

**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 : 05.09.2019.</p> <p>M. A. No.488 of 2019 in O.A.No.803 of 2019</p> <p>Dr. W. B. MujawarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. Shri Premanand Sontakke, Desk Officer and Shri Kailash Verulkar, Law Officer of Public Health Department are present.</p> <p>2. The Applicant has filed the present O.A.No.803/2019 seeking direction for implementation of Government decision dated 19.07.2019 whereby he was posted as Medical Officer, Health Unit, Tasgaon, Oist. Sangali. However, the Civil Surgeon declined to get the Applicant joined on the ground that the said post falls within the jurisdiction of Respondent No.2 i.e. Medical Education & Drugs Dept., Mantralaya, Mumbai. It is on this background, having left without posting, the Applicant had filed O.A.803/2019.</p> <p>3. D.A.803/2019 was disposed of by this Tribunal by order dated 19.08.2019 with direction to post the Applicant either at Tasgaon or Koregaon within two weeks.</p> <p>4. As the Respondents have not issued the posting order, the Applicant has filed the present M.A.488/2019 to initiate contempt proceeding against the Respondents.</p> <p>5. It is pointed out by the learned Counsel for the Applicant after the order dated 19.08.2019, Dr. Vaishali Patil has been appointed and posted at Koregaon by anti dated order 19.08.2019.</p>

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

Tribunal's orders.

6. This matter was taken up for hearing at about 1 PM and that time learned P.O. submits that though Shri Premanand Sonatakke, Desk Officer and Shri Verulkar, Law Officer had come to the Tribunal they did not meet him and further stated that they discussed the matter with the learned Counsel for the Applicant but they ignored him and did not give him instructions. At that time, as the concerned officials were absent, the matter was kept back and again called out after one and half hrs awaiting presence of those officials.

7. Thereafter Shri Premanand Sonatkake and Shri Verulkar appeared and requested for one week's time.

8. Thus, it is noticed that Shri Premanand Sontakke and Shri Verulkar though came to the Tribunal and supposed to give instructions to the P.O. they did not meet him nor they were present when the matter was called by the Tribunal. They seem moving here and there and, therefore, the matter was kept back for their appearance.

9. The Principal Secretary, Public Health Department is directed to take note of this event and also issue instructions to the officials who are directed to attend the court that they should meet P.O. well in advance so that P.O. is ready with the instructions from the department.

10. It is also common experience of this Tribunal that whenever concerned officials/staff from the department comes to the Tribunal, they don't instruct or meet P.O. and only when the matter is called out, they come before the Tribunal. It causes delay to hearing.

11. The Tribunal hope and believe that the Respondent No.1 will take suitable steps in this behalf.

12. As regard, grievance of the Applicant for non getting posting, the Respondent is directed to issue appropriate posting within a week from today, failing which, the action of contempt of proceeding may be initiated.

13. Registrar is directed to forward the copy of order to Principal Secretary, Public Health Department and Principal Secretary, Medical Edu. & Drugs Dept., Mantralaya, Mumbai.

