

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

**ORIGINAL APPLICATION NO.1133 OF 2018 WITH
MISCELLANEOUS APPLICATION..A.NO.63 OF 2021
WITH
ORIGINAL APPLICATION NO.339 OF 2021**

B.A. Kale

... Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Ms. Punam Mahajan, learned Advocate for the Applicants.

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

CORAM : Justice Mridula Bhatkar, Chairperson.

DATE : 05.08.2021

ORDER

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


2. The matter is taken for hearing on interim relief.

3. The learned Counsel for the Applicant submits that as per Rule 6 of the Notification dated 27.02.2021 incorporating the Rules of recruitment and promotions of all cadres of Nurses she submitted that Rule 6 is about the eligibility for the appointment of Public Health Nurses. She pointed out that Rule 6(a)(ii) is relevant in respect of the

eligibility of the Staff Nurses who claim promotion to the post of Public Health Nurses. Rule 6 (a) (ii) reads as under :-

(ii) a Basic Bachelor of Science (Nursing) degree or General Nursing and Midwifery Diploma from recognized institute along with Post Basic Diploma in Public Health Nursing (11 month) from recognized institute;


4. The learned Advocate for the Applicant further submits that the Post Basic Diploma in Public Health Nursing of 11 months is made compulsory along with BSc. Nursing and also alongwith Diploma in Nursing and Midwifery. She submits that the applicants who are working as Staff Nurses since 1995 have secured a degree of BSc. Nursing and as per the earlier history of the promotion to the post of Public Health Nurses the degree of BSc. Nursing or Diploma in Nursing and Midwifery was sufficient. She pointed out that the direct recruits to the post of Public Health Nurses as advertised in 2019 is silent about the criterion of Post Basic Diploma in Public Health of 11 months but only limits BSc. degree Nursing or Diploma in Nursing and Midwifery. She submits that now the posts which are going to be filled up by nomination will not be holding the diploma in Post Basic Nursing Diploma of 11 months. However, the applicants who are in the service since 1995 and have secured the degree in Nursing or Diploma in Midwifery and Nursing are required to hold compulsorily the Post Basic Diploma in Public Health of 11 months along with BSc. Degree or diploma in Nursing and midwifery. She submits that this injustice has caused to the applicants who are 109 in numbers and who have service



span from 1995 to 2020 are deprived of the promotions of Public Health Nurses only because promotions have not taken place earlier i.e. prior to recruitment since 2012 entire process of promotions was stalled.

5. The learned C.P.O. on instructions from Ms. Archana Walzade, Under Secretary submits that in the Rules of February, 2021 the eligibility standard of the Public Health Nurses is upgraded whereas it is found that the Post Basic Diploma in Public Health is necessary along with their basic educational qualification which may be diploma in Nursing and Midwifery or it may be the degree of BSc. in Nursing. The learned C.P.O. submits that these Rules cannot be challenged for upgrading the eligibility criterion of Public Health Nurses.

6. Prima facie, it appears that there is no issue regarding upgrading the standard of the educational qualification of the Public Health Nurses as mentioned in Rule 6 of the said Rules. However, as pointed out by the learned Counsel for the Applicant the direct recruits who are going to be selected and appointed pursuant to the advertisement of 2019 will not be possessing the requisite qualification as per the present Rule 6. On perusal of the Advertisement of 2019 I find substance in the submission of learned Counsel for the Applicant pertaining to Rule 6 for eligibility of Public Health Nurses and Rule 4 for eligibility of Tutors which are contrary to the Rules. As the less qualified Nurses are going to be appointed to the posts by virtue of the advertisement which are contrary to the Rules, thus for promotions as per the Rules different criterion of upgraded educational qualification i.e. the Post Basic



Diploma in Public Health Nursing of 11 months is made applicable while for direct recruits for the same post, such qualification is not required. This appears contrary to Article 14 of the Constitution of India. Therefore the earlier order of interim relief that no further steps are to be taken in the appointment of the Direct Recruits pursuant to the advertisement of 2019 continues till further orders.

7. Adjourned to 12.08.2021.

Sd/-

J v

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | <p align="center">Date: 05.08.2021</p> <p align="center">O.A. No.422 of 2020</p> <p>D.R. BhosleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant has file Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 09.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> |

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.539 OF 2021

V.D. Patil

... Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant.
Ms. Archana B.K., learned Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar, Chairperson.

