(G.C.P.) J 2959(B) (50,000--3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 722/2019

Shri Gajanan B. Bansode & Ors ...Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Shri A.S Deshpande, learned advocate for the applicants. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.

2. This is a Supreme Court time bound matter. Now since Division Bench is available at Aurangabad, the present O.A is transferred to M.A.T, Aurangabad Bench for final disposal.

3. Hence, the original record and proceedings be transferred to M.A.T, Aurangabad Bench.

Sd/-

(P.N Dixit)
Vice-Chairman (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 1084/2019 with M.A 149/2020 in M.A 506/2019 with O.A 733/2019 with M.A 410/2019

Shri K.D Salunke ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.A Valimbe, learned advocate for the applicants, Ms Swati Manchekar, learned C.P.O for the Respondents and Shri S.S Dere, learned advocate for Respondents no 8 & 9.

2. Shri Dere, learned advocate for Respondents no 8 & 9 submits that the applicants are age barred and therefore they have no locus and these applications are not maintainable. He submits that if they are found eligible, then these matters can be transferred to M.A.T, Aurangabad. Submissions of Mr Dere on the point of transfer are acceptable.

3. Hence learned counsel for the applicants Mr Valimbe has to show the locus and if at all they are found eligible then these matters can also be transferred to M.A.T, Aurangabad, along with O.A 722/2019, where the Hon'ble Supreme Court has passed time bound order pertaining to the issue which are to be decided by M.A.T, Aurangabad Bench.

4. Today, Mr Valimbe, learned counsel for the applicants submits that he wants to take vaccination and he is granted time slot between 2.30 pm and 3.00 pm at Bombay High Court and he will attend the Tribunal at 3.30 pm. We will accommodate learned counsel for the applicants till 3.30 pm. If it is not possible for learned counsel for the applicants to come, he should make some other arrangement to make submission on the point of meeting of the objection raised by Respondents no 8 & 9 on the point of locus.

5. Learned C.P.O submits that she supports the claim of Respondents no 8 & 9 on the point of locus.

6. Matter is kept at 3.30 pm.

Sd/-

(P.N Dixit)
Vice-Chairman (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.As. No.279 to 283, 304, 306, 307 & 324 of 2021

A.D. Ghuge (OA.279/2021)
A.A. Gaikwad (OA.280/2021)
M.G. Mundhe (OA.281/2021)
A.S. Auti (OA.282/2021)
T.B. Suryawanshi (OA.283/2021)
G.N. Kamble (OA.304/2021)
P.J. Pawar (OA.306/2021)
B.A. Shelke (OA.307/2021)
K.D. Chemate (OA.324/2021) ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for Applicant in OA No.304 of 2021, Shri Yashodeep Deshmukh with Shri V.P. Sangvikar, learned Advocates for the Applicants in rest of the above OAs. and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In these matters applicants are similarly situated as in OA No.277 of 2021 (Shri Ashok M. Sakpal Vs. State of Maharashtra & Ors.). Ld. CPO draws our attention to the provisions in GR dated 1.7.2016 which mentions that there is a facility of appeal against the order passed by Deputy Director before the Joint Director.

3. The Ld. CPO draws our attention to the order dated 19.1.2021 passed by Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No.6757 of 2020 & other group matters which reads as under:

> "1. It is submitted in the affidavit in reply filed by the State that the petitioners have an alternate remedy before the Joint Director.
>
> 2. In view of that, the learned counsel for the petitioners submit that they will avail alternate remedy.

[P.T.O.

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

3. In light of above, Writ Petitions are disposed of with liberty to the petitioners to avail alternate remedy. In that event, all contentions of the parties are kept open."

4. She further mentions that the applicants have not filed appeal before the appellate authority so far. In view of Section 20 of the Administrative Tribunals Act, 1985 which reads as under:

"20. Application not to be admitted unless other remedies exhausted.-

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances."

the OAs are not maintainable.

5. Ld. Advocates for the applicants submits that they may be provided an opportunity to file appeal before the appellate authority on or before 12.6.2021. They further pray that till this appeal is decided, no coercive action should be taken against the applicants. They further requests to give time for redressal, if the order is adverse.

6. In view of the orders issued by the Hon'ble Bombay High Court, Bench at Aurangabad referred above, we find that the applicants are similarly situated as the petitioners before the Hon'ble High Court and therefore we pass the following order.

7. We direct the respondents to decide the appeal of the applicants on or before 26.6.2021 and the order should be handed over before 30.6.2021 and the applicants are protected till 6.7.2021. With these directions the OAs are disposed of.

Sd/-
(P.N. Dixit)
Vice-Chairman
3.6.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
3.6.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.162 of 2021

Padmakar V. Parkhe ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO submits that she has received instructions from the respondents that applicant is found fit for promotion and soon respondents will issue the orders of promotion and posting.

3. S.O. to 22.6.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
3.6.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
3.6.2021

(sgj)

[P.T.O.

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 44/2020

J.S Kavishwar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Affidavit in reply has been filed by the Respondents.

3. Learned counsel for the applicant files affidavit in rejoinder. The same is taken on record.

4. Admit. Place for final hearing on 30.8.2021.

Sd/- Sd/-

(P.N Dixit) **(Mridula Bhatkar, J.)**
Vice-Chairman (A) **Chairperson**

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 144/2021

Smt S.S Khaladkar ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri U.V Bhosle, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Learned P.O seeks time to file affidavit in reply and seeks three weeks' time.

