant sought to contend that there is recurring cause of action since the Applicants are deprived of pension of promotional period, and therefore prayed to condone delay.

6) Learned P.O. opposed M.A. *inter-alia* contending that delay is not reasonably explained it is not a case of continuous cause of action.

7) Except in M.A. No.372/2019, in all other M.As. delay is 1/2 years. Whereas, M.A. No.372/2019 delay is of five years calculated from the date of retirement. Whether the Applicants are entitled to consider their promotional period for pension purposes needs to be adjudicated on merit. If the Applicant found getting less pension than his entitlement, then it is termed as a continuous cause of cause of action. At this juncture, it cannot be determined positively about the entitlement of the Applicant to consider their temporarily promotion post for pension purpose. Some of the Applicants infact retired holding promotional post though it was temporarily. As per corrigendum issued by Government of Maharashtra dated 09.06.2016, basic pay fixed for the post from which employee has been retired is criteria for calculating the pension. The Applicants being retired Government servant their claim needs to be adjudicated on merit. Therefore in the interest of justice, taking justice oriented approach of the matter, I am inclined to condone the delay so as to decide O.A on merit. In case the Applicants are found entitled for

relief the monetary benefits it could be restricted upto period of three years preceding the filing of O.A. or it can be made applicable from the date of O.A.

8) In view of above, delay caused in filing O.A. is condoned. M.As are accordingly disposed of with no order as to costs.

Sd/-

^{vv}
(A.P. KURHEKAR)
MEMBER (J)

Place: Mumbai
Date: 02.12.2022
Dictation taken by: N.M. Naik.

**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>02.12.2022</u></p> <p align="center"><u>O.A 1043/2021</u></p> <p>Shri A.S Jaiswal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O submits that the file from Finance Department is submitted to G.A.D for comments whether the name of the applicant can be removed from the list of 'doubtful integrity' in view of the fact that the applicant has been acquitted in the criminal case on 31.1.2019. They are awaiting reply from G.A.D.</p> <p>3. In view of the above, matter adjourned to 9.12.2022.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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

Tribunal's orders

O.A. No.1033 of 2022

J.K. Saptale ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.U. Rajput, 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 13.1.2023. The respondents are directed to file reply.

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

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

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

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

Sd/-

Sd/-

(Medha Gadgil)
Member (A)
2.12.2022

(Mridula Bhatkar, J.)
Chairperson
2.12.2022

(sgj)

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	<p align="center"><u>O.A. No.202 of 2016</u></p> <p>S.S. Ketkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Registry is directed to issue notice to respondent no.3.</p> <p>3. S.O. to 6.1.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2022 2.12.2022</p> <p>(sgj)</p>


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	<p style="text-align: center;"><u>O.A. No.648 of 2022</u></p> <p>G.P. Yamaji ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. None for the Applicant.</p> <p>2. Ld. CPO submits that she will file affidavit explaining the reasons for appointment of Awal Karkun as Technical Officer.</p> <p>3. S.O. to 16.12.2022.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>2.12.2022</p> <p>(sg)</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>2.12.2022</p> </div> </div>

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	<p align="center"><u>02.12.2022</u></p> <p align="center"><u>O.A 1133/2022</u></p> <p>Shri S.D Deshmukh & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Y.B Lengare, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O seeks time to file reply.</p> <p>3. S.O to 16.12.2022. Issue of interim relief is kept open.</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>Akn</p>

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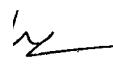
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	<p align="center"><u>OAs No.814/2022, 821/2022, 280/2022 & 281/2022</u></p> <p>S.D. Inamdar & Ors. G.S. Chavan & Ors. G.G. Daga & Ors. Y.S. Kulkarni & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. A.N. Shaikh, learned Advocate for the Applicants in OA.821/2022, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents, Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for Respondent No.12 and Shri M.D. Lonkar, learned Advocate for Respondents No.9, 10, 11 & 13 in OA No.821/2022.</p> <p>2. Ld. CPO files reply on behalf of MPSC.</p> <p>3. Pleadings to be completed before next date. Parties to take necessary steps.</p> <p>4. S.O. to 19.12.2022.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2022 2.12.2022</p> <p>(sgj)</p>

