

**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>03.08.2023</u></p> <p align="center"><u>O.A 1108/2016</u></p> <p>Shri M.S Utpat ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant prays that this Tribunal be pleased to quash and set aside the communication dated 3.6.2016, issued by Respondent no. 5, wherein he informed the applicant that as the period of appointment on contract basis has come to an end, therefore, he cannot be again given such contract appointment as per the report submitted by Respondent no. 3.</p> <p>3. Learned counsel for the applicant submits that pursuant to the advertisement for the post of Turner Instructor, the applicant applied for the same and he participated in the selection process and was appointed on contract basis to the post of Turner-Instructor with the Respondent-State on 10.8.2011, with monthly pay of Rs. 15000/-. The applicant joined on 30.8.2011, and on the same day he made representation to Respondent no. 1, and went on leave on account of family issues. The applicant, however, did not join after availing of the leave which was earlier granted. On 5.10.2011, his application for further leave was rejected and he was directed to join immediately. The applicant replied to the said letter on 7.3.2013.</p> <p>4. The applicant has no right to claim any appointment on contract basis as the contract period of appointment of the applicant has come to an end. Further, the applicant has only joined for one day and went on leave.</p> <p>5. We find that there is no merit in the application and the same stands dismissed.</p> <p align="right">Sd/-</p> <p align="center">/</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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.355 of 2016</u></p> <p>Kishor P. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Joel Carlos with Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant challenges the final seniority list dated 29.1.2015 for the years 1.4.1990 to 31.3.1998 and prays that his name is to be placed at Sr. No.165 in the cadre of Executive Engineer (EE). It is also prayed for placing him at Sr. No.165 and respondents to take into account the deemed date of the applicant in the cadre of Assistant Executive Engineer (AEE) which is 1.12.1993. It is also prayed that the final seniority list of 20.5.2015 of the officers in the cadre of Executive Engineer is also challenged on the ground that applicant is not placed properly but his seniority is shown as 296.</p> <p>3. The posts were bifurcated as 14 for Irrigation Department and 14 for Public Works Department. In both the departments there are AEE. Those who got higher marks are placed as AEE and those who got lesser marks are appointed as Assistant Engineer, Grade-I as the quota is of 40% and 25%. The cutoff for AEE was 500 marks out of 900 and for AE-I was 465 marks.</p> <p>4. Ld. Advocate submits that applicant secured 500 marks i.e. bifurcated by 375 + 125. Ld. Advocate submits that instead of putting the applicant as AEE as he has secured 500 marks he was appointed as Assistant Engineer, Grade-I on 12.11.1993. The applicant was promoted on 31.3.2002 as Executive Engineer in PWD. Ld. Advocate submits that the seniority list for the period 1.4.1990 to 31.3.1998 was published on 4.8.2014. The applicant was Executive Engineer and came to know his seniority on 4.8.2014 and then on 16.8.2014 he made representation to the State that in 1992 the vacant posts were not filled up which</p>

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effected his entitlement. Ld. Advocate submits that provisional seniority list was published on 4.8.2014 and final seniority list was published on 29.1.2015 and therefore the applicant lodged his protest on 4.2.2015. The provisional seniority list of Executive Engineers for the period 1998 to 2010 was published on 21.2.2015. The applicant further submits that his representations dated 4.2.2015 and 7.3.2015 and final seniority list was published on 20.5.2015 and the applicant was placed at Sr. No.296 and deemed date of 14.6.2010 was given. Hence, the applicant objected the placement. Ld. Advocate submits that actual vacancies of Executive Engineers were 20 in the year 1992 however requisition was sent by the Govt. to MPSC for 14 and though the applicant has secured 500 marks he was kept out of these 14 posts.

5. Ld. CPO opposes the OA on the ground of delay and laches. She further submitted that it is the prerogative of the respondent-State to make requisition of particular number of posts and decide how many vacancies are to be filled up.

