

**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><u>03.09.2020</u></p> <p align="center"><u>O.A 378/2020</u></p> <p>Shri S.N Raktate ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.A Gharte, learned advocate for the applicant and Smt Kranti S. Gaikwd, learned P.O for the Respondents.</p> <p>2. It is shocking to know that the person who has retired in the year 2013 is yet waiting for completion of his Departmental Enquiry for his alleged misconduct committed by him during the period 2003 to 2007. The applicant was working in the Revenue Department. The person who was appointed as the Enquiry Officer is accountable to this delay. This pertains to pensionary dues which is withheld since 2013 on account of the pending D.E against the applicant.</p> <p>3. Learned P.O to file reply before next date.</p> <p>4. S.O to 29.9.2020. Hamdast.</p> <p align="right">Sd/- _____</p> <p align="right">(Mridula R. Bhatkar, J.) Chairperson</p> <p>Atm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Tribunal's orders

O.A. No.292 of 2020 with M.A. No.204 of 2020

S.D. Joshi ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The Ld. CPO on instructions from Shri Prasad R. Shinde, Section Officer, Revenue & Forest Department, submits that the order of the applicant to the post of Dy. Collector (Selection Grade) is issued yesterday. Now his case is also considered for the promotion to the post of Additional Collector. The Ld. Counsel submits that his name is recommended by Establishment Board to the post of Additional Collector. Thus relief no.1 as claimed in OA does not survive.

3. However, the applicant states that he be given the post as Additional Collector, Pune and he has made representation to that effect and for that purpose he has moved the present MA.204/2020. Hence, we dispose off this OA and MA with following order.

4. The respondents to decide the representation dated 24.8.2020 of the applicant on or before 22.9.2020. OA and MA disposed off accordingly.

Sd/-

Sd/-

(P.N. Dixit) (Mridula R. Bhatkar, J.)
Vice-Chairman Chairperson
3.9.2020 3.9.2020

(sgj)

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	<p align="center"><u>C.A. No.15 of 2020 in O.A. No.817 of 2019</u></p> <p>S.R. Karande .Applicant Vs. The State of Maharashtra & Ors. .Respondents</p> <p>Heard Shri Kranti L.C., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant to the order of this bench dated 18.6.2020 the Ld. CPO produces original letter dated 1.9.2020 given by Superintendent, Chhatrapati Pramilaraje Hospital, Kolhapur. Said letter is taken on record and marked Exh.1 for identification. She submits that the applicant is already paid Rs.3,79,186/- and his bill of Rs.3,72,272/- is sanctioned.</p> <p>3. Ld. Counsel for the applicant submits that the applicant is paid as per 6th Pay Commission but his juniors are paid as per 7th Pay Commission. Ld. CPO submits that the applicant has resigned from his post and again joined. There are issues regarding his entitlement. Under such circumstances as the order of this Tribunal is complied with the matter can be disposed off, however the issue pertaining to the actual amount of payment as per the calculation of both the parties are kept open. Nothing remains in this CA. Hence, disposed off as complied with. However, liberty is granted to the applicant if at all he has grievances regarding payment dues as per 7th Pay Commission can be agitated. We direct both the parties to sit together and sort the issue of calculation at their level. CA disposed off accordingly.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 3.9.2020 3.9.2020</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.229 of 2019 with OA No.1121 of 2019</u></p> <p>G.A. Kiture & Ors. S.K. Bhatade ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The issue is regarding selection in the Police Department and time to time orders are passed by this Tribunal directing the Home Department to decide the issue which is kept pending. Home Department to note that if a decision is not taken at their level, this Tribunal will be considering to pass orders suitably.</p> <p>3. S.O. to 22.9.2020.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 3.9.2020 3.9.2020</p> <p>(sgj)</p>

