

**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: 04.08.2022</p> <p>M.A. No.22 of 2022 in O.A. No.33 of 2022</p> <p>P.P. DhumalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Applicant and his Advocate both are absent.2. Learned Advocate for the Applicant has sent her leave note.3. Smt Archana B.K., learned Presenting Officer for the Respondents is present.4. Enough time is granted to file Affidavit-in-Reply but the same is not filed.5. Hence, I am not inclined to grant further time.6. M.A. be kept for hearing without Reply.7. S.O. to 30.08.2022. <p style="text-align: right;">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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 04.08.2022

O.A. No.179 of 2021

R.A. MaratheApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. On request of learned P.O. time is granted for filing Affidavit-in-Reply till 08.08.2022.
3. S.O. to 08.08.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. of 20

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Date: 04.08.2022

O.A. No.664 of 2022

S.A. PatilApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.
3. S.O. to 22.08.2022.

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

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 04.08.2022

O.A. No.620 of 2022

S.G. GhatgeApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record.
3. Learned P.O. submits that in sofaras connected O.A. No.607 of 2022 & O.A. No.608 of 2022 are concerned she will take instruction from the Department for filing separate Reply or to adopt the Reply filed in O.A. No.620/2022.
4. S.O. to 12.08.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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
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Date: 04.08.2022

O.A. No.573 of 2022

B.T. LoharApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent. It is taken on record.
3. O.A. be kept for hearing at the stage of admission.
4. S.O. to 30.08.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 04.08.2022

O.A. No.518 of 2022

H.R. Maske,Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Applicant and his Advocate both are absent.
2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present.
3. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent. It is taken on record.
4. O.A. be kept for hearing at the stage of admission.
5. S.O. to 29.08.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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
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Date: 04.08.2022

O.A. No.418 of 2022

V.R. Mirajkar & Ors.,Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. On request of learned P.O. two weeks time is lastly granted for filing Affidavit-in-Reply.
3. S.O. to 18.08.2022.

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: 04.08.2022</p> <p>O.A. No.387 of 2022</p> <p>S.S. Kanade & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Applicant and his Advocate both are absent.2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.3. Learned P.O. submits that Affidavit-in-Reply on behalf The Commissioner of Police, Navi Mumbai will be filed during the course of the day. Statement is accepted. It be taken on record.4. O.A. be kept for hearing at the stage of admission.5. S.O. to 29.08.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 04.08.2022

O.A. No.652 of 2022

D.K. MayekarApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.S. Dhannawat, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply by way of last chance.
3. S.O. to 11.08.2022.

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 align="center">Date: 04.08.2022</p> <p align="center">O.A. No.760 of 2022</p> <p>M.P. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged transfer order dated 26.05.2022 whereby he was transferred from Virar Police Station to R.C.P., Virar and also challenged subsequent transfer order dated 06.07.2022 whereby he was again shown transfer from R.C.P., Virar to Navghar Police Station <i>inter-alia</i> contending that he is subject to transfer frequently in contravention of Maharashtra Police Act. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 29.08.2022. 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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>9. S.O. to 29.08.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.08.2022</p> <p align="center">O.A.No.598 of 2022</p> <p>R. R. MohiteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply with specific direction that no further time will be granted.</p> <p>3. S.O. to 11.08.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.08.2022</p> <p style="text-align: center;">O.A.No.757 of 2022</p> <p>V. K. DhumaleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged order dated 03.01.2022 whereby he is deputed at Koregaon from Vasai, Dist. Palghar. He has also raised grievance of non-payment of salary from March, 2022. 3. Issue notice before admission returnable on 26.08.2022. 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. 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 8. S.O. to 26.08.2022. 9. The Respondent No.5 – Deputy Superintendent of Land Record, Vasai, Dist. Palghar is directed to release pay and allowances of the Applicant within two weeks and compliance be reported on next date. 10. Steno copy granted. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.08.2022</p> <p align="center">O.A.No.784 of 2019 with O.A.No.100 of 2021 with O.A.No.101 of 2021 with O.A.No.113 of 2021 with O.A.No.111 of 2021</p> <p>J. R. Kumbhar Y. K. Potekar A. Y. Sakpal V. R. Raskar V. V. Sarwankar</p> <p align="right">....Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. It is informed that Writ Petitions are still subjudice before the Hon'ble High Court, therefore, it would be appropriate to wait for some time.</p> <p>3. S.O. to 26.08.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.08.2022</p> <p align="center">O.A. No.556 of 2022</p> <p>K.S. ShengaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 18.08.2022.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No.