3. S.O to 28.6.2021.

Sd/-

(P.N Dixit)
Vice-Chairman (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 219/2021

Shri R.M Tayade & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri U.V Bhosle, learned advocate for the applicants, Shri A.J Chougule, learned P.O for the Respondents no 1 & 2 and Shri M.D Lonkar, learned advocate for Respondents 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 31, 33 and 37.

2. Learned P.O submits that Respondent no. 2 has filed affidavit in reply on 30.3.2021. He provides copy of the same to the learned counsel for the applicants as well as learned counsel for the private Respondents.

3. Shri Lonkar, learned counsel for the private Respondents seeks three weeks' time to file reply.

4. Learned counsel for the applicants states that he will file rejoinder after he receives affidavit in reply on behalf of private Respondents.

5. S.O to 28.6.2021.

Sd/-

Sd/-

(P.N Dixit)
Vice-Chairman (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 187/2021

Shri D.N Shinde ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Abhijeet Pawar i/b Shri D.B Khaire, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Learned C.P.O seeks time to file affidavit in reply.

3. S.O to 21.6.2021.

Sd/-

Sd/-

(P.N Dixit)
Vice-Chairman (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 65/2021

Smt Geeta. M Khetle ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents. Smt Sapna B. Mahalle, private Respondent no. 4 is present in person

2. Learned C.P.O files affidavit in reply on behalf of Respondents no 1 & 2. Copy is served on learned counsel for the applicant and also private Respondent no. 4.

3. Respondent no. 4, who is present, proposes to file affidavit in reply and seeks eight weeks' time.

4. Learned counsel for the applicant states that he would consider filing rejoinder after examining the affidavit in reply filed by Respondents no 1 & 2 and also private Respondent no. 4.

5. S.O to 19.7.2021.

Sd/-

Sd/-

(P.N.Dixit)
Vice-Chairman (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000--3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 810/2018

Shri T.L Savane ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned counsel for the applicant submits that he is not getting provisional pension from 1.3.2021.

3. Respondents to verify and start giving provisional pension to the applicant immediately.

4. S.O to 25.6.2021.

Sd/-

Sd/-

(P.N Dixit)
Vice-Chairman (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A607/2020

A.V Mule ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Abhijeet Pawar i/b Shri D.B Khaire, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Learned P.O files affidavit in reply. The same is taken on record.

3. Learned counsel for the applicant seeks four weeks' time to file rejoinder.

4. S.O to 13.7.2021.

Sd/-

Sd/-

(P.N.Dixit)
Vice-Chairman (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 339/2021

Shri A.S Shah & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Mrs Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Today by this application, the applicants, Staff Nurses pray that Rules 3, 4 & 6 of the Assistant Matron, Tutor, Public Health Nurse Instructor, Public Health Nurse, Psychiatric Nurse, Pediatric Nurse, Incharge Sister and Staff Nurse (Group-C) in the Maharashtra Nursing Services in the Commissionerate of Health Services and E.S.I.S be quashed and set aside. It is also prayed that educational qualification of Post Basic B. Sc Nursing should be included as recognized qualification equivalent to B. Sc, Nursing for the post of Assistant Matron, Tutor, Public Health Nurse Instructor, Public Health Nurse, Psychiatric Nurse, Pediatric Nurse.

3. Learned counsel for the applicants submits that the recruitment process by nomination to the post of Tutor, Public Health Nurses and by promotion to the post of Assistant Matron be stayed. She submits that the Respondents should consider the rules and the educational qualification in respect of these posts regarding B. Sc Nursing and Post Basic B. Sc Nursing notified by Indian Nursing Council. Learned counsel states that the qualifications which are mentioned in the rules are not in accordance with the rules notified in Indian Nursing Council.

4. Learned counsel for the applicants seeks leave to amend the O.A. Leave to amend the O.A is granted.

5. Learned C.P.O seeks time to take instructions.

6. S.O to 18.6.2021.

Sd/-

(P.N Dixit)
Vice-Chairman (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

M.A 177/2021 in O.A 339/2021

Shri A.S Shah & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Mrs Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Misc Application to sue jointly is allowed, subject to payment of court fees if not already paid.

Sd/-

Sd/-

(P.N Dixit)
Vice-Chairman (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

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

C.A. No.17 of 2021 in O.A. No.1020 of 2019

Shri Navnath M. Gawali ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. We are informed that order dated 24.12.2020 passed in the above OA is not implemented by the respondent no.2-Shri Atul Chavan, Superintending Engineer, Public Works Circe, Central Building, Pune. After going through our operative part of the order, we find that particular time limit was not given by us in good faith that the order would be implemented as applicant was terminated. However, it appears that since last five months order is not implemented. We modify the said order and direct as follows:

> "The order dated 24.12.2020 is to be implemented by taking back the applicant in service on or before 11.6.2021."

3. To that effect the contemnor Shri Atul Chavan is directed to file affidavit in reply and also directed to remain present personally in the Tribunal.

4. The matter is fixed on 11.6.2021 at 10.30 a.m. Hamdast.

Sd/-

(P.N. Dixit)
Vice-Chairman
3.6.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
3.6.2021

(sgj)

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

03.06.2021

O.A 340/2021

Dr M.K Suryawanshi ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The applicant, Assistant Professor, challenges the order dated 7.4.2021 passed by the Respondents denying the regular promotion to the applicant to the post of Associate Professor on regular basis as he is already promoted on ad hoc basis. Learned counsel also seeks regular promotion along with deemed date.