6. At the outset, we hold that the OA suffers from delay and laches. It is admitted that the applicant has secured 500 marks which is cutoff marks of AEE. However, it is not the case of the applicant that any other candidate who has secured lesser marks than him is appointed to the post of AEE. All the 14 posts are filled in. Obviously the posts were filled up by candidates who are meritorious than the applicant and therefore applicant should not have any grievance about filling up these 14 posts. The ground for taking legal recourse is agitated that the Govt. should have advertised more 6 posts as total of 20 posts of AEE were vacant and required to be filled up. Thus, the Govt. did not requisitioned 6 posts and if these 6 posts would have been advertised then the applicant could have been accommodated as AEE. Such speculation and such argument are not sustainable in law. The State has the power and authority to decide how many vacancies are to be filled in and how many posts are required to run the administration. No judicial mandate can be given in this issue. Thus the case of the applicant has no merit and OA deserves to be dismissed.

7. OA is dismissed with no orders as to cost.

Sd/-
(Medha Gadgil)
Member (A)
3.8.2023

Sd/-
(Mridula Bhatkar, J.)
Chairperson
3.8.2023

(sgj)

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	<u>03.08.2023</u>
	<u>O.A 802/2023</u>
	Shri Anil S. Jachak ... Applicant Vs. The State of Maharashtra & Ors ... Respondents
	1. Heard Shri A.R Avachat i/b Shri S.H Deshpande, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.
	2. The applicant prays that the suspension order dated 2.11.2005 be quashed and set aside and the Respondents be directed to grant consequential service benefits to the applicant.
	3. Issue notice before admission returnable on 31.8.2023.
	5. 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.
	6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
	7. 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.
	8. In case notice is not collected within seven days or service report on affidavit in not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption ' for Dismissal ' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."
	9. S.O to 31.8.2023. Sd/-
	Sd/-
	(Medha Gadgil) Member (A)
	(Mridula Bhatkar, J.) Chairperson
	Akn

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	<p><u>03.08.2023</u></p> <p><u>O.A 850, 851 and 876/2023</u></p> <p>J.J Gaikwad J.M Mali P.R Gawande ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Pooja Mankoji i/b Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O is directed to file affidavit in reply by way of last chance.</p> <p>3. S.O to 17.8.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>03.08.2023</u></p> <p><u>O.A 865/2021</u></p> <p>Nakul M.Ransing & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Shilpa G.Talhar, learned advocate for the applicants, Smt K.S Gaikwad, learned P.O for the Respondent no. 1 and Shri A.S Gaikwad learned counsel for Respondents no 2 to 10, except Respondent no. 6.</p> <p>2. Learned counsel Shri Gaikwad submits that copy of the amended O.A and rejoinder is not served on the private Respondents.</p> <p>3. Learned counsel for the applicants is directed to serve copy of the amended O.A along with rejoinder.</p> <p>4. S.O to 24.8.2023.</p> <p style="text-align: right;">Sd/- _____</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p style="text-align: right;">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p>

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	<p style="text-align: center;"><u>O.A 904/2023</u></p> <p>Shri R.R Whavale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arbaz W. Pathan, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant seeks permission to withdraw the Original Application with liberty to file fresh Original Application.</p> <p>3. Original Application stands disposed of as withdrawn with liberty to file fresh Original Application.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) <small>Akn</small></p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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	<p style="text-align: center;"><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 846/2023</u></p> <p>Shri S.D Bargude ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Kailash Jadhav, i/b Shri R.G Panchal, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. In this matter, show cause notice dated 30.6.2023 was issued to the applicant at the final stage in the departmental enquiry. However, the said action of the Respondents was challenged on the basis of the ratio laid down in the case of Managing Director Ecil Hyderabad ... vs B. Karunakar & Ors, 1994 SCC Supp (2) 391, as it is binding on the Enquiry Officer to give the copy of the enquiry report before the Disciplinary Authority arrives at any conclusion.</p> <p>3. Learned P.O submits that in view of the said ratio, the Police Commissioner, Solapur City has withdrawn the impugned show cause notice dated 3.7.2023 and the requisite procedure as laid down in the case of B. Karunakar's case is followed.</p> <p>4. In view of the above, nothing remains in the Original Application and the same stands disposed of.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Meena Gadgil) Member (A)</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: center;">Akn</p>

