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		
	Date: 06.07.2022		
	M. A. No.73 of 2022 in M.A.No.225 of 2022 in O.A.No.738 of 2018		
	Annlicant		

C. V.Patil

....Applicant

Versus

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

- 1. Heard Shri K.R. Jagdale, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.
- 2. Today, learned P.O. has filed reply on behalf of Respondent Nos.1 to 4. It is taken on record.
- 3. S.O. to 20.07.2022.

Sd/-

(A.P. Kurhekar) Member(J)

vsm

Tribunal's orders

Date: 06.07.2022

O.A.No.641 of 2022

T. T. Wangade& Ors.

....Applicants

Versus

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

- 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
- 2. In present O.A., the Applicants have challenged order dated 05.02.2020 whereby their request for deemed date of promotion is rejected.
- 3. Issue notice before admission returnable on 03.08.2022.
- 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed 3 days before returnable date, Original / Misc. Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.
- 8. S.O. to 03.08.2022.

Sd/-

(A.P. Kurhekar) Member(J)

Tribunal's orders

Date: 06.07.2022

M. A. No.395 of 2022 in O.A.No.641 of 2022

T. T. Wartqade & Ors.

....Applicants

Versus

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

- 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
- 2. This is an application for condonation of delay of four months caused in filing O.A. In O.A., the Applicant has challenged the order dated 05.02.2022 whereby their claim for deemed date of promotion stands rejected.
- 3. Learned Counsel for the Applicant prayed for condonation of delay of four months placing reliance on the order passed by the Hon'ble Supreme Court in Suo-motu W.P. No.03/2020, dated 10.01.2022. As per clause no.3 of the order where limitation expired during the period between 15.03.2020 to 28.02.2022 notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022.
- 4. In present case, limitation is expired in between 15.03.2020 to 28.02.2022. Therefore, O.A. ought to have been filed within three months from 28.02.2022 i.e. up to the end of May, 2020. Whereas, present O.A. is filed on 01.07.2022. As such, there is delay of one month only.
- 5. Since the Applicants are retired Government servants, I think just an appropriate to condone the delay so as to decide the O.A. on merit.
- 6. For the aforesaid reason, M.A. for condonation of delay is allowed. No order as to costs.

Sd/-

(A.P. Kurhekar) Member(J)

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

of 20

ΙN

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

Date: 06.07.2022

M. A. No.394 of 2022 in O.A.No.641 of 2022

T. T. Warigade & Ors.

....Applicants

Versus

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

- 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting . Officer for the Respondents.
- 2. This is an application for leave to sue jointly.
- 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.
- 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.
- 5. M.A.No.394 /2022 is allowed.

Sd/-

(A.P. Kurhekar) Member(J)

vsm

Tribunal's orders

Date: 06.07.2022

C. A. No.36 of 2022 in O.A.No.623 of 2021

With

C.A. No.37 of 2022 in O.A. No.624 of 2021

P. T. Bhoir V. V. Jagdale

....Applicants

Versus

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

- 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.
- 2. This C.A.s are filed contending that the Respondents have committed contempt of the order passed by the Tribunal on 26.04.2022.
- 3. Indeed, perusal of order dated 26.04.2022 reveals that the Applicant was given liberty to make fresh representation giving ten options inclusive of Executive and Non-Executive post to be considered ensuing general transfer of 2022. Accordingly, the Applicants have made representation which is turned down by order dated 10.06.2022.
- 4. Having gone through the order passed by the Tribunal, we have of the considered opinion that there is no case of willful contempt so as to initiate contempt proceeding. By order dated 26.04.2022, all that those directions were given to consider the representation. If the representation is considered and rejected by order dated 10.06.2022, it is independent cause of action to challenge the same order and cannot be treated as contempt of the order of Tribunal.
- 5. In view of above, both the Contempt Applications are disposed of. The Applicants are at liberty to challenge the order dated 10.06.2022 in accordance to law.

Sd/-

v

Sd/-

(Bijay Kumar) Member (A) (A.P. Kurhekar) Member(J)

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	Date: 06.07.2022		
	O.A.No.541 of 2020		
	J. C. KambleApplicant		
	Versus		
	The State of Maharashtra & OrsRespondents.		
	 Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Office for the Respondents. 		
	2. When the matter is taken up for hearing, it is notice		
	that the relevant document namely copy of charge sheet file		
	in the court, file noting on the basis of which decision		
	summary dismissal is taken and transcript of the alleg		
	conversation is not on record which is essential		
	adjudication of the issue.		
	3. O.A. is, therefore, 'de part-heard' and it be kept		
	final hearing on production of necessary documents.		
	4. S.O. to 25.07.2022.		

