

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 04.10.2024</p> <p align="center">O.A. No.577 of 2024</p> <p>S.N. KhamitkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Smt. Punam Mahajan, learned Advocate for the Applicant through Video-Conference and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. based on information from officer present on behalf of 'Principal Secretary, Social Justice Department' states that 'Suspension Order' dated 19.03.2024 of Applicant which had been issued by the 'Commissioner of Social Welfare, Maharashtra State, Pune' is now under review as per provisions of 'Rule4(5)(c)' of 'Maharashtra Civil Services (Discipline & Appeal) Rules, 1979' and thereafter appropriate decision in this regard would be taken by 'Disciplinary Authority' against backdrop of detailed observations made in 'Para 8' of 'Order' dated 09.09.2024.</p> <p>3. The learned P.O. to accordingly inform 'Principal Secretary, Social Justice Department' that appropriate decision upon completion of review of 'Suspension Order' dated 19.03.2021 of Applicant be taken expeditiously by 'Disciplinary Authority' preferably within next 'One Week'.</p> <p>4. S.O. to 11.10.2024.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="left">NMN</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.10.2024</p> <p style="text-align: center;">O.A. No.1533 of 2023</p> <p>S.A. BagulApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for Applicant presents copy of 'Director, Vocational Education and Training, Maharashtra State, Mumbai' letter dated 01.10.2024 addressed to 'Joint Directors, Regional Office, Mumbai /Pune /Nagpur/ Chhatrapati Sambhajnagar/ Amravati' regarding 'Transfer On Request' for 'Class-III' Employees.</p> <p>3. Learned Advocate for Applicant states that specific directions had been issued in respect of the Applicant by 'Order' dated 06.09.2024. Hence if the Applicant was to submit 'Fresh Application' as per Director, Vocational Education and Training, Maharashtra State, Mumbai' Letter dated 01.10.2024 then his request be duly considered on merit by referring to the specific directions in 'Order' dated 06.09.2024.</p> <p>4. Learned Advocate for Applicant also informs that some other employee serving on post of 'Craft Instructor (COPA)' in 'Nashik District' would be submitting 'Fresh Application' requesting to be transferred to 'Dhule District'. Thus, if request of other</p>

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employee is accepted, the request of Applicant can also be accepted by 'Joint Director, Vocational Education and Training, Maharashtra State, Mumbai' as there will be 'Vacant Post' available in 'Nashik District'.

5. The 'Director, Vocational Education and Training, Maharashtra State, Mumbai' against the aforesaid context would be expected to consider the 'Fresh Application' of Applicant with an 'Open Mind' for request transfer to any post of 'Craft Instructor (COPA)' in 'Nashik District' as part of the present exercise of 'Transfers on Request' for 'Class-III Employees'.

6. S.O. to 12.11.2024.

Sd/-
(Debashish Chakrabarty)
Member (A)

NMN

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

Date: 04.10.2024

O.A. No.26 of 2022 with M.A. No.201 of 2022 with O.A. No.306 of 2022 with O.A. No.1089 of 2022 with O.A. No.428 of 2022 with O.A. No.696 of 2022 with O.A. No.697 of 2022 with O.A. No.698 of 2022 with O.A. No.952 of 2022 with O.A. No.1096 of 2022 with O.A. No.07 of 2023 with O.A. No.105 of 2023 with O.A. No.106 of 2023 with O.A. No.129 of 2023 with O.A. No.165 of 2023 with O.A. No.172 of 2023 with O.A. No.181 of 2023 with O.A. No.182 of 2023 with O.A. No.191 of 2023 with O.A. No.194 of 2023 with O.A. No.207 of 2023 with O.A. No.215 of 2023 with O.A. No.263 of 2023 with O.A. No.265 of 2023 with O.A. No.289 of 2023 with O.A. No.325 of 2023 with O.A. No.477 of 2023 with O.A. No.541 of 2023 with O.A. No.567 of 2023 with O.A. No.568 of 2023 with O.A. No.595 of 2023 with O.A. No.609 of 2023 with O.A. No.831 of 2023 with O.A. No.859 of 2023 with O.A. No.878 of 2023 with O.A. No.912 of 2023 with O.A. No.913 of 2023 with O.A. No.1099 of 2023 with O.A. No.1293 of 2023 with O.A. No.1294 of 2023 with O.A. No.1468 of 2023 with O.A. No.179 of 2024 with O.A. No.191 of 2024 with O.A. No.222 of 2024 with O.A. No.638 of 2024 with O.A. No.1464 of 2023 with O.A. No.1485 of 2023 and Other Connected matters

A.K. Pawar & Ors.,

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Shri S.S. Dere, Shri G.A. Bandiwadekar, Shri M.D. Lonkar, learned Advocates for Applicants are present. Shri N.W. Sawant, learned Advocates for Applicants is no present. Shri A.J. Chougule, Smt. K.S. Gaikwad & Smt. Archana B.K., learned Presenting Officers for Respondents are present.

2. Learned P.O. states that as per observations recorded in 'Para 2' of 'Order' dated 03.09.2024, the cases of remaining 59 Applicants had to be decided by 'Commissioner of Police, Greater Mumbai'.

3. Learned P.O. thereupon states that out of the 59 Applicants the case of 27 Applicants were considered in meeting of 'P.E.B.' held on 30.09.2024 and they have been relieved by 'Commissioner of Police, Greater Mumbai' to join on 'Inter District Transfer' in other 'Police Establishments'.

4. The 'Commissioner of Police, Greater Mumbai' had been informed by earlier 'Order' dated 31.07.2024 to submit by 'Affidavit-in-Reply' about phase-wise (a) 'Deployment Plan' of newly recruited 'Police Constables' and (b) 'Relieving Plan' of serving 'Police Constables' including all remaining Applicants with reference to individual 'Police Establishments' viz (a) 'Commissioners of Police' and (b) 'Superintendents of Police'. Hence, expectation was that after completion of 'Training Programme' of newly recruited 'Police Constable' by 31.08.2024; the P.E.B. would fairly consider together the cases of all 59 Applicants and forthwith relieve them to join on 'Inter District Transfer' in other 'Police Establishments'.