3. Issue notice made returnable on 18.6.2021.

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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

7. Learned C.P.O seeks time to file reply.

8. S.O to 18.6.2021.

Sd/-

Sd/-

(P.N Dixit)
Vice-Chairman (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.327 OF 2021
WITH
MISCELLANEOUS APPLICATION NO.172 OF 2021 WITH
M.A.NO.173 OF 2021 WITH M.A.NO.174 OF 2021 WITH
M.A.NO.175 OF 2021

A.A. Dabhade (O.A.327/2021)
P.B. Misal & Ors. (M.A.172/2021)
M.J. Naik & Ors. (M.A.173/2021)
R.M. More (M.A.174/2021)
H.T. Dhumal (M.A.175/2021) **... Applicants**

Vs.

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

Shri K.R. Jagdale, learned Advocate for the Applicant in O.A.No.327/2021.

Shri R.K. Adsure with Shri Y.R. Joshi with Shri S.N. Biradar with Shri Y.P. Sonavane, learned Advocate for the Applicants in M.A.172/2021.

Shri Shrihari Aaney, learned Counsel I/b Shri C.T. Chandratre, learned Advocate for the Applicants in M.A.173/2021.

Shri C.T. Chandratre, learned Advocate for the Applicants in M.A.174/2021.

Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant in M.A.175/2021.

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : JUSTICE MRIDULA BHATKAR, (CHAIRPERSON)
SHRI P.N. DIXIT, VICE-CHAIRMAN

DATE : 03.06.2021

PER : JUSTICE MRIDULA BHATKAR, (CHAIRPERSON)

ORDER

1. The applicant, working as Superintendent Engineer (Civil) challenges the Government Resolution (G.R.) dated 07.05.2021 issued by the Respondents-State, whereby the promotions as per seniority which was prior to G.R. of 2004 is to be considered and be given as mentioned.

2. The learned Advocate Shri Jagdale submits that the applicant joined the services on 01.07.2000 as Assistant Executive Engineer in S.T. Category. Meanwhile, G.R. dated 25.05.2004 was issued. The learned Advocate Shri Jagdale submits that the applicant was promoted to the post of Executive Engineer on 31.07.2004 but did not taken any benefit of reservation in promotion policy as laid down in G.R. dated 2004. He submits that on 12.09.2012 he got the first accelerated promotion based on the said policy of 2004 as Superintendent Engineer where he is working at present. The learned Advocate Shri Jagdale further submits that after working for 5 years on the said post he is eligible for considering for the next post of Chief Engineer (Civil) for which he has moved this O.A. He submits that today there are only two vacant posts available. He further submits that 8 officers, who are Executive Engineer and are junior to him, are promoted to the post of Chief Engineer on 13.09.2019 and 16.02.2021. Thereafter, he made representation and the same was rejected on 23.10.2020. Shri Jagdale, learned Advocate submits that

last seniority list was prepared on 05.02.2021 and his seniority was kept intact and therefore earlier he did not approach the Tribunal. Now he apprehends that the two vacant posts available and DPC is already held therefore he submits that G.R. dated 07.05.2021 is contrary to the law laid down by the judgment of Hon'ble Suprme Court in ***SLP(C) No.30621/2011, dated 17.05.2018 Jarnail Singh & Ors. Versus Lachhmi Narain Gupta.*** He further submits that since 2014, G.R of 2004 is not implemented which means the reservation policy in promotion was not implemented by the Government in the cadre of Superintendent Engineer and Chief Engineer.

3. The learned C.P.O. Ms. S.P. Manchekar for the Respondents seeks time as she has not received any instructions from the concerned Respondents. She submits that she received letter from the office of Respondents that the copy of the O.A. is not served on the Departments.

4. The learned Advocate Shri Jagdale is directed to file affidavit of service serving all the Respondents along with the copy of O.A.

5. The learned Senior Counsel Shri Shrihari Aaney appearing for Applicant in M.A.No.173/2021 submits that G.R. of 2004 is laying down the policy of reservation in promotion which is stuck down by the Hon'ble Bombay High Court in the judgment in ***Writ Petition No.2797 of 2015 & Ors. dated 04.08.2017, State of***

Maharashtra, through Chief Secretary, Government of Maharashtra & Ors. Versus Shri Vijay Ghogre & Ors, The learned Senior Counsel Shri Aaney further submits that similar issue was raised in Writ Petition No.10876 of 2021 & Ors., Sanjeev Nivrutti Ovhal Versus The State of Maharashtra & Ors. before the Hon'ble Bombay High Court, and prayed for interim relief. The Hon'ble Bombay High Court by order dated 25.05.2021 did not grant interim relief, but has allowed that the promotions to be given subject to the order as would be passed in the said Writ Petitions. The learned Senior Counsel Shri Aaney submits that the case of the Applicant is on the same issue and hence similar order be passed. He points out the chart prepared by the Intervenors who are Superintending Engineers, which is a feeder cadre. It is also pointed out that some of the Intervenors were appointed much earlier to the Applicant and they were also given first promotion to the post of Executive Engineer earlier to the promotion given to the Applicant to the post of Executive Engineer. He further submits that as the G.R. of 2004 is stuck down, it is necessary to examine whether the policy of not keeping reservation in promotion is constituted with the ratio laid down in case of ***Jarnail Singh & Ors (supra)*** and ***M. Nagaraj & Ors. Versus Union of India & Ors, Writ Petition (Civil) No.61 of 2002, dated 19.10.2006.*** For the purpose of ready reference a table is prepared by the Intervenors.

