

**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: 03.04.2023</p> <p align="center">O.A. No.864 of 2022 <u>ORAL SPEAKING TO THE MINUTES</u></p> <p>V.H. RajnalwarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This matter is not on today's board. Mentioned and taken on board.</p> <p>3. Learned Advocate for the Applicant has made an oral application for Speaking to minutes of the order dated 28.03.2023. Learned Advocate for the Applicant submits that in Para 8 (d) of the order the date mentioned as '13.04.2022' may be corrected as '13.04.2023'.</p> <p>4. Learned P.O. submits to the order of the court.</p> <p>5. Correction be carried out accordingly.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p> <p align="right">[P.T.O.]</p>

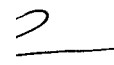
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

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	<p align="center"><u>O.A. No.963, 980, 1005 & 1010 of 2022</u></p> <p>S.S. Mahajan & Ors. P.M. Desai & Ors. P.P. Bhople & Ors. K.C. Mundhe & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankohi holding for Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 19.6.2023 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 3.4.2023 3.4.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.360 OF 2023

DISTRICT : MUMBAI

Dr. Taty Ganpatrao Lokhande & 4 Ors. ..Applicants

Versus

The State of Maharashtra & Ors. ..Respondents

Shri S.S. Gite a/w Shri Sarfaraj J. Shaikh – Advocate for the Applicants

Ms. S.P. Manchekar – Chief Presenting Officer for the Respondents

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

DATE : 3rd April, 2023

ORDER

1. All the 5 applicants are Doctors having BAMS qualification prays that they want to apply for the posts of Assistant Commissioner of Food which are going to be filled-up by the Respondent pursuant to the advertisement dated 24.02.2023. The last date of filling up the form is 04.04.2023. Hence the O.A. is circulated for urgent hearing.

2. Learned Advocate for the Applicant has submitted that the forms filled up by the applicants are not accepted by the website of M.P.S.C., and they are getting remark that they are not eligible for the said posts. Learned Advocate has submitted that on enquiry the M.P.S.C. has stated that as per the Government policy for the post of Food Safety

Officer the candidates should hold the degree in other Sciences or degree in Medicine from recognized University. Learned counsel has submitted that the Government considered that the Ayurveda is not Medicine and the degree in BAMS is not a degree in Medicine and therefore they seek interim order from the Tribunal that they are to be allowed to fill up the forms and appear for the examination going to be held on 04.06.2023.

3. Learned C.P.O. while opposing this O.A has relied on the judgment of Hon'ble High Court Allahabad Bench dated 27.01.2015 passed by the Division Bench in Writ Petition No.2754/2015, Dr. Amit Pandey & Ors. Versus State of Uttar Pradesh Holding that it would not be proper for this Court to include or read any other degree awarded by the councils under other Acts referred above into the definition of medicine. She has pointed out that in the judgment defining Sections 2(e) and 2(f) under Indian Medical Council Act, 1970. Learned C.P.O. has further submitted that the Deputy Director, Food Safety and Standards Authority of India (FSSAI) by letter of September, 2021, addressed to the Government of Maharashtra has informed that relying on the judgment of the Hon'ble High Court of Allahabad dated 27.1.2015 in W.P no. 2754/2015, has observed that 'degree in Medicine' doesn't include any other system of Medicine.

4. Per Contra, learned counsel for the applicants has relied on the judgment of Single Judge, of the Madurai Bench of the Madras High Court dated 23.3.2023 in W.P (MD) No. 4882/2023 & Ors and has submitted that this judgment is the final judgment and Madurai Bench of the Madras High Court has considered the judgment of the Allahabad High Court and given relief finally allowing the Doctors having degree in Siddha and B.D.S.

5. The Medical Council Act of 1956 has defined Medicine under Section 2(f) as follows:-

- (f) “Medicine” means modern scientific medicine in all its branches and include surgery and obstetrics, but does not include veterinary medicine and surgery.”

Thus, the Medical Council of India in order to establish uniform standard of higher qualification in Medicine has introduced the 1933 amendment and the word ‘Medicine’ is defined to mean ‘modern scientific medicine’ which connotes allopathic medicine including surgery and obstetrics, but excluding veterinary medicine and surgery.

6. We have considered the interim order of the Division Bench of the Allahabad High Court and so also the final judgment of the Madurai Bench of the Madras High Court. The expression ‘medicine’ obviously includes Siddha system of medicine which is ancient Indian medicine. The degree secured in that field of medicine is recognized as Degree in Medicine by the Madurai Bench of the Madras High Court.