5. The 'Minutes of Meeting' of P.E.B. dated 30.09.2024 reveals that only (i) '3 Female Constable' and '24 Male Constables' viz. '27 Police Constables' have been relieved to join on 'Inter District Transfer' in other 'Police Establishments'. No reasons have been provided as to why remaining '32 Police Constables' could not be relieved as was expected to be done by 'P.E.B.' in its meeting held on 30.09.2024.

6. The decision taken by 'P.E.B.' in this meeting held on 30.09.2024 to relieve only '27 Applicants' out of remaining '59 Applicants' thus '*prima-facie*' appears to be an outcome of 'Arbitrariness Exercise' of powers by 'P.E.B.'. However, 'P.E.B.' is given yet another opportunity on this account alone so as to rule out inadvertence about the now remaining '33 Applicants'. However, in an eventuality of these remaining 33 Applicants not being relieved by 10.10.2024, it may become necessary to direct 'Commissioner of Police, Greater Mumbai' to relieve these '33 Applicants' by 11.10.2024 on 'Principles of Parity' with '27 Applicants'.

7. The 'Interim Relief' if granted earlier in any 'Group of O.A's' mentioned above are thus continued till 'Next Date'.

8. S.O. to 10.10.2024.

Sd/-

(Debashish Chakrabarty)
Member (A)

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

Tribunal's orders

Date : 04.10.2024

M.A.No.595/2024 in O.A.No.1443/2023

V.K. Aher .Applicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Ms. Punam Mahajan, learned Counsel for the Applicant (through video conference) and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.

2. M.A.No.595/2024 is filed seeking transfer of O.A.No.1443/2023 filed at M.A.T. Mumbai to M.A.T, Nagpur Bench under Section 25 of the Administrative Tribunals Act, 1985.

3. Learned C.P.O. opposes M.A. on the ground of want of instructions from the Respondents. She has further submitted that copy of M.A. is not served to the office of Respondents thus she is unable to seek instructions.

4. Considered submissions. M.A.No.595/2024 is allowed.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center"><u>O.A. No.1234 of 2024</u></p> <p>R.D. Ade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri Tushar Rathod h/f Shri Abhay Thorat, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents are present.</p> <p>2. Ld. PO pursuant to order dated 3.10.2024 states that as per Recruitment Rules of 2.4.2016 for Tracer a person should have passed the course of Draftsman Civil conducted by ITI. Ld. PO submits that ITI can be of Government or from private ITI recognized by the Government. However, the applicant holds the Diploma in Draughtman Civil from Maharashtra State Board of Vocational Examinations and not from Govt. ITI or private ITI recognized by the Govt. Thus this certificate of the applicant is totally different than the course of ITI.</p> <p>3. The certificate which is placed before this Tribunal at page 100 of the OA it states in the Foot Note that it has sanction to the above said course as "Alternate Qualification" to ITI Course 1) Draughtman Civil.</p> <p>4. The applicant has produced certificate of January, 2014. Ld. PO produces certificates of April, 2015 and April, 2018 of some other candidates and in these certificates no such Foot Note of equivalence is mentioned. Ld. PO produces copy of specimen certificate of ITI issued by the National Council of Vocational Training and also by private institute approved by the National Council of Vocational Training. She states that the course which he has taken is of State Board and these certificates are issued by the Central Government.</p> <p>5. Ld. Advocate for the applicant refers to GR dated 28.9.2012 and submits that as per this GR correction was carried out by adding Foot Note by Maharashtra State Board of Vocational Examinations and it is to be treated as equivalent in the said GR.</p>

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	<p>6. We have considered the submissions of both the sides. We have also perused the documents especially certificates produced before us and the GR. It is true that in Recruitment Rules there is no mention of equivalence and as per interpretation of statute and the settled law, unless the qualification or equivalence is specifically mentioned in the Recruitment Rules any other qualification cannot be accepted or adopted even by the State. We have come across the GR dated 28.9.2012 which states about equivalence to be given for one year and two year ITI course for Certificate Course in Architect Draftsman or Certificate Course in Draftsman Civil. The intention of the Govt. is manifested through this GR that the courses in private institute are to be accepted which are recognized by the Government. Therefore, the scope of eligibility can be widened in the public employment. However, while framing Rules of Recruitment for Tracer of April 2016 the Subordinate Legislature or the Legislature has not consciously taken into account this GR dated 28.9.2012. Under these circumstances it is difficult to accept the case of the applicant.</p> <p>7. We are also constrained to observe that GR dated 28.9.2012 regarding 'Policy Guidelines' about equivalence of Educational Qualification in respect of courses offered by 'ITI' and 'Maharashtra State Board of Vocational Education' is not being implemented in letter and spirit as the 'Recruitment Rules' of various such posts have not been commensurately amended resulting in disenchantment amongst meritorious candidates as observed in the case of Applicant.</p> <p>8. We would thus expect that 'Principal Secretary, Higher & Technical Education Department' to take lead to ensure that necessary Modification/Amendments are carried out in time bound manner in relevant 'Recruitment Rules' of 'Administrative Departments'. The exercise be completed within next 3 Months as it relates to 'Public Employment'.</p> <p>9. In view of the above, the OA is dismissed. No order as to costs.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A) 4.10.2024 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 4.10.2024</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.10.2024</p> <p>O.A. No.1183 of 2024 with M.A. No.492 of 2024</p> <p>B.B. Chavan & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Shri V.Y. Patil, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. 'M.A.T. Aurangabad Bench' raised issue relating to jurisdiction with reference to provisions of 'Rule 6' of 'The M.A.T (Procedure) Rules, 1988' by stating that out of 20 Applicants only 9 Applicants are from jurisdiction of 'M.A.T Aurangabad Bench'; while the remaining 11 Applicants are from jurisdictions of 'M.A.T Nagpur Bench' and 'M.A.T Principal Bench, Mumbai'.</p> <p>3. Learned Advocate for Applicants states that they have been barred from filling up 'Application Forms' for 'Main Exams' of 'Limited Departmental Competitive Examination, 2023 to be conducted by MPSC for promotion to post of P.S.I.'; as they have crossed the 'Age Limits' of 35 Years and 40 Years and thus are seeking relief as per (a) GAD GR dated 25.04.2016 & (b) GAD GR dated 03.03.2023.</p> <p>4. Learned Advocate for the Applicants submits that 'Interim Relief' be granted to Applicants; as the last date for filling up 'Application Form' for 'Main Exams' was 07.10.2024 and thereafter these will not be accepted by MPSC.</p>