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	<p align="center"><u>02.12.2022</u></p> <p align="center"><u>M.A 154/2019 in O.A 345/2016</u></p> <p>Shri V.P Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The present M.A is filed for rehearing of the matter in the light of the communication dated 20.2.2019 issued by the Respondent no. 2 to the learned C.P.O, M.A.T, Mumbai, thereby providing the details in the form of the vacancies for the post of Talathi on the establishment of Respondent no. 2.</p> <p>3. In view of the above, the Misc Application is disposed of.</p> <p>4. O.A 345/2016 to be placed for hearing on 16.12.2022.</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>Akn</p>



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	<p><u>02.12.2022</u></p> <p align="center"><u>O.A 817/2016</u></p> <p>Shri A.Fm Kamble ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant is absent. Once matter was dismissed for non-prosecution on 22.11.2018 and it was restored on 26.11.2018.</p> <p>3. The applicant challenges the order dated 22.4.2016 thereby reverting him from the post of Additional Auditor, Cooperative Societies, Barshi to Sub-Auditor under Special Auditor, Class-I, Solapur.</p> <p>4. Learned C.P.O pointed out that in the impugned order dated 22.4.2016, the orders of the Tribunal dated 22.11.2006 in O.A 357 & 358/2005 and so also order issued pursuant to that are referred to. Learned C.P.O submits that the applicant is not reverted by way of punishment but it is the effect of the implementation of the order of the Tribunal and hence the conditions for reversion as contemplated under Art. 311 of the Constitution of India are not required to be followed in this case.</p> <p>5. By way of last chance, we keep this matter on 9.12.2022 to enable the learned counsel for the applicant to argue the matter. If not, we will dismiss the matter ex-parte.</p> <p>6. S.O 9.12.2022. Part Heard and place the matter High on Board.</p> <p align="center">Sd/-  Sd/- </p> <p>(Medha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p style="text-align: center;"><u>O.A. No.392 of 2022</u></p> <p>Dr. J.L. Katare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="padding-left: 40px;">Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO states that reply will be filed during the course of the day.</p> <p>3. Admit.</p> <p>4. S.O. to 16.12.2022 for final hearing with liberty to file rejoinder.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>2.12.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>2.12.2022</p> </div> </div>

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	<p align="center"><u>02.12.2022</u></p> <p align="center"><u>C.A 76/2022 in O.A 489/2021</u></p> <p>Dr R.R Asawa ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard applicant in person and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the matter has been submitted to the Law & Judiciary Department for their opinion and she seeks time.</p> <p>3. The applicant in person has placed copy of the orders of the Respondent-State dated 12.5.2022 and 22.8.2022 by which the Government has implemented the orders giving annual increments to the Government servants who have retired on 30th June of the respective years. The said orders are taken on record and marked as Exh. II.</p> <p>4. The case of these persons is similar to that of the present applicant. The applicant seeks parity and so also the implementation of the order of this Tribunal dated 5.7.2022.</p> <p>5. S.O to 6.1.2023.</p> <p align="right">Sd/- _____</p> <p align="right">Sd/- _____</p> <p>(Medha^vGadgil) Member (A) Akn</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p style="text-align: center;"><u>02.12.2022</u></p> <p style="text-align: center;"><u>O.A 775, 776, 777, 778,,779, 790, 791, 793, 796 & 830/2022</u></p> <p>V.R Sarole & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Talekar & Associates, Shri P. Avhad and Shri D.B. Khaire, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned advocate Mr Avhad submits that as per clause 11.17 of the G.R of November, 2019, if the applicant has filled up in any Unit, then the on-line application thereafter refuses to accept the second application. Learned counsel submits that if it is attempted, the dialogue box pops up showing that the person has already applied. Copy of the same is taken on record and marked as Exh. '1'.</p> <p>3. Learned C.P.O submits that this is of the present examination.</p> <p>4. We make it clear to all the applicants and Respondents that if we come across such types of deliberate lies, we will cancel the complete process of selection.</p> <p>5. We call upon the Respondents to find out whether the system was available for the earlier examination. We also call upon the Respondents to furnish copy of the application form where the candidates have applied at two places.</p> <p>6. S.O to 9.12.2022.</p> <p style="text-align: right;">Sd/- _____</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>

