

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>06.10.2020</u></p> <p><u>O.A.No.354 of 2020</u></p> <p>K.R. Gupta & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Talkute, learned Advocate for the Applicants, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri Carlos, learned Senior Counsel for the Respondent in M.A.</p> <p>2. The order dated 24.08.2020 of the Hon'ble High Court in WP-ASDB-LD-VC-.306/2020 is placed before us. In the said Writ Petition the order passed by this Tribunal on 13.08.2020 was challenged. As the Tribunal did not grant interim relief but has expressed that the petition will be disposed of at the stage of admission. The 13.08.2020 was the first date of the application and so the time was granted to the learned C.P.O. for instruction.</p> <p>3. Learned C.P.O. submits that she needs one week time as the officers are not available due to COVID-19 pandemic situation.</p> <p>4. On perusal of the order of the Hon'ble High Court it is found that a request is made to the Tribunal to finally decide this O.A.354/2020 on 06.10.2020 or on any date which may be fixed by the Tribunal. In the said order of Hon'ble High Court, the Hon'ble Division Bench has stated that any promotion made to the post of Executive Engineer, in the meanwhile, shall be subject to outcome of O.A.No.354/2020. Thus, to certain extend a protection is granted to the applicant by the Hon'ble High Court.</p>

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	<p>5. The learned Counsel Shri Carlos today appeared for a private party submits that he is going to be effected if relief as prayed in prayer clause B is granted. Learned Counsel submits that he is the candidate from A.E.-I cadre. Therefore, the applicants are directed to make him as party Respondent.</p> <p>6. Amendment to be carried out forthwith. The details are to be furnished to the applicants. The copy of the Original Application to be served today itself to the proposed respondents.</p> <p>7. It is made clear that the applicants in the prayer seek to challenge the eligibility criterion which are incorporated in the rules Recruitment rules, 1983. These rules are not challenged in the Original Application. The proposed Respondent to file reply.</p> <p>8. Learned Counsel for the proposed respondent submits that in the said cadre, as on today, there are 48 + 68 candidates in the A.E-I cadre. Learned Counsel seeks permission to amend the application and prayer clause as now he wants to challenge the rules. The same is allowed.</p> <p>9. Learned Counsel for the Applicant seeks two weeks time for amendment of the O.A. and also to serve the copy of the amended application to all the respondents.</p> <p>10. In view of this the applicant shall complete all these formalities of amendment and serve copy on all the Respondents till 20.10.2020. Thereafter, the Respondents to file the reply, if any, by next date.</p> <p>11. S.O. to 19.11.2020.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>06.10.2020</u></p> <p align="center"><u>C.A 07/2020 in O.A 259/2019</u></p> <p>Shri D.R Rathod ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. In this matter affidavit in reply is filed today by Ms Prajkata Verma, then Commissioner, State Excise. She has tendered the apology for delay and it is further mentioned that though the Tribunal has passed order on 9.8.2019 for transfer of the applicant from Aurthur Road Jail to State Excise Department, the Respondents took time in seeking legal opinion from the office of Chief Presenting Officer, Home Department, and also from Law & Judiciary Department. The Writ Petition challenging order of this Tribunal is filed on 17.1.2020. However, in between, the time of one month given by this Tribunal for compliance of the order was over. Respondents however, did not inadvertently file the application seeking extension of time for compliance and for that unconditional apology is tendered by the Commissioner.</p> <p>3. Learned P.O submits that they have moved application for amendment of the Writ Petition and by way of last chance 10 days' time be granted.</p> <p>4. S.O to 22.10.2020.</p> <p align="center">Sd/- _____ Sd/- _____ (P.N Dixit) (Mridula Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p>Akn</p>


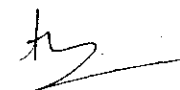
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	<p><u>06.10.2020</u></p> <p align="center"><u>O.A 471/2020</u></p> <p>Shri S.N Sambargikar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant prays that directions be issued to the Respondents to promote him to the post of Head Clerk with deemed date of promotion after four years of his promotion as a Senior Clerk. The applicant was promoted to the post of Senior Clerk on 20.5.2015.</p> <p>3. Issue notice made returnable on 1.12.2020.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. S.O to 1.12.2020.</p> <p align="center">Sd/-  Sd/- </p> <p align="center">(P.N Dixit) Vice-Chairman (A)</p> <p align="center">(Mridula Bhatkar J.) Chairperson</p> <p>Akn</p>