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5. The 'O.A. No.1183/2024' filed before M.A.T. Aurangabad Bench relates to the same issue which is being concurrently heard in 'O.A. No.1232/2023, O.A. No.1160/2024 and O.A. No.1245/2024' by 'M.A.T. Mumbai Bench'. The contention of Applicants in all these 4 O.As is about granting them 'Age Relaxation' beyond 35 Years and 40 Years prescribed by 'P.S.I. (Recruitment) Rules, 1995 based on (a) GAD GR dated 25.04.2016 & (b) GAD GR dated 03.03.2023 and then allowing them to fill 'Application Form' for 'Main Exam' of 'Limited Departmental Competitive Examination, 2023' to be conducted by 'MPSC' for promotion on the post of 'P.S.I.'.

6. The last date for filing of Application Form for Main Exam for filing of post of 'P.S.I.' through 'Limited Departmental Competitive Examination, 2023' is 07.10.2024; but it is scheduled to be held on 29.12.2024 by 'MPSC'. Against this backdrop; as no 'Interim Relief' was granted to Applicants in above referred 3 O.As being concurrently heard by 'M.A.T.- Mumbai Bench' we are not inclined to grant 'Interim Relief' only to 20 Applicants in O.A. No.1183/2024 filed before 'M.A.T. Aurangabad Bench'.

7. The O.A. No.1183/2024 therefore be placed alongwith 'O.A. No.1232/2023, O.A. No.1160/2024 and O.A. No.1245/2024' for further hearing on 14.10.2024 before 'M.A.T.- Mumbai Bench'.

8. The learned Advocate for Applicants & learned PO, M.A.T. Aurangabad Bench are accordingly permitted to attend hearing in O.A. No.1183/2024 on 14.10.2024 through 'Video-Conference'.

9. S.O. to 14.10.2024.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.N. Karmarkar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

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FARAD CONTINUATION SHEET No.

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	<p align="center"><u>O.A. No.1269 of 2024</u></p> <p>M.D. Londhe ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.</p> <p>2. The applicant challenges the order dated 23.8.2024 on the point that objection raised by the applicant to a particular answer of the question was rejected. Applicant further prays that respondents be directed to select the applicant in SC category and give him appointment to the post of Police Constable. Ld. Advocate submits that the written examination was held on 27.7.2024 for 100 marks with 100 questions. The applicant raised objection for questions no.3, 54 & 77. The respondents published 2nd answer key and considered the second answer key. The provisional select list is published where the name of the applicant is not shown. The applicant has secured 135 marks and cutoff for SC is 135. The candidate elder to the applicant was selected on the same marks. The applicant is waiting list No.1. Applicant prays that result dated 23.8.2024 is to be quashed and set aside to the extent of SC category by allowing him in the select list. Ld. Advocate pointed out that the question no.77 of paper Set-B at Exhibit F reads as under:</p> <p align="center">७७. "पुस्तक वाचले" या वाक्यातील क्रिया कोणती? a) पुस्तक b) वाचले c) वाचणे d) आहे</p> <p>3. Ld. Advocate for the applicant submits that in this case the answer Option-C is correct. However, the Govt. chose Option-B.</p> <p>4. Ld. CPO on instructions submits that there were 12 posts for Bandsman and out of that 9 are filled up and she wants to take instructions for remaining 3 posts which are not filled up.</p>

Office Notes, Office Memoranda of Coram,
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5. Short affidavit to that effect should be filed so that matter can be decided on that date.
6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
7. Issue notice before admission returnable on 10.10.2024. The respondents are directed to file reply.
8. 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.
9. 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.
10. 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.
11. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the Original/Misc. Application shall be placed on board before the concerned Benches under the caption "**For Dismissal**" and thereafter on the subsequent date the Original/Misc. Applications shall stand dismissed.

Sd/-
(Debashish Chakrabarty)
Member (A)
4.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
4.10.2024

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p align="center"><u>O.A. No.1271 of 2024</u></p> <p>H.K. Nagare & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri A.S. Gaikwad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.</p> <p>2. Ld. Advocate for the applicants states that the applicant are Ex-serviceman and applicant no.1 is disabled person. Ld. Advocate for the applicants states that the applicants are similarly placed like applicants in OA No.946/2024 (P.S. Ghadge & 15 Ors. Vs. State of Maharashtra & Ors.) and prays for the same relief as granted by order dated 5.9.2024 by this Tribunal in the said OA. Ld. Advocate states that Tribunal has directed the respondents not to fill up 244 posts which are reserved for Ex-serviceman as no Ex-servicemen were found out to fill the post.</p> <p>3. In view of the above. we grant the same relief as granted in OA No.946/2024 and direct the respondents not to fill up those 244 posts and keep them vacant until further orders.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 11.11.2024. The respondents are directed to file reply.</p> <p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p>

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

8. 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.

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

Sd/-
(Debashish Chakrabarty)
Member (A)
4.10.2024

(sgj)

Sd/-
(Mridula Bhatkar, J.)
Chairperson
4.10.2024

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 1261 OF 2024**

DISTRICT :

Ishadhin D. Shelkande)...**Applicant**

Versus

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

Shri A.R Kapadnis, learned advocate for the Applicant.