DATE : 05.08.2021

O R D E R

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents
2. The Applicant, Administrative Officer, Civil Hospital, Nashik challenges the order dated 29.07.2021 passed by the Respondent No.1, the Director, Health Services Directorate transferring him from the post of Administrative officer, Civil Hospital Nashik to the office of Respondent No.1.
3. The learned Counsel challenges the order on following grounds :-
 - (a) Order is not issued by the competent authority. The Applicant is a Class-II, Group-B officer and therefore appointing authority is Respondent No.2, through Additional Chief Secretary, Public Health Department whereas the order is issued by the Respondent No.1, Director, Health Services Directorate.

- (b) Cadre strength is 159 out of which only 23 posts are filled-in. As per G.R. dated 09.07.2021 the State Government took a policy decision not to effect transfer in excess of 15% hence only 4 persons can be transferred. However, Government has transferred total 9 persons. By Government Resolution (G.R.) dated 29.07.2021 the maximum 25% of the available transfers can be made, thus 6% were transferable. He submits that further procedure of transfer followed in the case of the applicant is as per earlier G.R. 09.07.2021.
- (c) The applicant has given options. Copy whereof is at page 25 of O.A.. The options given are at various places at Nashik, Kalwan, Dhule, Jalgaon, Nandurbar, Ahmednagar, Malegaon, Yeola and Shirpur and no option of Mumbai was given at any time.
- (d) The Applicant further submits that his daughter is standing in 10 Std. in the academic year 2021-22.
- (e) The Applicant submits that in letter dated 28.07.2021 there were directions given to Respondent No.1 from the Government not to transfer officers from Group-B from the Public Health Department as the proposal of some officers is pending before the Government.
- (f) Another point is raised that the general transfers are to be made in April-May as per the Section 4(4) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act, 2005' for brevity). As per Section 4(4) of ROT Act, 2005 transfers are to be made only once in a year in the month of April or May. He submits that if the transfer is to be made in any month than April or May, then sanction/ approval of the Hon'ble the Chief Minister is required. Applicant is transferred in the month of July without obtaining the approval of the Hon'ble the Chief Minister. The transfer is not made as per Section 4(4) and Section 4(5) of the ROT Act, 2005 and therefore it is mid-term transfer.

(g) The meeting of the Civil Services Board (CSB) is to be conducted at the level of the Government.

(h) The post of the Applicant is kept vacant and he is not yet relieved.

4. The learned P.O. replies on the above grounds :-

(a) By the G.R. of 09.07.2018 the power is delegated by the Director to the Joint Director.

(b) On instructions from Ms. Bhagwat, Administrative Officer, Public Health Department, learned P.O. submits that only 4 persons are transferred and not more, so that it fits into 15% as per G.R. dated 09.07.2021.

5. The learned Advocate pointed out recommendation letter dated 15.04.2021 sent by Dr. Ashok Thorat, Civil Surgeon, Nashik to Director Health Directorate, Mumbai along with the proforma giving the 10 preferences. Out of 10 preferences the Respondents have not considered any. Respondents are directed to answer why genuine reason, i.e. daughter of the applicant studying in 10 Std. in the academic year 2021 is not considered. Why the recommendation of the Civil Surgeon, Mr. Thorat as per his letter dated 15.04.2021 was not taken into account by the CSB. In view of the above, the impugned order dated 29.07.2021 is hereby stayed till next date.

6. Adjourned to 12.08.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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| | <p><u>05.08.2021</u></p> <p align="center"><u>O.A 138 & 139/2021</u></p> <p>Ms S.G Koli [O.A 138/2021] Ms R.R Koli [O.A 139/2021]... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicants files affidavit in rejoinder. Same is taken on record.</p> <p>3. Interim relief to continue in O.A 138/2021 till next date.</p> <p>4. S.O to 31.8.2021.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