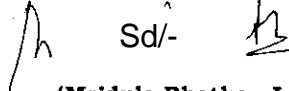
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	<p align="center"><u>06.10.2020</u></p> <p align="center"><u>O.A.No.939 of 2018</u></p> <p>P.G. Kolapte ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Abhijeet Pawar, learned Advocate holding for Shri D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Counsel Shri Abhijeet Pawar submits that he has received instructions from learned Counsel Shri D.B. Khaire and written application from the applicant to withdraw the matter. Application is taken on record and marked as 'A'.</p> <p>3. Statement is accepted. O.A. is allowed to be withdrawn.</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p align="center">Sd/-  (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

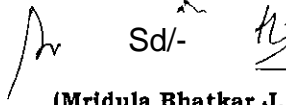
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	<p align="center"><u>06.10.2020</u></p> <p align="center"><u>O.A.No.218 of 2020</u></p> <p>K.B. Vaidya ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms. Shraddha Vavhal, learned Advocate i/b Shri Pauditrao Anerao, learned Advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O submits that Respondents no.1 to 3 are not yet served.</p> <p>3. Learned Advocate for the Applicant is directed to serve Respondent Nos.1 to 3 as the selection list is challenged.</p> <p>4 S.O. to 30.10.2020.</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p align="center"> Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p><u>06.10.2020</u></p> <p><u>M.A 37/2020 in O.A 42/2020</u></p> <p>Shri K.N Dixit ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file reply. Four weeks' time is granted by way of last chance.</p> <p>3. S.O to 3.11.2020.</p> <p>Sd/-  (P.N. Dixit) Vice-Chairman (A)</p> <p>Sd/-  (Mridula Bhatkar J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 494/2020 with M.A 214/2020 in O.A
99/2020**

DISTRICT :

Shri B.G Phatangare & Others)...**Applicants**

Versus

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

Shri Vagish Mishra i/b Law Counsellors, learned counsel for the applicants.

Shri R.S Apte, learned Special Counsel with Ms Swati Manchekar, learned C.P.O for the Respondents no 1 & 2,

Shri B.S Shinde, learned advocate for Respondent no. 11

Smt Punam Mahajan, learned counsel for Respondents no. 4 to 10.

Ms Mayuri Karekar, learned advocate for the Respondents no 5 to 7.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Shri P.N Dixit (Vice-Chairman) (A)

DATE : **06.10.2020**

PER : **Justice Mridula Bhatkar (Chairperson)**

ORDER

1. Heard Shri Vagish Mishra i/b Law Counsellors, learned counsel for the applicants, Shri R.S Apte, learned Special Counsel with Ms Swati Manchekar, learned C.P.O for the Respondents no 1 & 2, Shri B.S Shinde, learned advocate for Respondent no. 11

submits that he is filing intervention application for one Mr Upendra Tamore, who is at serial no. 16 of Annexure-B. Intervention application is taken on record and. Learned counsel Mrs Punam Mahajan, appearing for Suhas Mahapari, who is at serial no. 9 submits that these two interveners are directly affected due to relief prayed by the applicant and hence they be allowed to intervene in the matter. Ms Mayuri Karekar, learned advocate for the Respondents no 5 to 7.

2. Party in person Mr Jagannath Virkar, whose name is appearing at serial no. 3 of Annexure-B of M.A 214/2020 submits that none of the persons from list 1 to 18 in Annexure-B is made party to this petition, who will be directly affected if relief is granted as per the prayer in the Original Application made by the applicants.

3. The parties are allowed to file the intervention application. Copy to be served on the applicant. Intervenor in person is given time to engage the counsel and file regular application.

4. Applicants are directed to make all the persons whose names are appearing in Annexure-B as party Respondents. So also the intervention applications which are filed are allowed and to be numbered.

5. Learned counsel for the Respondents and the Respondent-Party in person submit that the order issued by the Respondent-State dated 2.9.2020 is already implemented and accordingly the notings are taken in the service book of the respective employees listed in Annexure-B.

