#### ORIGINAL APPLICATION NO.1139 OF 2023

Dr. S.K. Phule.

)...Applicant

#### Versus

1. The State of Maharashtra & 3 Ors. )...Respondents

Shri A.A. Desai, Advocate for Applicant.

Smt. S.P. Manchekar, Chief Presenting Officer for Respondents 1 to 3.

Shri M.D. Lonkar, Advocate for Respondent No.4.

CORAM : Smt. Justice Mridula Bhatkar, Chairperson

Debashish Chakrabarty, Member-A

DATE : 04.09.2023

#### ORDER

1. The Applicant has applied for the post of Deputy Director, Health Services, Maharashtra Medical and Health Service, Group-A. Pursuant to the Advertisement bearing No.107/2021, dated 08.10.2021. The Applicant is challenging merit list dated 23.08.2023. The name of the Applicant has appeared in the Merit List dated 23.08.2023 (Exh. 'F'). The name of the Applicant appearing at Serial No.6 and she has secured total 134 marks and at Serial No.26, the name of Babita K. Sonaji who has secured 97.50 marks has been selected against Open Female Category. The Applicant has also applied in Open Female Category. The Ld. Advocate for the Applicant submits that insofar as merit is concerned, the marks secured by the Applicant are higher and Applicant should have been given the priority. Accordingly, representation was

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made by the Applicant on 24.08.2023 to MPSC. In the Advertisement, in Clause No.3.4.1, the experience of 4 years for Class-I post or in an equivalent thereto is required. Clause No.3.4.1 is as under:-

- **"3.4.1** Experience of Health administration, medical relief or family welfare under Government, Zilla Parishad or a Local Body for not less than five years in case of those holding post graduate degree and for not less than Seven years in the case of those holding post graduate diploma, gained after acquiring the post graduate diploma or the post-graduate degree, as the case may be and out of which experience for four years shall be in class I post or in an equivalent therefore."
- 2. Ld. Advocate points out Clause No.6.6.3, which is as under:
  - **"6.6.3** अद्ययावत नॉन क्रिमीलेअर प्रमाणपत्र / आर्थिकदृष्ट्या दुर्बल घटकातील असल्याबाबतचा पुरावा म्हणून सक्षम प्राधिका-याने वितरित केलेले व प्रस्तुत जाहिरातीस अनुसरून अर्ज सादर करण्याच्या अंतिम दिनांकास वैध असणारे (वित्तीय वर्ष २०२१-२०२२) प्रमाणपत्र सादर करणे आवश्यक आहे."
- 3. Ld. Advocate relies on the G.R. dated 4<sup>th</sup> May, 2023 thereby cancelling the condition of production of NCL Certificate.
- 4. Shri M.D. Lonkar, Ld. Advocate for Respondent No.4 points out the order passed by this Tribunal dated 11.08.2023 in respect of the same selection process in O.A.No.957/2023. By that order, this Tribunal has refused to grant any interim relief to those Applicants who wanted to participate in the selection process and declared ineligible for interview.
- 5. Ld. Advocate for the Applicant submits that he would like to add Smt. Rekha N. Mudkhedkar as party Respondent No.5, whose name is appearing in the Merit List at Serial No.32 and selected in SC Female Category. The amendment can be carried out forthwith.
- 6. If appointment order in respect of Respondent No.4 is issued, it will subject to outcome of this O.A.



- 7. Ld. CPO points out that till today recommendations are not sent. She submits that the candidates are not recommended till today by MPSC.
- 8. S.O. to 11th September, 2023 at 12.30 p.m.

Sd/
Sd/
(DEBASHISH CHARRABARTT)

Member-A

(MRIDULA BHATKAR, J.)

Chairperson

skw

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

Date: 04.09.2023

O.A. No.1145 of 2023

V.S. Lambhate,

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
- 2. Learned Advocate for the Applicant states that the Applicant in the cadre of Deputy Collectors was initially posted as Dy. Collector (Encroachment Removal) Andheri 2 by Order of Revenue and Forest Department dated 20.02.2019 invoking provisions of Section 4(4) and Section 4(5) of the 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to for brevity as 'Transfer Act 2005'). Thereafter the Housing Department issued Order dated 21.02.2019 to grant permission to the Applicant to join on the post of "Deputy Collector (Encroachment Removal) Andheri 2."
  - 3. Learned Advocate for the Applicant further states that subsequently the post of 'Deputy Collector (Encroachment Removal) Andheri 2' came to be designated as 'Competent Authority No.4, S.R.A., Mumbai' and She was granted extension by Revenue and Forest Department by Order dated 27.09.2022 and thereupon by the Housing Department by Order dated 29.05.2023 permitting her to continue on the post 'Competent Authority No.4, S.R.A., Mumbai' for the year 2023-2024.

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

#### Tribunal's orders

- that the impugned order of Respondent No.3 dated 01.09.2023 mentions that the Respondent No.3 is posted in place of the Applicant by invoking provisions of Section 4(4) and Section 4(5) as well as Deputation Guidelines under Rule 40, Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1981 (hereinafter referred to for brevity as 'Rules of 1981').
- 5. The learned P.O. stated that only matter of 'Transfer' can be placed before this Single Bench and the Orders issued by Respondent No.1 on 01.09.2023 in respect of Respondent is of Deputation under 'Rules of 1981' and therefore should have been placed before other 'Single Bench'. Hence, before proceeding with the further hearing of this O.A. No.1145 of 2023 it would be advisable to seek further instructions with regard to the jurisdiction vested with this 'Single Bench' and if it can take the matters of both 'Transfers' and 'Deputation'.
- 6. Learned Advocate for the Applicant thereafter contended on the basis of Judgment of the Hon'ble High Court in Writ Petition No.91 of 2019 dated 04.01.2019 to submit that this Single Bench has jurisdiction to decide the O.A. No.1145/2023 being competent otherwise as per G.A.D. / G.R. dated 16.02.2018 to deal with matter of both 'Transfers' and 'Deputation'.
- 7. Farad Continuation Sheet copy to be forwarded to O.S.D. (Legal) for appropriate instructions in this regard, so that further hearing can resume in respect of this O.A. No.1145 of 2023.