7. Prima facie, we are of the view that the word ‘medicine’ which is defined in Rule 2(f) of the Medical Council of India Act, 1956, is to be restricted and is to be read for the purpose of Medical Council Act, 1956, only which is one of the branches of the Medicine. ‘Medicine’ is a wider connotation includes various branches i.e., Auyurveda, Unani, Homeopathy etc. The definition of Medicine under Section 2(f) cannot be made applicable when the word ‘medicine’ as a whole is understood. Apart from Allopathy, there can be other branches of medicine by which the patients are cured and are recognized by the Medical Council of India, i.e., Unani, Ayurveda, Allopathy and Siddha.

8. We also rely on the final judgment of the Madurai Bench of the Madras High Court dated 23.3.2023 in W.P (MD) No. 4882/2023.

9. We grant interim relief at this stage by directing the Respondent, M.P.S.C, to allow the applicants to submit the application form from today for Preliminary Examination to be conducted for the post of Food Safety Officer and Assistant Commissioner for Food as per advertisement dated 24.2.2023 and 17.3.2023 and allow them to appear for the examination on 4.6.2023.

10. Respondent, M.P.S.C is directed to make available the on-line application site open to the applicants to fill up the form and any decision in the matter will be subject to the outcome of the Original Application.

11. S.O to 18.4.2023.

Sd/-
(Medha Gadgil)
Member (A)
3.4.2023

Sd/-
(Mridula Bhatkar, J.)
Chairperson
3.4.2023

Dictation taken by: S.G. Jawalkar.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.361 OF 2023

DISTRICT : MUMBAI

Dr. Snehal Subhash Lokhande & 8 Ors. ..Applicants

Versus

The State of Maharashtra & Ors. ..Respondents

Shri S.S. Gite a/w Shri Sarfaraj J. Shaikh – Advocate for the Applicants

Ms. S.P. Manchekar – Chief Presenting Officer for the Respondents

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

DATE : 3rd April, 2023

ORDER

1. All the 9 applicants are Doctors having BAMS qualification prays that they want to apply for the posts of Assistant Commissioner of Food and Food Safety Officer which are going to be filled-up by the Respondent pursuant to the advertisement dated 24.02.2023. The last date of filling up the form is 04.04.2023. Hence the O.A. is circulated for urgent hearing.

2. Learned Advocate for the Applicant has submitted that the forms filled up by the applicants are not accepted by the website of M.P.S.C., and they are getting remark that they are not eligible for the said posts. Learned Advocate has submitted that on enquiry the M.P.S.C. has

stated that as per the Government policy for the post of Food Safety Officer the candidates should hold the degree in other Sciences or degree in Medicine from recognized University. Learned counsel has submitted that the Government considered that the Ayurveda is not Medicine and the degree in BAMS is not a degree in Medicine and therefore they seek interim order from the Tribunal that they are to be allowed to fill up the forms and appear for the examination going to be held on 04.06.2023.

3. Learned C.P.O. while opposing this O.A has relied on the judgment of Hon'ble High Court Allahabad Bench dated 27.01.2015 passed by the Division Bench in Writ Petition No.2754/2015, Dr. Amit Pandey & Ors. Versus State of Uttar Pradesh Holding that it would not be proper for this Court to include or read any other degree awarded by the councils under other Acts referred above into the definition of medicine. She has pointed out that in the judgment defining Sections 2(e) and 2(f) under Indian Medical Council Act, 1970. Learned C.P.O. has further submitted that the Deputy Director, Food Safety and Standards Authority of India (FSSAI) by letter of September, 2021, addressed to the Government of Maharashtra has informed that relying on the judgment of the Hon'ble High Court of Allahabad dated 27.1.2015 in W.P no. 2754/2015, has observed that 'degree in Medicine' doesn't include any other system of Medicine.

4. Per Contra, learned counsel for the applicants has relied on the judgment of Single Judge, of the Madurai Bench of the Madras High Court dated 23.3.2023 in W.P (MD) No. 4882/2023 & Ors and has submitted that this judgment is the final judgment and Madurai Bench of the Madras High Court has considered the judgment of the Allahabad High Court and given relief finally allowing the Doctors having degree in Siddha and B.D.S.

5. The Medical Council Act of 1956 has defined Medicine under Section 2(f) as follows:-

- (f) "Medicine" means modern scientific medicine in all its branches and include surgery and obstetrics, but does not include veterinary medicine and surgery."

