

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 04.10.2021</b></p> <p><b>O.A. No.272 of 2016</b></p> <p><b>S.H. Desai .....Applicant</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondent and Shri R.M. Kolge, learned Advocate for the Respondent No.4.</p> <p>2. The matter pertain to appointment on the post of Police Patil in pursuance of notification dated 27.11.2015. Initially the Applicant was appointed by order dated 29.01.2016 but his appointment order has been cancelled by order dated 10.03.2016. Thereafter, Respondent No.4 came to be appointed on 18.03.2016 for five years.</p> <p>3. Today Shri R.M. Kolge, learned Advocate for the Respondent No.4 has tendered copy of order of June 2021, whereby Respondent No.4 term is extended for 10 years.</p> <p>4. Since in O.A. there was no specific prayer about the cancellation of the appointment order of Respondent No.4 and his continuation for another 10 years today Learned Advocate for the Applicant sought permission to amend relief clause challenging the appointment order of Respondent No.4. It being subsequent event, allowed to amend prayer clause of the O.A.</p> <p>5. Amendment be carried out immediately.</p> <p>6. Learned P.O. and learned Advocate for the Respondent No.4 states that they did not want to file Reply to amendment since matter is of 2016 and it be disposed of on merit.</p> <p style="text-align: right;">^ Sd/-</p> <p style="text-align: right;"><b>(A.P. Kurhekar)</b> <b>Member (J)</b></p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b>Date: 04.10.2021</b></p> <p align="center"><b>O.A. No.742 of 2021</b></p> <p><b>S.R. Wavre</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri S.B. Thorat, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged suspension order dated 14.05.2021, whereby he came to be suspended w.e.f. 07.05.2021 as deem suspension, in view of his arrest and detention in the crime under Section 7 and 12 of Prevention of Corruption Act, 1988.</p> <p>3. Learned Advocate for the Applicant submits that the period of more than 90 days from the date of suspension is over and has further pointed out that Respondent No.3. – Sub Divisional Officer (S.D.O.) by his letter dated 30.08.2021 it recommended to Respondent No.2 – Divisional Commissioner for revocation of suspension but no such decision is yet taken.</p> <p>4. The perusal of proposal of S.D.O. also reveals that D.E. is simultaneously initiated against the Applicant.</p> <p>5. Issue notice before admission returnable on 29.10.2021.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p align="right">[P.T.O.]</p>

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	<p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>8. 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>9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>11. In the mean time, Respondent No.2 - Divisional Commissioner may take appropriate decision about revocation of suspension in terms of proposal forwarded by S.D.O.</p> <p>12. S.O. to 29.10.2021.</p> <p style="text-align: right;">N Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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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 align="center"><b>Date: 04.10.2021</b></p> <p align="center"><b>O.A. No.757 of 2021</b></p> <p><b>A.N. Bharmal</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri L.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged transfer order dated 06.09.2021, whereby he is shown transferred mid-tenure on administrative ground from Government Ashram School at Titawe, Tal. Dindori, Dist. Nashik to Government Ashram School at Ambe, Tal. Pethe, Dist. Nashik. Admittedly the Applicant is relived from his post in terms of transfer order.</p> <p>3. Learned Advocate for the Applicant however submits that impugned transfer order is totally unsustainable in law since no such case is made out from mid-tenure transfer is contemplated under section 4 (5) of Transfer Act, 2005. He has also pointed out that one Shri. Eknath Barku Navale - Private Respondent No.4 had requested at the place of the Applicant and on that ground only the Applicant is transferred mid-term and mid-tenure, if it is really so, then such transfer cannot be said legal and valid. However, since the Applicant is already <del>relived</del> <sup>relieved</sup>, at this juncture it would not be appropriate to grant an interim relief and the matter needs to be expedited.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. Learned P.O. requested for grant of time to take instructions as to what was the reason for mid-tenure transfer of the Applicant.</p> <p>5. Issue notice before admission returnable on 11.10.2021.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>8. 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>9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>11. S.O. to 11.10.2021.</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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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
	<p align="center"><b>Date: 04.10.2021</b></p> <p align="center"><b>O.A. No.223 of 2020</b></p> <p><b>D.N. Kamble &amp; 5 Ors. ....Applicant</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The present O.A. is filed by six Applicants out of whom Applicant Nos.2, 4 &amp; 6 retired during the pendency of O.A.</p> <p>3. In this O.A. the Applicants has claimed relief on the line of decision rendered by this Tribunal in O.A.805 to 807/2016 decided on 05.12.2018. The Tribunal has quashed the orders of recovery and directions were also given to the Respondents to consider the aspect of issuance of G.R. as the special case within three months so that the Applicants therein should get pension as per their last drawn pay. The said decision rendered by this Tribunal has been confirmed by Hon'ble High Court recently on 29.09.2021 and three months is granted to Respondents to implement the decision rendered by this Tribunal.</p> <p>4. Today learned P.O. has tendered letter dated 01.10.2021 issued by Respondent No.1 stating that as per the decision of Hon'ble High Court three months time is given to them to implement the same and further action will be taken in consultation with the Government pleader.</p> <p align="right">[P.T.O.]</p>