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	<p><u>03.08.2023</u></p> <p><u>O.A 327/2016</u></p> <p>Shri M.M Kathe & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The Respondents to inform whether the Director General of Police has published the notice on the website informing the persons who are likely to be affected.</p> <p>3. The Respondents are directed to comply within one week.</p> <p>4. S.O to 10.8.2023.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>03.08.2023</u></p> <p><u>O.A 433/2023 in O.A 794/2023</u></p> <p>Shri Y.S Katkar & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Himanshu Pujari i/b Shri U.L Momale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not allowed.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/s/ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>03.08.2023</u></p> <p><u>O.A 156/2023</u></p> <p>Shri V.J Mali & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Admit with liberty to file rejoinder.</p> <p>3. Place for final hearing on 7.9.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 135/2023</u></p> <p>Shri A.V Sahane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Smt K.S Gaikwd, learned P.O for the Respondents.</p> <p>2. At the outset, learned P.O challenges the maintainability of the Original Application on the ground of gross delay. She submits that the applicant was given notice by letter dated 22.10.2013, asking him to join duty and if he does not resume duty, action will be taken against him as per rules. However, he did not join.</p> <p>3. Admit with liberty to file rejoinder.</p> <p>4. Place for final hearing on 7.9.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p><u>03.08.2023</u></p> <p><u>O.A 844/2023</u></p> <p>Shri S.S Kulkarni ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Smt K.S Gaikwd, learned P.O for the Respondents.</p> <p>2. The applicant prays that the Respondents be directed to declare the applicant deemed to be regularized / absorb in service in Group-C and he be granted the benefits of Old Pension Scheme.</p> <p>3. Issue notice before admission returnable on 31.8.2023.</p> <p>5. 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>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. 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>8. In case notice is not collected within seven days or service report on affidavit in not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption 'for Dismissal' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>9. S.O to 31.8.2023.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 115/2023</u></p> <p>Shri M.T Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Admit with liberty to file rejoinder.</p> <p>3. Place for final hearing on 7.9.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Aku</p>

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	<p><u>03.08.2023</u></p> <p><u>M.A 492/2023 in O.A 67/2021</u></p> <p>Smt Savita K. Titar (Datir) ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that the applicant has filed representation dated 5.4.2023 and the Respondents may be directed to decide the same.</p> <p>3. Learned P.O submits that final decision is not yet taken in the departmental enquiry. Learned P.O further submits that copy of the Misc Application is not served on the Respondents.</p> <p>4. Learned counsel for the applicant is directed to serve copy of the Misc Application on the Respondents. We further direct the Respondents to decide the representation dated 5.4.2023 submitted by the applicant within three weeks from the date of this order.</p> <p>5. Misc Application stands disposed of.</p> <p>6. Original Application to be placed on 31.8.2023.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p><u>03.08.2023</u></p> <p><u>M.A 226/2022 in O.A 354/2020</u></p> <p>State of Maharashtra & Ors ... Applicants (Ori Respondents)</p> <p style="text-align: center;">Vs.</p> <p>Shri S.S Misal & Ors ... Respondent (Ori Applicant)</p> <p>1. Heard Ms Swati Manchekar, learned C.P.O for the Applicants (Ori Respondents) and Ms Pooja Mankoji holding for Shri Talkute, learned advocate for the Respondents (Ori applicants).</p> <p>2. Learned counsel Ms Mankoji submits that Mr Talkute, learned counsel for the applicants is suffering from Dengue and he requested for time.</p> <p>3. Time granted.</p> <p>4. S.O to 31.8.2023.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p>03.08.2023</p> <p><u>C.A 80/2022 in O.A 879/2015</u></p> <p>Shri G.P Wadekar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None for the applicant. Heard Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the file is pending with the Hon'ble Chief Minister and requests for time.</p> <p>3. S.O to 10.8.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>Akn</p>