Sd/-

(Debashish Chakrabarty) Member (A)

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

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**Griginal 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

#### O.A.No.1106/2023

P.N. Purane

Vs.

The State of Mah. & Ors.

... Applicant

... Respondents

- 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 2. The Applicant is selected on the post of Police Constable and throughout process, her height was shown as 155 cms. which is the minimum requirement of the height for Police Constable. She was sent for training on 30.05.2023. Then Respondents by letter dated 21.07.2023 cancelled the appointment of the Applicant. The Applicant was sent for re-examination to Sir J.J. Hospital about her height and her height was measured as 154.4 cms, which is lesser than 155 cms. The learned Advocate for the Applicant submits that digitally it was measured as 155 cms. at Pune and she was found fit in the recruitment of Pune City on 16.03.2023. So, he challenges the communication dated 21.07.2023.
- 3. The Ld. Advocate alternatively submits that the Committee of Sir J.J. Hospital, Mumbai or Municipal Hospital, Mumbai is to be directed to re-measure her height and submit the report in a sealed cover before us.
- 4. It is also further directed to the Respondents to verify whether Applicant is entitled to any relaxation in height on account of her caste, as she belongs to ST (Hindu Mahadeo Koli).
- 5. The Ld. CPO produces Medical Examination Report of the height of the Applicant which is done by Medical Board consisting of 3 members from Sir J.J. Hospital. The copies to be given to learned Advocate for the Applicant.
- 6. The matter is fixed to 11th September, 2023.

Sd/-

Sd/-

(Debashish Chaurabarty) Member-A 04.09.2023 (Mridula Bhatkar, J.) Chairperson 04.09.2023

(skw)

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

#### O.A.No.302/2023

S.D. Waghmare

... Applicant

Vs.

The State of Mah. & Ors.

... Respondents

- Heard Shri Vikas Somawanshi holding for Shri Vaibhav V. Ugle, learned Advocate for the Applicant and Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- Part Heard. Ld. CPO has to answer the query how the marks shown as 2.5 of the year 2017-2018 when earlier assessment of 2017-2018 was shown as
- 3. S.O. to 8th September, 2023.

Sd/-

Member-A

04.09.2023

Sd/-

(Debashish Chakrabarty)

(Mridula Bhatkar, J.) Chairperson 04.09.2023

(skw)

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

of 20

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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

### O.A.No.1040/2023 with M.A.537/2023

M.V. Tambe & Anr.

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

- 1. Heard Shri N.R. Bhumkar, learned Advocate for the Applicants and Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 2. The learned Advocate for the Applicants submits that the other Police Personnel who are similarly placed were given exemption to appear for the examination as per the orders dated 08.11.2017 and 15.05.2018.
- 3. It appears that the Respondents are not giving any instructions to the Office of CPO. Therefore, Respondent No.3 Special Inspector General of Police, Motor Transport, Aundh, Pune is hereby directed to depute one responsible Officer to give instructions on the point of giving exemption to the Applicants from the examination.
- 4. Matter is fixed on 13th September, 2023.

Sd/-

Sd/-

(Debashish Challrabarty) Member-A 04.09.2023 / (Mridula Bhatkar, J.) Chairperson 04.09.2023

(skw)

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,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | Tribunal's orders  |  |  |
|---|--|--|--|
|   | Date: 04.09.2023   |  |  |
|   | O.A. No.880 of 2023 to O.A. No.885 of 2023 with O.A. No.888 of 2023 with O.A.1033 of 2023 with |  |  |

Dr. P.G. Kulkarni

Dr. S.M.K. Borate

A.H. Meshram

Dr. U.N. Khemani

Dr. J.T. Sankpal

Dr. V.K. Ambore

Dr. M.S. Umate

Dr. B.A. Verma

Dr.U.Rajwade @ Dr.U.R. Badole ......Applicant

O.A.1034 of 2023

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, Shri A.J. Chougule and Smt. Archana B.K., learned Presenting Officer for the Respondents.
- 2. Learned Advocate for the Applicant in all the O.As. states that 'Interim Relief' granted by the Tribunal on 21.07.2023 in O.A.880, 884,885 & 888/2023, on 25.07.2023 in O.A. No.881 & 882/2023 & on 18.08.2023 in O.A. No.1033 & 1034/2023 have not been complied with by the Dean, Grant Government Medical College, Mumbai
- 3. Learned Advocate for the Applicant further states that the order of 'Interim Relief' dated 21.07.2023 in O.A.880, 884,885 & 888/2023, dated 25.07.2023 in O.A. No.881 & 882/2023 & dated 18.08.2023 in O.A. No.1033 & 1034/2023 have still not been completely implemented by the Dean, Grant Government Medical College, Mumbai by way of 'Written Order' in respect of the Applicants so as to enable them to receive their 'Salary and Allowances'.

[*P.T.O.* 

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

#### Tribunal's orders

- 4. Learned P.O. stated that compliance of 'Interim Relief' Orders of the Tribunal has been initiated by Secretary Medical Education and Drugs Department; the Respondent No.1 who had written to the Commissioner of Medical Education the Respondent No.2 on 07.08.2023. Thereafter, the Commissioner of Medical Education the Respondent No.2 had written letter on 14.08.2022 to the Dean, J.J. Government Medical College the Respondent No.4 to ensure implementation of the Orders of 'Interim Relief' granted by the Tribunal.
- Learned P.O. in the above stated backdrop should therefore obtain information from Dean, Grant Government Medical College - the Respondent No.4 about the stage of compliance of the Order of 'Interim Relief' granted on 21.07.2023 in O.A.880, 884,885 & 885,0023 888/2023, 25.07.2023 in O.A. No.881 &  $882/\overline{2023}$ 18.08.2023 in O.A. No.1033 & 1034/2023 as the letter of Dean, Grant Government Medical College - the Respondent No.4 dated 29.08.2023 Commissioner of Medical Education - the Respondent No.2 only mentions that the concerned Professors; Associate Professors, Assistant Professor submitted their 'Joining Reports' to her through respective Professor and Head of Departments.
- 6. Learned P.O. in the context of the letter dated 29.08.2023 from the Dean, Grant Medical College, Mumbai the Respondent No.4 to the Commissioner, Medical Education the Respondent No.2 to submit information whether 'Salary and Allowances' of concerned Professor, Associate Professor & Assistant Professor have been paid to them upto 31<sup>st</sup> August 2023.
- 7. S.O. to 11.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

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

#### Tribunal's orders

Date: 04.09.2023

#### O.A.No.499/2023

V.P. Gaikwad . ....Applicant Vs.