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	<p>5. Respondents in Affidavit-in-Reply (page 183) admit that the present Applicants are similarly situated persons but only stand taken is that the decision rendered by the Tribunal was challenged before the Hon'ble High Court. Now Hon'ble High Court has confirmed the decision rendered by this Tribunal. This being the position, if Government implement the decision given by the Tribunal in earlier group of O.A. the same would also enure for the benefits of the present Applicants.</p> <p>6. In view of above, two weeks time is granted to learned P.O. to appraise the Tribunal about the implementation of order passed by this Tribunal and confirmed by Hon'ble High Court so that on similar line this O.A. can be disposed of.</p> <p>7. S.O. to 18.10.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

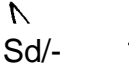
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

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	<p align="center"><b>Date: 04.10.2021</b></p> <p align="center"><b>O.A. No.311 of 2019</b></p> <p>V.N. Jadhav .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Learned Advocate for the Applicant requested for time since he want to move before Hon'ble Chairperson for taking up this matter by Division Bench. According to him on the point of applicability of G.R. dated 28.03.2021 and its publication there are conflicting Judgment of this Tribunal, and therefore, the issue is to be decided by Division Bench.</li> <li>3. One week time is granted to learned Advocate for the Applicant to take necessary steps.</li> <li>4. S.O. to 11.10.2021.</li> </ol> <p align="right">   <b>(A.P. Kurhekar)</b>  <b>Member (J)</b> </p> <p align="center">NMN</p>



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	<p align="center">Date: 04.10.2021</p> <p align="center">O.A. No.1055 of 2018</p> <p>V.S. Mone .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Advocate for the Applicant holding for Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Shri A.J. Chougule, learned Advocate for the Applicant submits that matter is being conducted by C.P.O., Ms. S.P. Manchekar<sup>hvt</sup> due to illness of her father she is unable to remain present for a week.</p> <p>3. S.O. to 11.10.2021.</p> <p align="right">^ Sd/-  (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center"><b>Date: 04.10.2021</b></p> <p align="center"><b>O.A. No.616 of 2021</b></p> <p><b>V.L. Gadada</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Shri C.T. Chandratre, learned Advocate for the Respondent Nos. 3 &amp; 4 is absent. He has sent his leave note.</p> <p>3. No Reply is filed by Respondent No.3 &amp; 4. State has already filed Reply.</p> <p>4. Shri K.R. Jagdale, learned Advocate for the Applicant submits that though the Applicant is <sup>delivered</sup> <del>relieved</del> from his present post, transfer order is unsustainable in law, and therefore, matter be expedited.</p> <p>5. O.A. be kept for hearing at the stage of admission on 13.10.2021.</p> <p align="right">A Sd/-</p> <p align="right"><b>(A.P. Kurhekar)</b> Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>