6. The name of Respondent no. 3 is also to be made as Respondent. Amendment is allowed in the O.A and M.A to be carried out within 15 days and the copy of O.A to be served on all the Respondents within one month.

7. Learned counsel for the applicants prays for interim relief in O.A that the orders of further promotion to the post of Addl. Collector are not to be issued by the Respondents. He submits that the Respondents have not prepared the seniority list till today, though it is stated earlier on affidavit dated 20.2.2020 filed on behalf of Respondent no. 1 that the 'final seniority list' will be prepared by 31.3.2020. Learned counsel for the applicants submits that no final seniority list is prepared since 2006 and time to time Respondents are preparing only draft seniority list. He submits that the juniors to the applicants are promoted to the post of Deputy Collector, Deputy Collector (Selection Grade) as well as Additional Collector.

8. Learned Senior Counsel Mr. Apte submits that the Government could not prepare the final seniority list as some of the employees had taken resort to the Courts and due to certain orders, the Respondents could not prepare final seniority list for a long time. However, the posts cannot be kept vacant and so the promotions are required to be given to the officers waiting in queue and to meet the needs of the time, ad hoc seniority list as well as final draft seniority list was prepared from time to time till 3.3.2018. He submits that till 31.12.2020 such list will be prepared. He submits that due to Covid-19 staff in Mantralaya was not available and the list could not be finalized.

9. Considered submissions of both the parties. This issue was taken before Ho. High in W.P 11368/2019, wherein the D.B of the

High Court by order dated 18.12.2019 has given liberty to the State to take an independent decision whether to make promotions on ad hoc basis pending finalization of seniority list. In the operative order the statement made by Senior Counsel Mr Apte, on behalf of the State that the State would finalize the seniority list by end of January, 2020 on the basis of provisional seniority list dated 3.3.2018 is appearing.

10. Pursuant to the order of the Hon. High Court dated 18.12.2019, this Tribunal by order dated 12.2.2020, of which my brother Mr P.N Dixit was a party, has after taking the note of the said order of the Hon. High Court has observed as follows:-

“11. In view of the above, in our considered opinion, it will not be appropriate to stay posting orders of the officers promoted on the post of Additional Collector, promoted in terms of order dated 30.1.2020. However, some protection needs to be given to the applicants to take care of their apprehension. Therefore, the posting which would be issued in terms of order dated 30.1.2020 would be subject to outcome of this O.A.”

11. However, in the said order the Respondents were directed to file affidavit about process of finalizing the seniority list pursuant to which affidavit dated 20.2.2020 filed by Dr Madhav V. Veer, Deputy Secretary, Revenue and Forest is filed, in which at the end he gave the progress of the seniority list in a tabular form, wherein he has mentioned the final seniority list will be published by 31.3.2020.

12. Needless to say that the said list is not yet prepared, we do consider the situation due to Covid-19 Pandemic and the scarcity of staff in Mantralaya. But there is a delay and there should not be further delay in publishing the final seniority list based on the last provisional seniority list dated 3.3.2018. Thus we accept the

statement made by learned Senior Counsel on the basis of instructions from Dr Veer, Deputy Secretary, Revenue & Forest Department, who is present in the Court, that the Respondents shall prepared the said list on or before 31.12.2020. Respondents to take note that it is serious issue and adhere to the time schedule

13. S.O to 22.12.2020.

Sd/-
(P.N Dixit)
Vice-Chairman (A)

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

Place : Mumbai
Date : 06.10.2020
Dictation taken by : A.K. Nair.

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 537 OF 2020

DISTRICT : SOLAPUR

Mrs Sharada S. Powar)...**Applicant**

Versus

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

Dr Gunratan Sadavarte, learned advocate for the Applicant.

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


CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **06.10.2020**

ORDER

1. The applicant, Sub Divisional Officer, Alibaug, challenges the order of transfer of Respondent no. 3, dated 1.10.2020 in her place at Alibaug, Dist-Raigad.