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| | <p>Date : 05.08.2021.</p> <p align="center">O.A.No.338 of 2020</p> <p>K.B. Kakade ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. The learned P.O. produces the order dated 04.08.2021 passed by Dr. Madhav Vir, Joint Secretary from the office of Revenue and Forest Department informing that the seniority of the Applicant, Mr. K.B. Kakade is fixed at serial No.1244A i.e. below Mr. Vivek Salunke who is at serial No.1244 and above Mr. Ranjeet Desai who is at serial No.1245. Copy whereof is taken on record and marked Exhibit-A.</p> <p>3. The learned Counsel submits that in view of this nothing remains in this O.A., hence O.A. can be disposed off.</p> <p>4. O.A. is disposed off accordingly.</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p> |

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| | <p>Date : 05.08.2021.</p> <p align="center">O.A.No.540 of 2021</p> <p>E.P. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents</p> <p>2. Applicant working as Assistant Registrar, Cooperative Societies Group B challenges order dated 30.07.2021 cancelling his order to Bhiwandi from his earlier posting from Yeola District Nashik.</p> <p>3. The learned Advocate submits that the applicant has handed over the charge at Nashik Yeola and resumes the work at Bhiwandi, Thane as he is transferred immediately.</p> <p>4. The learned P.O. seeks time to take instructions.</p> <p>5. On perusal of impugned order dated 30.07.2021, it creates question mark in the mind and in view of submissions made by learned Counsel order of transfer is hereby stayed till next date.</p> <p>6. Matter is adjourned to 12.08.2021.</p> <p align="right">Sd/-</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p> |

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| | <p align="center">Date: 05.08.2021</p> <p align="center">O.A. No.40 of 2021</p> <p>S.K. PatoleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. Affidavit-in-Reply on behalf of Respondent No.2 is taken on record.</p> <p>3. S.O. to 14.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> |

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| | <p>Date: 05.08.2021</p> <p>O.A. No.272 of 2020</p> <p>K.S. DeshpandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 07.09.2021.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date : 05.08.2021</p> <p align="center">M. A. No.272 of 2021 with R.A. No. 10 of 2021 in O.A.No.768 of 2020</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>D. T. Katke ...Respondent (Ori. Applicant)</p> <p>1. Heard Smt. Archana B.K., learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Ms Ayesha Keshodwala holding for Shri Talekar, learned Counsel for the Respondent (Ori. Applicant).</p> <p>2. On request of learned Counsel for Ori. Applicant, two weeks time is granted for filing reply to M.A. as well as R.A.</p> <p>3. Since, learned Counsel for Ori. Applicant appeared, notice is is dispensed with.</p> <p>4. S.O. to 20.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p>Date : 05.08.2021</p> <p>O.A.No.310 of 2019</p> <p>S. K. PawarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Initially, the Applicant was dismissed from service by order dated 18.05.2010 and simultaneously by the same order recovery of Rs.33.7 lacks was ordered in terms of Circular dated 30.11.1978. The Applicant has challenged it by filing O.A. No.987/2010 and 260/2012 which was decided by common judgment dated 08.09.2015 and impugned order was quashed. However, the matter was remitted back to Disciplinary Authority for decision afresh.</p> <p>3. In pursuance of it, the Government heard the matter afresh and modified the order of dismissal into order of compulsory retirement by order dated 13.05.2016. By the said order, recovery of Rs.33.7 lacks was also ordered to be made in terms of Circular dated 30.11.1978. This order is challenged by the Applicant by filing O.A.No.789/2017 which is subjudice before the Division Bench.</p> <p>4. It appears later in view of the order of compulsory retirement, the compassionate monthly pension and gratuity was sanctioned. However, it was not paid further stating that the said amount (Rs.33.7 lacks) recoverable from the Applicant should be recovered from monthly pension payable to the Applicant as well as from him monthly salary which was payable to him before his retirement.</p> <p>5. As such, the effect of order dated 05.03.2019 would be of withholding of entire monthly payable pension till the recovery of Rs.33.7 lacks.</p> <p>6. Thus, in effect it is an order of withholding pension permanently till the recovery of Rs.33.7 lacks, perhaps, which could not be fully recovered during his life time.</p> <p>7. The subject of permanent reduction in pension pertains to Division Bench. Therefore, this O.A. needs to be placed before the Division.</p> <p>8. The Registrar is directed to act accordingly.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p>Date : 05.08.2021</p> <p align="center">O.A.No.725 of 2020 (Speaking to Minutes)</p> <p>S. R. GaudApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents and Shri A. V. Bandiwadekar, learned Counsel for the Applicant.</p> <p>2. Today, the matter is listed for 'Speaking to Minutes' to correct some inadvertent mistakes in Para No.3(i). The Tribunal states as under:- "While the Applicant was serving at Tala, Dist. Raigad she had committed breach of Finance Rules while encashing cheque of Rs.4,65,740/-.</p> <p>3. In fact at relevant time, she was serving at Haveli, Dist. Pune and not at Tala, Dist. Raigad as an admitted position.</p> <p>4. In view of above, In Para No.3 (i) it be corrected as 'at Haveli, Dist. Pune' in place of 'at Tala, Dist. Raigad'.</p> <p>5. Necessary correction accordingly be made.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p align="center">Date: 05.08.2021</p> <p align="center">O.A. No.465 of 2021</p> <p>S.M. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On previous date i.e. 16.07.2021, direction were given to Respondent No.4 to depute some responsible Officer to remain present and to explain steps taken by the Officer for removal of objections raised by A.G. in the matter of pension papers of the Applicant.</p> <p>3. However, learned P.O. submits that because of non-communication nobody is present from the office of Respondent No.4 and requested to keep the matter for tomorrow.</p> <p>4. Matter be kept tomorrow with direction to learned P.O. to take necessary instructions from office of Respondent No.4 as to why pension of the Applicant is withheld and no further time will be granted.</p> <p>5. S.O. to 06.08.2021.</p> <p align="right">Sd/- _____ (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p> |