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	<p align="center"><u>O.A. No.1144 of 2022</u></p> <p>Dr. Sandip Gavhale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Amita Chaware, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Respondent No.5-Dr. Neetin P. Mahajan is personally present in the Court.</p> <p>3. Applicant has filed this OA for allowing him to take charge and resume duties of the promoted post of Associate Professor, Grant Government Medical College, Mumbai, as per order dated 10.8.2022.</p> <p>4. Ld. CPO submits that pursuant to order dated 30.11.2022 affidavit in reply dated 1.12.2022 is filed by Shivaji S. Patankar, Joint Secretary, Medical Education & Drugs Department, Mumbai. In the affidavit it is stated that pursuant to order dated 6.7.2022 passed by this Tribunal in OA No.581/2022 filed by Dr. N.P. Mahajan, his representations dated 15.6.2022 & 17.6.2022 were considered by the Civil Services Board on 26.8.2022. The decision was taken to retain Dr. N.P. Mahajan at Govt. Medical College & Hospital, Baramati. The said file was approved by the Hon'ble Chief Minister on 11.10.2022. However, the same was not communicated to Respondent No.5-Dr. N.P. Mahajan.</p> <p>5. Respondent No.5 submits that decision on his representations is not yet communicated to him.</p> <p>6. The decision on the representations should have been communicated to respondent no.5 immediately.</p>

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7. Hence, we direct the respondents to communicate the decision on the representations to respondent no.5 on or before 6.12.2022.

8. In view of the fact that representations have been decided by CSB and approved by Hon'ble Chief Minsiter, the Dean, Grant Govt. Medical College, Mumbai is directed to allow the applicant to join on the post of Associate Professor, GGMC, Mumbai.

9. In view of the reliefs claimed, now nothing remains in this OA and the same is disposed off accordingly.

Sd/-

(Medha Gadgil)
Member (A)
2.12.2022

(sgj)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
2.12.2022

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	<p align="center"><u>O.A. No.339 of 2016</u></p> <p>H.B. Tanpure ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Nilesh Masurkar holding for Shri P.B. Gole, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant is challenging the order dated 22.2.2015 withdrawing benefit of First Time Bound Promotion and order dated 22.2.2016 holding the applicant ineligible for benefit of 2nd ACPS and also declaration that condition no.7 in order dated 31.5.2005 is illegal and contrary to GR dated 8.6.1995.</p> <p>3. Ld. Advocate for the applicant submits that applicant was offered ad hoc promotion by order dated 17.12.2013. Ld. Advocate submits that as it was ad hoc promotion condition no.8 in GR dated 8.6.1995 is not applicable as it was not a regular promotion.</p> <p>4. Ld. Advocate submits that he refused ad hoc promotion and GR dated 8.6.1995 is not applicable and so also condition no.8 which is mentioned is illegal. Refusing Time Bound Promotion to Govt. employee who has refused ad hoc promotion is illegal.</p> <p>5. Ld. CPO relied on the reply dated 23.2.2017 filed by D.M. Gitte, Administrative Officer, office of Commissioner of Agriculture, Pune. She pointed out para 4.1 and also GR dated 1.4.2010. Modified Assured Career Progression Scheme was introduced by GR dated 1.4.2010 which was to be implemented from 1.10.2006 for the Second Time Bound Promotion. She submitted that by this GR the scheme which was enforced from 1.10.1994 is accepted by GR dated 20.7.2001 and ACP Scheme was made applicable from 1.8.2001 and by this GR second TBP was introduced. She</p>

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relied on clause 5 of GR where the words 'Regular Promotion' was substituted by words 'Ad hoc Promotion'. She submits that it includes ad hoc promotion.

6. Ld. Advocate pointed out that applicant got first TBP by order dated 31.5.2005 w.e.f. 1.8.2001. Thereafter he was promoted by order dated 17.12.2013. GR of 2010 is applicable and not GR of 1995, in view of the change made in clause 8 of the earlier GR thereby substituting the word 'actual' in place of word 'regular'. Hence, the submissions of the Ld. Advocate for the applicant cannot be accepted that promotion was on ad hoc basis.