Thus, the Medical Council of India in order to establish uniform standard of higher qualification in Medicine has introduced the 1933 amendment and the word 'Medicine' is defined to mean 'modern scientific medicine' which connotes allopathic medicine including surgery and obstetrics, but excluding veterinary medicine and surgery.

6. We have considered the interim order of the Division Bench of the Allahabad High Court and so also the final judgment of the Madurai Bench of the Madras High Court. The expression 'medicine' obviously includes Siddha system of medicine which is ancient Indian medicine. The degree secured in that field of medicine is recognized as Degree in Medicine by the Madurai Bench of the Madras High Court.

7. Prima facie, we are of the view that the word 'medicine' which is defined in Rule 2(f) of the Medical Council of India Act, 1956, is to be restricted and is to be read for the purpose of Medical Council Act, 1956, only which is one of the branches of the Medicine. 'Medicine' is a wider connotation includes various branches i.e., Auyurveda, Unani, Homeopathy etc. The definition of Medicine under Section 2(f) cannot be made applicable when the word 'medicine' as a whole is understood. Apart from Allopathy, there can be other branches of medicine by which the patients are cured and are recognized by the Medical Council of India, i.e., Unani, Ayurveda, Allopathy and Siddha.

8. We also rely on the final judgment of the Madurai Bench of the Madras High Court dated 23.3.2023 in W.P (MD) No. 4882/2023.
9. We grant interim relief at this stage by directing the Respondent, M.P.S.C, to allow the applicants to submit the application form from today for Preliminary Examination to be conducted for the post of Food Safety Officer and Assistant Commissioner for Food as per advertisement dated 24.2.2023 and 17.3.2023 and allow them to appear for the examination on 4.6.2023.
10. Respondent, M.P.S.C is directed to make available the on-line application site open to the applicants to fill up the form and any decision in the matter will be subject to the outcome of the Original Application.
11. S.O to 18.4.2023.

Sd/-
(Medha Gadgil)
Member (A)
3.4.2023

Sd/-
(Mridula Bhatkar, J.)
Chairperson
3.4.2023

Dictation taken by: S.G. Jawalkar.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.04.2023</p> <p>M.A. No.97 of 2023 in O.A. No.667 of 2022</p> <p>R.H. Patil & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. submits that she will file Affidavit-in-Reply.</p> <p>3. S.O. to 10.04.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</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: 03.04.2023</p> <p>C.A. No.10 of 2023 in O.A. No.367 of 2022</p> <p>P.B. UmraniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Shri P.B. Umrani, Applicant in Person is absent and Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Learned P.O. submits that the Review Application No.04/2023 in O.A. No.367/2022 has been filed on 30.03.2023 and the matter is pending before Single Bench.</p> <p>3. S.O. to 24.04.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</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>LATER ON</p> <p>Date: 03.04.2023</p> <p>C.A. No.24 of 2023 in O.A. No.1022 of 2021</p> <p>O.K. Anvekar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Ghule, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that M.A. No.620/2022 in O.A. No.1022/2021 was filed by the State praying for extension of time. However, it has been rejected.</p> <p>3. Deputy Secretary is directed to file Affidavit date wise about the movement of the file.</p> <p>4. Learned P.O. seeks two weeks time to comply the order.</p> <p>5. S.O. to 17.04.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p style="text-align: center;">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 style="text-align: center;"><u>R.A. No.17 of 2022 in O.A. No.200 of 2020</u></p> <p>M.P. Jamadar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Applicant in person and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time.</p> <p>3. S.O. to 24.4.2023 by way of last chance.</p> <table style="width: 100%; margin-top: 20px;"> <tr> <td style="text-align: center; width: 50%;">Sd/-</td> <td style="text-align: center; width: 50%;">Sd/-</td> </tr> <tr> <td style="text-align: center;">(Medha Gadgil)</td> <td style="text-align: center;">(Mridula Bhatkar, J.)</td> </tr> <tr> <td style="text-align: center;">Member (A)</td> <td style="text-align: center;">Chairperson</td> </tr> <tr> <td style="text-align: center;">3.4.2023</td> <td style="text-align: center;">3.4.2023</td> </tr> </table> <p>(sgj)</p>	Sd/-	Sd/-	(Medha Gadgil)	(Mridula Bhatkar, J.)	Member (A)	Chairperson	3.4.2023	3.4.2023
Sd/-	Sd/-								
(Medha Gadgil)	(Mridula Bhatkar, J.)								
Member (A)	Chairperson								
3.4.2023	3.4.2023								