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

- 1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant, Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents and Mr. Katkar, learned Advocate appearing for Respondent No.3
- 2. By way of last chance, time granted to learned P.O. to file reply.
- 3. Adjourned to 03.10.2023.

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Sd/-

(Medha Gadgil) Member (A)

/ (Mridula Bhatkar, J.) Chairperson

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| Applicant/s  |
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| norche   |
| versus   |
| of Maharashtra and others  |
| Respondent/s   |
| )  |
| Tribunal's orders  |
|  |
| Date: 04.09.2023   |
| O.A.No.483/2023  |
| M.S. Jaybhaye & OrsApplicants Vs. The State of Maharashtra & OrsRespondents. |
| 1. Heard Mr. R.V. Shinde, learned Advocate for                               |
| the Applicants and Ms. K.S. Gaikwad, learned                                 |
| Presenting Officer for the Respondents.                                      |
| 2. In view that reply is not filed till date, matter                         |
| to proceed without reply.  |
| 3. Adjourned to 15.09.2023.  |
| Sd/- Sd/-  |
| (Medha Gadgil) (Mridula Bhatkar, J.)  Member (A) Chairperson  prk            |
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders

#### Tribunal's orders

Date: 04.09.2023

#### O.A.No.412/2023

B.P. Patil

....Applicant

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

- 1. Heard Mr. S.S. Dere, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.
- Learned Advocate produces copy or order dated 13.06.2023 passed in M.C.A.No.24/2023 in O.A.No.502/2021, H.Y. Mitkar Versus State of Maharashtra & Ors.. Learned Advocate has submitted that the Applicant Mr. H.Y. Mitkar is codelinquent in the Departmental Enquiry of the present Applicant, Mr. Patil. Learned Advocate has pointed out that this Tribunal by order dated 17.11.2022 passed in O.A.No.502/2021 has directed that if the D.E. is not furnished within six months the Applicant will be exonerated from all the charges. Thereafter the Tribunal by order dated 13.06.2023 passed in M.C.A.No.24/2023 in O.A.No.502/2021 has extended the period by two months to complete the enquiry. Thus, the period of two months is over on 13.08.2023.
- In view of above, adjourned to 11.09.2023.

Sd/-

Sd/-

(Medha Gadgil) Member (A) (Mridula Bhatkar, J.) Chairperson

prk

| Original Application No.   | of 20 District  |             |
|--|---|-------------|
|  |   | Applicant/s |
| (Advocate  | )   |             |
|  | versus  |             |
| The Sta  | te of Maharashtra and others                              |             |
|  |   | espondent/s |
| (D) (C)  |   | 25pondenus  |
| (Presenting Officer  | )   |             |
| Office Notes, Office Memoranda of Coram<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | Tribunal's orders   |             |
|  |   |             |
|  |   |             |
|  | Date: 04.09.2023  |             |
|  | O.A.No.405/2023   |             |
|  | A.R. ChohanApplica  | ant         |
|  | The State of Maharashtra & OrsResponde                    | ents.       |
|  | 1. None for the Applicant. Heard Mr                       | . A.J.      |
|  | Chougule, learned Presenting Officer for Respondents.     | r the       |
|  | 2. Today learned P.O. has filed reply.                    | It be       |
|  | taken on record. Copy be served upon                      |             |
|  | concerned.  |             |
|  | 3. Adjourned to 09.10.2023 with liberty                   | to file     |
|  | rejoinder.  |             |
|  | 64/   | A.          |
|  | Sd/- Sd/-   |             |
|  | (Medha Gadgil) (Mridula Bhatkar<br>Member (A) Chairperson | , J.)       |
|  |   |             |
|  | 1   |             |

| Original Application No.   | of 20  | DISTRICT  |
|--|--|---|
|  |  | Applicant/  |
| (Advocate  | )  |   |
|  | versus                                       |   |
| The  | State of Maharashtra                         | and others  |
|  |  | Respondent/   |
| (Presenting Officer  |  | )   |
| Office Notes, Office Memoranda of C<br>Appearance, Tribunal's orders of<br>directions and Registrar's orde | or   | Tribunal's orders   |
|  | Date : 04.09.2                               | 2023  |
|  |  | O.A.No.239/2023   |
|  | G.C. Belle<br>Vs.                            | Applicant   |
|  |  | aharashtra & OrsRespondents.  |
|  |  | Mr. Bhushan A. Bandiwadekar, cate for the Applicant and Ms. S.P. arned Chief Presenting Officer for the |
|  | 2. Learned rejoinder is file retire on 30.04 | ed. He states that Applicant is due to  |
|  | 3. Admit. 23.11.2023.                        | Place for final hearing on  |
|  |  | Sd/-  |
|  | Sd/-   | 1   |
|  | (Medha Ga<br>Member (                        |   |
|  |  |   |

