

**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.943 of 2016</u></p> <p>Dr. C.G. Gaikwad Applicant Vs. The State of Maharashtra & Ors. Respondents</p> <p>Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The matter was called out at 10.30 a.m. and the Ld. Advocate for the Applicant Shri B.A. Bandiwadekar, is not present. Therefore, Ld. PO was asked to open the matter.</p> <p>3. Heard arguments of Ld. PO.</p> <p>4. Shri Govind Bhise, Section Officer, Public Health Department, Mantralaya, Mumbai is present in the Court.</p> <p>5. Later on at the request of Ld. Advocate for the applicant adjourned to 13.2.2023.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 6.2.2023 6.2.2023</p> <p>(sgj)</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 : 06.02.2023</p> <p align="center">O.A.No.12 of 2023</p> <p>J. M. KawadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 07.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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: 06.02.2023</p> <p align="center">O.A. No.149 of 2023</p> <p>D.J. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. O.A. is disposed of at the stage of admission.</p> <p>3. The Applicant was serving as Graduate Primary Teacher. He was suspended by order dated 05.03.2020 in contemplation of D.E. Later D.E. has been completed and Respondent No.2 – The Additional Commissioner for Tribal Development Department, Thane by order dated 13.01.2023 (Pg.72 & 73 of P.B.) imposed punishment of reversion to the post of Primary Teacher. However, at the end of order Respondent No.2 stated that the decision of reinstatement would be taken finally only after review of the Suspension by Review Committee to that extent only the Applicant has file the present O.A.</p> <p>4. Obviously once D.E. is concluded and punishment of reversion is imposed the question of placing the matter before Review Committee as mentioned by Respondent No.2 is totally unwarranted and impermissible. Once the Applicant is subjected to punishment Departmental proceeding comes to an end and in terms of punishment order he needs to be given posting without prejudice to the Applicant right to appeal. The question of taking review and postponing issuance of the order of posting on reversion does not survive.</p>

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

Tribunal's orders

5. O.A. is disposed of by giving following directions.
- A) Respondent No.2 is required to issue order of posting on reverted post of Primary Health Teacher and it cannot be kept in abeyance.
 - B) In view of above, Respondent No.2 is directed to pass appropriate order of posting on reverted post of Primary Teacher within two weeks from today.
 - C) No order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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><u>O.A.1013/2022</u></p> <p>Shri T.H. Dhekate ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p style="text-align: center;"><u>Speaking to Minutes</u></p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents.</p> <p>2. The matter is taken on Board today for Speaking to Minutes to correct certain typographical inadvertent mistakes in the order dated 31.01.2023 passed by the Tribunal in O.A.1013/2022.</p> <p>3. Indeed, Applicant's daughter had vacated Quarter No.A-4/1 on 15.02.2018 as seen from Station Diary which is at Page No.29 of P.B. However, the date is recorded as 15.12.2018 in Para Nos.2 and 3. It needs to be corrected as 15.02.2018 in place of 15.12.2018.</p> <p>4. Secondly, In Para No.3, the Tribunal mentioned that Writ Petition No.131/2020 was dismissed on 13.04.2022. Whereas, as per order of Hon'ble High Court, it stands disposed of though effect the same. The word 'dismissed' be substituted as 'disposed of'.</p> <p>5. Thirdly, Tribunal in first round of litigation i.e. in O.A.732/2017 decided the matter on 26.02.2019, but it is wrongly mentioned in Para No.11 as 24.09.2019. It be corrected as 26.02.2019.</p> <p>6. In view of above, necessary correction be made in the Judgment dated 31.01.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 06.02.2023</p>
	(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.147 OF 2023

Shri Madhukant Vinayakrao Garad,).. **Applicant**

Versus

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

Shri A.V. Bandiwadekar, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : A.P. KURHEKAR, MEMBER(J)

DATE : 06.02.2023.