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IN

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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.214 of 2020</u></p> <p>S.K. Khomane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Ld. CPO seeks two weeks' time to file reply. Ld. Advocate for the applicant expresses apprehension about convening DPC. S.O. to two weeks by way of last chance. <u>In case DPC is scheduled then the list of the DPC will be subject to outcome of this order.</u></p> <p>3. S.O. to 17.9.2020.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(P.N. Dixit) / (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 3.9.2020 3.9.2020</p> <p>(sgj)</p>

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

O.A. No.437 of 2020

K.P. Dhumale

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant claims promotion to the post of Divisional Forest Officer mainly on the basis of interpretation of letter dated 29.12.2017 and the ratio laid down by this Tribunal in OA No.953/2019 dated 13.2.2020 and also GR dated 28.2.2017. GAD to consider the case of the applicant and communicate the decision by 29.9.2020. It is argued by Ld. Advocate for the applicant that the case is similar to OA No.421 of 2020.

3. Issue notice returnable on 29.9.2020. Ld. CPO waives service of notice.

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

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present 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.

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

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

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
3.9.2020

(Mridula R. Bhatkar, J.)
Chairperson
3.9.2020

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

Tribunal's orders

O.A. No.438 of 2020

S.R. Dumare

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant claims promotion to the post of Divisional Forest Officer mainly on the basis of interpretation of letter dated 29.12.2017 and the ratio laid down by this Tribunal in OA No.953/2019 dated 13.2.2020 and also GR dated 28.2.2017. GAD to consider the case of the applicant and communicate the decision by 29.9.2020. It is argued by Ld. Advocate for the applicant that the case is similar to OA No.421 of 2020.

3. Issue notice returnable on 29.9.2020. Ld. CPO waives service of notice.

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

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present 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.

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

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

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
3.9.2020

(Mridula R. Bhatkar, J.)
Chairperson
3.9.2020

(§j)

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

TAJAMITM

Tribunal's orders

O.A. No.132 of 2020

C.V. Rajput ..Applicant
Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant who is at present a Police Head Constable prays that he is to be given promotion as PHC from the deemed date 21.8.2011 and regular promotion for the post of Assistant Sub Inspector from 7.6.2019.
3. The applicant joined on transfer from SRPF to Mumbai Police in 2008. A query is made by the Bench whether any person junior to him has been promoted to the post of Police Head Constable till today. Ld. Advocate wants to time to take instruction.
4. Issue notice returnable on 20.10.2020. Ld. CPO waives service of notice.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 O.A. Private service is allowed in view of this present 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
3.9.2020

(Mridula R. Bhatkar, J.)
Chairperson
3.9.2020

(sgj)