| Original Application No.  | of 20  | District Applicant/  |
|---|--|--|
| (Advocate   | )  |  |
|   | versus   |  |
| The Stat  | e of Maharashtra a   | nd others  |
|   |  | Respondent/  |
| (Presenting Officer   |  | .)   |
| Office Notes, Office Memoranda of Coram,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders |  | Tribunal's orders  |
|   | Date : 04.09.20  | 23   |
|   |  | O.A.No.219/2023  |
|   | S.K. Kute<br>Vs.   | Applicant  |
|   | The State of Mah   | arashtra & OrsRespondents.   |
|   |  | A.A. Devkhile, learned Advocate  |
|   |  | and Ms. S.P. Manchekar, learned Officer for the Respondents.   |
|   | Applicant cha 16.11.2021 there for appearing for Applicant has read Advocate has sumade representation but however it Applicant is with filed in the more Advocate has such eart ailment and of heart.  3. Since replace | Advocate has submitted that the llenges communication dated by refusing him grant of exemption or the Departmental Examination. Lettered on 31.05.2018. Learned abmitted that the Applicant has also for exemption on 26.10.2016, was decided on 16.11.2021. The out pension since 2018. O.A. is ath of February, 2023. Learned abmitted that the Applicant has a is surviving with 30% functioning by is not filed till date, matter to |
|   | proceed without re   | to 11.09.2023 HOB.   |
|   | Sd/-   | Sd/  |
|   | (Medha Gadgi<br>Member (A)   | l) / (Mridula Bhatkar, J.)<br>Chairperson  |

| Original Application No.  | of 20                       | DISTRICT                             |
|---|-----------------------------|--------------------------------------|
|   |                             | Applicant/s                          |
| (Advocate   | )                           |                                      |
|   |                             |                                      |
|   | versus                      |                                      |
| The Stat  | te of Maharashtra and       | d others                             |
|   |                             | Respondent/s                         |
| (Presenting Officer   | )                           |                                      |
| Office Notes, Office Memoranda of Coram,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders |                             | Tribunal's orders                    |
|   | Date : 04.09.202            | 3                                    |
|   | O.A.No.1038/                | 2022 with O.A.No.1039/2022           |
|   | V.R. Pawar                  | Applicant                            |
|   | Vs.<br>The State of Maha    | rashtra & OrsRespondents.            |
|   | 1. Heard Ms.                | Purva Pardhan, learned Advocate      |
|   |                             | D.B. Khaire, learned Advocate for    |
|   |                             | d Ms. S.P. Manchekar, learned        |
|   | Chief Presenting O          | fficer for the Respondents.          |
|   | 2. Reply is f hearing.      | iled. Admit. Place for Final         |
|   | 3. Adjourned                | to 22.11.2023.                       |
|   | Sd/-                        | Sd/-                                 |
|   | (Medha Gadgil<br>Member (A) | (Mridula Bhatkar, J.)<br>Chairperson |
|   | PIK                         |                                      |
|   |                             |                                      |
|   |                             |                                      |

| Original Application No.  | of 20 District  |
|---|---|
|   | Applicant/  |
| (Advocate   | )   |
|   |   |
|   | versus  |
| The State   | of Maharashtra and others   |
|   | Respondent/   |
| (Presenting Officer   | )   |
| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders   |
|   | Date: 04.09.2023  |
|   | M.A.No.521/2023 in O.A.No.329/2023  |
|   | A.R. JadhavarApplicant Vs.  |
|   | The State of Maharashtra & OrsRespondents.  |
|   | 1. Heard Ms. Gaikwad, learned Advocate holding for Mr. S.K. Hande, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. |
|   | 2. M.A. is filed for interim as the applicant challenges order dated 27.04.2021.  |
|   | 3. Learned C.P.O. has submitted that copy of M.A. is not served to the Respondents and also to the office of C.P.O.   |
|   | 4. Applicant is directed to serve the copy of M.A. to all the concerned.  |
|   | 5. Adjourned to 13.09.2023.  Sd/-  Sd/-   |
|   | (Medha Gadgil) (Mridula Bhatkar, J.)  Member (A) Chairperson  |
|   |   |

| Original Application No.  | of 20 District   |
|---|--|
|   | Applicant/s  |
| (Advocate   | )  |
|   | versus   |
| The State   | e of Maharashtra and others                                  |
| 2110 00110  |  |
|   | Respondent/s   |
| (Presenting Officer   | )  |
| Office Notes, Office Memoranda of Coram,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | Tribunal's orders  |
|   |  |
|   | Date: 04.09.2023   |
|   | M.A.No.374/2023 in O.A.No.559/2020                           |
|   | S.T. BuyeApplicant   |
|   | Vs. The State of Maharashtra & OrsRespondents.               |
|   | 1. Heard Mr. Bhushan A. Bandiwadekar,                        |
|   | learned Advocate for the Applicant and Ms. S.P.              |
|   | Manchekar, learned Chief Presenting Officer for the          |
|   | Respondents.   |
|   | 2. M.A. is moved requesting for expedited                    |
|   | hearing of O.A.  |
|   | 3. We are dealing with and giving priority to the            |
|   | matters of the year 2016. The subject matter of              |
|   | O.A.No.559/2020 is 'Denial of Promotion' and                 |
|   | applicant is retiring on 30.06.2023, O.A. stands             |
|   | adjourned to 06.11.2023.                                     |
|   | 4. M.A. stands disposed of. O.A. adjourned to                |
|   | 06.11.2023.  |
|   | Sd/- Sd/-  |
|   | (Medha Gadgil) (Mridula Bhatkar, J.)  Member (A) Chairperson |