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.08.2022</p> <p align="center">O.A. No.341 of 2022</p> <p>Dr. K.N. DeoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed for direction to the Respondent to pay some of Rs.24,65,000/- (Twenty Four Lakhs Sixty Five Thousand Only) to the Applicant towards the remuneration for performing heart surgeries in particular scheme of the Government. The Applicant allegedly conducted the surgeries in 2012 and 2013 but he was not paid the remuneration which was required to be paid under the scheme namely "Rajiv Gandhi Jeevandayi Aarogya" sponsored by Government.</p> <p>3. Thus, apparently the Applicant is not Government servant but is a private practitioner and all that in his hospital these surgeries were made in particular scheme. This Tribunal cannot be said jurisdiction over such matter. Remedy lies somewhere else and not before this Tribunal since, there is no dispute of service related matter of Government servant.</p> <p>4. Learned Advocate for the Applicant should satisfy the Tribunal, how the Tribunal has jurisdiction to entertain this O.A.</p> <p>5. On request on learned Advocate for the Applicant adjourned to 08.08.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="right">[P.T.O.]</p>

Date: 04.08.2022

O.A. No.415 of 2022

S.S. Kharatmal,Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. At the very outset, aghast to note that though the Applicant stands retired on 31.05.2020 from the post of Head Constable but pay and allowances were continued upto Feb-2021 for nine months as if he was continued in service. Thus he was paid total amount of Rs.4,40,658/- (Four Lakhs Forty Thousand Six hundred and Fifty Eight Only) though he stands retired on 31.05.2020. Thus apart, he was also granted provisional pension w.e.f. 01.06.2020. When the blunder was noticed, Respondents issued notice dated 16.03.2022 & 25.03.2022 for recovery of Rs. 4,40,658/- (Four Lakhs Forty Thousand Six hundred and Fifty Eight Only). The Applicant has filed O.A. challenging notice dated 16.03.2022 & 25.03.2022 for recovery.
3. Thus, admittedly though the Applicant stands retired on 31.05.2020, Department continued to pay his regular pay and allowances till Feb-21. It is certainly attributable to grave lapses and negligence on the part of concerned working in the said establishment. Respondent No.1 – The Commissioner of Police, Mumbai is therefore required to explain how such serious mistake occurred and who is responsible for the same and the steps proposed by way of remedial measures or for Departmental proceeding against the concerned.
4. In view of above, I direct the Commissioner of Police, Mumbai to file Affidavit within a week.
5. S.O. to 17.08.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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

Tribunal's orders

Date: 04.08.2022

O.A. No.536 of 2022

S.M. Patil,Applicant
VersusRespondents.
The State of Maharashtra & Ors.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. In this O.A. the Applicant has challenged order dated 20.01.2022 whereby he was held permanently incapacitated for further services and he was retired on invalid pension.
3. After filing of O.A. the Tribunal has passed some interim order giving direction to Respondent No.3 to consider remedial measures in the light of provision of Section 20 of the Persons with Disabilities (The Right of Persons with Disabilities) Act, 2016 and the Judgment of Hon'ble Supreme Court in **(2003) 4 SCC 524 (Kunal Singh v/s. Union of India)**.
4. Now, Respondent No.3 – The Commandant, State Reserve Police Force, Dhule seems to have realized the mistake committed in passing order of invalid pension and cancelled the order of invalid pension.
5. Apart, Respondent No.3 has passed fresh order dated 02.08.2022 under Section 20 of the Persons with Disabilities (The Right of Persons with Disabilities) Act, 2016 and all pay and allowances of the Applicant are continued. Learned P.O. has tendered the letter taken on record and marked by letter 'X'.
6. In view of above, learned Advocate for the Applicant submit that O.A. be disposed of.
7. O.A. is accordingly disposed of with no order as to costs.
8. Respondent No.3 is directed to release arrears of pay and allowances within a month from today.