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	<p align="center"><u>Suo Moto CA.1/2020 in OA.649/19 with MA.201 & 203/2020</u></p> <p>Dr. S.M. Gawli ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. It is suo moto contempt taken up by the Ld. Member (J) sitting single on 27.8.2020. The Ld. Member has noted down that:</p> <p align="center"><i>"4. It is really astonishing and disgusting to note despite stay to the transfer order dated 4.7.2019, now respondents ventured to transfer the applicant to Junnar by order dated 7.8.2020 It is prima facie contempt of the order passed by this Tribunal on 10.7.2019."</i></p> <p>3. Ld. PO submits that the Govt. will file affidavit because the transfer order was erroneously passed as the order of the Tribunal was not placed before the competent authority.</p> <p>4. Affidavit to that effect of the concerned officer is required.</p> <p>5. S.O. to 17.9.2020 first on board.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 3.9.2020 3.9.2020</p> <p>(sgj)</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">03.09.2020</p> <p align="center">C.A 21/2020 in O.A 953/2016</p> <p>Shri S.S Kamble ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Kamble, applicant in person and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The party in person has grievance that he has not been supplied with copies of the documents. This can be sorted out by giving following directions:-</p> <p>(i) Applicant is directed to visit the office of Respondent no. 3, Pune on 9.9.2020 and 11.9.2020 at 11.00 am.</p> <p>(ii) Respondent no. 3 is directed to give the inspection of the documents as per his application.</p> <p>(iii) Applicant is directed to carry the copy of applications along with acknowledgement, requesting to give documents. Accordingly, Respondent no. 3 as per availability of the documents shall supply those documents after taking due charges and giving receipt of it.</p> <p>(iv) The applicant shall acknowledge all the copies of documents received by him.</p> <p>3. S.O to 29.10.2020.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(P.N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p align="center">Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>03.09.2020</u></p> <p><u>O.A 368/2020</u></p> <p>Shri B.D Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.A Bandiwadekar, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file reply. Time granted to file reply by way of last chance.</p> <p>3. S.O to 1.10.2020.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>03.09.2020</u></p> <p><u>O.A 322/2020</u></p> <p>Smt Priyanka A Chavan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Smt K.S Gajkwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that a decision is taken by the Respondent no. 2, dated 31.8.2020. The decision shows that the applicant has given the choice of place of posting as Nandgaon. However, now she has changed to Dindori. Learned P.O is directed to point out whether such choice of place of posting at Nandgaon was given in writing by the applicant. Learned counsel for the applicant informs that she has never given choice of place of posting at Nandgaon, but has given choice of place of posting at Dindori and Igatpuri as the places are near to Nasik and she can travel every day from Dindori to Nasik as she is having 3 year old baby and her mother-in-law is on dialysis.</p> <p>3. If the post at Dindori & Igatpur are vacant, the same should not be filled in till next date.</p> <p>4. S.O 17.9.2020.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>03.09.2020</u></p> <p><u>O.A 335/2020</u></p> <p>Shri S.M Sathe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard applicant in person and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file reply. Time granted to file reply.</p> <p>3. S.O to 1.10.2020.</p> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p align="center">Date: 03.09.2020</p> <p align="center">O. A. No.389 of 2020</p> <p>N.A. LokhandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. It appears from the submission of Counsels of both the parties, post of Talathi (S.C.) Pune, was vacant in December 2019 and the admittedly Applicant was trying his transfer from Solapur to Pune.</p> <p>3. The Government to file Reply to the query, if at all the Applicant was pursuing for a transfer from 2017 and if the same post was fallen vacant then why he was not transferred at that time.</p> <p>4. Allowed to amend the O.A. by adding necessary parties.</p> <p>5. S.O. to 01.10.2020.</p> <p align="right">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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	<p align="center"><u>03.09.2020</u></p> <p align="center"><u>O.A 327/2020</u></p> <p>S.S Kamathe & Others ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file reply. Time granted to file reply by way of last chance.</p> <p>3. S.O to 17.9.2020.</p> <p>4. O.A 339/2020 to be clubbed with present O.A.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>03.09.2020</u></p> <p>M.A 174/2020 in O.A 272/2020 with M.A 175/2020 in O.A 273/2020 & M.A 176/2020 in O.A 274/2020</p> <p>Shri R.D Shirsath ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Reply has been filed by the Respondents.</p> <p>3. S.O 22.9.2020.</p> <p align="right">Sd/-</p> <p align="right">(Mridula R. Bhatkar, J.) Chairperson</p>