7. In view of the above there is no merit in the OA and the same is dismissed. No order as to costs.

Sd/-

(Medha Gadgil)
Member (A)
2.12.2022

(sgj)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
2.12.2022

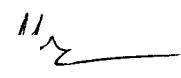
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	<p align="center"><u>O.A. No.423 of 2022</u></p> <p>S.R. Waydande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 6.1.2023 for final hearing with liberty to file rejoinder.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2022 2.12.2022</p> <p>(sgj)</p>

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
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	<p style="text-align: center;"><u>O.A. No.922 of 2022</u></p> <p>K.A. Jadhav & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks time to file reply.</p> <p>3. S.O. to 16.12.2022 by way of last chance.</p> <p style="text-align: center;">Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2022 2.12.2022</p> <p>(sgj)</p>


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	<p style="text-align: center;"><u>O.A. No.892 of 2022</u></p> <p>S.M. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 & 2 and Shri B.A. Bandiwadekar, learned Advocate for Respondent No.3.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 16.12.2022 for final hearing with liberty to file rejoinder. Interim relief to continue. High on Board.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>2.12.2022</p> <p>(sg)</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>2.12.2022</p> </div> </div>

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	<p align="center"><u>O.A. No.833 of 2022</u></p> <p>R.A. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 20.1.2023 for final hearing with liberty to file rejoinder.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2022 2.12.2022</p> <p>(sgj)</p>

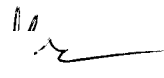
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	<p align="center"><u>O.A. No.695 of 2022</u></p> <p>S.V. Londhe ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Smt. Punam Mahajan, learned Advocate for the applicant has filed Leave Note.</p> <p>3. Reply is already filed.</p> <p>4. Admit.</p> <p>5. S.O. to 20.1.2023 for final hearing with liberty to file rejoinder.</p> <p align="right">Sd/- </p> <p align="center">Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.12.2022 2.12.2022</p> <p>(sgj)</p>


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	<p style="text-align: center;"><u>O.A. No.591 of 2022</u></p> <p>P.P. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 6.1.2023 for final hearing with liberty to file rejoinder.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>2.12.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>2.12.2022</p> </div> </div>

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	<p align="center"><u>O.A. No.876 of 2021</u></p> <p>H.A. Redekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar holding for Shri A.S. Patil, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate states that he has sought information under RTI and seeks time.</p> <p>3. S.O. to 13.1.2023.</p> <p align="center">Sd/- (Medhā Gadgil) Member (A) 2.12.2022 (sgj)</p> <p align="center">Sd/- ✓ (Mridula Bhatkar, J.) Chairperson 2.12.2022</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.1204 of 2022</u></p> <p>M.V. Haldekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 16.12.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 2.12.2022</p> <p style="text-align: center;">Sd/-  (Mridula Bhatkar, J.) Chairperson 2.12.2022</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.202 of 2016</u></p> <p>S.S. Ketkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Registry is directed to issue notice to respondent no.3.</p> <p>3. S.O. to 6.1.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 2.12.2022 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 2.12.2022</p>

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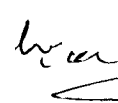
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	<p align="center"><u>O.A. No.648 of 2022</u></p> <p>G.P. Yamaji ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. None for the Applicant.</p> <p>2. Ld. CPO submits that she will file affidavit explaining the reasons for appointment of Awal Karkun as Technical Officer.</p> <p>3. S.O. to 16.12.2022.</p> <p align="center"> Sd/- (Medha Gadgil) Member (A) 2.12.2022 (sgj) </p> <p align="center"> Sd/-  (Mridula Bhatkar, J.) Chairperson 2.12.2022 </p>

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	<p><u>02.12.2022</u></p> <p style="text-align: center;"><u>O.A 1133/2022</u></p> <p>Shri S.D Deshmukh & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Y.B Lengare, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O seeks time to file reply.</p> <p>3. S.O to 16.12.2022. Issue of interim relief is kept open.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="font-size: small;">Akn</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula Bhatkar, J.) Chairperson</p> </div> </div>

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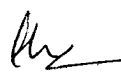
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	<p align="center"><u>OAs No.814/2022, 821/2022, 280/2022 & 281/2022</u></p> <p>S.D. Inamdar & Ors. G.S. Chavan & Ors. G.G. Daga & Ors. Y.S. Kulkarni & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. A.N. Shaikh, learned Advocate for the Applicants in OA.821/2022, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents, Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for Respondent No.12 and Shri M.D. Lonkar, learned Advocate for Respondents No.9, 10, 11 & 13 in OA No.821/2022.</p> <p>2. Ld. CPO files reply on behalf of MPSC.</p> <p>3. Pleadings to be completed before next date. Parties to take necessary steps.</p> <p>4. S.O. to 19.12.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 2.12.2022 (sgj)</p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson 2.12.2022</p>