Sd/-

∨
(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.08.2022</p> <p align="center">O.A. No.761 of 2022</p> <p>S.G. SuryawanshiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 18.01.2022 which is arising from somewhat interesting situation. The Applicant was Revenue Assistant on the establishment of the Collector Kolhapur in 2007. He was arrested for the offence under provision of Prevention of Corruption Act and was prosecuted. He was convicted in Special Case No.1/2008 on 31.03.2015. Consequent to it he was dismissed from service by order dated 20.07.2015. Being aggrieved by conviction he preferred Criminal Appeal No.453/2015 before Hon'ble Bombay High Court which was allowed on 18.12.2020. After acquittal the Applicant was reinstated in service on 13.08.2021. Thus the Applicant was out of service from 21.07.2015 to 12.08.2021.</p> <p>3. However, in the mean time when the Applicant was out of service in view of his dismissal, one another offence under section 406, 418, 420 & 423 of I.P.C. was registered against him in which he was arrested on 17.05.2015 and was detained in Police custody for more than 48 hours.</p> <p>4. Notably, the Collector in impugned order dated 18.01.2022 has taken cognizance of the arrest of the accused on 17.05.2015 in offence under section 406, 418, 420 & 423 of I.P.C. and ordered for Departmental Enquiry in respect of these offences which he allegedly committed during the period of out of service. <i>Prima-facie</i> this seems to be something strange.</p> <p align="right">[P.T.O.]</p>

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

5. Indeed, the Applicant has already filed separate O.A. before Division Bench challenging initiation of D.E. which Department has initiated in respect of the offence registered against the Applicant during the period of out of service and O.A. is subjudice.

6. In this O.A. the Applicant has challenged stipulation in the order dated 18.01.2022 stating that treatment for the period from 17.05.2015 to 12.08.2021 as to whether it could be treated as duty period or otherwise will be taken after the decision in D.E. Indeed, such relief ought to have been claimed in the O.A. filed before Division Bench.

7. Learned P.O. is directed to take instruction and to appraise the Tribunal about the correctness of the order 18.01.2022 by next date.

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

9. Issue notice before admission returnable on 30.08.2022.

10. 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.

11. 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.

12. 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.