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	<p style="text-align: center;"><u>O.A. No.30 of 2023</u></p> <p>G.N. Tate ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant produces letter dated 8.6.2023 from Commissionerate of Agriculture, Pune to Secretary, Agriculture, Mantralaya.</p> <p>3. Ld. PO to verify the position and see whether the amount has been deposited.</p> <p>4. S.O. to 18.8.2023.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 3.8.2023</p> <p>(sgj)</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 style="text-align: center;"><u>O.A. No.974 of 2022</u></p> <p>N.G. Kabadi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Applicant in person and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Applicant in person seeks two weeks time to file MA for amendment.</p> <p>3. S.O. to 18.8.2023.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 3.8.2023</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.1174 of 2022</u></p> <p>A.Y. Jagtap ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that his appearance is not shown on board and the same may be shown.</p> <p>3. Office to take note and appearance be shown.</p> <p>4. S.O. to 31.8.2023.</p> <p align="right">Sd/- (Medha Gadgi) Member (A) 3.8.2023</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.654 of 2023</u></p> <p>A.K. Bhosle ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 31.8.2023 for final hearing.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 3.8.2023</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.496 of 2023</u></p> <p>B.D. Chitte ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant produces copy of letter dated 3.8.2023 received from the applicant for withdrawal and seeks leave to withdraw the above OA. The said letter is taken on record and marked Court Exhibit 'A' for identification.</p> <p>3. OA is allowed to be withdrawn and disposed off as such.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 3.8.2023</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.393 of 2023</u></p> <p>P.C. Bagul ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files affidavit in reply dated 1.8.2023 on behalf of respondent no.6.</p> <p>3. Admit.</p> <p>4. S.O. to 31.8.2023 for final hearing.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 3.8.2023</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>M.A. No.236 of 2023 in O.A. No.158 of 2022</u></p> <p>S.B. Kobalkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Supriya Rathod, learned Advocate for the Applicant and Shri A.J. Chogule, learned Presenting Officer for the Respondents.</p> <p>2. The MA is filed for condoning the delay of 23 months in filing the OA. Ld. Advocate for the applicant submits that applicant has made several representations to the department and prays that delay may be condoned in view of the period of COVID-19 and also the <u>order dated 10.1.2022 passed by the Hon'ble Supreme Court in MA No.21/2022 in MA No.665/2021 in Suo Motu Writ Petition (C) No.3 of 2020.</u></p> <p>3. Ld. PO opposes the MA.</p> <p>4. In view of the facts and circumstances of the case and for the reasons mentioned in the MA and in the interest of justice, the delay is condoned. MA is disposed off accordingly.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 3.8.2023</p> <p>(sgj)</p>

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

Tribunal's orders

O.A. No.158 of 2022

S.B. Kobalkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Ms. Supriya Rathod, learned Advocate for the Applicant and Shri A.J. Chogule, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 31.8.2023. The respondents are directed to file reply.

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

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

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

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

Sd/-

(Medha Gadgil)
Member (A)
3.8.2023

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.2 of 2023 in O.A. No.1274 of 2022</u></p> <p>B.S. Kapse ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.S. Dhannawat, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate submits that the MA is filed for condoning the delay of 925 days in filing the OA. The applicant has retired on 31.5.2020. He submits that he has made number of representations. Ld. Advocate therefore prays that delay may be condoned in view of the period of COVID-19 and also the <u>order dated 10.1.2022 passed by the Hon'ble Supreme Court in MA No.21/2022 in MA No.665/2021 in Suo Motu Writ Petition (C) No.3 of 2020.</u> Ld. Advocate submits that there is continuous cause of action.</p> <p>3. Ld. PO submits that cause of action arose on 1.6.2012 when he claimed interstate Kamgiri. Ld. PO submits that first representation was made in the year 2021. She states that there is no record of representation made in 2014.</p> <p>4. It appears that there has been inordinate delay. However, in the interest of justice the delay is condoned. The applicant to pay cost of Rs.1000/- (Rupees one thousand only). MA disposed off accordingly.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 3.8.2023</p> <p>(sgj)</p>

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

Tribunal's orders

O.A. No.1274 of 2022

B.S. Kapse ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.S. Dhannawat, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 24.8.2023. The respondents are directed to file reply.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "**For Dismissal**" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)

Member (A)

3.8.2023

(sgj)

**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 style="text-align: center;"><u>O.A. No.64 of 2021</u></p> <p>U.T. Sarode ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant refers to order dated 17.7.2023 passed by this Tribunal in the above matter wherein the Ld. PO was directed to produce deposition of witnesses recorded in DE.</p> <p>3. Ld. CPO is directed to produce the deposition of witnesses within two weeks.</p> <p>4. S.O. to 18.8.2023.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 3.8.2023</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>Date: 03.08.2023</p> <p align="center">O.A. No.630 of 2022</p> <p>Dr. A.P. Patil & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The O.A. has been filed for direction to the Respondent No.1 to prepare the seniority list of Naib Tehsildar and for grant of seniority and other consequential service benefits.</p> <p>3. Learned Advocate for the Applicant has pointed out that during the pendency of O.A. Government prepared amalgamated seniority list as on 01.01.2015 for the post of Naib Tehsildar and published it by Circular dated 17.08.2022. Thereafter, the Applicant is also promoted to the post of Naib Tehsildar.</p> <p>4. Thus the grievance of non-preparation of seniority list in the cadre of Naib Tehsildar is redressed and the Applicants are also promoted to the post of Tehsildar.</p> <p>5. Shri S.S. Dere, learned Advocate for the Applicant therefore submits what remains is claim for Deemed Date of Promotion. He submits that Applicants will make representation for grant of Deemed Date of Promotion and Respondents be directed to decide the same within stipulated period. With this submission he prayed to dispose of O.A.</p>

[P.T.O.]