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| | <p>Date : 05.08.2021</p> <p>M. A. No.153 of 2021 in O.A.No.271 of 2021</p> <p>N. M. PoreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that reply in M.A. will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Adjourned for hearing of M.A.</p> <p>4. S.O. to 20.08.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p align="center">Date: 05.08.2021</p> <p align="center">O.A. No.297 of 2020</p> <p>M.N. ChaudharyApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri D.B. Khaire, learned Advocate for the Applicant, Smt K.S. Gaikwad, learned Presenting Officer for the Respondents No.1 to 3 and Shri A.V. Bandiwadekar, learned Advocate for the Respondent No.4.</p> <p>2. On request of learned P.O., adjourned to take further instructions from department since issue of transfer of Shri P.R. Singarwad and consequently transfer of the Applicant is under consideration of the Government.</p> <p>3. S.O. to 12.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> |

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| | <p align="center">Date: 05.08.2021</p> <p align="center">O.A. No.28 of 2021 (FOR SPEAKING TO THE MINUTES)</p> <p>D.B. PawarApplicant Versus The State of Maharashtra & Ors.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. Matter is taken on today's board for speaking to the minutes.</p> <p>3. O.A. was disposed on 16.07.2021 by giving direction in para. No.2 in last sentence it is mentioned from "10.04.2002 to 15.07.2014" instead of "10.04.2000 to 15.07.2014". For this typographical correction speaking to the minutes is moved.</p> <p>4. In view of above, date is corrected as "10.04.2000" instead of "10.04.2002" in last sentence of para. 2 in order dated 16.07.2021. Correction accordingly be made.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[PTO.</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date : 05.08.2021</p> <p align="center">M. A. No.196 of 2021 in O.A.No.41 of 2021</p> <p>E. B. SayyedApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that Rejoinder will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. S.O. to 26.08.2021.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p>Date : 05.08.2021</p> <p align="center">O.A.No.254 of 2021</p> <p>S. B. GavitApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, one week time is granted for filing Rejoinder.</p> <p>3. S.O. to 12.08.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p>Date: 05.08.2021</p> <p>O.A. No.479 of 2021</p> <p>C.S. ManeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant has challenged transfer order dated 05.07.2021, whereby he is transferred from Miraj City Police Station to Kokrud Police Station. Perusal of order reveals that Police Establishment Board (P.E.B.) has invoked section 22 N (2) of Maharashtra Police Act.</p> <p>3. Today matter is for consideration of interim relief, since it was adjourned to produce minutes of P.E.B.</p> <p>4. Today learned P.O. has produced minutes of P.E.B. The perusal of which does not reveals any such recommendation of P.E.B. for transfer of the Applicant. It only speaks about alleged misconduct of the Applicant. Therefore it is necessary to clarify the situation as to what was the reason for transfer of the Applicant.</p> <p>5. Chairperson of P.E.B. shall file Affidavit to explain the reason for mid-term transfer of the Applicant and also to explain why no such specific minutes were recorded by P.E.B.</p> <p>6. On request of learned P.O. adjourned to 10.08.2021.</p> <p>7. Steno copy granted.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p style="text-align: center;"><u>O.A. No.517 of 2021</u></p> <p>P.C. Kumbhar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Police Constable (Trainee) challenges order of dismissal from service dated 5.4.2019, the appellate order dated 10.6.2020 and revision order dated 31.3.2021.</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 26.8.2021.</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: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 5.8.2021</p> <p>(sgj)</p> |