14. Misc. Application is accordingly disposed of.

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

(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	Date : 05.09.2019 Tribunal's orders O. A. No.878 of 2019
	<p>R. G. LandeApplicant Versus 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. The Applicant has challenged the impugned transfer order dated 03.09.2019, on the ground that though the Applicant has not completed normal tenure of three years, he is transferred on completion of hardly one year without observance of mandatory provision of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005) and, therefore, prayed for interim relief.</p> <p>3. Whereas, learned P.O. submits that the transfer order is approved by the Hon'ble Chief Minister who is competent authority u/s 4(5) of the 'Act 2005' and, therefore, interim relief should not be granted. He has also tendered a file for perusal of the Tribunal.</p> <p>4. It appears that there were complaints against the Applicant and, therefore, without placing the matter before Civil Services Board, directly it was placed before the Hon'ble Minister as well as Hon'ble Chief Minister for his transfer. On 27.08.2019, it was accordingly approved by the Minister as well as by Hon'ble Chief Minister. Later, the C.S.B. in its meeting dated 28.08.2019 all that stated that as the Hon'ble Chief Minister has already directed for the transfer, he be transferred. As such, there is absolutely nothing in CSB report about alleged complaints against the Applicant. Secondly, the CSB has not recorded any reasons but stated that the Hon'ble Chief Minister directed for transfer and, therefore, transfer is necessary. Thus, only for formality, the matter was placed before the CSB after obtaining the order of Hon'ble Chief Minister.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Material to note that when the file was placed before the Hon'ble Chief Minister for posting orders, in the note dated 28.08.2019, there is absolutely no mention of the minutes of the CSB which give rise to inference that there was no approval of CSB, when the matter was placed before the Hon'ble Chief Minister, otherwise, it must have been figured in note. This aspect is important in view of the specific contention raised by the learned Counsel that there was no prior approval of CSB before placing the file before the Hon'ble Chief Minister. Thus, prima-facie, the procedure adopted for the transfer is not in consonance with the provision of 'Act 2005'.</p> <p>6. In view of above, I am inclined to grant status quo as on today.</p> <p>7. Issue notice before admission returnable on 03.10.2019.</p> <p>8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>11. 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>12. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>13. S.O. to 03.10.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="815 674 1040 707">Date : 05.09.2019</p> <p data-bbox="889 732 1438 768">M.A.No.437 of 2019 in O.A.No.925 of 2017</p> <p data-bbox="815 808 1481 844">Dr. S.R. Borse Applicant</p> <p data-bbox="815 846 902 880">Versus</p> <p data-bbox="815 884 1507 920">The State of Maharashtra & Ors. Respondents</p> <p data-bbox="815 967 1511 1111">1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.</p> <p data-bbox="815 1160 1511 1303">2. M.A.No.437/2019 is disposed off in view of the order passed in O.A.No.925/2017 with M.A.No.476/2019 with M.A.No.475/2019.</p> <p data-bbox="902 1368 1097 1534">Sd/- (A.P. Kurhekar) Member(J)</p> <p data-bbox="1284 1368 1471 1534">Sd/- (P.N. Dixit) Vice-Chairman</p> <p data-bbox="815 1536 846 1563">ork</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.705 of 2019</u></p> <p>V.D. Karnane & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO adjourned to 11.9.2019 for filing reply by way of last chance.</p> <p align="right">Sd/- (P.N. Dixit) Vice-Chairman (A) 5.9.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.706 of 2019</u></p> <p>P.S. Parab & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO adjourned to 11.9.2019 for filing reply by way of last chance.</p> <p align="right">Sd/- (P.N.'Dixit) Vice-Chairman (A) 5.9.2019</p> <p>(sgj)</p>

**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.510 of 2019</u></p> <p>U.S. Waval ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. At the request of L.d. PO adjourned to 18.9.2019 for filing reply by way of last chance.</p> <p align="right">Sd/- (P.N. Dixit) Vice-Chairman (A) 5.9.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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.615 of 2019</u></p> <p>A.R. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO adjourned to 26.9.2019 for filing reply.</p> <p align="right">Sd/- (P.N. Dixit) Vice-Chairman (A) 5.9.2019</p> <p>(sgj)</p>

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G.O.P. J 1726(B) (20,000-10-2013)

(Spl.- MAT-F-2 E.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.273 of 2019</u></p> <p>S.A. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant in person is absent. Heard Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply on behalf of respondents no.3 & 4 and the same is taken on record.</p> <p>3. Place the above matter for final hearing on 16.9.2019.</p> <p align="right">Sd/- (P.N. Dixit) Vice-Chairman (A) 5.9.2019</p> <p>(sgj)</p>

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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.338 of 2019 in O.A. No.600 of 2019</u></p> <p>M.M. Dhule ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. I.d. PO seeks time to file reply.</p> <p>3. S.O. to 16.9.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 5.9.2019</p> <p>(sgl)</p>

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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 : 05.09.2019</p> <p>O.A.No.782 of 2019</p> <p>Yeole S.B. Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri A.A. Gharte, the learned Advocate for the Applicant and Shri S.D. Dole, the learned P.O. for the Respondents.</p> <p>2. Learned Advocate Shri A.A. Gharte for the Applicant submits that he does not have full facts and needs adjournment for getting the same.</p> <p>3. At the request of learned Advocate Shri A.A. Gharte adjourned to 24.09.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