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

Tribunal's orders

6. Learned C.P.O. fairly concedes to dispose of O.A. by giving liberty to the Applicants to make representations. Learned C.P.O. prayed for six months time for decision of representation.

7. In view of above, O.A. is disposed of with liberty to the Applicants to make representation to the Government for grant of Deemed Date of Promotion and it shall be made within 15 days from today. Respondents No.1 is directed to decide the representation for grant of Deemed Date of Promotion within four months from the date of receipt of the representation in accordance to law and the decision be communicated to the Applicants within two weeks thereafter. No order as to costs.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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: 03.08.2023</p> <p align="center">O.A. No.1190 of 2022</p> <p>N.A. Bankar & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri S.S. Dere, learned Advocate for the Respondents No. 23 & 27.</p> <p>2. On request of learned P.O. three weeks time is granted to Respondent Nos.1 to 3 for filing Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 22.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p align="center">C.A. No.46 of 2022 in O.A. No.72 of 2022 with C.A. No.47 of 2022 in O.A. No.73 of 2022</p> <p>V.H. Patil R.H. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondent.</p> <p>2. Today, learned P.O. has tendered joint Reply in both the Contempt Applications on behalf of Contemnor No.2 – Dr. Y.L.P Rao, Principal Chief Conservator of Forest, Nagpur, and also Reply of Contemnor No.3 – Shri R.M. Ramanujam, Chief Conservator of Forest, Kolhapur. It is taken on record. In sofaras, Reply of Contemnor No.4 – Shri M.N. Mohite is concerned, two weeks time is granted to file Reply to him.</p> <p>3. If no final decision is taken by next date, the Tribunal will consider to frame the charge against the Contemnor for Contempt of the order of the Tribunal.</p> <p>4. S.O. to 17.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p style="text-align: center;">O.A. No.361 of 2017</p> <p>V.N. ItkylApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent.</p> <p>2. Learned P.O. has filed short Affidavit along with copies of enquiry proceedings and deposition of witness. It is taken on record.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> <p>LATER ON</p> <p>3. During the course of hearing it is transpired that some of the material documents are not on record. Record of enquiry is also not produced. Learned P.O. therefore sought one week time to file Additional Affidavit and to produce the record.</p> <p>4. S.O. to 09.08.2023.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 953, 954 & 955/2023</u></p> <p>Shri S.K Khade Shri S.K Chandanshive Shri S.V Kokare ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicants working as Police Naik prays that the Tribunal be pleased to declare the impugned order dated 7.7.2023 issued by Respondent no. 3 as illegal and bad in law and the same be quashed and set aside with directions to defer the hearing of the departmental enquiry vide chare memo dated 11.4.2023.'</p> <p>3. In view of the ratio laid down by the Hon'ble Supreme Court in the case of Easter Coalfields Ltd & Ors Vs. Rabindra Kumar Bharti, (2022) 12 SCC 390, it is necessary to verify whether the facts and nature of the charges are same and will affect the defence of the applicants in the criminal trial. It is observed in para 13 of the said judgment as under:-</p> <p style="padding-left: 40px;">We would notice that this is a case where there is a criminal case against the respondent. The appellants as employer also launched disciplinary proceedings. It is undoubtedly true that this Court has taken the view that when the charges are identical and gives rise to complicated issues of the fact and law and evidence is the same, it may not be appropriate to proceed simultaneously in disciplinary proceedings, along with the criminal case. The rationale behind the principle largely is that the employee who is facing the disciplinary proceeding would necessarily have to take a stand. This in turn would amount to revealing his defense and therefore prejudice the employee in the criminal proceedings. No doubt, this Court has laid down that it is not an absolute embargo and the principle is one to be applied based on the facts of each case."</p> <p>4. Hence, the departmental enquiry which is fixed on 7.8.2023 is postponed to 28.8.2023.'</p> <p>5. Learned C.P.O is directed to file a short affidavit in reply on this issue only on or before 18.8.2023.</p> <p>6. S.O to 21.8.2023. Sd/-</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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: 03.08.2023</p> <p>O.A. No.361 of 2017</p> <p>V.N. ItkylApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent.</p> <p>2. Learned P.O. has filed short Affidavit along with copies of enquiry proceedings and deposition of witness. It is taken on record.</p> <p>Sd/- Sd/- (Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p>O.A. No.1226 of 2022</p> <p>S.P. Khanvilkar & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Applicant and his Advocate both are absent.</p> <p>2. Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent Nos.1 to 5 and Shri S.S. Dere, learned Advocate for the Respondents No. 6 to 89 is present.</p> <p>3. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply on behalf of Respondent Nos.1 to 5 by way of last chance.</p> <p>4. S.O. to 21.08.2023.</p> <p>Sd/- Sd/-</p> <p>(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p align="center">C.A. No.03 of 2023 in O.A. No.950 of 2019 with M.A. No.516 of 2019 with C.A. No.04 of 2023 in O.A. No.1018 of 2019 with M.A. No.561 of 2019</p> <p>S.K. Inamke G.F. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Applicants in both the C.As are present in person.</p> <p>2. Advocate for the Applicant is absent.</p> <p>3. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent is present.</p> <p>4. Learned P.O. sought short time to file Affidavit-in-Reply of Contemnor to the Show Cause Notice issued by the Tribunal. She states that steps are already taken to implement the order and matter is in process at the level of Accountant General.</p> <p>5. Short time is granted to file Reply to the Contemnor.</p> <p>6. S.O. to 08.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p align="center">C.A. No.65 of 2023 in O.A. No.301 of 2023</p> <p>P.L. TambeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondent.</p> <p>2. Today learned P.O. has filed Reply of both the Contemnors. It is taken on record.</p> <p>3. Adjourned for hearing of Contempt.