Sd/-

Sd/-

(Bijay Kumar) Member (A) (A.P. Kurhekar) Member(J)

vsm

Original Application No.	of 20	Dis	ткіст Applicant/s
Advocate)		
	versus		
The Sta	ate 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 o	rders
		O.A.347/	<u> 2022</u>
	Mr. A.S. Bhoir	r	Applicant
	The State of I	Mah. & Ors.	Respondents
	for Applicant a		vadekar, learned Advocate ougule holding for Ms. S.P Respondents.
	to correct som in O.A.No.347, Para No.2 in 3 Police, Mumb 17.09.2019 to	ne words/phrases/2022 on 04.07.23rd sentence, it is the made referenthe Governmen 019". Here word	y for Speaking to Minutes used in the order passed 2022. In Clause No.(iv) of stated "Commissioner of ace by his letter dated t for revision of decision "revision" be replaced by
	"reinstating in under Section	service and late	tence No.1, it is stated realso, dismissed revision atra Police Act", here word eview".
	•	d "revisional juri	ottom of Para No.8 at Page isdiction" be replaced by
	5. The abo Judgment.	ove corrections be	carried out in the original
		Sd/-	, Sd/-
	C	Bijay Kumar)	(A.P. Kurhekar)

(skw)

06.07.2022

06.07.2022

(G.C.P.) J 2737 (50,000—4-2019)

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

Date: 06.07.2022

O.A.No.867 of 2016

Dr. R. M. Haridas

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

- 1. Heard Shri M.D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
- 2. As per directions given by this Tribunal by order dated 13.06.2022 Shri Saurabh Vijay Age, Secretary, Medical Education & Drugs Department, Mantralaya, Mumbai has filed affidavit and tried to explain the delay caused in conclusion of D.E. The D.E. was initiated on 02.01.2016 and the Enquiry Officer submitted its report on 20.07.2017. However, thereafter no such expedite steps were taken for passing final order though the period of five years is over. In Affidavit, all that it is stated that file was moved from one table to another table to comply certain queries and now lastly the proposal is sent to M.P.S.C. on 20.06.2022.
- B. Learned P.O. submits that M.P.S.C. has raised certain query and now those queries are complied with. Thus at present, the proposal is pending with M.P.S.C. for its concurrence to propose punishment.
- In view of above, it would be appropriate to dispose of the O.A. with direction to Respondents to get the proposal expedited from M.P.S.C. and shall pass final order in D.E. in accordance to law within six weeks from today without fail.

Tribunal's orders

- In so far as inordinate delay in not passing final order 5. after receipt of report from Enquiry Officer in 2017 itself is concerned, the Secretary in its Affidavit has stated that appropriate steps will be taken to find out who is responsible for such inordinate delay. As highlighted in order dated 13.06.2022, the Tribunal has taken specific note of Circular dated 07.04.2008 whereby D.E. has to be completed maximum within one year. In present case, the Applicant stands retired on 31.07.2017. The D.E. was initiated in 2016 but no final order is passed though more than five years are over. As such, there is inordinate and unexplainable delay in not passing final order in D.E. This is common phenomenon as observed by the Tribunal in various matters of which serious note is required to be taken by the Government.
- 6. In view of above, we are direct the Respondent to cause inquiry about inordinate delay in not passing final order in D.E. and fix the responsibility upon the concerned person. Report be submitted to the Registrar of this Tribunal within three months from today without fail. On receipt of compliance report, the Registrar shall place it before the Bench.
- 7. No order as to costs.

Sd/-

Sd/-

(Bijay Kumar) Member (A)

(A.P. Kurhekar) Member(J)

vsm

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

Date: 06.07.2022

O.A.No.611 of 2022

J. V. Lilke

....Applicant

Versus

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

- 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
- 2. The Applicant has challenged suspension order dated 11.02.2022 whereby he is suspended in contemplation of D.E. On the same day, the charge-sheet is also served upon the Applicant.
- 3. Issue notice before admission returnable on 20.07.2022.
- 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. 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.

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

Tribunal's orders

- 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed 3 days before returnable date, Original / Misc. Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.
- 8. S.O. to 20.07.2022.
- 9. Learned P.O. is further directed to apprise the Tribunal about the status of D.E. on next date since the period of more than five months from the date of initiation of D.E. is over and D.E. by this time ought to have complete?