Shri A.D Gugale, learned Presenting Officer for the Respondent No. 1.

Shri Ashok Misal, learned counsel for Respondent No. 2.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 04.10.2024




ORDER

1. Learned Counsel has submitted that applicant had worked as Block Development Officer at Pandharpur and from there he is promoted to the post of Deputy Chief Officer and transferred by promotion by order dated 03.08.2019 and subsequently he was transferred to Solapur by order dated 13.08.2021 as Deputy Chief Officer. Now by this order dated 25.09.2024 he is transferred and demoted as Block Development Officer.

2. Learned P.O on instructions from Ms Urmila Joshi, Under Secretary, Urban Development Department submits that the applicant has put in 3 years on that post and in the said District, i.e., Solapur as Deputy Chief Officer and therefore he was

transferred as per directions given by the Election Commission of India dated 31.7.2024. It is also further submitted that the applicant is transferred to Amravati and it is not demotion because by virtue of G.R dated 6.8.2016, some posts of B.D.Os are earmarked as Deputy Chief Officers. Learned P.O further submitted that as per the said G.R the post of Dy. Chief Officers are less and therefore less opportunities are available for B.D.Os for promotion and therefore in order to avoid clogging of the posts of B.D.Os, some posts are earmarked for Dy Chief Officers. Learned P.O further submitted that the post of Dy. Chief Officer at Solapur is not connected with the Election Duty. Learned P.O further submitted that for general transfers are concerned the persons who have completed 3 years till 31.5.2024 are only considered for transfer and the applicant who was posted on 13.8.2021 was out of that period and therefore his case was not considered.

3. Considered the submissions of both sides. As per the directions of the Election Commission of India dated 31.7.2024, the Government servants can be transferred mid-term or mid-tenure if at all he has put in 3 years or more than 3 years in one District or a particular post. Secondly, his post should be directly connected with the Election Duty. The applicant has definitely put in 3 years as Deputy Chief Officer at Solapur. However, his post is not connected with the Election Duty and therefore, the said transfer is mid-term, though it is not mid-tenure. If it is mid-term transfer then the Respondent-State has to place the case of the applicant before the Civil Services Board and the applicant can be transferred only if special case or special circumstances is made out under Rule 4(4)(ii) of the ROTA Act, 2005.



4. Prima facie, it appears that as per G.R dated 6.8.2016, the post of B.D.O at Amravati is earmarked for Dy Chief Officer. As pointed out by learned counsel for the applicant that the Recruitment Rules of 2017 and amended Recruitment Rules dated 18.9.2018 of Dy Chief Officers and B.D.Os are different. The applicant by order dated 3.8.2019 was promoted from the post of Block Development Officer to the post of Deputy Chief Officer and then he was transferred to Nasik and thereafter to Solapur. Thus, it appears that this may amount to demotion. As per Annexure A-7 dated 29.8.2024, two trained Tahsildars are at Dariyapur and as per Annexure A-9 dated 25.9.2024, one Shri S.L Khatle, a trained Block Development Officer is working for the same Constituency at Anjangaon.

5. Hence, prima facie case is made out by the applicant for granting interim relief. In view of the above, the impugned order dated 25.9.2024 passed by Respondent No. 1 is stayed and the applicant is directed to continue on the said post, if it is vacant.

6. I note that able assistance is provided by Ms Urmila Joshi to learned Presenting Officer.

7. S.O to 18.10.2024.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 04.10.2024
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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>O.A. No.1244 of 2024</u></p> <p>A.B. Sankhe ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents are present.</p> <p>2. Ld. Advocate for the applicant pointed out that enquiry was initiated on 25.4.2018 and no enquiry officer is appointed till date.</p> <p>3. Why this DE is not to be quashed and set aside.</p> <p>4. S.O. to 14.10.2024.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A) 4.10.2024 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 4.10.2024</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.949 of 2024 (DB)</u></p> <p>M.S. Bachkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant states that applicant took 5.33 seconds time to run 1600 meters and Respondent No.3 took 5.38 seconds to run 1600 meters running race for the post of Police Constable. Both applicant and respondent no.3 have scored 16 marks.</p> <p>3. Ld. PO states that the criteria applied for 5 minutes 30 seconds to 5 minutes 50 seconds is the same and candidates are given 16 marks.</p> <p>4. We have viewed the CCTV footage of the examination conducted which shows that there is hardly 4 to 5 seconds difference of time between applicant and applicant in reaching the stop point. Hence, there is no merit in the OA and the same is dismissed.</p> <p align="center">Sd/- Sd/- (Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson 4.10.2024 4.10.2024 (sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.546 & 543 of 2023</u></p> <p>N.R. Takey & Ors. Dr. V.N. Wahuy & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.</p> <p>2. It is informed by Ld. CPO that promotion file is cleared and one post is to be upgraded from Dy. Director to Joint Director and hence it is pending before the GAD.</p> <p>3. This upgradation has no bearing with the promotion of the applicants who are aspiring for promotion to the post of Joint Director, Education and therefore the department should issue promotion orders of the applicants from the select list on or before 11.10.2024.</p> <p>4. S.O. to 11.10.2024.</p> <p align="center">Sd/- Sd/- (Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson 4.10.2024 4.10.2024 (sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.594 of 2024 in O.A. No.1271 of 2024</u></p> <p>H.K. Nagare & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri A.S. Gaikwad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Debashish Chakrabarty) Member (A) 4.10.2024 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 4.10.2024</p> </div> </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 1261 OF 2024**

DISTRICT :

Ishadhin D. Shelkande)...**Applicant**

Versus

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

Shri A.R Kapadnis, learned advocate for the Applicant.

Shri A.D Gugale, learned Presenting Officer for the Respondent No. 1.