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

14. S.O. to 30.08.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.08.2022</p> <p align="center">O.A. No.906 of 2021</p> <p>P.K. Mokashi & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Short Affidavit on behalf of Respondent No.1 as per oral directions of the Hon'ble Tribunal.</p> <p>3. S.O. to 29.08.2022 along with connected O.A. No.907 of 2021.</p> <p align="right">Sd/- W~ (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 align="center"><u>04.08.2022</u></p> <p align="center"><u>O.A 423/2017</u></p> <p>Shri V.D Zambare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Kranti S. Gaikwad, learned P.O for the Respondents. It is informed that the learned counsel for the applicant Mr S.B Deshpande is no more.</p> <p>2. In this Original Application the letter/order dated 14.6.2012 cancelling and withdrawing the requisition for 60 posts of Special Auditor be quashed and set aside and Respondent no. 1 is to be directed to conduct the oral interview of the applicant. No interim relief was granted in this matter.</p> <p>3. However, in the relief sought by the applicant, it appears that after a gap of 10 years nothing remains in the Original Application. However, with a view to give fair chance to the applicant, Registry is directed to send letter by RPAD or Speed Post to the applicant at the address appearing at page no. 25, i.e., Verification of the Original Application, Shri Vishal D. Zambre, R/at: C/o Sambhaji S. Shankar, Sai-Deep Cooperative Housing Society, Plot 159/160, Room no. 201, Koparkhairne, Navi Mumbai 440 709, about the next date of hearing.</p> <p>4. Matter is kept for dismissal on 18.8.2022.</p> <p align="right">Sd/-</p> <p 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
	<p><u>04.08.2022</u></p> <p style="text-align: center;"><u>O.A 625/2021</u></p> <p>Shri K.D Binner & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Applicants present in person. Heard Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. All the applicant are present in the Court and they have submitted application dated 4.8.2022 stating therein that they have communicated by email dated 11.7.2022 to Mr Gunratan Sadavarte, learned counsel that they do not want to appear through him and they want to engage other counsel.</p> <p>3. The application of the applicants is accepted and allowed. The applicants are directed to inform their counsel Mr Gunratan Sadavarte about the application made by them and that the prayer in the application is accepted.</p> <p>4. In view of the above, matter is placed on board on 2.9.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/</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
	<p><u>04.08.2022</u></p> <p><u>O.A 448/2019</u></p> <p>Shri H.P Jaykar & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.S Pawar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. This matter was Part Heard on 16.7.2020 and it was adjourned to 27.8.2020. At the relevant time the matter was heard by me and my brother Shri P.N Dixit, (Vice-Chairman) (A). However, he has retired now and so he is not available and hence the matter is De-Part Heard.</p> <p>3. Place the matter for final hearing on 22.9.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/ (Mridula 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 align="center"><u>O.A. No.267 of 2022</u></p> <p>M.V. Rajgure & 72 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.R. Asawa, learned Advocate for the Applicants and Shri S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks time to file reply.</p> <p>3. S.O. to 8.9.2022 by way of last chance.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</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.32 of 2022</u></p> <p>S.S. Palve & 6 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Poorva Pradhan holding for Shri D.B. Khaire, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants pointed out that the Nagpur Bench of this Tribunal in OA No.545 of 2022 by order dated 13.5.2022 has directed the respondents to decide the representation dated 4.5.2022 before proceeding on the next list of recruitment. Ld. Advocate for the applicants prays for the same relief. Copy of order dated 13.5.2022 is taken on record.</p> <p>3. Ld. CPO to take instructions.</p> <p>4. S.O. to 11.8.2022.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</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.1067 of 2021</u></p> <p>R.S. Lande & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankohi holding for Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 15.9.2022 for final hearing with liberty to file rejoinder.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson 4.8.2022</p> <p>(sg)</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.812 of 2018</u></p> <p>Mahesh M. Patankar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Twinkle Khemka i/b. Khemka & Associates, 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 states that she has oral instructions from the applicant to withdraw the above OA and she seeks leave for the same.</p> <p>3. Leave granted. OA is allowed to be withdrawn and disposed off as such.</p> <p align="right">Sd/- /</p> <p align="right">(Mridula Bhatkar, J.) Chairperson 4.8.2022</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.425 of 2018</u></p> <p>Ms. Durga C. Chaure ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Viraj Hake holding for Shri C.R. Nagare, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that applicant is recommended by MPSC for the post for which the OA is filed. Ld. Advocate for the applicant confirms that applicant was recommended by MPSC and she is appointed.</p> <p>3. Under such circumstances now nothing remains in the OA and the same is disposed off accordingly.</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson 4.8.2022</p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