</p> <p>4. S.O. to 09.08.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p align="center">C.A. No.49 of 2023 in O.A. No.1224 of 2022</p> <p>V.D. KamaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent.</p> <p>2. Learned P.O. has tendered the copy of sanction of Gratuity order stating that order of the Tribunal is complied with.</p> <p>3. Learned Advocate for the Applicant also fairly concedes this position.</p> <p>4. In view of above, Contempt proceeding is disposed of with no order as to costs.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p>O.A. No.896 of 2017</p> <p>A.S. ShingeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent.</p> <p>2. Shri G.A. Bandiwadekar, learned Advocate for the Applicant requested for short time on the ground that his Senior is unable to remain present today.</p> <p>3. S.O. to 07.08.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p align="center">O.A. No.757 of 2017</p> <p>D.C. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Savita Suryavanshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondent.</p> <p>2. In present O.A. the Applicant is claiming promotion on the post of P.S.I.</p> <p>3. Learned P.O. submits that recently the Applicant is promoted to the post of P.S.I. by order dated 26.07.2023. As such the grievance of promotion is redressed.</p> <p>4. However, learned Advocate for the Applicant submits that she wants to amend O.A. for claiming Deemed Date of Promotion.</p> <p>5. The issue of Deemed Date of Promotion would be totally different which the Applicant can raise independently.</p> <p>6. Learned Advocate for the Applicant sought one week time to take instructions from the client whether to proceed with the O.A. or to withdraw it.</p> <p>7. S.O. to 10.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.08.2023</p> <p align="center">O.A. No.1026 of 2017</p> <p>C.W. GaikwadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant requested for adjournment on the ground that documents claimed under RTI from the Department are awaited.</p> <p>3. S.O. to 23.08.2023.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>03.08.2023</u></p> <p><u>O.A 433/2023 in O.A 794/2023</u></p> <p>Shri Y.S Katkar & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Himanshu Pujari i/b Shri U.L Momale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not allowed.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</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><u>03.08.2023</u></p> <p><u>O.A 327/2016</u></p> <p>Shri M.M Kathe & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The Respondents to inform whether the Director General of Police has published the notice on the website informing the persons who are likely to be affected.</p> <p>3. The Respondents are directed to comply within one week.</p> <p>4. S.O to 10.8.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</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><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 846/2023</u></p> <p>Shri S.D Bargude ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Kailash Jadhav, i/b Shri R.G Panchal, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. In this matter, show cause notice dated 30.6.2023 was issued to the applicant at the final stage in the departmental enquiry. However, the said action of the Respondents was challenged on the basis of the ratio laid down in the case of Managing Director Ecil Hyderabad ... vs B. Karunakar & Ors, 1994 SCC Supp (2) 391, as it is binding on the Enquiry Officer to give the copy of the enquiry report before the Disciplinary Authority arrives at any conclusion.</p> <p>3. Learned P.O submits that in view of the said ratio, the Police Commissioner, Solapur City has withdrawn the impugned show cause notice dated 3.7.2023 and the requisite procedure as laid down in the case of B. Karunakar's case is followed.</p> <p>4. In view of the above, nothing remains in the Original Application and the same stands disposed of.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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 03.08.2023
	<p style="text-align: center;"><u>O.A 904/2023</u></p> <p>Shri R.R Whavale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arbaz W. Pathan, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant seeks permission to withdraw the Original Application with liberty to file fresh Original Application.</p> <p>3. Original Application stands disposed of as withdrawn with liberty to file fresh Original Application.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) ✓ (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 865/2021</u></p> <p>Nakul M.Ransing & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Shilpa G.Talhar, learned advocate for the applicants, Smt K.S Gaikwad, learned P.O for the Respondent no. 1 and Shri A.S Gaikwad learned counsel for Respondents no 2 to 10, except Respondent no. 6.</p> <p>2. Learned counsel Shri Gaikwad submits that copy of the amended O.A and rejoinder is not served on the private Respondents.</p> <p>3. Learned counsel for the applicants is directed to serve copy of the amended O.A along with rejoinder.</p> <p>4. S.O to 24.8.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson Akn</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><u>03.08.2023</u></p> <p><u>O.A 850, 851 and 876/2023</u></p> <p>J.J Gaikwad J.M Mali P.R Gawande ... Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Pooja Mankoji i/b Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O is directed to file affidavit in reply by way of last chance.</p> <p>3. S.O to 17.8.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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
	03.08.2023
	<u>O.A 844/2023</u>
	Shri S.S Kulkarni ... Applicant Vs. The State of Maharashtra & Ors ... Respondents
	1. Heard Shri K.R Jagdale, learned advocate for the applicant and Smt K.S Gaikwd, learned P.O for the Respondents.
	2. The applicant prays that the Respondents be directed to declare the applicant deemed to be regularized / absorb in service in Group-C and he be granted the benefits of Old Pension Scheme.
	3. Issue notice before admission returnable on 31.8.2023.
	5. 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.
	6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
	7. 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.
	8. In case notice is not collected within seven days or service report on affidavit in not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption ' for Dismissal ' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."
	9. S.O to 31.8.2023.
	Sd/- (Mridula Bhatkar, J.) Chairperson
	(Medha Gadgil) Member (A) Akn