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| | <p style="text-align: center;"><u>O.A. No.523 of 2021</u></p> <p>Ajit C. Gosavi & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. All the four applicants working in the cadre of Cooperative Officer, Grade-I, challenge the order dated 16.3.2021 passed by respondent no.1 to the extent of placement of the applicants at Sr. No.44, 46, 45 & 80 respectively in the final seniority list as on 1.1.2021 and it is prayed that instead their placement should be at Sr. No.1, 3, 11 and 31 respectively.</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 9.9.2021.</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: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 5.8.2021</p> <p>(sgj)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p align="center"><u>C.A. No.8 of 2020 in O.A. No.989 of 2018</u></p> <p>Ravindra Y. Kadam ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Y.B. Lengare, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Shri Shekhar Singh, District Collector, Satara has filed short affidavit dated 29.7.2021. He has made a statement that the order of the Tribunal dated 7.10.2019 in the above OA is implemented and consequential financial benefits are given to the applicant. It is also said that proposal condoning the breaks in service from 13.12.1985 to 30.3.1994 was submitted to the Government however, the Government by letter dated 15.7.2021 has rejected the same.</p> <p>3. In the impugned order of the Tribunal there is reference to W.P. No.7753 of 2019. So it is necessary to go through the order in the said writ petition as it has direct bearing on the order passed by this Tribunal as to whether issue before the Hon'ble High Court in the said writ petition was pertaining to regularisation of services of the petitioners therein from 1984 to 1995.</p> <p>4. S.O. to 24.8.2021.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 5.8.2021</p> <p>(sgj)</p> |

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| | <p align="center"><u>C.A. No.9 of 2020 in O.A. No.990 of 2018</u></p> <p>Vijay S. Kadam ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Y.B. Lengare, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that till now pension of the applicant is not revised as per 7th Pay Commission.</p> <p>3. Ld. CPO seeks time to take instructions.</p> <p>4. S.O. to 24.8.2021.</p> <p align="right">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson 5.8.2021</p> <p>(sgj)</p> |

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
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| | <p>Date : 05.08.2021.</p> <p align="center">C.A.No.24 of 2021 in O.A.No.734 of 2020</p> <p>M.H. Gaikwad ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mr. A.R. Joshi, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. submits that the Treasury has approved the bill of the applicant. Now the applicant is required to open Pension Account.</p> <p>3. The learned Counsel submits that the applicant will open Pension Account within a period of one week.</p> <p>3. Adjourned to 17.08.2021.</p> <p align="right">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p> |

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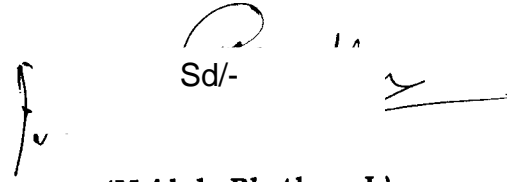
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| | <p>Date : 05.08.2021.</p> <p align="center">C.A.No.26 of 2021 in O.A.No.85 of 2021</p> <p>S.R. Lohar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. files the affidavit-in-reply dated 04.08.2021 on behalf of Respondent, through Mr. Shailesh Balkawade, Superintendent of Police, Kolhapur. The same is taken on record.</p> <p>3. Pursuant to the order dated 29.07.2021 of this Tribunal the Respondent, Superintendent of Police, Kolhapur by letter dated 04.08.2021 informs that no Departmental Enquiry was conducted and the file is kept dormant.</p> <p>4. At the request of learned P.O. Adjourned to 10.08.2021.</p> <p align="right">  Sd/- (Mridula Bhatkar, J.) Chairperson </p> <p>prk</p> |