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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 : 05.09.2019</p> <p>O.A.No.790 of 2019</p> <p>Dr. R.M. Jatkar Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.</p> <p>2. Learned Advocate Smt. Punam Mahajan for the Applicant has submitted her leave note.</p> <p>3. Adjourned to 11.09.2019.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) (P.N. Dixit) Member(J) Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Ceram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2019</p> <p>O.A.No.495 of 2019</p> <p>S.M. Tayade & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.</p> <p>2. At the request of learned C.P.O. Ms. S.P. Manchekar for the Respondents adjourned to 11.09.2019 for filing reply.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2019</p> <p>O.A.No.456 of 2019</p> <p>D.S. Gomladu Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Ms. S.P. Manchekar, the learned C.P.O. for the Respondents. None for the Applicant.</p> <p>2. At the request of learned C.P.O. Ms. S.P. Manchekar for the Respondents adjourned to 10.10.2019 for filing reply.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2019</p> <p>O.A.No.327 of 2019</p> <p>S.M. Tayade & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.</p> <p>2. At the request of learned C.P.O. Ms. S.P. Manchekar for the Respondents adjourned to 17.09.2019 for filing reply.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2019</p> <p>O.A.No.988 of 2018</p> <p>Smt. S.R. Kale Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri A.S. Tamhane, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.</p> <p>2. At the request of learned C.P.O. Ms. S.P. Manchekar for the Respondents adjourned to 24.09.2019 for filing reply.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Original Application No. of 20

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2019</p> <p>O.A.No.581 of 2019 with M.A.No.324 of 2019</p> <p>Y.D. Kale & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.</p> <p>2. Learned Advocate Shri S.S. Dere for the Applicant seeks adjournment for furnishing details.</p> <p>3. At the request of learned Advocate Shri S.S. Dere adjourned to 17.09.2019.</p> <p>Sd/- / Sd/-</p> <p>(A.P. Kurhekar) (P.N. Dixit) Member(J) Vice-Chairman</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A. No.907 of 2018

S.N. Vasekar & Ors. ..Applicants
 Vs.
 The State of Maharashtra & Ors. ..Respondents

Heard Shri Sandeep Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In view of order passed by this Tribunal on 20.8.2019, Ld. CPO has filed short affidavit of respondent no.2. Paras 3 & 4 of the said affidavit reads as follows:

"3. Considering the above position, the State has decided to maintain status quo as it was existed on the said date i.e. 15.4.2019. On the said date, the directions contained in letter dated 29.12.2017 were in existence on the issue of reservation in promotion in the light of judgment of Hon'ble High Court dated 4.8.2017.

4. In this connection, it is further submitted that an Interlocutory Application No.108915/2019 is filed by the State of Maharashtra seeking appropriate clarification of the order of status quo dated 15.4.2019, which is still pending before the Hon'ble Supreme Court."

3. In view of the above, Ld. CPO submits that Interlocutory Application is already filed by the State of Maharashtra seeking clarification of the order of status quo dated 15.4.2019. For the aforesaid reasons it would be appropriate to adjourn the matter for four weeks awaiting order of Hon'ble Supreme Court on Interlocutory Application filed by the State of Maharashtra.

4. S.O. to 23.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
 Member (J)
 5.9.2019

(P.N. Dixit)
 Vice-Chairman (A)
 5.9.2019

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 05.09.2019</p> <p>O.A.No.616 of 2019</p> <p>R.R. Divekar & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri M.B. Kadam, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents. Learned Special Counsel Shri D.B. Khairi for the Respondent is absent.</p> <p>2. At the request of learned C.P.O. Ms. S.P. Manchekar for the Respondents adjourned to 17.09.2019 for filing reply.</p> <p>Sd/- Sd/- (A.P. Kurhekar) (P.N. Dixit) Member(J) Vice-Chairman</p> <p>prk</p>