6. Four applications are filed by the Intervenors claiming that they are going to be adversely affected if the O.A. is decided in favour of the Applicant. Considering the prayers in the O.A. and the claim made by the Intervenors, learned Advocate Shri Jagdale is directed to add the Intervenors in the array of Respondents and thereafter serve them the copy of O.A. The learned Advocate Shri Jagdale is granted one week time to carry out the amendment.

7. Issue notice before admission returnable on 15.07.2021.

8. Applicants are 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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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.

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

11. In view of the order dated 25.05.2021 passed by the Hon'ble Bombay High Court in Writ Petition No.10876 of 2021 & Ors., Sanjeev Nivrutti Ovhal Versus The State of Maharashtra & Ors., we pass the same order which is as follows :-

> *"We make it clear that any promotion, if any that would be made by the State Government, pursuant to the Interim G.R. dated 7th May 2021 and Circular dated 10th May, 2021 shall be subject to the further orders that would be passed by this Court at the stage of admission. The promotes, if any promoted pursuant to those G.R. and Circular dated 7th May, 2021 and 10th May, 2021 respectively shall be informed about the pending proceedings in this Court."*

12. Promotions, if given in between and the two posts for which the applicant claims, if filled-up, by not following the policy of reservation in promotion, then it is subject to the outcome of this O.A. and the same be communicated to the persons who are to be promoted.

13. The learned C.P.O. to file affidavit-in-reply on behalf of Respondents No.1 and 2.

14. Adjourned to 15.07.2021.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman

(Mridula Bhatkar, J.)
Chairperson

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 312 OF 2021

DISTRICT : MUMBAI

Dr T.S Wankhede & Others)...**Applicants**

Versus

The State of Maharashtra)...**Respondents**

Dr Gunratan Sadavarte, learned advocate for the Applicant

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents

CORAM	:	**Justice Mridula R. Bhatkar (Chairperson)**
		Smt M.A Gadgil, Member (A)
DATE	:	**03.06.2021**
PER	:	**Justice Mridula R. Bhatkar (Chairperson)**

O R D E R

1. Heard Dr Gunratan Sadavarte, learned advocate for the Applicants and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents

2. Pursuant to order of this Tribunal dated 28.5.2021, learned C.P.O has produced copy of letter dated 2.6.2021 written by Shri S.P Deshmukh, Deputy Secretary, M.P.S.C stating therein that though by judgment in the case of Dr. Jaishri L. Patil Vs. The Chief Minister & Ors, Civil Appeal No. 3123/2020, the Hon'ble Supreme Court by order dated 5.5.2021 held that declaring Maratha community Educationally and Socially Backward category is held to be ultra vires to the Constitution and struck down, M.P.S.C has sought opinion from the Government by letter dated 14.5.2021, as to what action is to be taken by M.P.S.C regarding SEBC reservation. Therefore, M.P.S.C is not in a position to fix and inform the date on which they are going to declare the result of the

examination of Live Stock Development Officers and so also they are unable to declare the programme of the interviews. Copy of letter dated 2.6.2021 is taken on record and marked as Exh-1.

3. Learned C.P.O informs that on the basis of judgment of Hon'ble Supreme Court in Jaishri Patil's case, (supra), the Government has issued a Government Resolution very recently about reservation of S.E.B.C, which may be a policy decision in respect of S.E.B.C. However, she has not come across the said G.R and she wants time to obtain instructions and make statement accordingly.

4. However, we make it clear that M.P.S.C is an independent body which has to take decision independently and transparently about conducting the examination and interview as per the law laid down by the Hon'ble Supreme Court.

5. Matter is kept at 2.15 pm.

Continued at 2.15 pm

6. Learned C.P.O produces a G.R dated 31.5.2021 issued by G.A.D, issued by T.W Karpate, Deputy Secretary, G.A.D. Government of Maharashtra, Mantralaya, Mumbai. Learned C.P.O points out that earlier as per G.R dated 12.2.2019, the State Government has adopted the policy of 10% reservation to Economically Weaker Section (E.W.S) and in the present G.R dated 31.5.2021 there are certain modifications in the G.R of 12.2.2019. It only confirms the policy of the Centre regarding 10% reservation to Economically Weaker Section as per 103rd amendment dated 13.1.2018 to the Constitution and the State has adopted the said policy.

7. Learned Counsel Mr Sadavarte, submits that in view of letter dated 14.5.2021 sent by MPSC seeking opinion from the Government, he submits that he be allowed to amend the cause title of the Original Application by adding G.A.D, State of Maharashtra as party Respondent

no. 3. He further states that he is out of station and he is appearing through Video Conference and therefore seeks leave to amend the cause tile till next date. However, he requests that the notice be issued to G.A.D.

8. Leave to amend granted. Amendment in cause title to be carried out before next date, i.e. 9.6.2021. However, Mr. Sadavarte is directed to serve copy of the Original Application to G.A.D as it is along with annexures either today or tomorrow by 12.00 noon and also to serve G.A.D by email.

9. We have gone through the G.R dated 31.5.2021. It appears that this G.R has nothing to do with the declaration of results for the examination to the post of Live Stock Development Officer.