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| | <p>Date : 05.08.2021.</p> <p>C.A.No.49 of 2020 in O.A.No.822 of 2019 with C.A.No.50 of 2020 in O.A.No.823 of 2019 with C.A.No.51 of 2020 in O.A.No.824 of 2019 with C.A.No.52 of 2020 in O.A.No.825 of 2019 with C.A.No.53 of 2020 in O.A.No.826 of 2019</p> <p>Dr. G.P. Jangid (C.A.49/2020 in O.A.822/2019) Dr. S.K. Balvant (C.A.50/2020 in O.A.823/2019) Dr. D.A. Wani (C.A.51/2020 in O.A.824/2019) Dr. N.B. Swami (C.A.52/2020 in O.A.825/2019) Dr. M.M. Bagwan (C.A.53/2020 in O.A.826/2019) ... Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents 2. Shri J.S. Deshmukh, learned Advocate for the Applicants absent. 3. The learned C.P.O. points out the order dated 08.01.2020 passed by this Tribunal and submits that the Tribunal has directed the move to take the policy decision and as Tribunal has no power to give such directions in policy making decision on this ground the Government wants to challenge the said order by filing Writ Petition before the Hon'ble High Court. She further points out that no time is mentioned in the order thus there is no contempt. 4. The learned Advocate for the Applicant Mr. Deshmukh had appeared on 28.01.2021 and 12.02.2021. However, when the matter was fixed on 26.03.2021 and thereafter on 06.07.2021 Mr. Deshmukh was not present. Today again Mr. Deshmukh is not present. 5. Considering the scope of this C.A. all these matters are fixed for hearing on 24.08.2021. Mr. Deshmukh is hereby directed to remain present on 24.08.2021 as these matters will be taken up for final hearing on that date. Prima facie, it appears that there is nothing in the said matters. 6. Adjourned to 24.08.2021. <p style="text-align: right;">Sd/- </p> <p style="text-align: center;"> (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p> |

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| | <p><u>05.08.2021</u></p> <p align="center"><u>O.A 178/2020</u></p> <p>Shri C.T Chaudhari & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O files affidavit in reply of Shri Shirish V. Godbole, Under Secretary, in the office of General Administration Department, Mantralaya, Mumbai, dated 3.8.2021. Same is taken on record.</p> <p>3. Learned C.P.O submits that the issue pertains to the Finance Department and hence Finance Department is required to be made as Party Respondent.</p> <p>4. Learned counsel for the applicants prays for time to take instructions.</p> <p>5. S.O to 20.8.2021.</p> <p align="right">) Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

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| | <p><u>05.08.2021</u></p> <p align="center"><u>O.A 733/2019</u></p> <p>Shri M.R Rathod & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.A Valimbe, learned advocate for the applicant, Ms Swati Manchekar, learned C.P.O for the Respondents no 1 to 5 and Shri S.S Dere, learned counsel or Respondents no 8 & 9.</p> <p>2. It is seen that there are two Vakalatnamas in the application for the applicants, one of Mr S.A Valimbe and one of Mr S.B Talekar. Both the learned counsel are required to make consistent submissions. They also have to consider who is appearing and file Joint Vakalatnama or withdraw one Vakalatnama.</p> <p>3. Learned counsel Mr Dere, for Respondents no 8 & 9 has filed affidavit in reply dated 15.7.2021. The same is taken on record. Learned Counsel Mr Dere submits that along with this affidavit he has placed on record the proposal forwarded by the D.G.P dated 4.5.2021 addressed to the Home Department. Mr Dere, submits that the Respondents should make statement about what is the stage of the proposal.</p> <p>4. The Respondents are directed to file affidavit in reply.</p> <p>5. S.O to 2.9.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