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2019.</p> <p style="text-align: center;">O. A. No.881 of 2019</p> <p>Dr. A. K. Parandwal Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicants and Shri S. D. Dole, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 27.09.2019. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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.. Respondents are put to notice that the case would 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. 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. 7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. 5.O. to 27.09.2019. 9. In the meantime, the Respondents shall consider the representation dated 26.08.2019 made by the Applicant for posting and shall pass appropriate order as the Applicant is left without posting. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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 : 05.09.2019. Tribunal's orders O. A. No.863 of 2019</p>
	<p>N. D. WalekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has tendered the file which shows that though earlier, one year extension was granted to the Applicant, later, by mid-term transfer order dated 03.08.2019 in his place, the Respondent No.2 is posted thereby displacing the Applicant. Later, the Civil Service Board recommended for the transfer of the Applicant to Jamner, Dist. Jalgaon but the formal orders are not yet issued. Thus, prima-facie, the Applicant is being transferred mid-term though earlier, one year extension was granted to him.</p> <p>3. Learned Counsel for the Respondent No.2 submits that his client is ready to work on another post i.e. Deputy Chief Executive Officer, Water & Sanitation, Dist. Nandurbar which is presently lying vacant. If, he is posted at that place, the Applicant will not be required to be displaced.</p> <p>4. In view of above, the Respondent No.1 shall consider whether the Respondent No.2 can be posted as Deputy CEO, Water & Sanitation, Nandurbar and shall pass appropriate orders.</p> <p>5. S.O. to 11.09.2019. Sd/- (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 05.09.2019.

O.A.No.633, 636, 638, 649, 712, 724 & 739 of 2019

Dr. A. B. Marakwad & Ors.Applicants

Versus

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

1. Heard Shri A. V. Bandiwadekar and Shri M.D. Lonkar, learned Counsels for the Applicants in some of the matters. Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. As per order dated 29.08.2019 on the request of learned P.O., time was granted to explore the possibility to accommodate the Applicants as per their choice. However, again learned P.O. requested for short time stating that options given by some of the Applicants cannot be considered.
3. These seven Original Applications are from the bunch of near about 40 Original Applications filed in this Tribunal, challenging *ex-facie* illegal transfer orders passed by the Respondent No.1. Wherein by detailed order, this Tribunal has granted interim relief and transfer orders are stayed. Later, remaining matters were disposed of as the Government at their own cancelled the transfer orders by giving fresh positing to them realizing inherent illegality in the impugned transfer orders. As such, it remains only seven Original Applications which needs to be disposed of expeditiously.
4. In view of above, on the request of learned P.O., one week's time is granted to take necessary steps or to file reply on next date, failing which necessary order of confirmation of interim relief will be passed.
5. Hamdast granted.
6. S.O. to ¹³2.09.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.925 OF 2017
with M.A.No.476 of 2019 with M.A.No.475 of 2019

D.K. Gunjal Applicant
Versus
The State of Maharashtra & Ors. Respondents

Shri M.B. Gawade, learned Advocate for the Applicant in O.A.No.925 of 2017.
Shri C.T. Chandratre, learned Advocate for the Applicant in M.A.No.476 of 2019 and
M.A.No.475 of 2019.
Ms. S.P. Manchekar, learned C.P.O. for the Respondents No.1 to 6.
Shri M.D. Lonkar, learned Advocate for Respondents No.7, 11, 15, 19, 21, 24, 26, 31,
42, 45, 52, 53, 54 and 55.

CORAM : Shri P.N. Dixit, Vice-Chairman
Shri A.P. Kurhekar, Member(J)

DATE : 05.09.2019

PER : Shri P.N. Dixit, Vice-Chairman

O R D E R

1. Heard Shri M.B. Gawade, learned Advocate for the Applicant in O.A.No.925 of 2017, Shri C.T. Chandratre, learned Advocate for the Applicant in M.A.No.476 of 2019 and M.A.No.475 of 2019, Ms. S.P. Manchekar, learned C.P.O. for the Respondents No.1 to 6, Shri M.D. Lonkar, learned Advocate for Respondents No.7, 11, 15, 19, 21, 24, 26, 31, 42, 45, 52, 53, 54 and 55.

2. This is O.A. in which the Applicant has made the following prayer at 9D, page 86 of the paper book :-

"9(D) By a suitable order/ direction, this Hon'ble Tribunal may be pleased to forthwith Cancel, quash and set aside the selection of the Respondent No.7 to 56 made during the year 2010 to 2014 for the posts of Education Officer, Group I, by the M.P.S.C. i.e. Respondent No.6 in pursuance with the advertisement dtd. 21.10.2010 made in violation of rules and regulations of the MPSC, as well as the Constitution of India."

Shri

3. The said prayer is to quash the selection of Respondents No.7 to 56 during the year 2010 to 2014.

4. Learned Advocate Shri M.D. Lonkar for Private Respondents has filed O.A.No.437 of 2019 stating that Applicant's name be deleted as he has complied with all the relevant submissions.