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	<p align="center"><u>02.12.2022</u></p> <p align="center"><u>M.A 154/2019 in O.A 345/2016</u></p> <p>Shri V.P Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The present M.A is filed for rehearing of the matter in the light of the communication dated 20.2.2019 issued by the Respondent no. 2 to the learned C.P.O, M.A.T, Mumbai, thereby providing the details in the form of the vacancies for the post of Talathi on the establishment of Respondent no. 2.</p> <p>3. In view of the above, the Misc Application is disposed of.</p> <p>4. O.A 345/2016 to be placed for hearing on 16.12.2022.</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>Akn</p>

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	<p><u>02.12.2022</u></p> <p align="center"><u>O.A 817/2016</u></p> <p>Shri A.Fm Kamble ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant is absent. Once matter was dismissed for non-prosecution on 22.11.2018 and it was restored on 26.11.2018.</p> <p>3. The applicant challenges the order dated 22.4.2016 thereby reverting him from the post of Additional Auditor, Cooperative Societies, Barshi to Sub-Auditor under Special Auditor, Class-I, Solapur.</p> <p>4. Learned C.P.O pointed out that in the impugned order dated 22.4.2016, the orders of the Tribunal dated 22.11.2006 in O.A 357 & 358/2005 and so also order issued pursuant to that are referred to. Learned C.P.O submits that the applicant is not reverted by way of punishment but it is the effect of the implementation of the order of the Tribunal and hence the conditions for reversion as contemplated under Art. 311 of the Constitution of India are not required to be followed in this case.</p> <p>5. By way of last chance, we keep this matter on 9.12.2022 to enable the learned counsel for the applicant to argue the matter. If not, we will dismiss the matter ex-parte.</p> <p>6. S.O 9.12.2022. Part Heard and place the matter High on Board.</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>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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	<p style="text-align: center;"><u>O.A. No.1144 of 2022</u></p> <p>Dr. Sandip Gavhale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Amita Chaware, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Respondent No.5-Dr. Neetin P. Mahajan is personally present in the Court.</p> <p>3. Applicant has filed this OA for allowing him to take charge and resume duties of the promoted post of Associate Professor, Grant Government Medical College, Mumbai, as per order dated 10.8.2022.</p> <p>4. Ld. CPO submits that pursuant to order dated 30.11.2022 affidavit in reply dated 1.12.2022 is filed by Shivaji S. Patankar, Joint Secretary, Medical Education & Drugs Department, Mumbai. In the affidavit it is stated that pursuant to order dated 6.7.2022 passed by this Tribunal in OA No.581/2022 filed by Dr. N.P. Mahajan, his representations dated 15.6.2022 & 17.6.2022 were considered by the Civil Services Board on 26.8.2022. The decision was taken to retain Dr. N.P. Mahajan at Govt. Medical College & Hospital, Baramati. The said file was approved by the Hon'ble Chief Minister on 11.10.2022. However, the same was not communicated to Respondent No.5-Dr. N.P. Mahajan.</p> <p>5. Respondent No.5 submits that decision on his representations is not yet communicated to him.</p> <p>6. The decision on the representations should have been communicated to respondent no.5 immediately.</p>

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	<p>7. Hence, we direct the respondents to communicate the decision on the representations to respondent no.5 on or before 6.12.2022.</p> <p>8. In view of the fact that representations have been decided by CSB and approved by Hon'ble Chief Minister, the Dean, Grant Govt. Medical College, Mumbai is directed to allow the applicant to join on the post of Associate Professor, GGMC, Mumbai.</p> <p>9. In view of the reliefs claimed, now nothing remains in this OA and the same is disposed off accordingly.</p> <p style="text-align: center;">Sd/- Sd/- </p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.)</p> <p style="text-align: center;">Member (A) Chairperson</p> <p style="text-align: center;">2.12.2022 2.12.2022</p> <p>(sgj)</p>