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	<p align="center">Date: 04.10.2021</p> <p align="center">O.A. No.258 of 2021</p> <p>R.A. Gholap .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Applicant and his Advocate both are absent.</li> <li>2. Shri A.J. Chougule, learned P.O. for the Respondent is present.</li> <li>3. Today learned P.O. has filed for Affidavit-in-Reply on behalf of Respondent No.1, 3, 4, 5 &amp; 6.</li> <li>4. Adjourned for hearing at the stage of admission on 18.10.2021.</li> </ol> <p align="right">   Sd/-  (A.P. Kurhekar)  Member (J) </p> <p align="center">NMN</p>

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	<p>Date : 04.10.2021</p> <p align="center">O.A.No.474 of 2021</p> <p>V. B. Kamble <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.2 and 3. It is taken on record.</li> <li>3. Learned Counsel for the Applicant submits that he does not want to file Rejoinder.</li> <li>4. O.A. be kept for hearing at the stage of admission.</li> <li>5. S.O. to 25.10.2021.</li> </ol> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p><b>Date : 04.10.2021</b></p> <p align="center"><b>O.A.No.194 of 2021 With O.A.No.287of 2020</b></p> <p><b>Dr. A. S. Bendre Dr. P. N. Kakade</b> <span style="float: right;"><b>....Applicants</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <p>1. Heard Shri N. Y. Ukey, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Both these matters are for final hearing at the stage of admission.</p> <p>3. Learned P.O. however submits that the matter is being handled by learned C.P.O. but she is unable to present for next two weeks because of illness of her father.</p> <p>4. Learned Counsel for the Applicants pointed out that in O.A.No.287/2020, as per the directions of the Tribunal, the provisional pension was granted up to December 2020 but not paid after January, 2021.</p> <p>5. Learned P.O. assures that necessary steps will be taken to release the provisional pension immediately.</p> <p>6. The Respondents are directed to release provisional pension forthwith and compliance be reported on next date.</p> <p>7. S.O. to 18.10.2021 for final hearing.</p> <p align="right">Sd/- _____</p> <p align="right"><b>(A.P. Kurhekar)</b> <b>Member(J)</b> <span style="float: right;">[P.T.O.]</span></p> <p>vsm</p>

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	<p><b>Date : 04.10.2021</b></p> <p><b>M.A.No.399 of 2021 in O.A.No.575 of 2021</b></p> <p><b>S. A. Panchal</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri M. B. Kadam holding for Shri S. S. Dere, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</li> <li>2. This M.A. is filed for addition of Respondent No.3 who is posted in place of the Applicant on promotion by subsequent order dated 27.08.2021.</li> <li>3. It being subsequent development, M.A. is allowed. Respondent No.3 be newly added being necessary party. Amendment be carried out immediately.</li> <li>4. In view of addition of Respondent No.3, issue notice before admission returnable on 22.10.2021.</li> <li>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</li> <li>8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>9. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</li> <li>10. S.O. to 22.10.2021.</li> </ol> <p style="text-align: right;">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member(J)</b></p>

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	<p><b>Date : 04.10.2021</b></p> <p><b>O.A.No.1088 of 2019</b></p> <p><b>D. U. Sawant &amp; Ors. ....Applicants</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Though this O.A. was filed initially on behalf of sixteen Applicants by order dated 08.02.2021, names of the Applicant Nos.1 to 14 were deleted from the array of petitioners, since, the learned P.O. made a statement that the Commissioner had already issued order of allotment in their favour. As such, O.A. was continued in respect of Applicant Nos.15 and 16 only.</p> <p>3. Today, learned P.O. on instructions submits that request of Applicant No.15 for transfer of service quarter on his name is already rejected.</p> <p>4. In view of above, learned Counsel for the Applicant submits that he would challenge the order of rejection in respect of Applicant No.15 independently as permissible in law.</p> <p>5. As regard Applicant No.16-Ashish Mohite, learned P.O. on instructions submits that since he is already selected on the post of Police Constable after training necessary orders of transfer of service quarter in his name will be passed. However, he submits that the Applicant No.16 – Ashish Mohite will be liable for penal charges and right of recovery of the department be kept open.</p> <p>6. Insofar as the recovery aspect is concerned, the said issue is kept open. However, insofar as allotment of quarter is concerned, in view of statement made by learned P.O. it will be allotted to him only after completion of training period in accordance to rules.</p> <p>7. In view of above, nothing survives in this O.A. and it is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">w v</p> <p style="text-align: right;"><b>(A.P. Kurhekar)</b>  <b>Member(J)</b></p>