Shri Ashok Misal, learned counsel for Respondent No. 2.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 04.10.2024




ORDER

1. Learned Counsel has submitted that applicant had worked as Block Development Officer at Pandharpur and from there he is promoted to the post of Deputy Chief Officer and transferred by promotion by order dated 03.08.2019 and subsequently he was transferred to Solapur by order dated 13.08.2021 as Deputy Chief Officer. Now by this order dated 25.09.2024 he is transferred and demoted as Block Development Officer.

2. Learned P.O on instructions from Ms Urmila Joshi, Under Secretary, Urban Development Department submits that the applicant has put in 3 years on that post and in the said District, i.e., Solapur as Deputy Chief Officer and therefore he was

transferred as per directions given by the Election Commission of India dated 31.7.2024. It is also further submitted that the applicant is transferred to Amravati and it is not demotion because by virtue of G.R dated 6.8.2016, some posts of B.D.Os are earmarked as Deputy Chief Officers. Learned P.O further submitted that as per the said G.R the post of Dy. Chief Officers are less and therefore less opportunities are available for B.D.Os for promotion and therefore in order to avoid clogging of the posts of B.D.Os, some posts are earmarked for Dy Chief Officers. Learned P.O further submitted that the post of Dy. Chief Officer at Solapur is not connected with the Election Duty. Learned P.O further submitted that for general transfers are concerned the persons who have completed 3 years till 31.5.2024 are only considered for transfer and the applicant who was posted on 13.8.2021 was out of that period and therefore his case was not considered.

3. Considered the submissions of both sides. As per the directions of the Election Commission of India dated 31.7.2024, the Government servants can be transferred mid-term or mid-tenure if at all he has put in 3 years or more than 3 years in one District or a particular post. Secondly, his post should be directly connected with the Election Duty. The applicant has definitely put in 3 years as Deputy Chief Officer at Solapur. However, his post is not connected with the Election Duty and therefore, the said transfer is mid-term, though it is not mid-tenure. If it is mid-term transfer then the Respondent-State has to place the case of the applicant before the Civil Services Board and the applicant can be transferred only if special case or special circumstances is made out under Rule 4(4)(ii) of the ROTA Act, 2005.



4. Prima facie, it appears that as per G.R dated 6.8.2016, the post of B.D.O at Amravati is earmarked for Dy Chief Officer. As pointed out by learned counsel for the applicant that the Recruitment Rules of 2017 and amended Recruitment Rules dated 18.9.2018 of Dy Chief Officers and B.D.Os are different. The applicant by order dated 3.8.2019 was promoted from the post of Block Development Officer to the post of Deputy Chief Officer and then he was transferred to Nasik and thereafter to Solapur. Thus, it appears that this may amount to demotion. As per Annexure A-7 dated 29.8.2024, two trained Tahsildars are at Dariyapur and as per Annexure A-9 dated 25.9.2024, one Shri S.L Khatle, a trained Block Development Officer is working for the same Constituency at Anjangaon.

5. Hence, prima facie case is made out by the applicant for granting interim relief. In view of the above, the impugned order dated 25.9.2024 passed by Respondent No. 1 is stayed and the applicant is directed to continue on the said post, if it is vacant.

6. I note that able assistance is provided by Ms Urmila Joshi to learned Presenting Officer.

7. S.O to 18.9.2024.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 04.10.2024
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.10.2024</p> <p>O.A. No.1313 of 2022 with O.A. No.1316 of 2022</p> <p>S.K. Naiya, C.K. ChauguleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Smt. Anjali Kolapkar, learned Advocate holding for Shri A.S. Gaikwad, learned Advocate for Applicant and Smt Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for Applicant has filed 'Affidavit-in-Rejoinder' on behalf of Applicant in both the O.As. ' It is taken on record.</p> <p>3. O.A. No.1314/2022 & O.A. No.1315/2022 be placed with these above O.As on 11.10.2024.</p> <p align="right">Sd/- (A.N. Karmarkar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 04.10.2024

O.A. No.307 of 2023

G.D. Johar & Anr.Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Shri P.S. Bhavake, learned Advocate for the Applicant is absent.
2. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.
3. Parties were heard.
4. On perusal it appears that Respondents has raised ground of delay, it does not appear that there is submission on this ground by the Applicant.
5. I am of the opinion to hear both the sides, put up for hearing.
6. S.O. to 11.10.2024.

Sd/-
(A.N. Karmarkar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.1268 of 2024</u></p> <p>Atul R. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri D.B. Khaire, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents are present.</p> <p>2. Ld. Advocate for the applicant states that the applicant has produced EWS certificate dated 10.7.2023 that he belongs to Hindu Rajput Bhamta. The applicant is denied appointment as Police Constable in EWS category on the ground that he is Rajput Bhamta and therefore he cannot get the reservation of EWS category as per Article 16(6) of the Constitution of India. He states that he has annexed copies of caste certificates of his Uncle, Father, Grand Father wherein the caste is mentioned as Rajput and not Rajput Bhamta and therefore he is entitled for the benefit of EWS category. Ld. Advocate for the applicant relies on the order dated 30.9.2024 passed by this Tribunal in OA No.1211/2024 (Jayesh I. Patil Vs. The State of Maharashtra & Ors.) and prays for same relief as the case is similar wherein this Tribunal has directed that the respondents may public the result of all other candidates of the post of Police Constable-Bandsman at Palghar except the result of EWS category.</p> <p>3. In view of the above, we direct that the respondents may public the result of all other candidates of the post of Police Constable at Palghar except the result of EWS category.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 18.10.2024. The respondents are directed to file reply.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/Misc. Application shall be placed on board before the concerned Benches under the caption "For Dismissal" and thereafter on the subsequent date the Original/Misc. Applications shall stand dismissed.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A) 4.10.2024 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 4.10.2024</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.1267 of 2024</u></p> <p>S.S. Yadav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.</p> <p>2. Ld. Advocate for the applicant refers to appointment order dated 20.12.2013 and states that applicant has completed 10 years' service but he has not passed the requisition examination as per clause 3 of the appointment order. The applicant was required to pass the departmental examination within stipulated period which was 2 years within the probation period and if the applicant does not clear the examination his services will be terminated. The applicant apprehends that services of the applicant will be terminated.</p> <p>3. We direct that services of the applicant are not to be terminated unless show cause notice is given to him.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 22.11.2024. The respondents are directed to file reply.</p> <p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p>

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

Tribunal's orders

8. 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.