| Original Application No.  | of 20  |                                 | DISTRICT                             |
|---|--------|---------------------------------|--------------------------------------|
|   |        |                                 | Applicant/s                          |
| (Advocate   | )      |                                 |                                      |
|   |        |                                 |                                      |
|   | ve     | rsus                            |                                      |
| The State   | of Mah | arashtra and oth                | ers                                  |
|   |        |                                 | Respondent/s                         |
| (Presenting Officer   |        | )                               |                                      |
| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders |        | Tri                             | bunal's orders                       |
|   |        |                                 |                                      |
|   | Date   | : 04.09.2023                    |                                      |
|   |        | M.A.No.160/202                  | 23 in O.A.No.285/2023                |
|   | S.D.   | Mane<br>Vs.                     | Applicant                            |
|   | The S  |                                 | tra & OrsRespondents.                |
|   | 1.     | Heard Mr. M.D.                  | Lonkar, learned Advocate for         |
|   | 1      |                                 | s. S.P. Manchekar, learned           |
|   | Chief  | Presenting Office               | for the Respondents.                 |
|   | 2.     | M.A. is filed see               | king condonation of delay of         |
|   |        |                                 | rocate has submitted that the        |
|   |        | occurred in view<br>al custody. | that the applicant was on            |
|   |        | ,                               |                                      |
|   | 3.     |                                 | , delay of 282 days is hereby        |
|   |        |                                 |                                      |
|   | 4.     |                                 | submits to the orders of the         |
|   | Court  | •                               | •                                    |
|   | 5.     | Hence, M.A. star                | nds allowed.                         |
|   | 6.     |                                 | e seeks time in view that the        |
|   | applic | ant is still in judic           | ial custody.                         |
| ·   | 7.     | Adjourned to 09.                | 10.2023.                             |
|   | 1      | Sd/-                            | Sd/-                                 |
|   |        | ledha Gadgil)<br>Member (A)     | (Mridula Bhatkar, J.)<br>Chairperson |

| Original Application No.   | of 20     |   | DISTRICT                                     |
|--|-----------|---|--|
|  |           |   | Applicant/s                                  |
| (Advocate  | )         |   |  |
|  | vei       | rsus                                    |  |
| The Sta  | te of Mah | arashtra and oth                        | ers  |
|  |           |   | Respondent/s                                 |
| (Presenting Officer  |           | )                                       |  |
| Office Notes, Office Memoranda of Coram<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | ,         | Tri                                     | bunal's orders                               |
|  | Date      | : 04.09.2023                            |  |
|  |           | R.A.No.6/2023                           | in O.A.No.187/2021                           |
|  | D.N.      | Shinde<br>Vs.                           | Applicant                                    |
|  | The S     |   | tra & OrsRespondents.                        |
|  | 1.        | Heard Ms. Purv                          | a Pardhan, learned Advocate                  |
|  | 1         |   | Khaire, learned Advocate for                 |
|  | i         | Applicant and M<br>nting Officer for th | Ms. K.S. Gaikwad, learned<br>ne Respondents. |
|  | 2.        |   | eply is not filed till today,                |
|  | matte     | r will proceed with                     | nout reply.                                  |
|  | 3.        | Adjourned to 18                         | .09.2023.                                    |
|  |           | Sd/-                                    | Sd/-   |
|  |           | Iedha Gadgil)<br>Member (A)             | / (Mridula Bhatkar, J.)<br>Chairperson       |

| Original Application No.  | of 20 District  |
|---|---|
|   | Applicant/s   |
| (Advocate   | )   |
| (Auvocate   | ······································  |
|   | versus  |
| The State   | e of Maharashtra and others   |
|   | Respondent/s  |
| (D. )   |   |
| (Presenting Officer   | )   |
| Office Notes, Office Memoranda of Coram,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | Tribunal's orders   |
|   | Date: 04.09.2023  |
|   | C.A.No.79/2022 in O.A.No.605/2022   |
|   | Dr. B.T. KarvekarApplicant  |
|   | Vs. The State of Maharashtra & OrsRespondents.  |
|   | 1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. Archana B.K., learned Presenting Officer for the Respondents. |
|   | 2. Not on board. Taken on board at the request of learned P.O. Ms. Archana.   |
|   | 3. Today learned P.O. has filed affidavit. It be taken on record. Copy be served upon the concerned.  |
|   | 4. At the request of learned Advocate adjourned to 11.09.2023.  |
|   | Sd/- Sd/-   |
|   | (Medha Gadgil) (Mridula Bhatkar, J.)  Member (A) Chairperson  |
|   |   |

| Original Application No.   | of 20                                   |  | DISTRICT                                  |
|--|---|--|---|
|  |   |  | Applicant/                                |
| (Advocate  | • | )  |   |
|  | i                                       | versus   |   |
| The St   | ate of Ma                               | aharashtra and oth                                     | ers                                       |
|  |   |  | Respondent/                               |
| (Presenting Officer  |   | )  | •   |
| Office Notes, Office Memoranda of Corar<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | n,                                      | Tri  | bunal's orders                            |
|  | Da                                      | ite : 04.09.2023                                       |   |
|  |   | C.A.No.76/202  | 3 in O.A.No.110/2023                      |
|  | P.I                                     | R. Rathod  | Applicant                                 |
|  |   | Vs.<br>e State of Maharash                             | tra & OrsRespondents.                     |
|  | 1.                                      | Heard Mr. M.F  | 3. Kadam, learned Advocate                |
|  | 1                                       |  | Jadhav, learned Advocate for              |
|  | Į.                                      | e Applicant and Messenting Officer for the             | Ms. Archana B.K., learned ne Respondents. |
|  | 2.                                      | Learned Advoc  | ate has submitted that the                |
|  | Ap                                      | plicant wants to file                                  | rejoinder.                                |
|  | 3.                                      | Time granted. A  | Adjourned to 18.09.2023.                  |
|  |   | Sd/-   | Sd/-                                      |
|  | prk                                     | (Medha <sup>r</sup> Gadg <sup>i</sup> l)<br>Member (A) | (Mridula Bhatkar, J.)<br>Chairperson      |
|  | 1                                       |  |   |