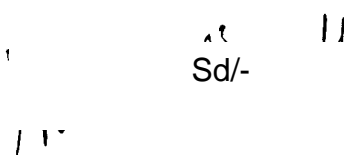
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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
(sgj)	<p style="text-align: center;"><u>M.A. No.402 of 2022 in O.A. No.662 of 2022</u></p> <p>T.B. Gharbudve ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. None for the Applicant.</p> <p>2. Ld. PO states that copy of MA is not served in the office of Ld. CPO.</p> <p>3. Ld. Advocate for the applicant to serve copy of MA in the office of Ld. CPO.</p> <p>4. 18.8.2022.</p> <div style="text-align: right; margin-top: 20px;">  Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022 </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>CA No.53 of 2021 in O.A. No.1091 of 2017</u></p> <p>R.A. Shaikh & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO on oral instructions from the Department submits that order dated 9.5.2019 passed by this Tribunal in above OA is stayed by the Hon'ble High Court and directed the Tribunal not to proceed till next date.</p> <p>3. S.O. to 18.8.2022.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.742 of 2022</u></p> <p>Y.V. Sawalakhe & 26 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.S. Pawar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. All 27 applicants challenge Rule 4(8) and 4(9) of MPSC Rules of Procedure as ultra vires to Article 14, 16, 19(1)(g) of the Constitution, who had appeared for examination pursuant to advertisement of 1999.</p> <p>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 8.9.2022. The respondents are directed to file reply.</p> <p>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. 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 is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/ ' ~ (Mridula Bhatkar, J.) Chairperson 4.8.2022</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.457 of 2022 in O.A. No.755 of 2022</u></p> <p>D.J. Patil & 4 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission in MA returnable on 8.9.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of MA and OA. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the MA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the MA shall stand dismissed.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.458 of 2022 in O.A. No.755 of 2022</u></p> <p>D.J. Patil & 4 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p align="right">Sd/-</p> <p align="right">/</p> <p align="right">(Mridula Bhatkar, J.) Chairperson 4.8.2022</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.732 of 2011</u></p> <p>S.P. Pole ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Rajendra Jadhav holding for Shri R.G. Panchal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. S.O. to 5.8.2022.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.104 of 2022 in O.A. No.373 of 2021</u></p> <p>A.K. Jadhav ..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. As per the facts the applicant is appointed on 10.4.2006 as Assistant Commissioner/Project Officer, Tribal. His promotion period was supposed to be completed on 10.4.2008. However, no order was passed. After three months, as per rules, if decision is not taken i.e. 13.7.2008, then it is deemed to be completed. DE was initiated against him on 12.6.2009. On 27.9.2001 first FIR was lodged against him for the offences punishable under Section 409, 420, 467 & 468 of IPC. Then another DE was initiated in 2010. The applicant was exonerated from first DE on 17.8.2020 and from second DE on 13.1.2022. The applicant was in the zone of consideration. However, in the DPC which was held on 5.11.2020, the reason given for not promoting him was on the ground of completion of probation period and pendency of criminal case. Hence, he challenges this order before the Tribunal.</p> <p>3. S.O. to 11.8.2022.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</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>Date : 04.08.2022</p> <p>O.A.No.725 of 2022</p> <p>S.D. Gaikwad & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicants have cleared Limited Departmental Competitive Examination in the year 2006. By orders dated 13.01.2022 and 09.06.2022 passed by this Tribunal Applicants become PSI. Applicants pray that the Tribunal be pleased to direct the Respondent No.1 to 5 to send the present Applicants for training at Maharashtra Police Academy Nashik for the post of Police Sub Inspector.</p> <p>3. At the request of learned P.O. adjourned to 05.08.2022. To be placed under the caption of 'For Urgent Admission.'</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 Date : 04.08.2022</p>
	<p>M.A.No.436 of 2022 in O.A.No.725 of 2022</p> <p>S.D. Gaikwad & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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.625 of 2022</u></p> <p>S.D. Akale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today we are aware that there is no Cabinet available in the State of Maharashtra. Therefore, our order dated 7.7.2022 is not implemented. However, we again put it that as soon as the portfolio of Home Department is assigned to a particular Minister, this order is to be implemented immediately.</p> <p>3. Ld. Advocate for the applicant submits that Maharashtra Cabinet expansion will take place tomorrow and the matter may be adjourned till tomorrow. At the request of Ld. Advocate for the applicant the matter is adjourned to 5.8.2022.</p> <p>4. S.O. to 5.8.2022.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</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>C.A. No.6 of 2020 in O.A. No.1044 of 2017</u></p> <p>H.G. Chopade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. None for the Applicant.</p> <p>2. Ld. PO states that order in the present OA is challenged in the Hon'ble High Court and stay has been granted.</p> <p>3. In view of this, matter is fixed after ten weeks.</p> <p>4. S.O. to 20.10.2022.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</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.242 of 2018</u></p> <p>Rachana S. Pawar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Applicant and her Advocate both are absent.</p> <p>2. In this matter select list of 24.9.2015 prepared for the post of Assistant Executive Engineer (Civil), Grade-I, Group-A is challenged and also it is prayed that the applicant be declared as successful candidate. This matter was filed on 16.3.2018. Thereafter OA was placed before the Tribunal on 20.3.2018 and the same was adjourned to 4.5.2018 after issuing notice. On 4.5.2018 and 7.6.2018 the matter was placed before the Registrar Court for removing office objection and adjourned to 22.6.2018. However, the office objections are not removed and matter is under No Date.</p> <p>3. Hence, the matter is fixed tomorrow under the caption 'For Dismissal'.</p> <p>4. S.O. to 5.8.2022 for 'Dismissal'.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 4.8.2022</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><u>04.08.2022</u></p> <p><u>M.A 88/2022 in O.A 770/2022</u></p> <p>Dr Arun K. Rathod & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms P.R Wankhede, 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 already paid.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 770 OF 2022
DISTRICT : MUMBAI, KOLHAPUR, MIRAJ & SANGLI