(A.P. Kurhekar) Member(J)

vsm

Original Application No.	of 20	DISTRICT
		Applicant/s
Advocate)	
	ve	ersus
The Sta		narashtra 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: 06.07.2022.
		M.A.No.384 of 2022 in O.A.No.630 of 2022
		Dr. A.P. Patil & OrsApplicants
		Vs. The State of Maharashtra & OrsRespondents.
		1. Heard Mr. S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting for the Respondents.
		2. This is an application for leave to sue jointly.
		3. Considering the cause of action pursued by the Applicants is common, concurrent and usual the cases are not required to be decided separately.
		4. In this view of the matter, the present Misc Application is allowed subject to Applicants paying requisite court fees, if not already paid.
		5. M.A. is allowed. Sd/-
		Sd/- (Mridula Bhatkar, J.) Member (A) Chairperson

Tribunal's orders

Date: 06.07.2022.

O.A.No.630 of 2022

Dr. A.P. Patil & Ors.Applicants Vs.

The State of Maharashtra & Ors.Respondents.

- 1. Heard Mr. S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 3. Issue notice before admission returnable on 13.07.2022.
- 4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.
- 8. Adjourned to 13.07.2022.

Sd/-(Medha (Gadgil) Member (A) | Sd/-(Mridula Bhatkar, J.) Chairperson

1 1

Original Application No.	of 20		DISTRICT Applicant/s
(Advocate)	
		versus	
The	e State of M	aharashtra and others	
			Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of C Appearance, Tribunal's orders directions and Registrar's orde	or	Tribuna	l's orders
		Date: 06.07.2022	
		O.A.No	o.682 of 2021
		Dr. K.J. Kuwar & Ors. Vs. The State of Maharash	Applicants. tra & OrsRespondents
		learned Advocate for Manchekar, learned C	Shushan A. Bandiwadekar, the Applicants, Ms. S.P. hief Presenting Officer for the 2 and Ms. Punam Mahajan, espondents No.3 to 7.
		2. Admit. Adjourn	ned to 10.08.2022. H.O.B.
		Sd/- (Medhal/Gadgil/) Member (A)	Sd/- (Mridula Bhatkar, J.) Chairperson
		• •	

Tribunal's orders

Date: 06.07.2022

O.A.No.640 of 2022

R.S. Rathod Vs.

....Applicant

The State of Maharashtra & Ors.Respondents

- 1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.
- 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 3. Issue notice before admission returnable on 27.07.2022.
- 4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.
- 8. Adjourned to 27.07.2022.

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Sd/-(Medhal/Gadgil) Member (A) / Sd/-(Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20		DISTRICT
- 0 11			Applicant/s
Advocate)	
	ι	persus	
The	State of Ma	harashtra and others	
			Respondent/s
(Presenting Officer	•••••)	
Office Notes, Office Memoranda of Co Appearance, Tribunal's orders or directions and Registrar's order	•	Tribunal	's orders
		Date: 06.07.2022	
		O.A.No	.755 of 2019
		G.P. Titar	Applicant
		Vs. The State of Maharasht	ra & OrsRespondents
			Dere, learned Advocate for s. S.P. Manchekar, learned for the Respondents.
		2. Leaned Advoc	
		3. As the cause matter stands disposed	of action does not survive l of.
		Sd/-	Sd/-
		(Medha Gadgif) Member (A)	/ (Mridula Bhatkar, J.) Chairperson
		•	

Tribunal's orders

Date: 06.07.2022

O.A.No.586 of 2022

R.A. Sawant Vs.Applicant

The State of Maharashtra & Ors.Respondents

- 1. Heard Mr. Krishna Agarwal, learned Advocate holding for M/S. Talekar & Asso, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 3. Issue notice before admission returnable on 03.08.2022.
- 4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.
- 8. Adjourned to 03.08.2022.

Sd/-

1.

Sd/-(Medha/Gadgil) Member (A)

(Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20	•	DISTRICT
			Applicant/s
Advocate)		
	versus		
Th	e State of Maharash	tra and others	
			Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Appearance, Tribunal's orders directions and Registrar's ord	or	Tribunal'	s orders
		O.A.No.	987 of 2018
		Mulla & Ors. Vs. tate of Maharashti	Applicants
		e Applicants and	Sadavarte, learned Advocate Ms. S.P. Manchekar, learned for the Respondents.
	2. stand	As the cause of is disposed of.	action does not survive, O.A.
		Sd/-	Sd/-
		edha (Gadg il) Nember (A)	(Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20		DISTRICT
0.1.8			Applicant/s
(Advocate)		
	ve	ersus	
The S	State of Mal	narashtra and others	
			Respondent/s
(Presenting Officer	•••••)	
Office Notes, Office Memoranda of Cor Appearance, Tribunal's orders or directions and Registrar's orders		Tribuna	l's orders
		Date: 06.07.2022	
		M.A.No.327 of 2022	2 in O.A.No.405 of 2022
		The State of Maharasht	raApplicant (Org. Respd.)
		Vs. C.M. Jadhav	Respondents (Org. Appli)
		Officer for the Applican	Gaikwad, learned Presenting t (Org. Respondent) and Ms. learned Advocate for the icant).
		2. At the request o	f learned Advocate by way of ljourned to tomorrow.
		3. Adjourned to 07	.07.2022.
		Sd/-	Sd/-
		(Medha (tadgil) Member (A)	(Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20		DISTRICT
Original repplication 110.			Applicant/s
(Advocate		.)	
	ι	versus	
The St	ate of Ma	aharashtra and others	
			Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Cora Appearance, Tribunal's orders or directions and Registrar's orders	m,	Tribuna Date: 06.07.2022	l's orders
		O.A.No	.111 of 2022
			Applicant. ra & OrsRespondents hushan A. Bandiwadekar,
			the Applicant and Ms. S.P. nief Presenting Officer for the
-			ate for the Applicant files It be taken on record. Copy C.P.O.
		3. Admit. Adjourn	ed to 03.08.2022.
		Sd/-	Sd/-
		(Medha)Gadg/l) Member (A)	(Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20		DISTRICT
			Applicant/s
Advocate)		
	versus		
The Sta	te of Maharasl	ntra and other	S
			Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Coran Appearance, Tribunal's orders or directions and Registrar's orders	1,	Tribu	nal's orders
directions and hegistrar s orders	Date :	06.07.2022	
		O.A.1	No.457 of 2022
	D A D		
	D.A. D	Vs.	Applicant.
	The St	ate of Maharas	htra & OrsRespondents
	1.		D. Lonkar, learned Advocate for
		•	Ms. K.S. Gaikwad, learned the Respondents.
	riesen	ding officer for	the Respondents.
	2.		vocate Mr. Bhushan A.
	Ï		nits that he will be filing the course of the day and will
			espondent No.3.
			•
	3.	Adjourned to 2	20.07.2022.
		Sd/-	Sd/-
		lha Gadgil) ember (A)	(Mridula Bhatkar, J.) Chairperson
	prk	•	

Original Application No.	of 20		DISTRICT
0 11			Applicant/s
Advocate)		
Auvocate			
	versus	5	
The	e State of Mahara	shtra and others	
			Respondent/s
(Presenting Officer)	
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Office Notes, Office Memoranda of (Appearance, Tribunal's orders directions and Registrar's orde	or	Tribuna	's orders
	Date	e: 06.07.2022	
	1	M.A.No.353 of 202	1 in O.A.No.697 of 2021
	B.P.	Satpute	Applicant
	The	Vs. State of Maharasht	ra & OrsRespondents
	1.	None for the Ap	plicant. Heard Ms. Archana
	B.K	_	enting Officer for the
	Res	pondents.	
	2.	Learned P.O. st	abmits that reply will be filed
	dur	ing the course of th	e day.
	3.	It be taken on i	ecord. Copy be served upon
		ned Advocate for th	
	4.	Adjourned to 27	7.07.2022
			0.1/
		Sd/-	Sd/-
	(1	Medha/Gadgil/ Member (A)	(Mridula Bhatkar, J.) Chairperson
	prk		
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Original Application No.	of 20	I	District Applic	cant/s
(Advocate)			
	versus			
The	e State of Maharash	tra and others		
			Respone	dent/s
(Presenting Officer)		
Office Notes, Office Memoranda of Appearance, Tribunal's orders directions and Registrar's ord	or	Tribunal' 06.07.2022	s orders	
	C.,	A.No.41 of 2022 i	n O.A.No.1190 of 201	.9
	C.V. N		Applica	nt
	The St	Vs. tate of Maharashtr	a & OrsResponde	nts
			Conkar, learned Advoca s. K.S. Gaikwad, le e Respondents.	
	2. compl	Learned P.O. so	eeks four weeks tim	ie for
	3.	Time granted. A	djourned to 20.07.2022	2
		Sd/-	/ Sd/-	
	(Me	dha/Gadgil) Iember (A)	(Mridula Bhatka Chairperson	r, J.)
	prk			