| Original Application No.  | of 20 District   |
|---|--|
|   | Applicant  |
| (Advocate   | )  |
|   |  |
|   | versus   |
| The State   | e of Maharashtra and others                                    |
|   | Respondent   |
| (Presenting Officer   | )  |
| ·   |  |
| Office Notes, Office Memoranda of Coram,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | Tribunal's orders  |
|   | Date: 04.09.2023   |
|   | O.A.No.71/2020   |
|   | M.K. RupanwarApplicant Vs.                                     |
|   | The State of Maharashtra & OrsRespondents.                     |
|   | 1. Heard Mr. S.S. Dere, learned Advocate for                   |
|   | the Applicant and Mr. A.J. Chougule, learned                   |
|   | Presenting Officer for the Respondents.                        |
|   | 2. O.A. though adjourned to 02.11.2023 is                      |
|   | taken up at the request of learned Advocate Mr.                |
|   | Dere.  |
|   | 3. Learned Advocate has submitted that O.A.                    |
|   | may be disposed of as it has become infructuous.               |
|   | 4. In view of above, O.A. stands disposed of.                  |
|   | Sd/- Sd/-  |
|   | (Medka Gadgil) / (Mridula Bhatkar, J.)  Member (A) Chairperson |
|   | prk  |
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| Original Application No.  | of 20                        | DISTRICT                             |
|---|------------------------------|--------------------------------------|
|   |                              | Applicant/s                          |
| (Advocate   | )                            |                                      |
|   |                              |                                      |
|   | versus                       |                                      |
| The Stat  | e of Maharashtra and othe    | ers                                  |
|   |                              | Respondent/s                         |
| (Presenting Officer   | )                            |                                      |
| Office Notes, Office Memoranda of Coram,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | Trib                         | ounal's orders                       |
|   | Date: 04.09.2023             |                                      |
|   |                              | th O.A.No.954/2023 with<br>.955/2023 |
|   | S.K. Khade<br>Vs.            | Applicant ra & OrsRespondents.       |
|   |                              | Lonkar, learned Advocate for         |
|   |                              | . S.P. Manchekar, learned            |
|   | Chief Presenting Officer     |                                      |
|   | 2. Today learned rejoinder.  | Advocate has filed short             |
|   | 3. Admit. Place for          | Final hearing.                       |
|   | 4. Adjourned to 07.          | 09.2023.                             |
|   | Sd/-                         | Sd/-                                 |
|   | (Medba Gadgil)<br>Member (A) | (Mridula Bhatkar, J.)<br>Chairperson |

| Original Application No.  | of 20  | DISTRICT  |  |
|---|--|---|--|
|   |  | Applicant   |  |
| (Advocate   | )  |   |  |
|   | norque   |   |  |
|   | versus   |   |  |
| The Stat  | te of Maharashtra and  | 1 others  |  |
|   |  | Respondent  |  |
| (Presenting Officer   | )  |   |  |
| Office Notes, Office Memoranda of Coram,<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders |  | Tribunal's orders   |  |
|   | Date : 04.09.2023  | 3   |  |
|   | o  | .A.No.292/2019  |  |
|   | S.A. Sawant<br>Vs.   | Applicant   |  |
|   |  | rashtra & OrsRespondents.   |  |
|   | the Applicant and  | S.S. Dere, learned Advocate for d Ms. S.P. Manchekar, learned fficer for the Respondents.   |  |
|   | the Applicant has Assistant Director she does not wan Learned Advocate the Applicant state as it has become in | dvocate has submitted that since is been selected for the post of it. Finance Department, Class-I, its to pursue with the said O.A. on telephonic instructions from its that the O.A. can be disposed of infructuous.  bove, O.A. stands disposed of. |  |
|   | (Medha Gadgil  |   |  |
|   | Member (A)   | Chairperson   |  |

| Original Application No.   | of 20         |                             | DISTRICT                             |
|--|---------------|-----------------------------|--------------------------------------|
|  |               |                             | Applicant                            |
| (Advocate  | )             |                             |                                      |
|  |               |                             |                                      |
|  | ver           | `sus                        |                                      |
| The  | State of Maha | arashtra and oth            | ners                                 |
|  |               |                             | Respondent                           |
| (Presenting Officer  |               | )                           |                                      |
| Office Notes, Office Memoranda of Co<br>Appearance, Tribunal's orders or<br>directions and Registrar's order | •             | Tri                         | bunal's orders                       |
|  | Date :        | 04.09.2023                  |                                      |
|  |               | O.A.N                       | o.536/2023                           |
|  | R.M. I        | More & Ors.<br>Vs.          | Applicants                           |
|  | The S         |                             | ra & OrsRespondents.                 |
|  | 1.            | Heard Ms. S.P               | . Manchekar, learned Chief           |
|  |               | _                           | the Respondents. Mr. A.S.            |
|  |               |                             | ocate for the Applicant and          |
|  |               | are absent.                 | Advocate for the Respondent          |
|  | 2.            | Admit. Place for            | r final hearing.                     |
|  | 3.            | Adjourned to 18             | 3.09.2023.                           |
|  |               | Sd/-                        | Sd/-                                 |
|  |               | edha (Gadgil)<br>Member (A) | (Mridula Bhatkar, J.)<br>Chairperson |
|  | prk           |                             |                                      |

| Original Application No.  | of 20                | DISTRICT  |
|---|----------------------|---|
|   |                      | Applicant/s   |
| (Advocate   | )                    |   |
|   |                      |   |
|   | versus               |   |
| The St  | ate of Maharashtr    | a and others  |
|   |                      | Respondent/s  |
| (Presenting Officer   |                      | )   |
| Office Notes, Office Memoranda of Cora<br>Appearance, Tribunal's orders or<br>directions and Registrar's orders | m,                   | Tribunal's orders   |
|   |                      |   |
|   | Date : 04.09         | 9.2023  |
|   | O.A.No.51            | 3/2023 with O.A.No.514/2023 with O.A.No.515/2023                    |
|   | B.J. More & Vs.      | OrsApplicants   |
|   |                      | Maharashtra & OrsRespondents.                                       |
|   | 1. Heard             | d Mr. S.S. Dere, learned Advocate for                               |
|   | l l                  | nt and Ms. S.P. Manchekar, learned ting Officer for the Respondents |
|   |                      | ned C.P.O. states that reply is filed in                            |
|   |                      | 2023 and sought time to file reply in                               |
|   | O.A.No.514/2         | 2023 and O.A.No.515/2023.   |
|   | 3. Time g            | granted. Adjourned to 11.09.2023.                                   |
|   | Sd/-                 | Sd/-  |
|   | (Medhā/JG:<br>Member |   |
|   |                      |   |
|   |                      |   |
|   |                      |   |

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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

#### O.A. No.788 of 2023

A.S. Manjare

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. Reena Prajapati holding for Shri S.S. Deokar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

- 2. Ld. Advocate for the applicant seeks extension of time to carry out the amendment already granted.
- 3. Time extended.
- 4. S.O. to 11.9.2023.