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	<p>Date : 02.12.2022</p> <p align="center">O.A.No.390 of 2022</p> <p>M. K. Waghela & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Mohan Kumbhar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has tendered reply on behalf of the 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 20.12.2022</p> <p align="right">Sd/- /v/v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 02.12.2022</p> <p align="center">O.A.No.553 of 2022</p> <p>Dr. R. R. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, learned P.O. sought permission to file reply on behalf of the Respondent Nos.1 to 4.</p> <p>3. ^{Though} Since the matter is already proceeded without reply, in the interest of justice, allowed to file the same. It be taken on record.</p> <p>4. O.A. be kept for hearing on 21.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 02.12.2022</p> <p>O.A.No.383, 384, 385, 386, 387, 388, 389, 390, 391 and 393/2021 with O.A.Nos. 434, 435, 436, 440, 441, 442, 443, 444, 445, & 446 of 2021 with O.A.No.932 of of 2021</p> <p>L. P. Gaikwad & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 & 2 in O.A.No.444/2021. It is taken on record.</p> <p>3. S.O. to 09.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>



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	<p>Date: 02.12.2022</p> <p align="center">O.A. No.786 of 2022 with O.A. No.787 of 2022 with O.A. No.788 of 2022</p> <p>T.D. Pednekar K.D. Garud A.K. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V.R. Gawas, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. These O.As. are filed along with Application for condonation of delay which are allowed today. These O.As. therefore requires to be decided on its own merit. Since, Respondents already appeared in M.A. notices of O.A. is dispensed with.</p> <p>3 Three weeks time is granted to learned P.O. to file Affidavit-in-Reply to O.A.</p> <p>4. S.O. to 23.12.2022.</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: 02.12.2022</p> <p align="center">O.A. No.964 of 2022</p> <p>D.D. ShirsatApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is lastly granted for filing Affidavit-in-Reply on behalf of Respondent Nos.3 & 4.</p> <p>3. S.O. to 09.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 02.12.2022</p> <p align="center">O.A. No.472 of 2021</p> <p>P.B. ChaudhariApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondents and Shri S. Sakhare, learned Advocate for the Respondent Nos.5 & 6.</p> <p>2. On previous date two weeks time was granted to file Affidavit-in-Reply to the amendment made in O.A. However, no such Reply is filed by any of the Respondents. I am not inclined to grant further time since O.A. is required to be decided expeditiously on its merit.</p> <p>3. O.A. be kept for hearing on Monday.</p> <p>4. S.O. to 05.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


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	<p>Date: 02.12.2022</p> <p>O.A. No.1184 of 2019</p> <p>D.J. SonawaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant in person is present. 2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 3. Applicant in Person requested for adjournment on the ground that his Advocate is out of station. 4. S.O. to 15.12.2022. <p style="text-align: right;">  Sd/- v~ (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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	<p>Date: 02.12.2022</p> <p style="text-align: center;">M.A. No.475 of 2022 in O.A. No.786 of 2022 with M.A. No.476 of 2022 in O.A. No.787 of 2022 with M.A. No.477 of 2022 in O.A. No.788 of 2022</p> <p>T.D. Pednekar K.D. Garud A.K. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V.R. Gawas, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. These M.As are filed to condone delay caused in filing O.A. claiming retiral benefits. The Applicants are Ex-servicemen and in 2000 they were appointed as Taluka Samadeshak. Later in 2004, the Government by G.R. dated 27.05.2004 regularized their services. The Applicants rendered their services as Taluka Samadeshak and stands retired in 2013 & 2014. However, their pensionary services were found less by few months, and therefore pension was not granted to them. They made representation but it was not responded. It is only in the case of one of the Applicant namely Shri T.D. Pednekar, Government by communication dated 21.11.2014 rejected the claim to condone short deficiency of few months stating that it would amount to discrimination since other similarly situated persons were also not granted pension.</p> <p>3. Notably, Rule 54 of the MCS (Pension) Rules, 1982 empowers Government to condone a deficiency, which may not ordinarily exceed one year for grant of Pension. In present matters there is deficiency of 10 months and 02 months respectively which is less than a year. They were required to render 10 years minimum</p> <p style="text-align: right;">[P.T.O.]</p>

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qualifying services for grant of Pension. But it was found less by a few months. The Applicants being Ex-servicemen and deficiency of few months so as to qualify for pension the claim raised by the Applicants for grant of pension needs to be decided on merit.