**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>03.08.2023</p> <p><u>C.A 80/2022 in O.A 879/2015</u></p> <p>Shri G.P Wadekar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None for the applicant. Heard Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the file is pending with the Hon'ble Chief Minister and requests for time.</p> <p>3. S.O to 10.8.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</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><u>03.08.2023</u></p> <p><u>M.A 226/2022 in O.A 354/2020</u></p> <p>State of Maharashtra & Ors ... Applicants (Ori Respondents)</p> <p style="text-align: center;">Vs.</p> <p>Shri S.S Misal & Ors ... Respondent (Ori Applicant)</p> <p>1. Heard Ms Swati Manchekar, learned C.P.O for the Applicants (Ori Respondents) and Ms Pooja Mankoji holding for Shri Talkute, learned advocate for the Respondents (Ori applicants).</p> <p>2. Learned counsel Ms Mankoji submits that Mr Talkute, learned counsel for the applicants is suffering from Dengue and he requested for time.</p> <p>3. Time granted.</p> <p>4. S.O to 31.8.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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>03.08.2023</u></p> <p align="center"><u>M.A 492/2023 in O.A 67/2021</u></p> <p>Smt Savita K. Titar (Datir) ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that the applicant has filed representation dated 5.4.2023 and the Respondents may be directed to decide the same.</p> <p>3. Learned P.O submits that final decision is not yet taken in the departmental enquiry. Learned P.O further submits that copy of the Misc Application is not served on the Respondents.</p> <p>4. Learned counsel for the applicant is directed to serve copy of the Misc Application on the Respondents. We further direct the Respondents to decide the representation dated 5.4.2023 submitted by the applicant within three weeks from the date of this order.</p> <p>5. Misc Application stands disposed of.</p> <p>6. Original Application to be placed on 31.8.2023.</p> <p align="right">Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 115/2023</u></p> <p>Shri M.T Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Admit with liberty to file rejoinder.</p> <p>3. Place for final hearing on 7.9.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A) Aku</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</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>03.08.2023</u></p> <p align="center"><u>O.A 135/2023</u></p> <p>Shri A.V Sahane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Smt K.S Gaikwd, learned P.O for the Respondents.</p> <p>2. At the outset, learned P.O challenges the maintainability of the Original Application on the ground of gross delay. She submits that the applicant was given notice by letter dated 22.10.2013, asking him to join duty and if he does not resume duty, action will be taken against him as per rules. However, he did not join.</p> <p>3. Admit with liberty to file rejoinder.</p> <p>4. Place for final hearing on 7.9.2023.</p> <p align="right">Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 156/2023</u></p> <p>Shri V.J Mali & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Admit with liberty to file rejoinder.</p> <p>3. Place for final hearing on 7.9.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</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
	<u>03.08.2023</u>
	<u>O.A 952/2023</u>
	Mrs Gayatri T. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents
	1. Heard Shri A.A Devkhile, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.
	2. The applicant working as Dietician in Sub District Hospital, Jawahar challenges the transfer order dated 30.6.2023 qua Respondents no 4 & 5 and prays that she be transferred in any Government Hospital in Thane District.
	3. Learned counsel submits that the applicant joined at Sub District Hospital, Jawahar on k17.8.2021 and Respondents no 4 & 5 are working in Thane District for more than 15 years and they are always taking inter-changing District. Learned counsel also relies on the G.R dated 9.4.2018.
	4. Learned P.O seeks time to take instructions.
	5. S.O to 21.8.2023.
	Sd/- (Mridula Bhatkar, J.) Chairperson
	Akn