ORDER

- 1) Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent.
- 2) The Applicant has challenged dated 02.02.2023 whereby he is transferred from the post of Secretary Cum Administrator, APMC, Pune to Deputy Director of Marketing, Directorate Pune on vacant post and also challenged order dated 02.02.2023 whereby Respondent No.2 was posted in his place.
- 3) Learned Advocate for the Applicant prayed for interim relief *inter-alia* contending that impugned transferred order dated 02.02.2023 is mid-term and mid-tenure and only to favour Respondent No.2 the Applicant is displaced. He placed reliance on decision of Hon'ble High Court in ***Writ Petition No.8177 of 2011 (Ramakant B. Kendre v/s. State of Maharashtra & Anr.) decided on 18.10.2011.***
- 4) Per Contra, learned P.O. opposed the interim relief stating that transfer is recommended by Civil Service Board (CSB) and approved by competent authority i.e. Hon'ble Chief Minister. She therefore submits

that post of Deputy Director of Marketing, Directorate Pune was lying vacant, and therefore exercising powers under Rule 4 proviso (i) the Applicant is transferred with due process of law.

5) Undisputedly, the Applicant was posted as Secretary Cum Administrator, APMC, Pune by order dated 19.03.2021 and has not completed three years normal tenure in terms of Section 4(1) of Transfer Act, 2005. Notably, Respondent No.2 who is posted in place of the Applicant was also not due for transfer. Indeed, perusal of record reveals that he was posted as Deputy Registrar, Co-operative Societies, Headquarter, Pune by order dated 20.10.2022. Pertinent to note, he did not joined at that post as clearly seen from file noting. There is also reference of order dated 20.10.2022 in the impugned order dated 02.02.2023. Thus, there is substance in the submission advanced by learned Advocate for the Applicant that all this exercise was done only to accommodate Respondent No.2.

6) Only because competent authority has approved the Transfer without *ipso-facto* would not render Transfer order legal and valid. It must stand to the test of legal scrutiny. Learned P.O. has tendered file to show that the post of Deputy Director of Marketing, Directorate Pune was vacant and it was necessary to fill-in and that is why the Applicant is transferred. When specifically asked, she concedes that said post was vacant for approximately six months. This being the position, it is not that the said post had fallen vacant recently. No attempt was made to fill-in the said post in general transfer.

7) True, in terms of Section 4 proviso (i) of Transfer Act, 2005, Transfer can be made at any time in the year to fill-in newly created post or to the posts which become vacant due to retirement, promotion etc. However, this proviso could be resorted in case were the Government servant has already completed tenure and due for transfer as held by Hon'ble High Court in **Ramakant B. Kendre's case (cited supra)**.

Hon'ble High Court examined the scheme of Transfer Act, 2005 particularly situation where the Transfer under Rule 4(4) proviso (i) were permissible and in Para 13 held as under:-

13) It can clearly be seen that the said enactment, particularly Subsection (1) of Section 4 specifically protects a Government servant from being transferred prior to completion of his ordinary tenure. Subsection (4) of Section 4 requires such transfers to be done once in a year i.e. in the month of April or May. The proviso thereto, though permits the transfers to be made any time in the year for the eventualities mentioned therein, however, we are of the considered view that the proviso to Subsection (4) cannot be read in such a manner, which makes the provision of Subsection (1) of Section 4 redundant or nugatory. Clause (i) of the proviso to Subsection (4), which permits transfer to be made at any time in a year on the ground of eventualities mentioned therein, will have to be read in a manner that the transfer on the grounds mentioned in clause (i) of proviso to Subsection (4) would be permissible at any time of the year and not necessarily in April or May when a Government servant has completed his tenure of posting. If it is not read in that manner, the very purpose of the protection, which is granted in Subsection (1) of Section 4 would become redundant and nugatory. A person, who has not completed even three months in a particular posting, could be transferred to some post, which has become vacant on account of transfer of another Government servant, who was working on the post. As such, the clause (i) of proviso to Sub section (4) will have to be read in harmony with Subsection (1) of Section 4 of the said Act. It will have to be interpreted that a Government servant will not be ordinarily transferred prior to completion of his tenure, and the transfers will have to be made only in the month of April or May. However, if transfer is necessitated on account of any of eventualities stated in clause (i) to proviso of Subsection (4), it can be made at any time of the year and not necessarily in April or May, however, only on completion of tenure of the Government servant."

8) Admittedly the Applicant has not completed normal tenure to invoke Section 4(4)(i) of Transfer Act. No special case is made out as contemplated under Section 4 (5) of Transfer Act, 2005.