4. Needless to mention while taking ^{deciding} ~~decision~~ for application for condonation of delay, Tribunal should adopt liberal and justice oriented approach particularly when the matter pertain to retiral benefits of a Government servant.

5. At present they being not granted pension it could be termed a case of recurring cause of action. If on merit the Applicants are found entitled to pension, Equity can be done by restricting pensionary benefits from the date of filing of O.A. or restricting three years of filing of O.A. As such, even if delay is more considering that the Applicants are Ex-servicemen and their claim for pension has been rejected for short deficiency in qualifying services, I am inclined to condone delay so as to decide O.A. on merit.

4. In view of above, M.As are allowed and delay is condoned. M.As are accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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	<p>Date: 02.12.2022</p> <p align="center">O.A. No.1220 of 2022</p> <p>V.V. RasalApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 01.12.2022 whereby Government cancelled order dated 29.11.2022 by which he was transferred and posted as Director of Marketing, Maharashtra State, Pune.</p> <p>3. The perusal of record reveals that the Government by order dated 02.03.2021 deputed the Applicant in S.R.A. for three years. However, later his deputation was cancelled on 11.11.2022 and he was repatriated to his Original Department i.e. Corporation, Marketing & Textile Department. Since, deputation of the Applicant had come to an end and he was without posting. He belongs to the cadre of Assistant Registrar Co-operative Societies (Group A). Government by order dated 02.09.2022 therefore transferred and posted the Applicant as Director of Marketing on vacant post specifically by downgrading the post of Director of Marketing. Thus though the Applicant was not of the cadre of Director of Marketing, conscious decision was taken to downgrade the post of Director of Marketing and the Applicant was accordingly posted on said post.</p> <p>4. Notably, it was done with the approval of CSB as well as it was approved by the Minister of Department and also by the Hon'ble Chief Minister. The Applicant accordingly joined as Director of Marketing. But hardly after two days, Government by order dated 01.12.2022 cancelled order dated 29.11.2022 only stating it is for administrative reasons.</p> <p>5. The Perusal of file reveals that while cancelling order dated 29.11.2022 there was no consultation with CSB. Apart, there seems to be no consultation with the secretary of the Department or Minister of the</p>

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Department. It is cancelled at the level of Hon'ble Chief Minister directly.

6. Now, the Applicant is left without posting.

7. Thus *prima-facie* once Hon'ble Chief Minister approved the posting of the Applicant as Director of Marketing by downgrading the said post, he ought to have been continued on the said post without taking appropriate steps in the matter.

8. If there was some mistake in issuing order dated 29.11.2022, the competent authority was required to follow appropriate procedure which is missing in the present case.

9. In view of above, interim stay is granted to the order dated 01.12.2022 till the filling of Reply.

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

11. Issue notice before admission returnable on 15.12.2022.

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

13. 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.

14. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

16. S.O. to 15.12.2022.

17. Steno copy granted.

Sd/-

(A.P. Kurhekar)
Member (J)

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	<p>Date: 02.12.2022</p> <p align="center">M.A. No.610 of 2022 in O.A. No.182 of 2022</p> <p>A.E. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Shri V.P. Potbhare, learned Advocate for the Applicant has sent his leave note.</p> <p>2. Shri M.B. Kadam, learned Advocate holding for Shri V.P. Potbhare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>3. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record.</p> <p>3. S.O. to 16.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 02.12.2022</p> <p align="center">O.A. No.470 of 2022</p> <p>C.D. AnbhuleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Savita Suryawanshi, learned Advocate holding for Smt. P. Hendre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply by way of last chance and no further time will be granted.</p> <p>3. S.O. to 09.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 02.12.2022</p> <p align="center">O.A. No.835 of 2022</p> <p>N.A. Tittal-ChavanApplicant 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 request of learned P.O. one week time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 09.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 02.12.2022</p> <p>O.A. No.988 of 2022</p> <p>V.V. Deshmukh & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Sushant Khatake, learned Advocate holding for Shri P.S. Bhavake, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant one week time is granted to file Affidavit-in-Rejoinder.</p> <p>3. S.O. to 09.12.2022.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>