2. Learned counsel Dr Sadavarte, submits that all the Respondents are served. He submits that the applicant was transferred from Thane to the present post on 6.9.2018 and has not completed normal tenure of 3 years and she is transferred mid-term without any valid reason, not following due procedure. She is transferred out of vengeance, because she has fined one Mrs Mansi Mahindra Dalvi wife of M.L.A of Rs. 15 crore approximately for unauthorized stone quarry at Alibaug in June, 2019. The same M.L.A has sent a complaint against her by instigating some other person that the applicant has indulged into malpractices. Learned counsel has further submitted that though the applicant is shown as transferred and Respondent no. 3 from Sindhudurg is posted in her place, the applicant is not given any posting till today.

3. He prays for interim relief. Learned counsel for the applicant submits that the Civil Services Board has not recommended the transfer of the applicant as applicant has not completed normal tenure of three years.
5. Learned P.O in reply submits that the Government has followed the proper procedure while transferring the applicant. She submits that the approval of concerned Minister from Revenue & Forest Department and also the Hon'ble the Chief Minister is taken by the Respondents. Learned P.O further submits that the competent authority has every power and authority to transfer any Government servant mid-term/ mid-tenure under the special reasons and in the present case the applicant is transferred in public interest and on administrative grounds.
6. The applicant has taken charge as Sub-Divisional Officer, Alibaug on 6.9.2018. So admittedly she has not completed her normal tenure of 3 years. It is a mid-term/mid-tenure transfer. Under Sec 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity) the authority competent to transfer has power to transfer mid-term any Government servant for special reasons, exceptional circumstances and if special case is made out. The present applicant is transferred in the public interest and on administrative grounds for which the Government has every power to transfer the Government servant. It is true that exceptional circumstances is also to be understood in context with service jurisprudence. However, when the transfer order is challenged under specific ground and malice prima facie is demonstrated, the Government has to make out a case of special reasons under Section (4) of ROT Act, 2005.
7. After going through the records from the original file, it is found that the case of the applicant was placed before the Civil Services Board at serial no. 76. On perusal of the said record, it is found that the Civil Services Board had specifically mentioned that Mr Dhage has not completed one year at Sindhurg and also applicant has not completed 3
- 

years at the present place of posting and therefore both of them were not recommended of transfer.

8. The submissions made by learned counsel for the applicant of malice has to be taken into account as in the application itself and also the documents annexed to the application disclose that the applicant has taken action against the wife of MLA Mr Dalvi, in June, 2019 and same M.L.A has demanded her transfer on the ground of malpractices. No transfer should be a punishment and similarly no transfer should be made out of malice.

9. Under such circumstances it is all the more necessary for the Respondents to make out exceptional case with reasons to transfer the applicant on the ground of competency or with a view to improve the administration or for other specific reasons.

10. The reason of public interest or for administrative reasons if made clear then it helps the Government servant to understand where he/she went wrong in performing the duty.

11. Thus case for interim relief is made out. Under the circumstances, the impugned order of transfer is stayed for three weeks till the filing of the reply. The applicant to continue at Alibaug till next date.

12. S.O to 29.10.2020. Hamdast allowed.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 06.10.2020
Dictation taken by : A.K. Nair.

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

Tribunal's orders

06.10.2020

**O.A.No.525 of 2020 with O.A.No.526 of 2020 with
O.A.No.528 of 2020 with O.A.No.529 of 2020 with
O.A.No.536 of 2020 with O.A.No.539 of 2020**

G.S. Biradar (O.A.525/2020)

S.P. Gurav (O.A.526/2020)

K.M. Kale (OA.528/2020)

B.B. Mahamuni (O.A.529/2020)

S.B. Kashid (O.A.536/2020)

P.S. Patil (O.A.539/2020) ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri V.V. Ugle, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned C.P.O. for the Respondents.

2. O.A.No.536/2020 and O.A.No.539/2020 is taken on today's board at the request of learned Counsel.

3. On instructions, learned Counsel for the Applicants submits that O.A.No.536/2020 and O.A.No.539/2020 along with O.A.No.525 of 2020 with O.A.No.526 of 2020 with O.A.No.528 of 2020 with O.A.No.529 of 2020 be allowed to be withdrawn.