10. In view of the amendment and considering the letter dated 14.5.2021 written by the MPSC to the Government, we direct the G.A.D, especially the concerned Secretary and also the M.P.S.C, to file short affidavits specifically making a statement as to when the results of the examination for the post of Live Stock Development Officer held on 9.6.2021, will be declared. It is made clear to both the G.A.D & the M.P.S.C while filing affidavits shall keep in mind the ratio laid down in the judgment of the Hon'ble Supreme Court in Jaishri Patil's case (supra), and so also the mandate of Articles 141 & 144 of the Constitution of India. We find the time period of nearly one year and five months in declaration of the result is very long, even though we exclude the time of lockdown.

11. S.O to 9.6.2021. Hamdast.

Sd/-

Sd/-

(M.A Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 03.06.2021
Dictation taken by : A.K. Nair.
D:\Anil Nair\Judgments\2021\1.6.2021\O.A 312.21, Selection challenged , DB, 06.21.doc

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.112 of 2020

D.W. Patil .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Advocate and his Applicant both are absent.

2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.

3. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Rejoinder as last chance.

4. Matter pertains to Time Bound Promotion which pertains to Division Bench as per recent Office order dated 28.05.2021.

5. Registrar is directed to place the matter before Division Bench.

6. S.O. to 28.06.2021.

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

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.161 of 2021

S.R. Koli .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.

3. Adjourned for hearing at the stage of Admission.

4. S.O. to 23.06.2021.

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

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.83 of 2021

M.S. Deo .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1 to 3. It is taken on record.

3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.

4. S.O. to 16.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.574 of 2020

L.D. Veer .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents, Shri A.R. Kapadnis, learned Advocate for the Respondent No.5 is absent and Shri K. Tiwari, learned Advocate for the Respondent No.9 is also absent.

2. Learned Advocate for the Applicant submits that he has already filed M.A. for condonation of delay and this O.A. can be kept along with M.A.

3. S.O. to 07.06.2021.

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

NMN

[*P.T.O.*

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

M.A. No.167 of 2021 in O.A. No.333 of 2021

R.B. Parab .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.227 of 2021

V.S. Jadhav .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The Applicant has challenged transfer order dated 16.03.2021, whereby he is transferred from Akkalkot to Security Branch, Solapur. However, in mean time he has retired at end of May 2021, initially Tribunal has granted interim relief in favour of the Applicant by order dated 30.03.2021 in view of his retirement date.

3. Thus the Applicant already stands retired from service, learned Advocate for the Applicant therefore submits that O.A. be disposed of.

4. In view of above, O.A. has become infructuous and disposed of with no order as to costs.

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

NMN

[P.T.O.

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

Date: 03.06.2021

O.A. No.242 of 2021

D.B. Kedari .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents

1. Heard Shri C.R. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Today learned P.O. has filed short Affidavit-in-Reply of Shri Nand Kumar, Additional Chief Secretary, Reply to Show Cause Notice for initiating contempt proceeding by order dated 15.04.2021.

3. Additional Chief Secretary, Employment Guarantee Scheme (Planning Department) was directed to explain the steps taken in the matter after receipt of enquiry report from enquiry officer. However, no Affidavit was filed, and therefore, notice for initiating Show Cause Notice for initiating Contempt proceeding was issued.

4. Shir Nand Kumar, Additional Chief Secretary, in Affidavit has tendered un-conditional apology stating that due to Pandemic situation Affidavit was not filed earlier. Apology is accepted.

5. Still two enquiries are pending in which enquiry officer has submitted his report in 2018, however no further steps were taken in right earnest to pass final order which delayed benefits of retirement.

6. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply explaining steps taken by the Government after receipt of report of enquiry officer and further to explain why D.E. was not completed within reasonable time.

7. Adjourned to 18.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

M.A. No.140 of 2021 in O.A. No.617 of 2019

L.Y. Vanaskar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri L.S. Deshmukh, learned Advocate holding for Shri N.Y. Chavan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This M.A. is filed to restore the O.A. No.617/2019 which was dismissed in default by order dated 10.03.2021. O.A. was dismissed in default due to absence of Advocate and his Applicant, for the reasons mentioned in the O.A., the order of dismissal of 10.03.2021 is recalled and O.A. is restored.

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

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.617 of 2019

L.Y. Vanaskar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri L.S. Deshmukh, learned Advocate holding for Shri N.Y. Chavan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Shri L.S. Deshmukh, learned Advocate holding for the Applicant submits that he has instructions to withdraw the O.A.

3. Allowed to withdraw the O.A.

4. In view of above, O.A. is disposed with no order as costs.

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

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.95 of 2021

G.N. Dongarkar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.

3. S.O. to 23.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

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: 03.06.2021

O.A. No.86 of 2021

R.D. Phadakale .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that grievance raised by the Applicant in the O.A. is already redressed and he has been granted Deemed Date of Promotion, he has tendered letter dated 01.06.2021. It is taken on record and marked as letter 'X'.

3. Learned Advocate for the Applicant fairly concedes that the grievance of the Applicant is addressed and requested to disposed of the O.A.

4. Thus Applicant's grievance is redressed, O.A. has become infructuous and disposed of accordingly with no order as to costs.

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

NMN

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.28 of 2021

D.B. Pawar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.