5. Today during the hearing learned C.P.O. Ms. S.P. Manchekar for the Respondents on instructions from Shi Santosh Mamdapure, Desk Officer, School Education and Sports Department, refers to Government Resolution issued on 29.02.2016. (Taken on record and marked 'X'). The relevant paragraph of which reads as under :-

“२. उपरोक्त तरतूदीव्यतिरिक्त खालील तरतूदीचा समावेश करण्यात येत आहे.
 ४) परिवीक्षाधीन अधिकारी/कर्मचारी यांच्या नियुक्तीबाबत न्यायालयीन प्रकरणे सुरु असल्यास (निवडप्रक्रीया, जातवैधता प्रमाणपत्र, आरक्षण इत्यादी) तसेच न्यायालयीन निर्णयाच्या अधिन राहून परिवीक्षाधीन अधिका-याची नियुक्ती झाली असल्यास न्यायालयाचा अंतिम निर्णय होईपर्यंत संबंधित अधिकारी / कर्मचारी यांचा परिवीक्षाधीन कालावधि समाप्त करण्याबाबतचे आदेश काढता येणार नाहीत.”

6. Learned C.P.O. Ms. S.P. Manchekar for the Respondents submits that as per note submitted by G.A.D. Respondent No.2 is not in a position to proceed with the consideration regarding completion of probation of these officers. Close perusal of the G.R. shows, that if the appointment is made following the directions from the Tribunal/ court then the probation cannot be closed till the decision by the Tribunal / Court.

7. In the present case, learned Advocate Shri M.D. Lonkar for the Private Respondents points out that the appointment has not been made because of the judicial intervention and therefore the same is not applicable.

8. In view of the foregoing, we see no legal impediments to Respondent No.2 (State Government) in proceeding with the necessary decision in respect of (i) completion of probation period of suitable officers as well as (ii) consequent

8/10

action including promotion. The action taken by the Respondent No.2 (State Government) would be subject to outcome of this O.A.

9. The matter is admitted for Final Hearing and would be heard on merits in due course.

10. M.A.No.476 of 2016 is for limitation and the same would be taken up for Final hearing along with O.A.No.925 of 2017.

11. Steno copy and Hamdast is allowed.

12. S.O. to 10.10.2019.

Sd/- ✓

(A.P. Kurhekar)
Member(J)

Sd/- ✓

(P.N. Dixit)
Vice-Chairman

prk

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2019.</p> <p style="text-align: center;">O.A.No.817 of 2019</p> <p>5. R. KarandeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Iswarya Subbhiea holding for Shri Kaustubh Gidh, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the Applicant is working as Staff Nurse with Respondent No.1. Perusal of pleadings reveals that earlier the Applicant tendered resignation but has withdrawn the same. She was allowed to join w.e.f. 06.08.2018. However, the pay and allowances are not paid despite, various representations made by the Applicant to the Respondents including Director of Medical Education & Research. Therefore, the Applicant has filed present O.A.</p> <p>3. It is really appalling that for the period near about one year, no pay and allowances were paid to the Applicant.</p> <p>4. Learned Counsel for the Applicant made a statement that the Applicant is in continuous service and for no reasons the pay and allowances were withheld.</p> <p>5. When the matter was taken up for admission on 22.08.2019 that time itself directions were given to the Respondents to examine and release her wages, if there is no legal hurdle in doing so. Despite, a specific direction, no action is taken.</p>

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Learned P.O. submits that he had already communicated the order dated 22.08.2019 to the respondents along with letter dated 26.08.2019 but respondents have not responded to the letter and therefore, he has no any other instructions from the department.</p> <p>7. In view of above, O.A. can be disposed of with suitable directions directing the respondents to release pay and allowances of the Applicant within stipulated period.</p> <p>8. The Respondent No.1 is directed to release pay and allowances of the Applicant as per her entitlement and rules within two weeks from today without fail.</p> <p>9. The Applicant is at liberty to claim the interest on withheld allowances, which can be dealt with independently.</p> <p>10. Original Application is accordingly disposed of.</p> <p>11. Learned P.O. is directed to communicate the order passed by this Tribunal to Respondent No.1 and ensure its compliance.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>