Original Application No.	of 20	DISTRICT
Original sapparents		Applicant/s
(Advocate		.)
	1)	persus
The S		harashtra and others
The S	tate of Ma	Respondent/s
(Presenting Officer)
Office Notes, Office Memoranda of Cor- Appearance, Tribunal's orders or directions and Registrar's orders	am,	Tribunal's orders
		Date: 06.07.2022
		O.A.No.508 of 2022
		S.V. Borhade & OrsApplicants
	ļ	Vs. The State of Maharashtra & OrsRespondents
		 Heard Ms. Punam Mahajan, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.
		2. Learned P.O. submits that she will be filing affidavit-in-reply during the course of the day. It be taken on record. Copy be served upon learned Advocate for the Applicant.
		3. Adjourned to 11.07.2022 for hearing on interim relief.
		Sd/- Sd/- (Medha/Gadgil) (Mridula Bhatkar, J.)
		Member (Å) Chairperson

Original Application No.	f 20 DISTRICT
~	Applicant/s
Advocate)
	versus
The State	of Maharashtra and others
	Respondent/s
(Presenting Officer)
and the second second	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or	Tribunal's orders
directions and Registrar's orders	
	Date: 06.07.2022
	M.A.No.328 of 2022 in O.A.No.448 of 2022
	WITH M.A.No.329 of 2022 in O.A.No.449 of 2022
	M.A.NO.025 of 2022 in California
	The State of MaharashtraApplicant (Org. Respd.)
	Vs. N.K. Gaikwad, & Ors.
	S.D. Sutar & OrsRespondents (Org. Appli)
	1. Heard Ms. K.S. Gaikwad, learned Presenting
	Officer for the Applicant (Org. Respondent) and Ms.
	Savita Suryavanshi, learned Advocate for the
	Respondents (Org. Applicants).
	·
	2. At the request of learned Advocate by way of
	last chance matter is adjourned to tomorrow.
	3. Adjourned to 07.07.2022.
	3. Adjourned to 07.07.2022.
	Sd/- Sd/
	(Medha Gadgil) (Mridula Bhatkar, J.)
	Member (A) Chairperson
	prk
	1

Original Application No.	of 20	Dis	STRICT Applicant/s
(Advocate)		
	versus		
	State of Maharash		Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Co Appearance, Tribunal's orders o directions and Registrar's order	r	Tribunal's	orders
		: 06.07.2022	
		O.A.No.26	52 of 2019
	l i	Dhawale Vs. State of Maharashtra	Applicant & OrsRespondents
	1	None for the Apchekar, learned Chieondents.	oplicant. Heard Ms. S.P. of Presenting Officer for the
	2.	*	r want of prosecution. Sd/-
		Sd/- (edha ^J Gadg ^J J) Member (A)	(Mridula Bhatkar, J.) Chairperson

Tribunal's orders

Date: 06.07.2022

O.A.No.458 of 2022

D.S. Mane & Ors.Applicants. V/s.

The State of Maharashtra & Ors.Respondents

- Heard Mr. R.V. Shinde, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.
- 2. Learned Advocate for the Applicant wish to bring on record order. He submits that in case of Applicant No.1, Mr. Dnyaneshwar Shivling Mane and Applicant No.5, Mr. Pandurang Tukaram Shinde their grievance is redressed. In case of Applicant No.3, Mr. Anil Ramrao Madana and Applicant No.4, Mr. Govardhan Janardhan Datal, they are declared ineligible and there is no communication received from Applicant No.2, Mr. Pravin Ramesh Chavan.
- 3. Learned Advocate submits that as the cause of action does not survive in case of Applicants No.1 and 5 he requests for amendment to delete the names of Applicants No.1 and 5 from the array of Applicants.
- 4. Amendment allowed. Amended copy to be served upon the concerned.
- 5. Learned C.P.O. submits that the copy of O.A. is not served to their office.
- 6. As the O.A. is filed on 17.05.2022 the copy of O.A. be served in the office of learned C.P.O. forthwith.
- 7. Adjourned to 03.08.2022.