3. S.O. to 21.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

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

Date: 03.06.2021

O.A. No.314 of 2021

S.N. Tembe .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent No.4, Shri M.D. Lonkar, learned Advocate for the Respondent No.2 and Shri Aniket Bansubhe, learned Advocate for the Respondent No.1.

2. Today learned Advocate for the Respondent No.1 has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.

3. Learned Advocate Shri M.D. Lonkar has also filed short Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record.

4. Shri A.V. Bandiwadekar submits that the Respondent No.3 is also served but the service report is not filed in the Office. He should file the service report along with Affidavit.

5. Smt. K.S. Gaikwad learned P.O. submits that Reply of Respondent No.4 is not required since impugned order is passed by Respondent No.1.

6. Adjourned for hearing on Monday for interim relief.

7. S.O. to 07.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.768 of 2020 with M.A. No.55 of 2021

D.T. Katke .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Ms.Ayesha Keshodwala, learned Advocate holding for Shri Talekar, learned Advocate for the Applicant and Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Due to paucity of time, it being 04.30 p.m. not possible to conclude hearing. Hence, matter is adjourned on 07.06.2021 at 11.00 a.m. for hearing through Video-Conference

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

NMN

[*P.T.O.*

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.71 of 2021

P.B. Rajput .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Learned Advocate for the Applicant has sought permission to withdraw the O.A. and also tendered letter of the Applicant since, her grievance is already redressed. Letter is taken on record and marked as letter 'X'.

3. In view of above, the O.A. is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

Date: 23.02.2021 [*P.T.O.*

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

Date: 03.06.2021

O.A. No.326 of 2021

L.J. Kale .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Issue notice before admission returnable on 05.07.2021.

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

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

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

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

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

8. S.O. to 05.07.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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

Date: 03.06.2021

O.A. No.323 of 2021

D.G. Vasgadekar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Issue notice before admission returnable on 05.07.2021.

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

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

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

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

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

8. S.O. to 05.07.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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

Date: 03.06.2021

O.A. No.305 of 2021

R.B. Wagh .....**Applicant**
Versus
The State of Maharashtra & Ors. .....**Respondents.**

1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 28.06.2021.

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

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

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

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

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

8. S.O. to 28.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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

Date: 03.06.2021

M.A. No.153 of 2021 in O.A. No.271 of 2021

N.M. Pore .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Issue notice before admission returnable on 28.06.2021.

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

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

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

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

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

8. S.O. to 28.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.277 of 2021

Shri Ashok M. Sapkal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Yashodeep Deshmukh with Shri V.P. Sangvikar, learned Advocates for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO files reply dated 2.6.2021 of Shri Vijay Bapurao Santan on behalf of respondent no.2. Copy of the same is provided to the Ld. Advocate for the applicant and he acknowledges the same. Ld. CPO drawn our attention to the provisions in GR dated 1.7.2016 which mentions that there is a facility of appeal against the order passed by Deputy Director before the Joint Director. The relevant portion is at para 4 page 127 of the affidavit.

3. The Ld. CPO draws our attention to the order dated 19.1.2021 passed by Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No.6757 of 2020 & other group matters which reads as under:

> "1. It is submitted in the affidavit in reply filed by the State that the petitioners have an alternate remedy before the Joint Director.
>
> 2. In view of that, the learned counsel for the petitioners submit that they will avail alternate remedy.
>
> 3. In light of above, Writ Petitions are disposed of with liberty to the petitioners to avail alternate remedy. In that event, all contentions of the parties are kept open."

[P.T.O.

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

4. She further mentions that the applicant has not filed appeal before the appellate authority so far. In view of Section 20 of the Administrative Tribunals Act, 1985 which reads as under:

> "20. Application not to be admitted unless other remedies exhausted.-
>
> (1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances."

the OA is not maintainable.

5. Ld. Advocate for the applicant submits that they may be provided an opportunity to file appeal before the appellate authority on or before 10.6.2021. He further prays that till this appeal is decided, no coercive action should be taken against the applicant. He further requests to give time for redressal, if the order is adverse.

6. In view of the orders issued by the Hon'ble Bombay High Court, Bench at Aurangabad referred above, we find that the applicant is similarly situated as the petitioners before the Hon'ble High Court and therefore we pass the following order.

7. We direct the respondents to decide the appeal of the applicant within ten days i.e. on or before 21.6.2021 and the order should be handed over on 21.6.2021 and the applicant is protected till 25.6.2021. With these directions the OA is disposed of.

Sd/-
(P.N. Dixit)
Vice-Chairman
3.6.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
3.6.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.331 of 2021

N.V. Thakare .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. The Applicant has challenged transfer order dated 04.05.2021, whereby the Applicant is transferred from Thane City to Nandurbar by Police Establishment Board (P.E.B.)-II. The Applicant has also claimed interim relief.

3. Smt. K.S. Gaikwad, learned P.O. sought short time to take instructions from the Respondents to hear the matter on the point of interim relief.

4. In the mean time issue notice before admission returnable on 07.06.2021.

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

6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

[*P.T.O.*

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

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

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

10. S.O. to 07.06.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.587 of 2020

H.G. Vijapure .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri L.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. In the present O.A. the Applicant has challenged transfer order dated 16.06.2020, whereby he was transferred from Hotgi, Taluka South Solapur, District Solapur to Village Gogave, Taluka Gaganbawada, District Kolhapur. Learned Advocate for the Applicant has pointed out that immediately thereafter Hon'ble Minister by his letter dated 07.08.2020 had stayed transfer order to avoid inconvenience likely to ~~cost~~ cause on account of COVID-19 Pandemic situation. However, since the Applicant was already transferred by Commissioner of Planning Department and it was implemented the Applicant could not get relief of stay order.