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	<p>03.09.2020</p> <p><u>O.A 436/2020</u></p> <p>Smt Sonali T. Ohal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Applicant is challenging transfer order dated 23.7.2020 and also the order dated 30.7.2020 qua Respondent no. 4.</p> <p>3. Respondent no. 4 is not served. Applicant seeks time to serve copy of the O.A on Respondent no. 4.</p> <p>4. Learned counsel for the applicant states that applicant falls in Group-C and she is entitled for a period of 6 years at one place, which she has not completed.</p> <p>5. Learned counsel further submits that there is one post vacant at Bhor Sub Division due to transfer of Shri D.D Chavan to Aurangabad.</p> <p>6. Learned C.P.O seeks time to take instructions.</p> <p>7. S.O 1.10.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>03.09.2020</u></p> <p><u>O.A 403/2020</u></p> <p>Smt Anusuya P. Mahale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant is challenging order of transfer, dated 10.8.2020 from the post of Spl. Dy. Superintendent of Land Record, City Survey No. 2, Nasik, to Dy. Superintendent of Land Record, Shrirampur, Ahmednagar. Learned counsel for the applicant states that nobody is posted in place of the applicant and</p> <p>3. If at all nobody is posted in the place of the applicant and if the post is vacant, though she is relieved the applicant can continue to work till next date.</p> <p>4. S.O 17.9.2020.</p> <p style="text-align: right;">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>03.09.2020</u></p> <p><u>O.A 426/2020</u></p> <p>Shri A.S Shaikh ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Applicant is working as Assistant Sub-Inspector challenging order dated 13.7.2020 transferring the applicant from Training Company, Navi Mumbai to 'C' company</p> <p>3. At present applicant is working at Training Unit, State Reserve Police Force, Group-11, Navi Mumbai and now he is transferred to 'C' company. It is to be noted that applicant does not know what is meant by 'C' company and where he is transferred.</p> <p>4. Learned P.O states that under one Commandant there are nine companies and at present applicant is serving under Training Company. Now he is transferred to 'C' company, i.e. out-duty company in the same Unit.</p> <p>5. The grievance of the applicant is that the person who has issued the order is not competent as it is violative of Sec 22(J)(4) of Maharashtra Police Act.</p> <p>6. Learned P.O seeks time to file reply.</p> <p>7. S.O 1.10.2020.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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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>03.09.2020</u></p> <p align="center"><u>O.A 408/2020</u></p> <p>N.K More ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant is challenging the suspension order dated 9.2.2020.</p> <p>3. The case of the applicant was reviewed and placed before the committee consisting of Dy Secretary, Mr Kailash Gaikwad, Addl. D.G Shri Bipin Kumar Singh, Shri Sanjay Kumar, Addl. C.S, Home Department, pursuant to the order passed by this Tribunal dated 11.6.2020. The Committee has taken decision by order dated 26.6.2020 that the charge sheet was filed within 41 days from the date of suspension of the applicant (charge sheet was filed on 20.2.2020) and as it was filed within 90 days, and therefore, the guidelines in G.R dated 9.7.2019 are complied with.</p> <p>4. Learned counsel for the applicant submits that till today no charge sheet is served to the applicant in the D.E. as contemplated in the case of Ajay Kumar Choudhary Vs. Union of India, through Secretary and Anr (2015) 7 SCC 291. The subsistence allowance to be paid in accordance with rules.</p> <p>5. S.O to 1.10.2020.</p> <p align="right">Sd/-</p> <p align="right">(Mridula R. Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NOS 399 & 400 OF 2020

DISTRICT : RAIGAD

Shri Balaji A. Shinde (O.A 399/2020)
Shri S.N Jagtap (O.A 400/2020))...**Applicants**

Versus

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

Shri A.V Bandiwadekar, learned advocate for the Applicants.

Shri Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **03.09.2020**

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.
2. These matters are clubbed together because O.A 399/2020 pertains to husband and O.A 400/2020 pertains to wife.
3. In both the matters, the applicants who are husband and wife are transferred from Raigad to Pune. The applicants have challenged their transfer orders on following grounds:-
 - (i) The G.R of 9.4.2018 is violated as the case was not placed before the Civil Services Board
 - (ii) Failure in publishing the list of employees who are due for transfer as per stage no. 1, clause 2 of G.R dated 9.4.2018.
 - (iii) A separate list of the employees due for transfer who have worked in difficult area and non-difficult area is not published.

- (iv) As per stage 3, the preferential option though given the applicant was not followed.
- (v) As per Annexures of the said G.R of 2018, it is obligatory of the Government to give priority to the Government servants whose parents are suffering from serious disease and if the children are disabled wherein autism is included.
- (vi) Learned counsel for the applicant states that transfer made in August, 2020 is a mid-term transfers.
- (vii) No special reason is given and the approval of the Hon. Chief Minister is not taken.