Sd/-

Sd/-

1

(Medha Gadgil) Member (A) (Mridula Bhatkar, J.) Chairperson

prk

Original Application No.	of 20	DISTRICT	Applicant/s
(Advocate	•••••		
	v	ersus	
The	State of Ma	harashtra and others	
			Respondent/s
(Presenting Officer	•••••)	
Office Notes, Office Memoranda of Co Appearance, Tribunal's orders or directions and Registrar's order	•	Tribunal's orders Date: 06.07.2022	
		C.A.No.33 of 2022 in O.A	No.22 of 2022
		V.R. Shinde	Applicant
		Vs. The State of Maharashtra & Or	sRespondents
		 Heard Mr. Bhushan learned Advocate for the Applic B.K., learned Presenting Respondents. 	A. Bandiwadekar, cant and Mr. Archana Officer for the
		2. Till today no compliance of the Respondent-State. Lear four weeks time to comply the chance given to the Respondent of this Tribunal. If the order the Tribunal will issue notice the concerned officer.	ned P.O. today sought ne order. This is last nt to comply the order is not complied with
		3. Adjourned to 03.08.20	22.
		Sd/-	Sd/-
			(Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20	DISTRICT A validate to the second of the sec
		Applicant/s
Advocate		
	v	ersus
The S	tate of Ma	harashtra and others
		Respondent/s
(Presenting Officer)
Office Notes, Office Memoranda of Cora Appearance, Tribunal's orders or directions and Registrar's orders	am,	Tribunal's orders Date: 06.07.2022
		C.A.No.33 of 2022 in O.A.No.22 of 2022
		V.R. ShindeApplicant Vs. The State of Maharashtra & OrsRespondents
		1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. Archana B.K., learned Presenting Officer for the Respondents.
		2. Learned P.O. seeks four weeks time for compliance of the order.
		3. Time granted. Adjourned to 03.08.2022. Sd/-
		(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson

Original Application No.	of 20]	District		
			Applicant/s		
(Advocate)				
	versus				
The St.	ate of Maharash	tra and others			
			Respondent/s		
(Presenting Officer	••••••)			
Office Notes, Office Memoranda of Coran Appearance, Tribunal's orders or directions and Registrar's orders	n,	Tribunal's	orders		
		O.A.513/2022			
	Mr. S.P. K Vs		Applicant		
		of Mah. & Ors.	Respondents		
	1. Hea for Applica Responden	ant and Shri A.J.	diwadekar, learned Advocate Chougule, learned P.O. for		
	2. The Responden	learned P.O. files At Nos.1 & 2. It is to	Affidavit-in-reply on behalf of aken on record.		
	3. S.O	. to 20.07.2022.			
			Sd/-		
	(skw)		(A.P. Kurhekar) Member-J 06.07.2022		

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

Date: 06.07.2022

O.A.No.581 of 2022

Shri Neetin P. Mahajan

....Applicant

Versus

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

- 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
- 2. The Applicant has challenged the order dated 10.06.2022 whereby on promotion he is transferred and posted as Professor at Government Medical College and Hospital, Baramati, Dist. Pune. In view of interim order dated 22.06.2022, the Applicant was allowed to continue on the same post as Associate Professor at J. J. Hospital, Mumbai.
- 3. Learned Counsel for the Applicant submits that the Applicant's elder brother is suffering from various serios aliments like Chronic Neurological Conditions, Hearing Impairment, Locomotor Disability and Mental Illness. The Applicant is the only legal guardian for taking care of his elder brother. As per certificate of disability, the Applicant's brother has 90% permanent disability. According to learned Counsel, except Applicant there is nobody to look after his brother and for taking treatment, Applicant's stay at Mumbai is essential.
- 4. The Applicant made representation on 15.06.2022 and on 17.06.2022 requesting the Government to convert one vacant post at J. J. Hospital, Mumbai as a regular Professor and to accommodate him at Mumbai so that he could take care of his elder brother who is suffering from serious ailments and disability.

Tribunal's orders

- 5. Learned Counsel for the Applicant further pointed out that as per office memorandum issued by the Central Government, Department of Personnel and Training, dated 06.06.2014 certain guidelines were issued in the matter of transfer of a Government servants who have responsibility to take care of their disabled child. As per this memorandum, such Government servant has to be exempted from transfer subject to administrative constrain.
- 6. In view of above, learned Counsel for the Applicant submits that O.A. be disposed of with direction to the Respondents to decide the representations made by the Applicant.
- 7. Learned P.O. submits that reasonable time be given to decide the representations.
- 8. In view of above, O.A. is disposed of with directions to the Respondents to consider the representations dated 15.06.2022 and 17.06.2022 in the light of office memorandum of Central Government dated 06.06.2014 and appropriate decision be taken within two weeks from today.
- 9. Interim relief to continue till the decision of representations.
- 10. No order as to costs.