3. Today learned Advocate for the Applicant made fair submission that his client will make representation and give option of minimum three places and considering his medical ground it can be considered by Respondent No.3 – Additional Tribal Development, Commissioner, Thane while issuing general transfer of 2020-21. He therefore submits that O.A be disposed of with suitable direction.

[P.T.O.

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

4. Learned P.O. also fairly stated that representation made by the Applicant will be considered appropriately.

5. In view of above, O.A. is disposed of with direction to the Applicant to make representation to Respondent No.3 - Additional Tribal Development, Commissioner, Thane giving minimum three options for transfer and it be considered in general transfer of 2020-21 by passing appropriate order.

6. In view of above, O.A. is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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: 03.06.2021

O.A. No.333 of 2021 with M.A. No.167 of 2021

R.B. Parab .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In the present O.A. the Applicant has challenged order/circular dated 06.03.2021 issued by the Office of the Commissioner of Police, Mumbai to the extent of direction to the Respondent No.1 to vacate the service quarter.

3. This is second round of litigation which could have been avoided and Respondent No.2 should have passed appropriate order in terms of direction given in O.A. No.845/2019 decided on 08.02.2021. The said O.A. was disposed of with direction to Commissioner of Police to consider the representation dated 07.01.2019 made by the Applicant No.2 afresh in view G.R. dated 19.08.2020 for transfer /allotment of service quarter in possession of the Applicant No.1. The Applicant No.2 retired as A.S.I. on 31.05.2019. The Applicant No.2 has his daughter-in-law who joined as Police Constable on 04.08.2010. Thus the Applicant No.2 who alongwith her husband was staying in service quarter even during the tenure of the Applicant No.1. However, her representation for transfer of service quarter in her name was rejected and being aggrieved by it, O.A. No.845/2019 was filed, which was disposed of with direction as referred above.

[P.T.O.

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

4. In terms of G.R. dated 19.08.2020 daughter-in-law is included in the definition of family for the purpose of transfer of service quarter.

5. As such the Respondent No.2 – Commissioner of Police, Mumbai was supposed to transfer the service quarter in the name of the Applicant No.2. However, by communication dated 06.03.2021 though Commissioner of Police accepted entitlement of the Applicant No.2 for service quarter in terms of G.R. dated 19.08.2020 and passed the order of allotment in her name but while doing so he added one sentence directing the Applicant No.1 to vacate the service quarter.

6. Indeed, since the Applicant No.1 is family member of the Applicant No.2 there is no question of physical vacating the service quarter and therefore direction to vacate physically is unwanted.

7. Learned P.O., Smt. K.S. Gaikwad submits that unless there is entry that the Applicant No.1 has vacated the service quarter there could not be allotment to the Applicant No.2. As such according to her for record purpose there has to be entry that the Applicant No.1 has vacated service quarter.

8. In view of above, O.A can be disposed of with direction that the Applicant No.1 shall submit his application/intimation to the Office of the Commissioner of Police, Mumbai that he is vacating service quarter on specific date without physically vacating the service quarter and such intimation should be construed vacating of service quarter by the Applicant No.1.

9. The Applicant No.1 is therefore directed to submit application/intimation to the Office of the Commissioner of Police as stated above within two weeks from today for the purpose of compliance of impugned order dated 06.03.2021.

10. O.A. is therefore disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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

O.A. No.1121 of 2016

P.N. Shelke ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. V.K. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. On request of I.d. Advocate for the applicant short time is granted for final hearing with specific direction that no further time will be granted.

3. S.O. to 7.6.2021.

Sd/-
(M.A. Gadgil)
Member (A)
3.6.2021

Sd/-
(A.P. Kurhekar)
Member (J)
3.6.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

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

O.A. No.1100 of 2016

S.V. Shintre ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Applicant and his advocate both are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In the present OA the applicant has challenged initiation of DE initiated by charge sheet dated 15.10.2016 which was served upon applicant on 16.11.2016.

3. Today, Ld. PO has pointed out that in meantime DE initiated by charge sheet dated 15.10.2016 has been completed and applicant has been exonerated from the charges. She has produced order to that effect passed by the respondents. It is taken on record and marked as 'X' for identification.

4. As such OA has become infructuous and disposed of with no order as to costs.

Sd/-
(M.A. Gadgil)
Member (A)
3.6.2021

Sd/-
(A.P. Kurhekar)
Member (J)
3.6.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.794 of 2016

Dr. S.R. Chinchalkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Applicant and his advocate both are absent. Heard Smt.K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant is seeking appointment to the post of Assistant Commissioner, Animal Husbandry from select list of 2012. A perusal of record reveals that applicant was selected in the select list of 2012 prepared by MPSC. However, he did not appear before the Medical Board for medical examination.

3. Though the select list is of 2012, OA is filed in 2016.

4. Thus, the applicant appears not interested in the matter. However, in the interest of justice one chance is given to the applicant and his advocate to remain present for final hearing.