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

Sd/-
(Debashish Chakrabarty)
Member (A)
4.10.2024

(sgj)

Sd/-
(Mridula Bhatkar, J.)
Chairperson
4.10.2024

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.584 of 2024 in O.A. No.1247 of 2024</u></p> <p>S.S. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri P.M. Arjunwadkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents are present.</p> <p>2. Ld. Advocate for the applicant states that the cause of action arose on 3.5.2014. The matter is about regularization of services. The applicant was appointed on 6.12.1974. He has worked as Clerk-cum-Superintendent on daily wages for 240 days. The applicant is a senior citizen and aged about 70 years. Ld. Advocate states that applicant had filed W.P. No.11294/2013 and the Hon'ble High Court by order dated 10.3.2014 directed the respondents to consider the representation of the applicant. In the said writ petition the present applicant who was working in Govt. Milk Scheme, Kolhapur has prayed for regularization in lieu of Supreme Court judgment dated 15.2.1994 in TA No.101/1991 in W.P. No.1951/1991 referred and confirmed in CA No.3070/1999 dated 24.7.2001 by Hon'ble Supreme Court. The Hon'ble High Court has observed that applicant's case is similar to the order passed by the Hon'ble Supreme Court. The applicant seeks similar relief as is granted by the Hon'ble High Court. It appears that there is huge delay.</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 22.11.2024. The respondents are directed to file reply.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p>

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

Tribunal's orders

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

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

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

Sd/-
(Debashish Chakrabarty)
Member (A)
4.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
4.10.2024

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.245 of 2024</u></p> <p>K.H. Borse ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. Learned Advocate for the Applicant is not present.</p> <p>2. Ld. CPO produces copy of order dated 23.7.2024 appointing applicant as Ward Servant, Class IV at District Hospital, Nashik and submits that as the grievance of the applicant is redressed the OA may be disposed off.</p> <p>3. In view of the above, the order dated 23.7.2024 is taken on record and marked as Court Exhibit '1' Collectively and OA is disposed off as it has become infructuous.</p> <p align="center">Sd/- Sd/- (Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson 4.10.2024 4.10.2024 (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.1235 of 2024</u></p> <p>C.S. Akhade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.</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 9.10.2024. 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. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A) 4.10.2024 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 4.10.2024</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.10.2024

M. A. No.291 of 2024 in O.A.No.601 of 2024

N. Y. ZimareApplicant

Versus

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

1. Heard Shri K. R. Jagdale, learned Advocate for the Applicants and Shri A. D. Gugale, learned Presenting Officer for the Respondents.
2. In order to give one opportunity, the last chance is granted to learned PO to file Affidavit in Reply.
3. S.O. to 11.10.2024.

Sd/-

**(A. N. Karmarkar)
Member (J)**

vsm

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

Tribunal's orders

Date : 04.10.2024

O.A.No.917 of 2024

S. B. KamaleApplicant
Versus
The State of Maharashtra &Ors. ...Respondents.

1. Heard Shri A. A. Deshpande, learned Advocate for the Applicant, Smt. Archana B. K., learned Presenting Officer for the Respondents and Shri A. Misal, learned Advocate for Respondent No.2. The Applicant in person is present before the Court.
2. The Applicant has challenged the suspension order dated 18.07.2024 passed by Respondent No.1- Maharashtra Jeevan Pradhikaran, Navi Mumbai.
3. Today, learned PO has filed reply on behalf of Respondent No.1. It is taken on record.
4. Learned Advocate for Applicant submits that he has gone through the Affidavit in Reply filed by Respondent No.1 along with the orders passed by this Tribunal in O.A.No.931/2017 & M.A.No.87/2021 with M.A.St.No.365/2021 in O.A. St.No.187/2021.
5. According to learned Advocate for Applicant, it is held in those matters that Maharashtra Jeevan Pradhikaran is a Public Undertaking and not a Government department. It is also clarified in reply of Respondent No.1 that this Tribunal has no jurisdiction and the remedy lies somewhere else.
6. In view of above, learned Advocate for the Applicant sought permission to withdraw the O.A. with liberty to challenge the suspension order before the competent court/authority.
7. On hearing of Applicant in person and his Advocate, permission is granted to withdraw the petition with liberty to challenge the suspension order before competent court/authority.
8. The Original Application is accordingly disposed of with no order as to costs.

Sd/-

(A. N. Karmarkar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.650 of 2024</p> <p>Manoj BhureApplicant</p> <p>Versus</p> <p>The State of Maharashtra &Ors. ..Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Advocate for the Applicant, Smt. Archana B. K., learned Presenting Officer for the Respondents and Shri D. B. Khaire, learned Advocate for Respondent No.3. 2. The matter is admitted and kept for final hearing. 3. S.O. to 13.11.2024. <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.669 of 2024</p> <p>A. H. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra &Ors. ..Respondents.</p> <p>1. Heard Shri Tanmay Sawant holding for Shri M. M. Deshmukh, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.</p> <p>2. At request of learned Advocate for Applicant, two weeks' time is granted to file application for 'Condonation of Delay'.</p> <p>3. S.O. to 25.10.2024.</p> <p style="text-align: center;">^ Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.918 of 2024</p> <p>D. N. KhandagaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra &Ors. ...Respondents.</p> <p>1. Heard Shri S. R. Kolge, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned PO submits that instructions are received from the concerned department and seeks time to file reply.</p> <p>3. S.O. to 15.10.2024.</p> <p>Sd/-</p> <p>(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.929 of 2024</p> <p>M. D. PardeshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, learned Advocate for the Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents.</p> <p>2. The Respondents to file Affidavit in Reply positively on next date.</p> <p>3. S.O. to 25.10.2024.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 04.10.2024.
	O.A.No.1584 of 2023 with O.A.No.1585 of 2023
	S. C. Kalekar & Ors S. A. Waratkar & Ors.Applicants
	Versus
	The State of Maharashtra &Ors. ...Respondents.
	1. Heard Smt. Amita Chaware, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
	2. Today, learned Advocate for Applicants has filed Rejoinder in O.A.No.1584/2023. It is taken on record.
	3. Learned PO seeks time to file reply positively in O.A.No.1585/2023 on next date.
	4. The matter is admitted and kept for final hearing with liberty to file Sur-Rejoinder in O.A.1584/2023, if any.
	5. S.O. to 25.10.2024.
	Sd/-
	(A. N. Karmarkar) Member (J)
	vsm