Dr Arun K. Rathod & Ors)...**Applicants**

Versus

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

Ms P.R Wankhede, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

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

DATE : **04.08.2022**

ORDER


1. The applicants who are working as Medical Officers Group-A (Class-II) in Government Medical Colleges and Hospitals, pray that they be conferred the status of regular appointee from the date of their initial appointments. The applicants have approached this Tribunal on account of issuance of advertisement for filling up 427 posts of Medical Officers, issued by Respondent no. 3, M.P.S.C. The applicants seek directions to the Respondent no. 3 to exclude the posts of the applicants from the advertisement dated 22.7.2022. By way of interim relief the applicants pray that the further process initiated on the basis of advertisement dated 22.7.2022 issued by Respondent no. 3 be stayed and the Respondents No 4 to 7 be directed to continue the applicants on the present post of Medical Officers.

2. Learned counsel for the applicants submits that as per the advertisement dated 22.7.2022, the age for open category is 38 years, for reserved categories is 43 years and for Economically Weaker Section and Orphans-43 years. Learned counsel for the applicants submits that all the applicants have put in service in Government Hospitals in Western

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Maharashtra on temporary basis ranging from 15 to 6 years. Learned counsel for the applicants submitted that all the applicants are selected through the process of selection conducted by the Divisional Selection Board and the last appointment was made by the Divisional Selection Board, Kolhapur Region in the year 2017 and one of the applicant's was selected through the said Divisional Selection Board. The Association of Medical Officers (holding M.B.B.S degree) submitted representation on 19.5.2017 to regularize their services as they are working on temporary basis for 120 days for years together. The said representation is still pending.

3. The learned C.P.O opposes the application. Shri Sharad S. Makne, Desk Officer, from the office of the Medical Education Department is present and he submits that the Medical Education Department was established in the year 1983 and since then the Medical Officers were appointed on deputation from the Public Health Department. This practice continued till 2010 when the Public Health Department stopped sending the Medical Officers on deputation to the Public Health Department. Not only that but the Public Health Department repatriated the Medical Officers who were sent on deputation to the Medical Education Department and therefore there was a dearth of Medical Officers. The officer from the Medical Education Department submitted that the persons holding the Degree in M.D/M.S were not available at that time and it was difficult to get such persons to be appointed on the post of Assistant Professor/Lecturer on regular basis. Therefore, the Government appointed bonded candidates who are holding Degree in M.D/M.S to the post of Associate Professor/Lecturer on the temporary basis as regular permanent posts were available. Thereafter, the Medical Education Department issued G.R dated 1.7.2010 and directed the Deans of the Government Medical Colleges to appoint Medical Officers on temporary basis who are holding M.D /M.S and thereafter holding M.B.B.S Degree by giving advertisement at local level for a period of 120 days. The Medical Education Department could not appoint the Medical Officers on regular basis as the General Administration Department took objection that the Department does not have its own recruitment rules.



4. Learned C.P.O informs that no decision on this representation is decided till today. However, it is deemed to be rejected as the Government has taken decision to fill up the post of Medical Officers by regular appointment by giving advertisement through M.P.S.C and therefore the said advertisement dated 22.7.2022 is issued. Learned C.P.O seeks time to file a short affidavit in reply.

5. In view of the fact that the applicants have been working on the temporary post of Medical Officers ranging from 15 to 6 years, the Respondents shall continue their services on the same temporary basis till the posts are regularly filled up.

6. It is to be noted that the last date of filling up the form is 17.8.2022 and therefore, the matter is kept on 12.8.2022 for filing reply. As the representation 19.5.2017 made by the applicants is not decided till today. Mr Saurab Vijay, Secretary, Medical Education Department is directed to file affidavit in reply about the said representaiton.

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

8. Issue notice before admission returnable on 12.8.2022.

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

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

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

12. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the Original/Miscellaneous 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."

13. S.O to 12.8.2022.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 04.08.2022

Dictation taken by : A.K. Nair.