Sd/-

(Medha Gadg**V**) Member (A) 4.9.2023

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### FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

#### O.A. No.607 of 2023

M.A. Tanki

.. Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

- 2. Admit.
- 3. S.O. to 18.9.2023 for final hearing.

Sd/-

(Medha Gadgil) Member (A) 4.9.2023

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

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### FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

#### O.A. No.404 of 2023

L.T. Rathod

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri P.L. Rathod, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

- 2. Ld. PO seeks time to file reply.
- 3. S.O. to 18.9.2023 by way of last chance failing which matter will be proceeded without reply.

Sd/-

(Medha Gagil) Member (A) 4.9.2023

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### FARAD CONTINUATION SHEET NO.

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Tribunal's orders

### MA.325/2023 in MA.326/2023 in OA.778/2020

R.V. Kale

.. Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. Shilpa G. Talhar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

- 2. This MA is filed on 3.5.2023 for condoning the delay in filing the MA for restoration of OA which was dismissed in default on 10.2.2023.
- 3. For the reasons mentioned in the MA the delay is condoned. MA is allowed.

Sd/-

(Medha Gadgh) Member (A) 4.9.2023

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

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### FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

#### MA.326/2023 in OA.778/2020

R.V. Kale

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. Shilpa G. Talhar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

- 2. This MA is filed on 3.5.2023 for recalling the order dated 10.2.2023 and restoration of OA which was dismissed in default on 10.2.2023.
- 3. For the reasons mentioned in the MA the said order dated 10.2.2023 is recalled and OA is restored to file. MA allowed accordingly.
- 4. OA adjourned to 3.10.2023.

Sd/-

(Medha Gadgil) Member (A) 4.9.2023

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

#### Tribunal's orders

#### O.A. No.1124 of 2023

A.H. Ghadage Vs.

..Applicant

The State of Maharashtra & Ors.

..Respondents

Heard Shri Sanjay Kasture, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

- 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 3. Issue notice before admission returnable on 3.10.2023. The respondents are directed to file reply.
- 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil) Member (A) 4.9.2023 Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders

#### Tribunal's orders

O.A. No.1115 of 2023

G.B. Durande

.. Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

- 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 3. Issue notice before admission returnable on 11.9.2023. The respondents are directed to file reply. Ld. PO to take instructions whether matter has been placed before the Review Committee.
- 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medra Gaagil) Member (A) 4.9.2023

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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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Tribunal's orders

Date: 04.09.2023

O.A. No.1129 of 2023

T.N. Danudkar

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri Bhavesh Bhatia, learned Advocate holding for Shri Sandesh Deshpande, learned Advocate for the Respondent No.2.
- 2. Learned Advocate for the Applicant states that the Municipal Commissioner, Navi Mumbai Municipal Corporation (NMMC) has been added as Respondent No.2.
- Learned Advocate for the Applicant further states that the Tribunal had granted 'Interim Relief' on 31.08.2023 directing the Respondents to permit the Applicant to continue to work on the post of Chief Accounts & Finance Officer, Transport undertaking, NMMC. He further states that inspite of the 'Interim Relief' granted to the Applicant by the Tribunal on 31.08.2023 to continue to work on the post of Chief Accounts & Finance Officer, Transport undertaking, NMMC; the Respondents have now posted one Shri Abhijit Anantrao, who was working as Assistant Director, Departmental Social Welfare Office, Kokan Bhavan, Navi Mumbai on the post of the Applicant on 31.08.2023. Therefore it *Prima-facie* appears that Respondents have rushed through to issue the order of Appointment of Shri Abhijit Anantrao on 31.08.2023 so as to make the Orders of 'Interim Relief' infructuous. Therefore in the given circumstances the Respondent No.2 is directed to ensure that the Applicant is

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

#### Tribunal's orders

continued and not relived from the post of Chief Accounts & Finance Officer, Transport undertaking, NMMC till such time as all the other directions issued by the Tribunal on 31.08.2023 including the action proposed to be taken by letter of the Commissioner, NMMC on 12.07.2023 to Finance Department regarding continuation of the Applicants on the post of Chief Accounts & Finance Officer, Transport undertaking, NMMC after giving him 'Proforma Promotion'.

- 3. Learned Advocate for the Applicant also states that now he desires to make the Shri Shri Abhijit Anantrao who has been posted in the place of the Applicant by order dated 31.08.2023 of Finance Department as Respondent No.3.
- 4. Learned Advocate on behalf of Respondent No.2 to submit Affidavit-in-Reply with regard to the implementation of the Order of 'Interim Relief' granted on 31.08.2023.
- 5. Learned P.O. to submit information about the action proposed to be taken by letter of the Commissioner, NMMC on 12.07.2023 to Finance Department.
- 6. S.O. to 11.09.2023.