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>M.A. No.381 of 2024 in O.A. No.665 of 2024 with O.A. No.1255 of 2023</p> <p>M.K. DhakaneApplicant</p> <p>Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Advocate for Applicant in M.A. No.381/2024, Shri A.J. Chougule, learned Presenting Officer for Respondent No.1 to 4 in M.A. No,381/2024, Smt. K.S, Gaikwad, learned Presenting Officer for Respondent No.1 to 3 in O.A. No.665/2024, Smt. K.S. Gaikwad along with Shri A.J. Chougule, learned Presenting Officer for Respondent No.1,2 & 4 in O.A. No.1255/2023, Shri M.D. Lonkar, learned Counsel for Respondent No.4 – Municipal Commissioner, Pune Municipal Corporation in O.A. No.1255/2023 & 'Special Counsel' for 'Public Health Department' in 'O.A, No.665/2024'. Smt, Punam Mahajan, learned Advocate for Applicant though video conference in O.A. No.665/2024 & O.A. No.1255/2023.</p> <p>2. Shri G. A. Bandiwadekar, learned Advocate for Applicant and Shri A. J. Chougule, learned PO seek time to file Affidavit in Reply.</p> <p>3. 'Interim Relief', if any in O.A.No.1255/2023 to be continued till next date.</p> <p>4. S.O. to 21.10.2024.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p>

vsm

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>M. A. No.186 of 2023 in M.A.No.140 of 2024 with M.A.No.341 of 2024 in O.A.No.603 of 2019</p> <p>R. S. Kamble & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra &Ors. ...Respondents.</p> <p>1. Heard Ms Pooja Mankoji holding for Shri S. S. Dere, learned Advocate for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In order to give one opportunity, the last chance is granted to learned PO to file reply.</p> <p>3. S.O. to 11.10.2024.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

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

Tribunal's orders

Date : 04.10.2024

O.A.No.1273 of 2024

S. B. Gawade

....Applicant

Versus

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

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents.
2. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 10.10.2024.
4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/~~Miscellaneous~~ Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / ~~Miscellaneous~~ Application shall stand dismissed.
8. S.O. to 10.10.2024 under the caption of 'Urgent Admission'.

Sd/-

(A. N. Karmarkar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.10.2024

O.A.No.1228 of 2024

M. M. Honrao & Ors.Applicants

Versus

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

1. Heard Shri V. S. Tadke, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents
2. Learned Advocate for Applicants seeks permission to file application for 'Sue Jointly'.
3. Permission to file application for 'Sue-jointly' is granted.
4. S.O. to 17.10.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.10.2024

O.A.No.1605 of 2023

M. K. BadveApplicant

Versus

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

1. Heard Shri C. T. Chandratre , learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The matter is admitted and kept for final hearing.
3. S.O. to 13.11.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.308 of 2024</p> <p>K. D. DhondgeApplicant</p> <p>Versus</p> <p>The State of Maharashtra &Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M. B. Kadam, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. In spite of orders dated 27.08.2024 and 13.09.2024, learned PO seeks further time to file reply. 3. No further time is granted. The matter to proceed without reply. 4. The matter is admitted and kept for final hearing. 5. S.O. to 28.10.2024. <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.1570 of 2023</p> <p>D. V. KendreApplicant</p> <p>Versus</p> <p>The State of Maharashtra &Ors.Respondents.</p> <p>1. Heard Shri S. S. Dere, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The matter is admitted and kept for final hearing with liberty to file Sur-Rejoinder, if any.</p> <p>3. S.O. to 13.11.2024.</p> <p>(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.1177 of 2023</p> <p>A. B. SuryawanshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra &Ors. ...Respondents.</p> <p>1. Heard Smt. Pooja Mankoji, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Rejoined is not filed by the Applicant.</p> <p>3. The matter is admitted and kept for final hearing.</p> <p>4. S.O. to 13.10.2024.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.10.2024

O.A.No.815 of 2021

S. G. AdateApplicant

Versus

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

1. Heard Shri U. V. Bhosale, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Learned PO submits that Respondent No.1 is not going to file Reply.
3. The reply on behalf of Respondent No.2 is already filed.
4. The matter is admitted and kept for final hearing with liberty to file Rejoinder, if any.
5. S.O. to 13.11.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.1618 of 2023</p> <p>D. M. KokareApplicant</p> <p>Versus</p> <p>The State of Maharashtra &Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant through video conference and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The matter is admitted and kept for final hearing.</p> <p>3. Learned Advocate submits that Applicant does not want to file Rejoinder.</p> <p>4. S.O. to 18.10.2024.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A. N. Karmarkar) Member (J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s
(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.10.2024

O.A.No.1478 of 2023

S. N. GherdeApplicant

Versus

The State of Maharashtra &Ors. ..Respondents.