Sd/-

(A.P. Kurhekar) Member(J)

vsm

	MUNDAL
Original Application No.	of 20 District
	Applicant/s
Advocate)
	versus
The Stat	e 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
	O.A.396/2022
	Mr. R.S. Kajale Applicant Vs.
	The State of Mah. & Ors Respondents
	1. Heard Shri A.V. Bandiwadekar, learned Advoca for Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents.
	2. This O.A. is filed by retired Government servant for direction to the Respondents to release remaining retire benefits which are withheld for a long time on account opendency of DE.
	3. Applicant stands retired on 30.12.2019 from the post of Warden. Before his retirement, DE was initiated on 15.07.2019 to which Applicant has already submitted his reply on 16.09.2019. However, thereafter, no further steps were taken to complete DE and some of the retiral benefits of the Applicant were withheld. After waiting for long time, the Applicant has, therefore, approached this Tribunal.
	4. In Affidavit-in-reply, all that it is stated that enquiry is initiated and it was decided to hold joint enquiry. Indeed, there is no such order produced or record about joint enquiry. The charge-sheet issued to the Applicant is individual charge-sheet. Even Government thought it fit to have joint enquiry, till not period of three years is over, and therefore, enquiry whether it is individual or joint ought to have been finished and completed.
	5. Indeed, enquiry was required to be completed maximum within one year in terms of Circular dated

07.04.2008 issued by Government of Maharashtra. However, regret to note that no such expeditious steps were taken to complete the DE. Needless to mention that pension and other retiral benefits is right of Government employee and such right cannot be kept in abeyance under the garb of DE for such a long time. As such, there

is inordinate delay in completion of DE.

Tribunal's orders

6. Since DE is pending, all that this Tribunal can direct the Respondents to expedite the DE within stipulated period, so that matter is taken to its logical conclusion and retired Government servant would get his legitimate dues. Hence, the order.

ORDER

- (a) The Original Application is disposed of with direction to the Respondents to complete DE including passing of final order in accordance to law within three months from today without fail.
- (b) The decision, as the case may be, shall be communicated to the Applicant within two weeks thereafter and retiral benefits accordingly be released in terms of final order in DE within two weeks from the date of final order in DE.
- (c) Respondents are further directed to release other monetary benefits which were not required to be withheld on account of pendency of DE.
- (d) No order as to costs.

Sd/-

(A.P. Kurhekar) Member-J 06.07.2022

(skw)

Original Application No.	of 20 District
	Applicant/s
Advocate)
	versus
The Stat	te of Maharashtra and others
The Stat	
Proceeding Office	Respondent/s
Presenting Officer)
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	O.A.397/2022
	Mr. A.B. Gangurde Applicant
	Vs. The State of Mah. & Ors Respondents
	1. Heard Shri A.V. Bandiwadekar, learned Advocate for Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents.
	2. This O.A. is filed by retired Government servant for direction to the Respondents to release remaining retiral benefits which are withheld for a long time on account of pendency of DE.
	3. Applicant stands retired on 31.05.2020 from the post of Office Superintendent. Before his retirement, DE was initiated on 15.07.2019 to which Applicant has already submitted his reply on 13.09.2019. However, thereafter, no further steps were taken to complete DE and some of the retiral benefits of the Applicant were withheld. After waiting for long time, the Applicant has, therefore, approached this Tribunal.
	4. In Affidavit-in-reply, all that it is stated that enquiry is initiated and it was decided to hold joint enquiry. Indeed, there is no such order produced on record about joint enquiry. The charge-sheet issued to the Applicant is individual charge-sheet. Even if Government thought it fit to have joint enquiry, till now period of three years is over, and therefore, enquiry whether it is individual or joint ought to have been finished and completed.
•	5. Indeed, enquiry was required to be completed maximum within one year in terms of Circular dated

07.04.2008 issued by Government of Maharashtra. However, regret to note that no such expeditious steps were taken to complete the DE. Needless to mention that pension and other retiral benefits is right of Government employee and such right cannot be kept in abeyance under the garb of DE for such a long time. As such, there

is inordinate delay in completion of DE.

Tribunal's orders

6. Since DE is pending, all that this Tribunal can direct the Respondents to expedite the DE within stipulated period, so that matter is taken to its logical conclusion and retired Government servant would get his legitimate dues. Hence, the order.

ORDER

- (a) The Original Application is disposed of with direction to the Respondents to complete DE including passing of final order in accordance to law within three months from today without fail.
- (b) The decision, as the case may be, shall be communicated to the Applicant within two weeks thereafter and retiral benefits be accordingly released in terms of final order in DE within two weeks from the date of final order in DE.
- (c) Respondents are further directed to release other monetary benefits which were not required to be withheld on account of pendency of DE.
- (d) No order as to costs.