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center"><u>O.As. No.74 & 75 of 2023</u></p> <p>P.P. Kasture K.P. Bholane Vs. The State of Maharashtra & Ors.</p> <p align="right">..Applicants ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that reply will be filed during the course of the day.</p> <p>3. S.O. to 24.4.2023 for filing rejoinder.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 3.4.2023</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 3.4.2023</p> <p>(sg)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.1016 of 2021</u></p> <p>S.R. Kasar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Komal Bhoir holding for Shri A.S. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ms. Komal Bhoir, Ld. Advocate submits that Shri A.S. Gaikwad, Ld. Advocate for the applicant is not available today and seeks time.</p> <p>3. We keep this matter under the caption of 'For Dismissal'.</p> <p>4. Ld. Advocate for the applicant to remain present and argue the matter.</p> <p>5. S.O. to 17.4.2023.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (^vMedha Gadgil) Member (A) 3.4.2023</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 3.4.2023</p> </div> </div> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center"><u>O.A. No.55 of 2022</u></p> <p>V.S. Kadam ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that proposal is sent to the Home Department about deemed date of promotion of the applicant and it is pending and she seeks three weeks time.</p> <p>3. S.O. to 24.4.2023.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 3.4.2023 3.4.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.04.2023</p> <p align="center">C.A. No.22 of 2023 in O.A. No.674 of 2022 with O.A. No.1054 of 2022</p> <p>V.D. SuryawanshiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Learned P.O. requested only for one week time to get this matter circulated in Hon'ble High Court. 3. We grant one week time and if it is not possible we will pass the order. 4. We take note that the Applicant is kept without work and he is still in suspension though the order of Suspension is set aside and no stay is granted by the Hon'ble High Court. 5. S.O. to 10.04.2023. <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 03.04.2023</p> <p align="center">O.A. No.11 of 2021</p> <p>A.A. JagtapApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. In O.A. No.11/2021 the caption of HOB is to be removed.</p> <p>4. S.O. to 12.06.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 03.04.2023</p> <p align="center">M.A. No.97 of 2023 in O.A. No.667 of 2022</p> <p>R.H. Patil & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. submits that she will file Affidavit-in-Reply.</p> <p>3. S.O. to 10.04.2023.</p> <p align="center">Sd/- (Medhā Gadgī) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

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DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.1171/2022</u></p> <p>Shri S.J. Thakur ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri Anil Jaiswal holding for Shri R.G. Panchal, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. On the request of learned Advocate for the Applicant, adjourned for hearing to 19.04.2023.</p> <p>3. Learned P.O. is directed to come prepared on next date.</p> <p>4. S.O. to 19th April, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.04.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

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DISTRICT

..... Applicant/s

(Advocate

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The State of Maharashtra and others

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(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>O.As.1130, 1131, 1141 & 1142/2022</u></p> <p>Smt. L.S. Patil & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents is present.</p> <p>2. Today, the matter is for filing Rejoinder, but the same is not filed. The learned Advocate for the Applicant sought time.</p> <p>3. Since rest of the pleading is already complete, O.A. be kept for final hearing with liberty to file Rejoinder and to serve the copy of the same to other side.</p> <p>4. S.O. to 27th April, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.04.2023</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p style="text-align: center;">O.A.No.351 of 2023</p> <p>S. P. AdivarekarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri P. L. Rathod, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 28.07.2022 whereby Government dues on account of retention of service quarter after retirement amounting to Rs.41,563/- and amount of Rs.1,38,804/- towards excess amount of pay and allowances sought to be adjusted from gratuity. 3. Learned Counsel for the Applicant fairly stated that he is not challenging the adjustment of Rs.41,563/- i.e. dues towards Government accommodation and his claim is restricted to adjustment of Rs.1,38,804/- from gratuity. 4. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 5. Issue notice before admission returnable on 17.04.2023. 6. 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. 7. 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. 8. 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. 9. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ <u>Miscellaneous</u> Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / <u>Miscellaneous</u> Application shall stand dismissed. 10. S.O. to 17.04.2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.49 of 2023</p> <p>B. S. LambhateApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. In this matter, notices were issued on 18.01.2023 but till date reply is not filed. 3. Since enough time is granted, I am not inclined to grant further time. 4. O.A. to proceed without reply and be kept for hearing at the stage of admission. 5. S.O. to 26.04.2023. <p align="right">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</p>