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	<p><b>Date : 04.10.2021</b></p> <p align="center"><b>O.A.No.36 of 2020</b></p> <p><b>M. M. Ghadge &amp; Anr. ....Applicants</b> <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. on instruction submits that the Government has taken decision to allot the service quarters in view of his selection on the post of Police Constable. He further submits that presently the Applicant is in training, and thereafter only, the allotment order will be issued in accordance to rules. At the same time, he submits that the department reserved its right to recover penal charges for unauthorized occupation.</p> <p>3. Since the decision is already taken to transfer the service quarters to the Applicant after completion of training period, the O.A. deserves to be disposed of since the grievance of transfer is redressed.</p> <p>4. Insofar as the penal charge for unauthorized occupation is concerned, the said issue is kept open and Respondent is at liberty to take action as may be permissible in law.</p> <p>5. O.A. is accordingly disposed of with no order as to costs.</p> <p align="right">Sd/- vv <b>(A.P. Kurhekar)</b> <b>Member(J)</b></p> <p align="right">[P.T.O.]</p> <p>vsm</p>



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**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><b><u>04.10.2021</u></b></p> <p align="center"><b><u>O.A 456/2020</u></b></p> <p>Shri D.K Shinde &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Dr Gunratan Sadavarte with Jayshree Patil, learned advocate for the applicants and Mrs Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Respondent no. 1, MPSC, is directed to produce the original Application Form of the applicant and private Respondents on the next date.</p> <p>3. S.O to 18.10.2021.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><b><u>04.10.2021</u></b></p> <p align="center"><b><u>M.A 65/2021 in O.A 232/2019</u></b></p> <p>Shubhangi S. Dange ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. None present for the applicant. Heard Mrs Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O is directed to verify the situation as per the submissions made by learned counsel for the applicant pursuant to order dated 7.9.2021 of this Tribunal.</p> <p>3. S.O to 18.10.2021</p> <p align="right">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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	<p><b><u>04.10.2021</u></b></p> <p><b><u>M.A 383/2021 with M.A 310/2021 in O.A 810/2016</u></b></p> <p>Smt Nirmala P. Koli ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Purva Pradhan i/b Shri D.B Khaire, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Misc Application 383/2021 is filed by the applicant to condone the delay in filing M.A 310/2021 seeking to amend the Original Application.</p> <p>3. Learned counsel for the applicant submits that the present Original Application 810/2016 is filed seeking promotion to the post of Office Superintendent with all consequential service benefits.. However, learned counsel submits that the applicant retired in the year 2017.</p> <p>4. M.A 310/2021 is filed seeking to amend the Original Application No. 81/2016 by claiming deemed date of promotion.</p> <p>5. Learned P.O objects to condone the delay of three years as the applicant retired in the year 2017.</p> <p>6. For the reasons stated in the Misc Application, M.A 383/2021 seeking condonation of delay is allowed. So also Misc Application 310/2021 seeking to amend the Original Application is allowed.</p> <p>7. Learned counsel for the applicant is directed to amend the Original Application within two weeks and serve the copy of the amended O.A on the other side as well as learned P.O for the Respondents. Respondents are directed to file affidavit in reply to the amended O.A.</p> <p>8. Both the Misc Applications stand disposed of.</p> <p>9. O.A 810/2016 to be placed on board on 30.11.2021.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: center;">Akn</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.360 of 2021</u></p> <p>Dr. D.R. Deore ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri S.B. Deore, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant is challenging the <sup>rules of</sup> Medical Officers, Group-B in Maharashtra Medical and Health Services (Recruitment) Rules, 2011.</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 30.11.2021. 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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</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. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 4.10.2021 4.10.2021</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.756 of 2021</u></p> <p>Mrs. Swapnal S. Jopale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A.A. Desai, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant challenges her termination order dated 28.6.2021 as her services are terminated after 25 years of service. It is her case that she got appointment in 1996 on the basis of caste of her husband i.e. on the basis of Couple Certificate a policy which was in existence in the State of Maharashtra. However, after the judgment of the Hon'ble Supreme Court in Valsamma Paul (Mrs.) Vs. Cochin University &amp; Ors., (1996) 3 SCC 545, Ld. Advocate for the applicant submits that GR cannot be given retrospective effect.</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 20.10.2021. 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 in view of this present COVID 19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</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. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 4.10.2021 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 4.10.2021</p>