4. Learned P.O states that matter was placed on 7.8.2020 before the Civil Services Board. Learned P.O states that such list as mentioned in G.R dated 9.4.2018 was not published and it is not necessary. Clause 2 of stage 1 does not invite the publication of the entire seniority list of the employees who are due for transfer. Learned P.O submits that she wants to take instructions about publication of 30% of the list of the filled in posts. Learned P.O further states that preferential option was not followed. However she submits that both the applicants being husband and wife were transferred to Pune because mother of husband is suffering from cancer and they have 3 year old son who is autistic. Learned P.O states that it is mid-term transfer in view of Covid-19 pandemic.

5. Mr Khaire, learned advocate appearing for Respondent no. 2 in O.A 400/2020 submits that such list as contemplated under clause 2, stage 1 was published on 9.4.2020 and it was served on every person and it was displayed on website on 9.4.2020.

6. Learned P.O to file detailed reply on the above points mentioned above. In presence of learned P.O, inspection of file is allowed to the learned counsel for the applicant.

7. Learned advocate Shri Khaire, Respondent no. 2, in O.A 400/2020 states that Respondent no. 2 has taken charge of the post of Food Safety Officer, Raigad- 114 and he had also taken admission of his son and started working and that he should not be displaced. Learned advocate Shri Khaire, files affidavit in reply on behalf of Respondent no. 2. Same is taken on record.

3. Under such circumstances it is up to the Government to see that the applicant in O.A 399/2020 whose child is autistic and the applicant in O.A

400/2020, whose wife also a mother whether she can be placed in any vacant post as per her preference in Raigad District itself.

9. The applicant in O.A 399/2020 to continue to work at Raigad-118.

10. S.O to 8.9.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 03.09.2020.

Dictation taken by : A.K. Nair.

D:\Anil Nair\Judgments\2020\1.9.2020\O.A 399 and 400.2020, transfer order challenged SB, 09.20.doc

**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>03.09.2020</p> <p><u>O.A 428, 429, 430 & 431 /2020</u></p> <p>Shri N.R Tekam (O.A 428/2020) Y.D Ogale (O.A 429/2029) R.K Giripunje (O.A 430/2020) M.R Chaudhari (O.A 431/2020)... Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri M.D Lonkar, holding for Dr Gunratan Sadavarte, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents. 2. In this matter the husband prays that as per G.R dated 26.10.2017 the husband and wife are to be posted at one place at the time of transfer. 3. Learned P.O seeks time to take instructions. 4. Issue notice returnable on 29.9.2020. 5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 O.A. Private service is allowed in view of this present 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 9. S.O to 29.9.2020. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) 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: 03.09.2020</p> <p align="center">O. A. No.1133 of 2018</p> <p>B.A. Kale & ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.R. Deshpande, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This matter shall appear on every working day of Maharashtra Administrative Tribunal, Mumbai at 03.00 p.m.</p> <p>3. Learned P.O. on instructions informed that Shri Pradeep Vyas, Principal Secretary, Public Health Department has informed that the file is now with the G.A.D. and all the necessary steps are taken by Public Health Department.</p> <p>4. The person who is holding the file at G.A.D. is requested to remain present in the court.</p> <p>5. S.O. to 08.09.2020.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson</p> <p>NMN</p>

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

Tribunal's orders

O.A. No.1133 of 2018

B.A. Kale & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.R. Deshpande, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. This is a long pending matter for compliance of the orders passed by this Tribunal on 8.8.2019, 16.7.2020 and 23.7.2020. We are receiving reply from the Ld. CPO that the officers of the Public Health Department are busy in controlling COVID-19 pandemic in Maharashtra. However, we do not find any good reason for not complying the order dated 8.8.2019 of this Tribunal when there was no pandemic for nearly six months. Ld. CPO has expressed her helplessness to submit any reply for want of instructions from the concerned responsible officers.