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MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.221 of 2023</p> <p>S. R. MunekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. L. Kulkarni, 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 Respondent No.4 only. It is taken on record. No separate reply is filed on behalf of remaining Respondents. Hence, O.A. to proceed against them without Affidavit in Reply.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O.to 19.04.2023.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No. 1326 of 2022</p> <p>T. S. GiteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. A. C. Kaladharan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is for filing Rejoinder. However, learned Counsel for the Applicant submits that she does not want to file Rejoinder in the matter and it be kept for hearing.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. SO. to 25.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.954 of 2022</p> <p>A. U. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Smt. Punam Mahajan, learned Counsel for the Applicant has sent leave note. Shri A. J. Chougule, learned Presenting Officer for the Respondent is present.</p> <p>2. The matter is proceeded without reply against Respondent. However, today learned P.O. sought permission to file reply on behalf of Respondent.</p> <p>3. In the interest of justice, allowed to file the same. It is taken on record.</p> <p>4. Since pleading is complete, O.A. be kept for hearing.</p> <p>5. S.O. to 19.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

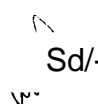
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.55 of 2018 with O.A. No.56 of 2018</p> <p>A. T. Mane N. B. KambleApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. sought permission to file reply on behalf of the Respondent No.2 to the additional affidavit filed by the Applicant by way of explanation in terms of order passed by the Hon'ble High Court. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, the matter is adjourned for hearing.</p> <p>4. S.O. to 18.04.2023.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Member(J)

Original Application No. _____^{vsm}
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 : 03.04.2023</p> <p align="center">M. A. No.18 of 2023 in O.A.No.39 of 2023</p> <p>R. B. MisalApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that reply is under preparation and same will be filed during the course of the day. Statement is accepted. It be take on record.</p> <p>3. The matter is adjourned to 24.04.2023 for hearing and order.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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 style="text-align: center;"><u>C.A. No.1 of 2022 in O.A. No.370 of 2019</u></p> <p>Laxman T. Rathod ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri P.L. Rathod, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant has filed an application dated 3.4.2023 for speaking to minutes of the order dated 29.3.2023 passed in the above CA.</p> <p>3. Ld. Advocate submits that in para 2 of the order instead of "appropriate Contempt Application" it should be corrected as "appropriate Application".</p> <p>4. Ld. Advocate further submits that in para 3 of the order instead of "fresh Contempt Application" it should be corrected as "fresh appropriate Application".</p> <p>5. Ld. CPO submits to the order of the Court.</p> <p>6. Application dated 3.4.2023 is allowed and correction be carried out accordingly.</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) 3.4.2023</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson 3.4.2023</p> </div> </div>

**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>Date: 03.04.2023</p> <p align="center">O.A. No.607 of 2018</p> <p>V.V. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that there is a similar matter before Single Bench and he wants to move this O.A. before Single Bench.</p> <p>3. Learned P.O. opposes on the ground that that it is major punishment.</p> <p>4. I/C. Registrar is directed to place the matter before Single Bench.</p> <p align="center"> Sd/- (Medha Gadgil) Member (A) </p> <p align="center"> Sd/- (Mridula R. Bhatkar, J.) Chairperson </p> <p align="center">NMN</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.570 of 2017</u></p> <p>B.G. Kingare & 20 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicants, Shri D.B. Khaire, Special Counsel with Smt. K.S. Gaikwad, learned Presenting Officer for Respondents No.1 to 5 and Shri K.R. Jagdale, learned Advocate for Respondents No.6 and 6-A.</p> <p>2. Shri D.B. Khaire, Ld. Special Counsel for Respondents No.1 to 5 seeks time to file short affidavit.</p> <p>4. S.O. to 11.4.2023. Part heard.</p> <p align="center">Sd/- _____ Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 3.4.2023 3.4.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.416 of 2020</u></p> <p>D.D. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.J. Chougule, learned Presenting Officer for Respondents No.1 to 3 and Shri Sumit Kate holding for Shri Uday Warunjikar, learned Advocate for Respondents no.4 & 5.</p> <p>2. Applicant and his advocate both are absent though the matter is high on board.</p> <p>3. All the counsel to take note that this matter will be heard on 12.4.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 3.4.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 3.4.2023</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.331 of 2023</u></p> <p>Santosh T. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned 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 12.6.2023. 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) 3.4.2023 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 3.4.2023</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>C.A. No.2 of 2023 in O.A. No.476 of 2022</u></p> <p>Dr. A.M. Kadhikhaye ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri B.A. Bandiwadekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri D.K. Lokhande, learned Advocate for Respondent No.3.</p> <p>2. Ld. Advocate for Respondent No.3 submits that within two weeks issue will be settled from the office of Accountant General.</p> <p>3. S.O. to 17.4.2023.</p> <p align="center">Sd/-  Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 3.4.2023 3.4.2023</p> <p>(sgi)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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>Date : 03.04.2023</p> <p>O.A. No.116 of 2023</p> <p>T. R. Kamble & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicants submits that though the Respondents seems to have passed fresh order on 19.10.2022 which is annexed to reply, still the grievance of the Applicants are not redressed and O.A. needs to be heard on its own merit.</p> <p>3. S.O. to 20.04.2023 for final hearing.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