Sd/-

(A.P. Kurhekar) Member-J 06.07.2022

(skw)

Original Application No.	of 20	Dist	rrict Applicant/s		
(Advocate)		Applicativs		
	versus				
The St	ate of Maharashtra	and others			
(Presenting Officer)	Respondent/s		
Office Notes, Office Memoranda of Corar Appearance, Tribunal's orders or directions and Registrar's orders	n,	Tribunal's ord	lers		
		O.A.1021/2021			
	Mr. M.D. Bha Vs. The State of	amare Mah. & Ors.	Applicant Respondents		
	1. Heard	Shri A.V. Bandiw t and Smt. A.B. I	adekar, learned Advocate Kololgi, learned P.O. for		
	2. Today behalf of Resp	, learned P.O. fi	les Affidavit-in-reply on taken on record.		
	3. On the Applicant, two	he request of lea o weeks' time is grai	arned Advocate for the		
	4. S.O. to	27.07.2022.			
	,		Sd/-		
	(skw)		(A.P. Kurhekar) Member-J 06.07.2022		

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		
	Date: 06.07.2022		
	O.A. No.19	4 of 2022	
	S.A.Shinde	Applicant	
	Versus		
	The State of Maharashtra & O	rsRespondents.	
	 Heard Shri A. V. Bandi for the Applicant and Smt. Presenting Officer for the Response 	wadekar, learned Advocate Kranti Gaikwad, learned Indents.	
	2. Today, learned Counsel Affidavit in Rejoinder. It is taker	for the Applicant has filed on record.	
	3. The matter is adjourned tage of admission.	d for final hearing at the	
	S.O. to 12.07.2022.		
	So	d/-	
	(A.P. Kurhei Member	kar) (J)	

Tribunal's orders

Date: 06.07.2022

O.A.No.637 of 2022

Ashwini B. Sonake

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

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 order dated 27.05.2022. She has already completed three years tenure. However, grievance of the Applicant is that her options were not considered. Admittedly, she is relieved from the present post. Hence, the question of interim relief does not survive.

- 3. Issue notice before admission returnable on 03.08.2022.
- 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed 3 days before returnable date, Original / Misc. Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.
- 8. S.O. to 03.08.2022.

(A.P. Kurhekar) Member(J)

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date: 06.07.2022
	O.A. No.420 of 2021
	M. S. ShindeApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Shri A. V. Bandiwadekar, learned Advocation the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
	2. Today, learned P.O. has filed short affidavit alorwith copy of deposition and enquiry papers. It is taken or record.
	3. The matter is adjourned for final hearing.
	4. S.O. to 12.07.2022.
	· makez
	(A.P. Kurhekar) Member (J)

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

of 20

ΙN

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	
	Dat	te: 06.07.2022	
		O.A. No.1071 of	2021
	S. P	P. Parsekar	Applicant
	Ver	sus	•
	The	State of Maharashtra & Ors.	Respondents.
	1. App Offic	Heard Shri B. V. Magam, le licant and Smt. Archana B. I cer for the Respondents.	arned Advocate for the
	2.	Learned P.O. seeks time to fi	le reply.
	3.	Interim relief to continue till	next date.
	4.	S.O. to 13.07.2022.	
		Sd/-	
	VSM	(A.P. Kurhekar) Member (J)	

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
	Date: 06.07.2022
	O.A. No.1037 of 2019 with O.A. No.1039 of 2019 with 1040 of 2019 with O.A. No.1041 of 2019 with O.A. No.1042 of 2019 Dr. G.B. Taware
	Dr. V.A. Nadimath
	Dr. P.M. Sharebkausar
	Dr. N.B. Masaram
	Dr. V.P. DoijadApplicants
	Versus
	The State of Maharashtra & OrsRespondents.
	 Heard Smt. Punam Mahajan, learned Advocate f the Applicants and Ms. S.P. Manchekar, learned Chi Presenting Officer for the Respondents.
	2. Interim relief to continue till next date.
	3. S.O. to 25.07.2022.
	Sd/-
	(A.P. Kurhekar) Member (J)

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Tribunal's orders	Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders
Date: 06.07.2022 O.A.No.461 of 2022	
K. N.MavchiApplicant	
Versus	
The State of Maharashtra & OrsRespondents.	
 Heard Shri R. M. Kolge, learned Counsel for t Applicants and Smt. Kranti Gaikwad, learned Presenti Officer for the Respondents. 	
2. On request of learned P.O. two weeks time is grante to file reply.	
3. S.O. to 19.07.2022. Interim relief to continue.	

Sd/-

(A.P. Kurhekar) Member(J)

vsm