Sd/-

(Debashish Chakrabarty) Member (A)

NMN

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Office Notes, Office Memoranda of Coram, Tribunal's orders Appearance, Tribunal's orders or directions and Registrar's orders Date: 04.09.2023 O.A. No.959 of 2023 .....Applicant M.U. Waghmare Versus .....Respondents. The State of Maharashtra & Ors. Heard Smt. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. Learned P.O. states that two weeks time is required to file Affidavit-in-Reply on behalf of the Applicant. Time as prayed is granted. 3. S.O. to 18.09.2023. Sd/-(Debashish Chakrabarty) Member (A)

NMN

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

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|---|---|--|
|   | Date: 04.09.2023  |  |
|   | O.A. No.871 of 2023   |  |
|   | Dr. M.P. Bankar   | Applicant                                      |
|   | Versus The State of Maharashtra & Ors.  | Respondents.                                   |
|   | <ol> <li>Heard Smt. Punam Mahajan, learned Advocate<br/>for the Applicant and Smt. K.S. Gaikwad, learned<br/>Presenting Officer for the Respondents.</li> </ol> |  |
|   | 2. Learned P.O. states that behalf of Respondent Nos.1 & 23.08.2023.  | Affidavit-in-Reply on<br>2 is already filed on |
|   | 3. Learned Advocate for the she desires to file Affidavit-in-Rejouveeks time.   |  |
|   | 4. Time as prayed is grante<br>Rejoinder.   | ed to file Affidavit-in-                       |
|   | 5. S.O. to 25.09.2023.  |  |
|   |   | Sd/-   |
|   | (Del  | bashish Chakrabarty)                           |

NMN

Member (A)

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

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### FARAD CONTINUATION SHEET No.

| 1, | Tribunal's orders   |                            |
|----|---|----------------------------|
|    | Date: 04.09.2023  |                            |
|    | O.A. No.631 of 2023   |                            |
|    | S.S. Bawulgave  | Applicant                  |
|    | Versus The State of Maharashtra & C   | OrsRespondents             |
|    | 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.  |                            |
|    | <ol> <li>Learned Advocate for the Applicant states that he will file Affidavit-in-Rejoinder during the course of the day and provide copy to learned P.O. Statement is accepted. It be taken on record.</li> <li>Learned P.O. states that Affidavit-in-Reply of Respondents is already been filed on 09.08.2023.</li> </ol> |                            |
|    |   |                            |
|    | 4. Pleading is complete, r at the stage of Admission.   | matter be kept for hearing |
|    | 5. S.O. to 11.09.2023.  |                            |

Sd/(Debashish Chak abarty)

Member (A)

NMN

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#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Tribunal's orders Appearance, Tribunal's orders or directions and Registrar's orders Date: 04.09.2023 O.A. No.690 of 2023 .....Applicant S.D. Doiphode Versus The State of Maharashtra & Ors. .....Respondents. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri V.V. Golambade, learned Advocate for the Respondent No.2. Learned P.O. files Affidavit-in-Reply on behalf of Respondent No.1. It is taken on record. Learned Advocate for the Respondent No.2 also files Affidavit-in-Reply. It is also taken on record. Learned Advocate for the Applicant states that he desires to file Affidavit-in-Rejoinder in respect of both the Affidavit-in-Replies filed by Respondent No.1 & Respondent No.2 and requestrortime. Time as prayed is granted. 5.

Sd/-

(Debashish Chakrabarty) Member (A)

NMN

6.

S.O. to 18.09.2023.

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

#### Tribunal's orders

CA.7/2023 in OAs.1012/2016 with 1013/2016 & 763/2017

with

CA.11/2023 in OA.1013/2016 with OAs.642, 764, 765 & 766/2017

Shirvam S. Mirgal & Ors. Balkrishna D. Kadam & Ors.

.. Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. Preeti Walimbe, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

- applicants seeks Ld. Advocate for the implementation of the common judgment and order dated 8.11.2019 passed by this Tribunal in the above OAs. where respondents were directed to recalculate the retiral benefits of the applicants by regularizing their services and monetary benefits be extended to them within a period of three months. Ld. Advocate for the applicants relies on the judgment and order dated 28.4.2016 passed by the Hon'ble High Court in W.P. No.9051 of 2013 & other writ petitions. The State of Maharashtra Vs. Smt. Meena A. Kuwalekar & Ors. Ld. Advocate for the applicants submits that in the order for retirement benefits there is no specific mention that applicant is also eligible to service benefits which the applicants are otherwise entitled to i.e. Time Bound Promotions.
- Ld. Advocate submits that she be allowed to convert this Contempt Applications into Original Applicants under the same number which was disposed off in order to avoid multiplicity of proceedings. On the point of conversion, Ld. Advocate for the applicants relies on the judgment of the Hon'ble Delhi High Court in S.N. Dhusia & Anr. Vs. Union of India dated 15.3.2002.
- Ld. PO seeks time. S.O. to 11.9.2023. 4.

Sd/-

Sd/-

(Medha Gadgyi) Member (A) 4.9.2023

(Mridula Bhatkar, J.) Chairperson 4.9.2023

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

#### C.A. No.45 of 2019 in O.A. No.651 of 2018

Ruchita V. Somane

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

- 2. Applicant and advocate both the absent.
- 3. Ld. CPO pointed out that the order dated 20.2.2019 passed by this Tribunal in the above OA No.651 of 2018 was challenged before the Hon'ble High Court in W.P. No.9845 of 2019 and the order of the Tribunal is set aside by the Hon'ble High Court by its order dated 2.5.2023.
- 4. In view of the above nothing remains in the CA and the same is disposed off accordingly.

Sd/-

Sd/-

(Medha Gadgil) Member (A) 4.9.2023

(Mridula Bhatkar, J.) Chairperson 4.9.2023

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

### O.A. No.416 of 2020

D.D. Kamble

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri A.J. Chougule, learned Presenting Officer for Respondents no.1 to 3 and Shri Aditya Kharkar holding for Shri Warunjikar, learned Advocate for Respondents No.4 & 5.

- 2. Applicant and his advocate both are absent.
- 3. Ld. PO seeks time to file reply.
- 4. S.O. to 18.9.2023.

Sd/-

(Medha Gadgil) Member (A) 4.9.2023

Sd/-

(Mridula Bhatkar, J.) Chairperson 4.9.2023