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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 : 03.04.2023</p> <p align="center">O. A. No. 1067 of 2022</p> <p>R. C. DeshmukhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. Solanke, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. was dismissed in default on 16.02.2023 and restored today in view of order passed in M.A. No.159/2023. O.A. is, therefore, required to be decided on its own merit.</p> <p>3. S.O. to 20.04.2023 for hearing.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">M. A No.159 of 2023 in O.A.No. 1067 of 2022</p> <p>R. C. DeshmukhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri G. Solanke, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. This M.A. is filed for restoration of O.A. dismissed in default on 16.02.2023. 3. Learned Counsel for the Applicant submits that on 16.02.2023, he was held up in the High Court and, therefore, could not remain present. 4. In the interest of justice, the order of dismissal is recalled so as to decide the O.A. on merit. 5. M.A. is accordingly allowed with no order as to costs. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A. No.1143 of 2022</p> <p>R. S. RathoApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Though the matter is for hearing at the stage of admission, learned P.O. sought two days' time to file Sur-Rejoinder which in fact ought to have been filed by this time.</p> <p>3. However, in the interest of justice, two days' time is granted to file Sur-Rejoinder.</p> <p>4. S.O. to 05.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.916 of 2021</p> <p>A. S. Taware ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that this O.A. is filed on the basis of decision rendered by this Tribunal in O.A.No.1105/2016 contending that Applicant is similarly situated person.</p> <p>3. However, learned P.O. has pointed out that being aggrieved by the order passed by the Tribunal, the Government filed W.P.No.1231/2022 and the order passed by the Tribunal is stayed in that matter.</p> <p>4. Today, learned P.O. submits that W.P.No.1231/2022 is still subjudice and requested to adjourn the matter.</p> <p>5. In view of above, we need to await for the decision of the Hon'ble High Court.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p style="text-align: center;">O.A.No.1318 of 2022</p> <p>P. R. NimgireApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. U. Pawar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. On previous date, last chance was granted for filing reply but the same is not filed. 3. Enough time is granted. Hence, I am not inclined to grant further time. 4. O.A to proceed without reply. 5. The O.A. is filed for limited relief for direction to Respondents to release difference of pay and allowances in terms of Circular dated 30.05.2019 issued by Finance Department which inter-alia provides for payment of difference in five equal installments. 6. Learned P.O. submits that recently bill is submitted to Treasury and necessary steps are being taken. 7. In view of above, nothing has to be adjudicated in this O.A. and it needs to be disposed of with suitable directions. 8. O.A. is disposed of with directions to Respondent No.3 -Administrative Officer, Armed Police, Worli (LA 3), Mumbai to ensure that difference of pay and allowances in terms of Circular dated 30.05.2019 be released within a month from today failing to which the amount shall carry interest at the rate of GPF from the date of default till the date of payment. 9. No order as to costs. <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">v</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.538 of 2022</p> <p>B. H. GaikwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present. 2. The Respondents have already filed reply and today the matter is for filing Rejoinder but same is not filed. 3. This O.A. is recently transferred from the Division Bench and today for the 1st time, it is listed before Single Bench. 4. Since, pleading is complete, O.A. be kept for final hearing. 5. S.O. to 25.04.2023. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.350/2022</u></p> <p>Dr. R.H. Pawar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri Prashant Suryawanshi holding for Shri G.M. Savagave, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. Enough time is granted to file Reply. However, one week time is granted to file the same as a last chance.</p> <p>3. S.O. to 11th April, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.04.2023</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