9) In view of above, *prima-facie* the impugned transfer order is not in consonance with Transfer Act, 2005 and liable to be stayed. Interim relief as prayed in Para 10 (a) is granted.

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

- 11) Issue notice before admission returnable on 02.03.2023.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) 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 Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.
- 16) S.O. to 02.03.2023.
- 17) Steno Copy and hamdast granted.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

Place: Mumbai
Date: 06.02.2023
Dictation taken by: N.M. Naik.

**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 : 06.02.2023

M.A.No.51/2023 in O.A.No.1276/2022

J.R. DeshmukhApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. We direct learned Advocate to explain why we should not dismissed the matter in view of the relief prayed and the fact that necessary parties are not made party Respondent.

3. Learned Advocate seeks time. Adjourned to 20.02.2023 under the caption 'For Dismissal'.

Sd/-

Sd/-

(Medha Gadgil)
Member(A)

(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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 06.02.2023
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M.A.No.7/2023 in O.A.No.96/2021

Dr. M.M. Mahind & Ors.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Kranti L.C., learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer holding for Mr. A.J. Chougule, learned Presenting Officer for the Respondents.

2. We protect the services of the applicants till 14.03.2023.

3. Adjourned to 20.02.2023.

Sd/-

(Medha Gadgil)
Member(A)

prk

Sd/-

/(Mridula Bhatkar, J.)
Chairperson

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**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.935 of 2022</u></p> <p>S.D. Katkoli ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant produced a letter dated 6.2.2023 signed by the applicant addressed to Registrar of this Tribunal seeking permission to withdraw the above OA. The said letter is taken on record and marked Court Exhibit 'X' for identification.</p> <p>3. In view of the above, OA is allowed to be withdrawn and disposed off as such.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 6.2.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 6.2.2023</p>

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	<p align="center"><u>03.02.2023</u></p> <p align="center"><u>O.A 1264/2022</u></p> <p>R.B Kale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None present for the applicant. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Affidavit in reply is already filed by the Respondents.</p> <p>3. Time granted to the applicant for filing rejoinder.</p> <p>4. S.O to 17.2.2023.</p> <p align="right">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</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: 06.02.2023</p> <p align="center">O.A. No.150 of 2023</p> <p>Dr. R.A. KolekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 02.02.2023 issued by Respondent No.2 – Deputy Director, Health Services, Pune Civil whereby the Applicant is temporarily attached to Rural Hospital, Pimpode, Dist.- Satara. Presently Applicant is serving as Medical Officer Group I Sub District Hospital Karmala.</p> <p>3. Learned Advocate for the Applicant has pointed out that in terms of Circular dated 28.02.2011, thereby Respondent No.2 could make such arrangement at the level of Deputy Director only for seven days but in present case the Applicant is shown attached to Rural Hospital, Pimpode, Dist.- Satara till further order.</p> <p>4. Learned P.O. sought one day time to take instruction as how Deputy Director is empowered to pass such impugned order.</p> <p>5. O.A. be kept for tomorrow.</p> <p>6. S.O. to 07.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</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 : 06.02.2023</p> <p align="center">M. A. No.8 of 2023 in O.A.No.14 of 2023</p> <p>S. S. Wagh since deceased legal heirs L. S. Wagh & Anrs.Applicants</p> <p align="center">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for condonation of delay of seven months to challenge the communication dated 25.04.2019 whereby the claim of deceased Government servant for 2nd benefit of Time Bound Promotion was rejected. The Applicants have counted seven months delay having regard to the order passed by the Hon'ble Supreme Court about extension of period of limitation due to Covid -19 Pandemic Situation and lockdown. No reply is filed by the Government.</p> <p>3. Since the Applicants are legal representatives of the deceased Government servant, in the interest of justice, I am inclined to condone the delay caused in filing O.A.</p> <p>4. M.A. is accordingly allowed with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>