3. We are fully aware that Public Health Department is today busy since last six months dealing with health issues of Pandemic. However, it is a matter of Nurses who play very important part in the said department. It is a simple issue of filling up the post percentage wise by promotion and nomination. We are informed by Ld. Advocate for the applicants about the circular dated 28.2.2019 of Indian Nursing Council (INC) about eligibility at single entry level for nursing. Thus record shows that all the directions were given before August, 2019 and yet the Public Health Department has ignored all the directions of the INC and also of this Tribunal which is very serious. Tribunal takes serious note of the working of Public Health Department.

4. We want to expedite this matter and for that purpose we direct Ld. CPO to contact Shri Pradeep Vyas, Principal Secretary, Public Health Department today itself and communicate this order and we want oral reply as we want to ensure that Principal Secretary is aware of the orders passed by this Tribunal so also the notification of Indian Nursing Council.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
3.9.2020

(Mridula R. Bhatkar, J.)
Chairperson
3.9.2020

(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>M.A.102/2020 in R.A.04/2020 in O.A.697/2019</u></p> <ol style="list-style-type: none">1. Heard Mr. A.J. Chougule, learned Presenting Officer for Applicants (Ori. Respondents) and Shri M.B. Kadam, learned Advocate for Respondent (Ori. Applicant).2. Today, the Respondent (Ori. Applicant) has filed the reply in M.A. as well as in R.A. It is taken on record.3. Adjourned for hearing to 17th September, 2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.09.2020</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

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	<p style="text-align: center;"><u>O.A.180/2020</u></p> <ol style="list-style-type: none">1. Heard Mrs. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents.2. Today, the learned CPO has filed Affidavit-in-reply on behalf of Respondent No.3 and submits that Respondent Nos.1 & 2 are formal parties and their reply is not required.3. Adjourned for hearing at the stage of admission to 24th September, 2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.09.2020</p> <p>(skw)</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.

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	<p style="text-align: center;"><u>O.A.309/2019</u></p> <p>1. Heard Shri Bhosale, learned Advocate holding for Shri V.P. Potbhare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents.</p> <p>2. Shri Bhosale, learned Advocate submits that Advocate Shri Potbhare is unwell and requested to adjourn the matter to next week/month.</p> <p>3. S.O. to 1st October, 2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.09.2020</p> <p>(skw)</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 style="text-align: center;"><u>O.A.337/2018</u></p> <ol style="list-style-type: none"> 1. The Applicant and his Advocate are absent. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. In the present O.A, the challenge is to the selection for the post of Police Patil. However, the Applicant and his Advocate are continuously absent. 3. The matter was taken up for hearing at the stage of admission on 20.05.2020, but it was adjourned due to absence of Applicant and his Advocate. Thereafter again, the matter was taken up for hearing on 30.07.2020 but again, the Applicant and his Advocate were absent. The the matter was adjourned to give one more opportunity to the Applicant and adjourned to 03.09.2020. 4. However, today also, the Applicant and his Advocate are absent. On earlier two dates, despite their absence, the matter was adjourned considering Covid-19 pandemic situation. 5. Now, we are in Unlock-4 and there are no restrictions on travel throughout state of Maharashtra. However, the Applicant and his Advocate appears not interested in the matter. 6. In view of above, the O.A. is dismissed for default. No order as to costs. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.09.2020</p> <p>(skw)</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 style="text-align: center;"><u>O.A.244/2020</u></p> <ol style="list-style-type: none">1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents.2. Today, the learned P.O. has filed Affidavit-in-sur-rejoinder on behalf of Respondents 1 & 2. It is taken on record.3. Adjourned for hearing at the stage of admission to 17th September, 2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.09.2020</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.245/2020</u></p> <ol style="list-style-type: none">1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents.2. Today, the learned P.O. has filed Affidavit-in-sur-rejoinder on behalf of Respondents 1 & 2. It is taken on record.3. Adjourned for hearing at the stage of admission to 17th September, 2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.09.2020</p> <p>(skw)</p>