5. S.O. to 22.6.2021.

Sd/-
(M.A. Gadgil)
Member (A)
3.6.2021

Sd/-
(A.P. Kurhekar)
Member (J)
3.6.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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

O.A. No.559 & 802 of 2015

Dr. D.N. Mhaske & Ors.
Dr. S.B. Mane & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Applicants and their Advocate are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. It is noticed that one of us [Smt. M.A. Gadgil – Member (A)] has dealt with the matter as Additional Chief Secretary, Medical Education and Drugs Department during her tenure in Mantralaya. Therefore, this OA needs to be placed before another DB of which she is not a Member.

3. Registrar to place the matters before another DB.

4. S.O. to 23.6.2021.

Sd/-
(M.A. Gadgil)
Member (A)
3.6.2021

Sd/-
(A.P. Kurhekar)
Member (J)
3.6.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.437 of 2016

P.B. Pardeshi ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. The applicant in the present OA has challenged show cause notice dated 12.4.2016 whereby he was directed to explain why he should not be dismissed from service in view of his conviction in Special Case No.11 of 2012 under the provisions of Prevention of Corruption Act.

3. However, today Ld. Advocate for the applicant submits that in meantime the judgment of conviction rendered by Special Court has been quashed by the Hon'ble High Court and by that time applicant was superannuated and therefore got remaining service benefits. He therefore submits that OA has become infructuous and be disposed of. He has also filed letter of applicant dated 20.5.2021 stating that OA be closed. Letter is taken on record and marked 'X' for identification.

4. In view of above, OA has become infructuous and is disposed of with no order as to costs.

Sd/- Sd/-

(M.A. Gadgil) (A.P. Kurhekar)
Member (A) Member (J)
3.6.2021 3.6.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.325 of 2016

G.P. Rekulwad ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Today matter is for final hearing but on perusal of record it reveals that respondents have not filed reply to OA. This is second round of litigation. Earlier applicant has filed OA No.6 of 2013 which was allowed on 4.9.2014.

3. Ld. PO submits that pursuant to decision in OA No.6/2013 applicant was considered for deemed date of promotion. However, orders are not placed on record.

4. In OA applicant has claimed several reliefs for deemed date of promotions on various posts. According to Ld. PO out of the reliefs sought some of the reliefs are already considered by the respondents.

5. Ld. PO seeks permission to file short affidavit in reply. She has to consider OA and relief claimed on its own merit.

6. Three weeks time is granted for filing reply.

7. S.O. to 21.6.2021.

Sd/- Sd/-

(M.A. Gadgil) (A.P. Kurhekar)
Member (A) Member (J)
3.6.2021 3.6.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.592 of 2015

J.S. Shinde ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. V.K. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant in the present OA is solely relying on the decision rendered by this Tribunal in OA No.1215/2013 which decided along with OAs No.1128/2013 and 1227/2013 on 4.7.2014.

3. Ld. Advocate for the applicant sought to contend that this OA deserves to be allowed on the line of the decision given in the above OAs.

4. Ld. PO has pointed out that judgment in OA No.1215 of 2013 on which reliance is placed by the applicant is under challenge before the Hon'ble High Court in W.P. No.8926 of 2015 wherein stay has been granted. She has also tendered copy of stay order dated 24.4.2018. It is taken on record and marked as 'X' for identification.

5. Thus the implementation of the judgment on the basis of which this OA is filed itself has been stayed and therefore it would not be appropriate to proceed with this OA. We need to await till decision in writ petition.

6. S.O. to 23.7.2021.

Sd/- Sd/-

(M.A. Gadgil) (A.P. Kurhekar)
Member (A) Member (J)
3.6.2021 3.6.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.1141 of 2016

H.D. More ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Applicant and Advocate both are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In the interest of justice, matter is adjourned for final hearing to give one opportunity to applicant and his advocate to remain present.

3. S.O. to 25.6.2021.

Sd/- Sd/-

(M.A. Gadgil) (A.P. Kurhekar)
Member (A) Member (J)
3.6.2021 3.6.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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
	O.A. No.306 of 2015 R.D. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Applicant and Advocate both are absent. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Ld. PO sought permission to file reply to the amendment carried out to OA. Allowed to file reply to the amendment. It is taken on record. 3. Since applicant and his advocate are absent, in the interest of justice adjourned for final hearing to 21.6.2021. Sd/- Sd/- (M.A. Gadgil) (A.P. Kurhekar) Member (A) Member (J) 3.6.2021 3.6.2021 (sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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Original Application No. of 20

FARAD CONTINUATION SHEET No.

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

O.A. No.338 of 2021

V.M. Kadam ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This matter is again placed before this DB in view of order of the Hon'ble Chairperson dated 31.5.2021. Ld. Advocate for the applicant sought interim relief to stay the implementation of order dated 25.5.2021 and 27.5.2021 whereby the order dated 10.3.2016 appointing the applicant in School and Education Department as Administrative Officer has been recalled and he was transferred in his original department in Municipal Council, Aalandi.

3. Per contra, Ld. PO sought time to file reply and opposed grant of interim relief. According to her, original order dated 10.3.2016 appointing the applicant on the establishment of School Education Department itself was not in accordance with law and therefore it was rightly recalled.

4. In view of the above issue notice to the respondents returnable on 17.6.2021 and issue of interim relief is kept open. Ld. PO is directed to file reply on the next date without fail. Private service is allowed.

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

6. 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 in view of this present

[P.T.O.

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

COVID-19 Pandemic situation. Respondents are put to notice that the case would 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. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-
(M.A. Gadgil)
Member (A)
3.6.2021

Sd/-
(A.P. Kurhekar)
Member (J)
3.6.2021

(sgj)