ysm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 06.02.2023</p> <p align="center">O.A.No.14 of 2023</p> <p>S. S. Wagh since deceased legal heirs L. S. Wagh & Anrs. ...Applicants</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 Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed along with M.A.No.8/2023 which is allowed today.</p> <p>3. The Respondents are therefore required to file reply. Three weeks time is granted to file reply to O.A.</p> <p>4. S.O. to 20.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 06.02.2023</p> <p align="center">M. A. No.2 of 2023 in O.A.No.1274 of 2022</p> <p>B. S. Kapse ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. S. Dhannawat , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply as a last chance.</p> <p>3. S.O. to 20.02.2023.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date: 06.02.2023</p> <p align="center">O.A. No.138 of 2023</p> <p>K.A. BelureApplicant 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. O.A. is filed only for direction to decide Review Application (R.A.) dated 30.11.2021 filed by the Applicant before Government. In the morning session learned P.O. was directed to take instruction about the status of R.A.</p> <p>3. In afternoon session, learned P.O. submits that R.A. is already dismissed by Government and communication was decided^{sent} on 25.01.2023. He has tendered communication dated 25.01.2023 for perusal of record. It is taken on record and marked by letter 'X'.</p> <p>4. In view of above, learned Advocate for the Applicant submits to dispose of O.A. with liberty to challenge the impugned communication in accordance to law.</p> <p>5. Allowed to withdraw O.A. with liberty to avail legal remedy in accordance to law.</p> <p>6. No order to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date : 06.02.2023</p> <p>M.A. No.190 of 2022 in O.A. No.880 of 2021 with M.A. No.191 of 2022 in O.A. No.881 of 2021 with M.A. No.197 of 2022 in O.A. No.882 of 2021 with O.A. No.883 of 2021 with M.A. No.192 of 2022 in O.A. No.884 of 2021 with M.A. No.195 of 2022 in O.A. No.885 of 2021 with M.A. No.194 of 2022 in O.A. No.886 of 2021 with O.A. No.887 of 2021 with M.A. No.196 of 2022 in O.A. No.888 of 2021 with O.A. No.889 of 2021 with M.A. No.193 of 2022 in O.A. No.917 of 2021</p> <p>D.B. Mane & Ors.Applicants</p> <p>V/s</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of Respondent Nos.1 to 3 in M.A. No.191/2022. It is taken on record.</p> <p>3. S.O. to 24.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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
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	<p>Date : 06.02.2023</p> <p align="center">O.A.No.26 of 2023</p> <p>D. S. BaneApplicant</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. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the order dated 10.03.2022 whereby he was temporarily deputed at Head Quarter, Ratnagiri.</p> <p>3. The Applicant was serving as Police Head Constable at Mandangad Police Station, Dist. Ratnagiri.</p> <p>4. The perusal of impugned order dated 10.03.2022 reveals that the Applicant was temporarily deputed at Head Quarter, Ratnagiri without there being any decision of PEB. The period of temporary deputation should not be such a long period otherwise it amounts to transfer under guise of temporary deputation. One month period is availed to file reply but the same is not filed.</p> <p>5. Today, learned P.O. on telephonic instruction submits that Respondent is taking necessary steps to repatriate the Applicant on his previous post and sought two seeks time.</p> <p>6. In view of above, the O.A. is disposed of with direction to Respondent to repatriate the Applicant at Mandangad Police Station within two weeks from today.</p> <p>7. No order as to costs.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p>

vsm

[P.T.O.]

**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

**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: 06.02.2023.</p> <p align="center">O.A. No.763 of 2021</p> <p>Y.R. HansekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Sonali Humane, learned Advocate holding for Smt. Ranjana Todankar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed O.A. for direction to Respondents particularly Respondent No.3 – Divisional Commissioner, Women and Child Development, Pune to consider his application dated 02.12.2019 seeking appointment in terms of recommendation of Lad Page Committee as reflected in G.R. dated 21.10.2011 and 26.02.2014.</p> <p>3. The perusal of record reveals that the Applicant has made various representations and his proposal was sent to Respondent No.3 by Respondent No.7. However, Respondent No.3 by letter dated 07.07.2021 raised certain queries from Respondent No.7 and since then no further steps is taken.</p> <p>4. Respondent No.3 - Divisional Commissioner, Women and Child Development, Pune is the competent authority to take all the decisions but has not filed Affidavit-in-Reply. Affidavit-in-Reply is filed on behalf of Respondent No.4 to 7 only denying the entitlement of the Applicant. Record does not reveals what happened in respect of the letter dated 07.07.2021 Respondent No.3 addressed to Respondent No.7. Indeed, Respondent No.7 ought to have supplied necessary information so that Respondent No.3 could take appropriate decision.</p>

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

Tribunal's orders

5. In view of above, O.A. is disposed of with direction to Respondent No.3 - Divisional Commissioner, Women and Child Development, Pune to take necessary steps in pursuance of his letter dated 07.07.2021 sent to Respondent No.7 ^{about} for necessary information and pass appropriate order ~~of~~ the claim of the Applicant in terms of Lad Page Committee within three months from today.