	<p align="center"><u>O.A.Nos.26, 428, 696, 697, 698, 952, 306, 1089 & 1096/2022 with O.A.No.07/2023</u></p> <p>Shri A.K. Pawar & Ors. ... Applicants Vs. ... Respondents The State of Mah. & ors. ... Respondents</p> <p>1. Shri Sandip Dere and Shri A.V. Bandiwadekar, learned Advocates for the Applicants and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. In all these O.A, the Applicants are seeking transfer from the establishment of C.P, Mumbai, C.P, Ratnagiri, C.P, Navi Mumbai and C.P, Railway to different Districts in terms of Inter-district policy.</p> <p>3. The Tribunal has already disposed of 4 group of O.As of Inter-district Transfers thereby allowing the O.As.</p> <p>4. The learned P.O. submits that in one of the O.A, C.P, Mumbai has filed Writ Petition before Hon'ble High Court which was heard today and liberty was granted to C.P, Mumbai to take necessary steps for challenging the remaining orders passed by the Tribunal and matters were adjourned to 11th April, 2023. As of now, there is no stay to the orders passed by the Tribunal.</p> <p>5. However, since Hon'ble High Court is ^{seized} ceased of the matter, it would be desirable to wait instead of proceeding with the matter now. All these O.As, therefore, be kept on 12th April, 2023.</p> <p>6. S.O. to 12th April, 2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member-J 03.04.2023</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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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. of 20 DISTRICT Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>O.A.265/2023</u>
	<p>Shri T.I. Mujawar & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. In this O.A, the Applicants are seeking Inter-district transfer from the establishment of C.P, Mumbai to S.P, Sangli in terms of G.R. dated 26.10.2017.</p> <p>3. Today, matter is for filing Affidavit-in-reply, but learned P.O. sought time.</p> <p>4. The connected O.As are already kept on 10th April, 2023. Hence, this O.A. be also kept on 10th April, 2023 for filing Affidavit-in-reply on behalf of Respondents.</p> <p>5. S.O. to 10th April, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.04.2023</p> <p>(skw)</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 Date : 03.04.2023
	<p align="center">M. A. No.206 of 2023 in O.A.No.1234 of 2022</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>L. M. Gaikwad ...Respondent (Ori. Applicant)</p> <ol style="list-style-type: none"> 1. Heard Shri A. J. Chougule, learned Presenting Officer, the Applicants (Ori. Respondents) and Shri A. V. Bandiwadekar, learned Counsel for the Respondent (Ori. Applicant). 2. This M.A. is filed to implead Smt. Sunanda Gaikwad as Respondent No.4 in view of her objection/claim raised that she is legally wedded wife of the Applicant and have two children from wedlock. 3. M.A. is opposed by learned Counsel for the Applicant stating that in view of nomination in the name of Applicant given after retirement addition of Smt. Sunanda Gaikwad is not necessary. 4. In my considered opinion, there being dispute as to who is legally wedded wife of deceased Government servant, it would be just an appropriate to implead Smt. Sunanda Gaikwad as Respondent No.4 so that she should also get fair opportunity to put forth her claim. 5. In view of above, M.A. is allowed. Smt. Sunanda Gaikwad be impleaded as Respondent No.4. 6. Issue notice to newly impleaded Respondent No.4.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 27.04.2023.</p> <p>9. 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.</p> <p>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>11. 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>12. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.</p> <p>13. S.O. to 27.04.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.185 of 2023</p> <p>D. T. KatkeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant in person is present. Applicant's Counsel Advocate Talekar through Ms Neha Kachi sought discharge from the matter inter-alia contending that she has already given notice of discharge to the Applicant on 03.04.2023. She wants to withdraw Vakalatnama. Since notice is given to the Applicant who is present before the Tribunal, she is discharged from O.A.</p> <p>2. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents 1 and 3 and Shri A. V. Bandiwadekar, learned Counsel for the Respondent No.2-MMRDA are present.</p> <p>3. The Applicant in person stated that he wants to withdraw the O.A. but sought directions to Respondent No.2 - MMRDA to pay his pay and allowances which is not paid despite interim relief granted to him.</p> <p>4. Learned P.O. for Respondent Nos.1 and 3 is present ^{is} and submits that MMRDA will take necessary steps for payment of pay and allowances for the relevant period.</p> <p>5. Learned Counsel for the Respondent No.2 -MMRDA submits that since the Applicant is withdrawing O.A., the matter be disposed of with suitable directions.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. In this matter, the Applicant has challenged order dated 08.02.2023 issued by the Respondent No.2-MMRDA whereby his deputation period has^{was} cancelled and he was repatriated to parent department namely Respondent No.1. The Tribunal by order dated 14.02.2023 granted interim relief and stayed implementation of order dated 08.02.2023. This being so, the MMRDA is liable to pay his pay and allowances of the relevant period.