1. Heard Shri S. V. Kate, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Learned Advocate for Applicant submits that he will file Rejoinder during the course of the day. Statement is accepted. It be taken on record.
3. The matter is admitted and kept for final hearing with liberty to file Sur-Rejoinder, if any.
4. S.O. to 18.10.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.10.2024</p> <p>O.A.No.1215/2024</p> <p>S.N. Pansare .Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Mr. S.S. Dere, learned Counsel for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents are present</p> <p>2. Today learned P.O. has filed affidavit-in-reply. He has placed chart stating the dates of the orders, posting given and which types of posts are given to the applicant. It be taken on record and marked as Exhibit-1. In column no.2 of the said Chart the Government has mentioned that on 11.09.2020 the applicant was entrusted the work of Administrative Officer, A Zonal Officer and it is also mentioned that the said post of Administrative Officer, A Zonal Officer is notified by the Election Commissioner. However, in the said chart the State has suppressed the fact that on which date this post was notified. On query it is informed by learned P.O. that the post was notified on 24.03.2021. Learned P.O. on the basis of affidavit dated 04.10.2024 filed by Mr. Shekhar Singh, Commissioner of Pimpri Chinchwad Municipal Council has pointed out that in paragraph 4 there is mention that the post was notified on 24.03.2024. Applicant thereafter was given non notified post. However, she was holding charge of Notified post from 02.08.2024 to 13.08.2024 i.e. nearly 11 days. As per calculation though the applicant has completed three years in Pimpri Chinchwad District and she was not holding the Notified post for three years and as per sub Rule (ii) of Rule 3 of directions of Election Commission of India dated 31.07.2024 not holding the post which was counted as the Election duty for three years in the District or same post. It appears that there is confusion on the part of the State in counting the period of three years. Learned P.O. seeks time to file affidavit of UDD. Learned P.O. has submitted that as per the order dated 13.08.2024 annexed along with affidavit of Mr. Shekhar Singh, Commissioner of Pimpri Chinchwad Municipal Council, additional charge of the post of the applicant is given to one Mr. Parshuram Waghmare, Administrative Officer, A Zonal Officer.</p>

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

Tribunal's orders

3. At this stage the applicant is holding the post of Administrative Officer, Social Development Department i.e. non Notified post. However, none of the persons who are present today for giving instructions to learned P.O. are aware, so as to confirm the present post held by the Applicant. Therefore, as the submissions made by learned Counsel for the Applicant that the post of Administrative Officer, Social Development Department is not notified and not filled up is accepted for want of proper instructions from the Respondents and hence, if that post is not filled as on today the applicant is directed to continue working on the post of Administrative Officer, Social Development Department, if at all the said post is vacant.

4. Time granted to learned P.O. for filing affidavit-in-reply. I hope that while filing affidavit the UDD and Commissioner, Pimpri Chinchwad Municipal Council will consider the judgment/ order dated 01.10.2024 passed by my brother Hon'ble Member (J) in O.A.No.623/2024

5. Adjourned to 09.10.2024.

Sd/-

/(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 04.10.2024 Tribunal's orders O.A.No.1266/2024</p>
	<p>S.M. Bhalerao .Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Mr. R.M. Kolge, learned Counsel for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents are present</p> <p>2. Applicant prays that Respondents be directed to quash and set aside the impugned order of transfer dated 30.08.2024 issued by the Respondent no.2. Further applicant prays that Respondents be directed to allow the applicant to discharge his duties, GSDA, Ground Water Survey Development Agency, Solapur.</p> <p>3. Learned Counsel has submitted that Applicant has been transferred from Solapur to Pune and has completed three years and asking for extension. Applicant was transferred on the post of Solapur on 27.04.2008. Learned Counsel has submitted that there is violation of Sections 6 and 7 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties, Act, 2005. He has submitted that the order is passed without competency and the head of the Department has not given approval. He has further relied on the judgments dated 31.08.2020 and 07.07.2022 passed by this Tribunal in O.A.No.770/2019 (S.B. Mahajan Vs. The Director of Health Services & Anr.) and O.A.No.961/2021 (G.M. Kankande Vs. The Additional Commissioner) respectively. He has also relied on Notification dated 28.05.2007 (Exhibit-D).</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 25.10.2023.</p> <p>6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p>

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

Tribunal's orders

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

8. 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.

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

10. Learned P.O. is directed to consider the judgments and Notification which are relied by learned Counsel while filing affidavit-in-reply.

11. Adjourned to 25.10.2024.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 04.10.2024

O.A.No.1231/2024

A.S. Vaidya
Vs.

.Applicant

The State of Maharashtra & Ors.Respondents.

1. Mr. A.N. Pange, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents are present.
2. Adjourned to 10.10.2024. Interim relief, if any, to continue.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 04.10.2024

O.A.No.846/2024

S.V. Hitare

.Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Mr. S.S. Dere, learned Counsel for the Applicant, Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents and Mr. S.S. Kate, learned Counsel for the Respondent No.4.

2. Today learned Counsel Mr. Kate has filed affidavit-in-reply. It be taken on record and copy be served upon the concern.

3. Adjourned to 10.10.2024 at 10.10 a.m.
FOB.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 04.10.2024

M.A.No.596/2024 in O.A.No.1274/2024

T.D. Kachhway & Ors.. .Applicants
Vs.

The State of Maharashtra & Ors.Respondents.

1. Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents are present.

2. M.A.No.596/2024 is filed seeking leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A.No.596/2024 is allowed.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 04.10.2024

O.A.No.1274/2024

T.D. Kachhway & Ors.. .Applicants
Vs.

The State of Maharashtra & Ors.Respondents.

1. Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents are present.

2. Applicants working as Wireless Operators prays that Respondents be directed to implement the transfer order dated 30.09.2024 violated by orders dated 20.10.2022 and 05.12.2022.

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

4. Issue notice before admission returnable on 11.11.2024.

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

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

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

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

9. Adjourned to 11.11.2024.

Sd/-

(Mridula Bhatkar, J.)
Chairperson