6. Decision be communicated to the Applicant within two weeks thereafter. If the Applicant felt aggrieved he may avail further legal remedy.

7. No order as to costs.


Sd/-

(A.P. Kurhekar)
Member (J)

NMN


**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 : 06.02.2023</p> <p align="center">O.A.No.1139 of 2022</p> <p>T. G. BholeApplicant</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. This O.A.is filed along with M.A.No.686/2022 for condonation of delay which is allowed today. The Respondents are, therefore, required to file reply to O.A.</p> <p>3. Two weeks time is granted to file reply.</p> <p>4. S.O. to 20.02.2023.</p> <p align="right">  Sd/- v (A.P. Kurhekar) Member(J) </p> <p>vsm</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 : 06.02.2023</p> <p align="center">M. A. No.686 of 2022 in O.A.No.1139 of 2022</p> <p>T. G. BholeApplicant</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. This M.A.is filed for condonation of delay of three and half months which is counted from 01.08.2022 i.e. the date when Contempt Application is disposed by the Tribunal which was filed arising from O.A.No.1158/2016. Now, the Applicants are claiming benefit of the decision rendered in O.A.No.1158/2016 stating that they are similarly situated persons.</p> <p>3. Though enough time is granted, no reply is filed to M.A..</p> <p>4. On previous date itself, the matter was proceeded without reply since no reply is filed within time. Today, also no reply is filed.</p> <p>5. In view of above, in the interest of justice, I am inclined to condone the delay caused in filing O.A.</p> <p>6. In view of above, M.A.No.686/2022 for condonation of delay is allowed. No order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p>

ysm

[P.T.O.]

**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 : 06.02.2023</p> <p align="center">O.A.No.120 of 2023</p> <p>S. N. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for admission, it is noticed that Applicant has not challenged one order dated 03.03.2022 issued by the Respondent No.2 which needs to be challenged.</p> <p>3. Learned Counsel for the Applicant sought permission to file M.A. for amendment.</p> <p>4. One week time is granted to take necessary steps.</p> <p>5. S.O. to 13.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</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: 06.02.2023</p> <p align="center">O.A. No.427 of 2018</p> <p>R.J. SawantApplicant 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. This matter was before Division Bench but recently transferred to Single Bench and today for the first time it is listed before this Bench for hearing.</p> <p>3. Shri A.V. Bandiwadekar submits that he is filing Vakalatnama in place of Advocate Shri S.S. Dere and requested for two weeks time to argue the matter.</p> <p>4. S.O. for Final Hearing on 21.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</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: 06.02.2023</p> <p align="center">O.A. No.31 of 2020 with O.A. No.22 of 2021 with O.A. No.765 of 2020</p> <p>D.K. Zote D.M. Bhonde T.P. RathodApplicant 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 P.O. submits that the M.A. No.164/2022 is already filed and Division Bench has issued notice on the M.A. He therefore requested for adjournment till the decision of M.A. No.164/2022.</p> <p>3. S.O. to 08.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</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: 06.02.2023</p> <p align="center">O.A. No.903 of 2016</p> <p>S.B. SasteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. This O.A. was kept in sine-die list awaiting the decision of the Hon'ble High Court in W.P. No.876/2014 for a long time. 3. Learned P.O. submits that W.P. is still subjudice. 4. S.O. to 09.03.2023. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 06.02.2023</p> <p>O.A. No.63 of 2021</p> <p>R.G. LandeApplicant 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. On request of learned P.O. adjourned to 08.03.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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: 06.02.2023</p> <p>O.A. No.1180 of 2022</p> <p>Dr. A.M. ZendeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard, Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Respondent No.2 in person is present.</p> <p>2. Respondent No.2 in person requested for one week time to file his Affidavit-in-Reply.</p> <p>3. S.O. to 13.02.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 06.02.2023
	<p align="center">O.A.No.27 of 2023</p> <p>Dr. S. D. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan , learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply.</p> <p>3. S.O. to 13.02.2023.</p> <p align="right"> ↘ Sd/- ↙ (A.P. Kurhekar) Member(J) </p> <p>vsm</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 : 06.02.2023</p> <p align="center">O.A.No.15 of 2023</p> <p>S. K. KuklareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Two weeks time is granted to learned P.O. to file reply on behalf of C.P. Mumbai as well as C.P. Aurangabad.</p> <p>3. S.O. to 24.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 06.02.2023</p> <p align="center">O.A.No.350 of 2020</p> <p>Dr. Shaikh M.A. S.Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply by way of last chance with specific direction that no further time will be given.</p> <p>3. S.O. to 20.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>