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| | <p><u>05.08.2021</u></p> <p align="center"><u>O.A 91 with 128/2021</u></p> <p>Shri K.B Pati Shri U.M Vhatkar ... Applicants Vs. The State of Maharashtra & 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 no 1 & 2 and Smt Kranti S. Gaikwad, learned P.O for Respondent no. 3.</p> <p>2. Learned P.O submits that Respondents seeks time to take decision as per the minutes of the meeting dated 29.7.2021. Copy of the minutes dated 29.7.2021 signed by Respondents no 2 & 3 is produced. Same is taken on record and marked as Exh-1.</p> <p>3. S.O to 26.8.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

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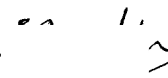
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| | <p><u>05.08.2021</u></p> <p align="center"><u>C.A 41/2020 in O.A 556/2017</u></p> <p>Shri A.B Ghodeswar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for Respondent no. 3.</p> <p>2. Pursuant to the order of this Tribunal dated 3.8.2021, the Divisional Commissioner, Konkan Division was asked to remain present today. However, when the matter was called out in the morning, there was submission by learned counsel of both sides that they will try to get in touch with the office of the Director, Accounts and Treasury and find out where the file is lying at present.</p> <p>3. Learned C.P.O for the Respondents informs that today the Service Book of the applicant with necessary entries will be received from the office of the Pay Verification Unit, Mumbai to the office of the Deputy Collector, Encroachment, Mumbai, that is where he was working last. Thereafter, the Service Book will be sent to the office of the Accountant General, Mumbai, tomorrow i.e. on 6.8.2021.</p> <p>4. Learned C.P.O further submits that thereafter within 15 days i.e. on or before 23.8.2021 the entire approval from the office of the Accountant General on the pension case of the applicant will be obtained positively. Thereafter, the pension will start preferably from 1.10.2021. In respect of arrears of pay and allowances, learned C.P.O submits that the bill is submitted to the Housing Department on 9.2.2021.</p> <p>5. Learned C.P.O submits on instructions that the amount of recovery from the applicant will be informed to the applicant. Learned counsel for the applicant states that the applicant undertakes to deposit the said amount in the Treasury within a week thereafter.</p> <p>6. S.O to 27.8.2021 to communicate further progress in the matter.</p> <p align="right">Sd/- </p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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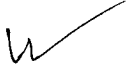
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
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| | <p>Date : 05.08.2021.</p> <p align="center">C.A.No.1 of 2021 in O.A.No.481 of 2019</p> <p>D.N. Jadhavar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mr. A.R. Joshi, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant to order dated 18.06.2021, the affidavit-in-reply dated 04.08.2021 on behalf of Respondent No.2 through Dr. M.N. Kerketta, Principal Secretary, Public Health Department, Mantralaya is filed along with the minutes of meeting Vajvi Samiti held on dated 13.07.2021 at Haffking Institute, Parel, Mumbai. The same is taken on record and copy is served upon learned Advocate for the Applicant.</p> <p>3. Perused the minutes of the meeting. The conclusion of the Vajvi Samiti is mentioned in 11 points. After going through all the points Tribunal is satisfied with the decision and hence it is accepted.</p> <p>4. In the affidavit dated 04.08.2021 it is mentioned that in the Vajvi Samiti meeting held on 13.07.2021 it has rejected the claim of enhanced medical reimbursement bill of the liver transplant of the applicant. The report along with the minutes are accepted.</p> <p>5. The reasons given for rejecting the enhanced medical reimbursement bill of the applicant is found satisfactory. In view of this affidavit it is accepted and hence nothing remains in this C.A. C.A. is dismissed.</p> |



[P.T.O.]

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| | <p>6. The learned C.P.O. points out that the paragraph 4 in the Tribunal's order dated 18.06.2021 that the Respondents have filed false affidavit-in-reply and therefore the warning is given to the Respondents is to be expunged as no such false affidavit was filed. The same is also clear in view of the report of the committee which was held on 13.07.2021</p> <p>7. The learned Advocate for the Applicant opposes this prayer and maintains that the affidavit dated 04.08.2021 is false.</p> <p>8. Submissions made by the learned C.P.O. are considered and we agree that it cannot be said as false affidavit. It can be only said that it was not filed as per the directions and therefore the paragraph 4 of the said order is hereby expunged.</p> <p>9. In view of above, C.A. is dismissed.</p> <p style="text-align: center;">Sd/- </p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p> |