**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>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 858/2023</u></p> <p>J.S Pawar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.S Chaudhari, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant working as Police Constable, challenges the order dated 17.8.2022 issued by the Respondent no. 2, suspending the applicant from service. He further prays that the said order dated 17.8.2022 be quashed and set aside and the applicant be reinstated.</p> <p>3. Learned P.O seeks time to take instructions in the matter.</p> <p>4. S.O to 7.8.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders 03.08.2023</p>
	<p style="text-align: center;"><u>O.A 950/2023</u></p> <p>Shri K.S Ambolkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant seeks exception to the order dated 30.12.2021 actually received by the applicant on 7.7.2023 by which Time Bound Promotion accorded to him as per law is cancelled.</p> <p>3. Issue notice before admission returnable on 31.8.2023.</p> <p>4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. 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 in not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption 'for Dismissal' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>8. S.O to 31.8.2023.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">Akn</p> <p style="text-align: right;">[P.T.O.]</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><u>03.08.2023</u></p> <p style="text-align: center;"><u>O.A 917/2023</u></p> <p>Kunal R. Sawale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri Pramod Kathane, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents. 2. Learned counsel for the applicant submits that he seeks two weeks' time to file Misc Application for condonation of delay. 3. Time granted to file Misc Application seeking condonation of delay. 4. S.O to 17.8.2023. <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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03.08.2023

O.A 868/2023

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

1. Heard Shri A.P Kharkar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. The applicant working as Deputy Collector challenges the transfer order dated 5.6.2023 transferring him from Pune to Nagpur.

3. Learned counsel for the applicant submits that the applicant has already taken charge. However, he states that the daughter of the applicant is blind and is suffering from mental trauma. Learned counsel therefore prays that the transfer order dated 5.6.2023 be quashed and he may be posted within Pune Division.

4. Learned P.O seeks time to take instructions.

4. Issue notice before admission returnable on 10.8.2023.

5. 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.

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

7. 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.

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

9. S.O to 10.8.2023.

Sd/-

/ (Mridula Bhatkar, J.)
Chairperson