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	<p>Date: 06.02.2023</p> <p align="center">O.A. No.418 of 2017</p> <p>S.D. KharatApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri R. Gadhari, Respondent No.4 in Person is absent.</p> <p>2. On request of learned Advocate for the Applicant one week time is granted for hearing.</p> <p>3. S.O. to 13.02.2023.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

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	<p>Date : 06.02.2023</p> <p align="center">O.A.No.1275 of 2022</p> <p>C. K. MoreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to filed reply by way of last chance.</p> <p>3. S.O. to 21.02.2023.</p> <p align="right">Sd/- (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
	<p>Date : 06.02.2023</p> <p style="text-align: center;">O.A.No.134 of 2023</p> <p>C. R. GangodeApplicant</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 Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the communication dated 15.12.2022 issued by the Respondent –Superintendent of Police, Nashik (Rural) rejecting the claim of substitution of name in waiting list for compassionate appointment. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 01.03.2023 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed. 9. S.O. to 01.03.2023. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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
	<p>Date : 06.02.2023</p> <p style="text-align: center;">O.A.No.139 of 2023</p> <p>R. S. ManeApplicant</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 Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order passed by the disciplinary authority dated 16.04.2019 imposing punishment of withholding of increments for two years with cumulative effect and also challenged the order of appellate authority dated 10.02.2022 confirming punishment. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 01.03.2023. 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ <u>Miscellaneous</u> Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / <u>Miscellaneous</u> Application shall stand dismissed. 9. S.O. to 01.03.2023. Sd/- <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 06.02.2023</p> <p align="center">O.A.No.1151 of 2022</p> <p>P. S. Kadam ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt Prerana Agavekar holding for Shri A. S. Gaikwad, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 20.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 06.02.2023</p> <p align="center">O.A.No.1113 of 2022 with O.A. No.1167 of 2022</p> <p>B. T. Rathod P. J. MahaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants, Shri A. J. Chougule and Smt. Archana B.K., learned Presenting Officers for the Respondents.</p> <p>2. Today, learned P.O. has filed reply in O.A.No.1113/2022. It is taken on record. Insofar as O.A.No.1167/2022 is concerned, no reply is filed.</p> <p>3. Both Original Applications being inter connected, it be kept for hearing together.</p> <p>4. S.O.to 28.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 06.02.2023</p> <p>O.A.No.950 of 2022</p> <p>S. G. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Pravin Sabban holding for Shri R. P. Sabban, 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, two weeks time is granted to file Rejoinder.</p> <p>3. S.O. to 20.02.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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>Date : 06.02.2023</p> <p align="center">O.A.No.1235 of 2022</p> <p>G. V. BellaleApplicant</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. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 21.02.2023.</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

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 : 06.02.2023</p> <p align="center">O.A.No.1257 of 2022 with O.A. No.1258 of 2022</p> <p>S. S. Pawar & Ors. S. D. Walunj & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants, Smt. Kranti Gaikwad & Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that reply is under preparation and same will be filed during the course of the day, if possible otherwise by tomorrow without fail. The statement is accepted. It be taken on record. The copy be served to other side.</p> <p>3. Two weeks time is granted to file Rejoinder.</p> <p>4. S.O. to 21.02.2023.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member(J) </p> <p>vsm</p>