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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>C.A. No.38 of 2018 in O.A. No.48 of 2017</u></p> <p>R.P. Gage ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. Sonali Pawar holding for Shri Y.P. Deshmukh, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks time for filing rejoinder.</p> <p>3. S.O. to 21.10.2021 by way of last chance.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 4.10.2021 (sgj)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 4.10.2021</p>

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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>C.A. No.33 of 2021 in O.A. No.148 of 2020</u></p> <p>S.D. Mane @ Jankar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Y.B. Lengare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that reply will be filed during the course of the day.</p> <p>3. S.O. to 12.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 4.10.2021 4.10.2021</p> <p>(sgj)</p>

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**FARAD CONTINUATION SHEET No.**

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	<p><b><u>04.10.2021</u></b></p> <p align="center"><b><u>O.A 327/2021</u></b></p> <p>Shri A.A Dabhade ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents 1 &amp; 2. None present for Respondents no 2b, 2e, 2f, 2g, and 2h. None present for Respondents no 3 &amp; 4 in O.A 327/2021.</p> <p>2. Learned counsel for the private Respondents are directed to file affidavit in reply within four weeks, by way of last chance.</p> <p>3. S.O to 16.11.2021.</p> <p align="center">Sd/- <i>Medha Gadgil</i>      Sd/- <i>Mridula Bhatkar, J.</i></p> <p><b>(Medha Gadgil)</b>      <b>(Mridula Bhatkar, J.)</b> <b>Member (A)</b>      <b>Chairperson</b></p> <p>Akn</p>

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	<p><b><u>04.10.2021</u></b></p> <p><b><u>O.A 469/2012 with O.A 682/2013 &amp; O.A 879/2015</u></b></p> <p>Dr A.R Tarale &amp; Ors Dr M.B Deolikar &amp; Ors Dr G.P Wadekar &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants in O.A 462/2012, Shri Rajendra M.Sarda, learned advocate for the applicants in O.A 682/2013 and Mrs Kranti S. Gaikwad, learned P.O for the Respondents. None for the applicants in O.A 879/2015.</p> <p>2. Learned counsel for the applicants relies on the judgment of the Hon'ble Bombay High Court dated 16.3.2017 in Dr Maruti L. Chougale Vs. The State of Maharashtra &amp; Ors, W.P 1007/2013 &amp; Ors.</p> <p>2. Learned P.O submits that the Technical Committee has recommended the case of the applicants favourably and the same is placed before the Committee headed by the Chief Secretary on 6.10.2021.</p> <p>4. We direct the learned P.O to place the judgment of the Hon'ble Bombay High Court dated 16.3.2017 in Dr Maruti L. Chougale Vs. The State of Maharashtra &amp; Ors, W.P 1007/2013 &amp; Ors, before the Committee headed by the Chief Secretary while consider the case of the applicants.</p> <p>5. As these are old matters and now the decision from the Government is awaited, it is made clear to all the parties that if the decision is not taken by the Government, the matter will proceed.</p> <p>6. S.O to 14.10.2021.</p> <p align="right">Sd/-</p> <p align="right">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>