</p> <p>7. Apart, the Respondent No.1 being parent department is also required to pass appropriate orders of the posting of the Applicant in view of the order dated 08.02.2023 whereby Applicant is repatriated to parent department.</p> <p>8. In view of above, the Applicant is allowed to withdraw the O.A. as prayed for. The Respondent No.2 is directed to release pay and allowances of the Applicant of relevant period of his deputation with MMRDA till today. The Respondent No.1 is also directed to pass appropriate order of his posting on repatriation within 10 days.</p> <p>9. Hamdast granted.</p> <p>10. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.04.2023</p> <p align="center">O.A.No.346 of 2023</p> <p>G. S. ShirkeApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant requested for transfer in terms of G.R dated 15.05.2019 ^{which} has been rejected on the ground of non-availability of vacant post of Sr. Clerk by order dated 12.09.2022. However, perusal of order dated 12.09.2022 reveals that three Sr. Clerks on the establishment of Respondent No.2 ^{where} were in the zone of consideration for promotion as a 1st Clerk and, therefore, NOC was given for future vacancy. It is, therefore, necessary to know whether there is any vacancy at present so as to accommodate the Applicant on the establishment of Respondent No.2.</p> <p>3. In view of above, learned P.O. is directed to take instructions from Respondent No.2 and to apprise the Tribunal in the afternoon session so that O.A. could be disposed of by suitable directions.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>4. <u>L.O.</u> In the afternoon session, learned P.O. on instructions submits that 2-3 months' time will be required to finalize the promotions and to determine the vacancy on which the Applicant could be accommodated. He wants to file short affidavit.</p> <p>5. Two weeks time is granted to file reply. In the meantime, Issue notice to the Respondents.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 17.04.2023.</p> <p>8. 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.</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. 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>11. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.</p> <p>12. S.O. to 17.04.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.360 of 2023</u></p> <p>Dr. T.G. Lokhande & 4 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Gite along with Shri Sarfaraj J. Shaikh, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. We grant interim relief at this stage by directing the Respondent, MPSC to allow the applicants to submit the application form from today for Preliminary Examination to be conducted for the post of Assistant Commissioner for Foods as per advertisement dated 24.2.2023 and 17.3.2023 and allow them to appear for the examination on 4.6.2023.</p> <p>3. Respondent, MPSC is directed to make available the on-line application site open to the applicants to fill up the form and any decision in the matter will be subject to the outcome of the Original Application.</p> <p>4. S.O. to 18.4.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 3.4.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 3.4.2023</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.361 of 2023</u></p> <p>Dr. S.S. Lokhande & 8 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Gite, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. We grant interim relief at this stage by directing the Respondent, MPSC to allow the applicants to submit the application form from today for Preliminary Examination to be conducted for the post of Assistant Commissioner for Foods and Food Safety Officer as per advertisement dated 24.2.2023 and 17.3.2023 and allow them to appear for the examination on 4.6.2023.</p> <p>3. Respondent, MPSC is directed to make available the on-line application site open to the applicants to fill up the form and any decision in the matter will be subject to the outcome of the Original Application.</p> <p>4. S.O. to 18.4.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 3.4.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 3.4.2023</p>

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

Tribunal's orders

C.A. No.24 of 2023 in O.A. No.1022 of 2021

O.K. Anvekar & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. The applicants pray for compliance of the order dated 13.7.2022 passed in the above OA whereby a period of three months was given to comply the order which got over on 13.10.2022.

3. Ld. Advocate for the applicants submit that till today the order is not complied with.

4. Deputy Secretary, Agriculture Department is directed to remain present at 1.00 p.m.

5. We point out the observations made in Sushma Gosain & Ors. Vs. Union of India, AIR 1989 SC 1976 wherein it is held that:

"9. We consider that it must be stated unequivocally that in the claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant."

5. Kept back. m

Sd/-

(Medha Gadgil)
Member (A)
3.4.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
3.4.2023

(sgj)