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| | <p align="center"><u>O.A. No.359 of 2021</u></p> <p>B.R. Thorat ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.K. Hande, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant an Ex-Serviceman seeks directions that he be appointed to the post of Non-Medical Assistant in the category of Open Horizontal pursuant to advertisement dated 18.1.2021. Ld. Advocate further submits that respondents have furnished list of documents which are required to be produced at the time of verification. In the said list there is no mention of Non-Leprosy Certificate. However, it is demanded at the time of interview. Ld. Advocate submits that applicant is therefore not considered for the said post for non-production of this certificate.</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 31.8.2021.</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> |

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| | <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: right;">Sd/-  (Mridula R. Bhatkar, J.) Chairperson 5.8.2021</p> <p>(sgj)</p> |

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| | <p>Date : 05.08.2021</p> <p align="center">O.A.No.419 of 2021</p> <p>A. S. Bhagade & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record. 3. On request of learned Counsel for the Applicant, one week time is granted for filing Rejoinder. 4. S.O. to 17.08.2021. <p align="right">Sd/- ✓ (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

Date : 05.08.2021

O.A.No.453 of 2021

N. A. Borde

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri L. S. Deshmukh, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned P.O. has tendered the order dated 03.08.2021 passed by the Additional Commissioner, Tribal Development Department, Thane which states that the Applicant's absence period has been treated as a duty period under Maharashtra Civil Services (General Conditions of Services) Rules 1981. The order is taken on record and marked by letter 'X' for identification.

3. Learned P.O. on instructions from Smt. Jyoti Punwatkar, Sr. Tribal Development Inspector submits that on the basis of order dated 03.08.2021, pay and allowances as per his entitlement will be paid.

4. Thus, a grievance of the Applicant is redressed. Learned Counsel for the Applicant also fairly concedes it.

5. In view of above, O.A. has become infructuous and accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | <p>Date : 05.08.2021</p> <p align="center">O.A.No.266 of 2021</p> <p>S. S. PaithankarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondents. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 20.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

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FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | <p>Date : 05.08.2021</p> <p align="center">O.A.No.262 of 2021 with O.A. 455 of 2021</p> <p>M. R. KasaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondent No.1 and Shri M. D. Lonkar, learned Counsel for the Respondent No.2.</p> <p>2. On request of learned P.O. and Advocate Shri M.D. Lonkar, learned Counsel for Respondent No.2, two weeks time is granted for filing reply as a last chance.</p> <p>3. S.O. to 20.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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

I N

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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">Date: 05.08.2021</p> <p align="center">O.A. No.376 of 2021</p> <p>A.M. NatekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. has pointed out that the Applicant has joined The Office of Governor through His Excellency Governor of Maharashtra as Respondent No.2, which is not permissible in law. According to her it should have been through Secretary through Governor instead of Governor.</p> <p>3. Learned Advocate for the Applicant want to rectify the name of the Respondent No.2 and to correct it as through Secretary to the Government of Maharashtra.</p> <p>4. Allowed to correct the name of Respondent No.2, it be corrected during the course of the day.</p> <p>5. S.O. to 20.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | <p>Date : 05.08.2021</p> <p align="center">O.A.No.272 of 2021</p> <p>B. S. SuryawanshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 20.08.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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

Tribunal's orders

Date: 05.08.2021

M.A. No.268 of 2021 in O.A. No.366 of 2021

Y.U. ShaikhApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.A. Siddiquie & Asso., learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. This M.A. is filed in pending O.A. claiming relief to stay departmental proceeding initiated against the Applicant.

3. O.A. No.366/2021 is filed challenging suspension order dated 31.03.2020.

4. It appears that latter Respondents have initiated Department Enquiry (D.E.) against the Applicant, and therefore, this M.A. for stay to the departmental proceeding is filed.

5. Indeed, this M.A. is beyond the scope of O.A. No.366/2021 which pertains to suspension only.

6. If the Applicant wants to challenge D.E. then he needs to file independent O.A. before the Division bench and in that O.A. only such relief for stay can be considered on its own merit.

7. As such, this M.A. is not maintainable in this O.A. The Applicant is at liberty to avail further remedy if so advised.

8. In view of above, no further order on M.A. are required to be passed and it is disposed of.

9. O.A. No.366/2021 adjourned to 26.08.2021.

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