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	<p><b><u>04.10.2021</u></b></p> <p align="center"><b><u>O.A 756 with 755/2020</u></b></p> <p>M.R Sawant &amp; Ors A.P Sonawane &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Dr Gunratan Sadavarte with Dr Jayshree Patil, learned advocate for the applicants and Mrs Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicants Dr Gunratan Sadavarte, points out that pursuant to order dated 7.9.2021, the Respondents have filed affidavit in reply on behalf of Respondent no. 1 through Ms Vaishali M. Sule, Deputy Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai. Learned counsel for applicants raises the point that whether she is the highest authority of the applicants. Secondly, learned counsel for the applicants points out that in view of the earlier observations of the Tribunal, it appears that the contents of para 3 of the affidavit in reply and Exh. 'B' on the record of the Tribunal are false. Learned counsel for the applicants state that the affidavit in reply filed by Ms Vaishali Sule, Deputy Secretary, Medical Education and Drugs Department is contrary to the affidavit in reply filed by Mr Patankar, Deputy Secretary, Medical Education &amp; Drugs Department, Mantralaya, Mumbai</p> <p>3. Learned counsel for the applicants further produced a chart showing continuous service of 226 employees including the 122 applicants in the present Original Application. He submits that it is a proposal regarding regularization of employees sent on 18.2.2015 from the office of Director, Medical Education and Drugs Department to Principal Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai.</p> <p>4. It is very serious matter. If the submissions of Mr Sadavarte, is found to be correct, then the person making false affidavit in reply before the Tribunal may invite necessary legal action initiated by the Tribunal so moto. We once again make it clear to the Respondents and also Principl Secretary, Medical Education and Drugs Department to verify the issue and make a true &amp; correct statement.</p> <p>5. S.O to 18.10.2021. <span style="float: right;">M 11 Sd/-</span></p> <p align="right"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn <span style="float: right;">[PTO.]</span></p>

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	<p align="center"><u>M.A. No.147 of 2021 in O.A. No.43 of 2021</u></p> <p>Meena B. Sonawane ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Id. Advocate for the applicant has filed this MA for condonation of delay in filing the OA. Id. Advocate submits that in fact there is no delay.</p> <p>3. Perused the application. Cause of action arose on 24.10.2019 and the limitation to file the application got over on 23.10.2020. However, the OA is filed on 14.1.2021 and MA is filed on 8.4.2021. Due to COVID-19 Pandemic situation the period of limitation was extended and already condoned by standing orders of the Hon'ble Supreme Court.</p> <p>4. In view of order dated 23.3.2020 passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.3 of 2020 the delay was condoned after 15.3.2020. Thereafter the Hon'ble Supreme Court in MA No.665/2021 in Suo Motu Writ Petition (Civil) No.3 of 2020 by order dated 27.4.2021 extended the period of limitation up to 19.7.2021.</p> <p>5. Hence, in view of the above, there is no delay. MA is allowed.</p> <p align="right">Sd/- _____ / (Mridula R. Bhatkar, J.) Chairperson 4.10.2021</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.43 of 2021</u></p> <p>Meena B. Sonawane ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri V.P. Potbhare, learned Advocate for the Applicant 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 returnable on 29.11.2021. 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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</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. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson 4.10.2021</p> <p>(sgj)</p>



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CA No.129 of 2015 in OAs. No.143, 143 & 144 of 2015

Dr. S.S. Deshpande ..... Applicant

Vs.

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

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

2. Ld. PO submits that revised pension proposal is submitted to AG and compliance of the order of Tribunal is in process.

3. Ld. PO seeks time.

4. S.O. to 15.11.2021.

12  
Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

4.10.2021

(sg)