4. Statement is accepted. O.A.No.525 of 2020 with O.A.No.526 of 2020 with O.A.No.528 of 2020 with O.A.No.529 of 2020 with O.A.No.536/2020 and O.A.No.539 of 2020 are allowed to withdrawn.

Sd/-

(Mridula Bhatkar J.)
Chairperson

prk

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

06.10.2020

O.A 530/2020

Gopinath S. Kolekar ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.D Joshi, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The applicant, Joint-District Registrar, Class-I, who is posted at Pune City, Dist-Pune in Registration Department, challenges the order dated 30.9.2020, issued by Respondent no. 1, whereby transferring him to the post of Assistant Inspector General of Registration and Stamps, Desk No. 7, Pune, in the same Department.

3. Learned counsel for the applicant submits that the applicant joined the present place of posting on 31.5.2018 and has not completed three years of his service but has completed only two years. No specific reason is given in the order dated 30.9.2020. However, one Shri Anil. P. Parkhe, is appointed in his place from Nasik. He submits that the request of transfer was put up by Mr Parkhe.

4. Learned C.P.O seeks time for instructions in the matter.

5. Issue notice to the Respondents returnable on 13.10.2020.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. 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.

9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

10. S.O to 13.10.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="738 320 876 342">06.10.2020</p> <p data-bbox="982 353 1153 387"><u>O.A 534/2020</u></p> <p data-bbox="738 420 1323 453">Shri Mahesh V. Patil ... Applicant</p> <p data-bbox="901 453 933 475">Vs.</p> <p data-bbox="738 475 1323 508">The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> <li data-bbox="738 530 1388 608">1. Heard Smt Punam Mahajan , learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents. <li data-bbox="738 630 1388 718">2. The applicant, Deputy Collector, challenges transfer order dated 1.10.2020 transferring him from Ratnagiri to Deputy District Election Officer, Bhandara. <li data-bbox="738 741 1388 829">3. Learned counsel submits that the applicant was posted at Ratnagiri on 20.9.2019. He has not completed his tenure of 3 years and hence it is a mid-term transfer. <li data-bbox="738 851 1388 1426">4. Learned C.P.O while assailing the submissions of learned counsel for the applicant, submits that the applicant was promoted to the post of Deputy Collector, on 14.3.2019 and was given posting at Gadchiroli in Nagpur Division. Learned C.P.O submits that as per Divisional Cadre Allotment Rules, if an officer is promoted and posted at a particular Division, then under the said Rules, he is required to complete 3 years in the same Division. However, the applicant, after only completing 9 months at Gadchiroli, was transferred from Gadchiroli to Ratnagiri by order dated 20.9.2019. Learned C.P.O submits that the said order dated 20.9.2019 was issued by Food and Civil Supplies Department, which is not the correct department having authority to transfer the applicant. After having pointed out these illegalities, the applicant's case was put up before the Civil Services Board and on obtaining the recommendations from the Civil Services Board, the submission for mid-tenure transfer was placed before the Hon'ble the Chief Minister, who approved present transfer of the applicant from Ratnagiri to Bhandara. She produced the extract of the recommendations of the Civil Services Board. <li data-bbox="738 1448 1388 1581">5. Perused the original record of the Civil Services Board and approval given by the Hon'ble the Chief Minister. The learned C.P.O is directed to file reply and produce the Divisional Cadre Allotment Rules on the next date. <li data-bbox="738 1603 1388 1692">6. Under the circumstances, no relief can be granted. Inspection of the record be given to the learned counsel for the applicant. <li data-bbox="738 1714 998 1747">7. S.O to 3.11.2020. <p data-bbox="1153 1758 1218 1791">Sd/-</p> <p data-bbox="1047 1847 1307 1902">(Mridula Bhatkar, J.) Chairperson</p> <p data-bbox="722 1902 755 1924">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>06.10.2020</u></p> <p><u>O.A.No.466/2019 with O.A.No.467/2019</u></p> <p>Dr. R.D. Katke (O.A.466/2019) Dr. M.S. Rewadkar (O.A.467/2019) ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned C.P.O. for the Respondents.</p> <p>2. Learned Counsel submits that he be allowed to withdrawn the Original Applications as per the instructions of the Applicants.</p> <p>B. Original Applications are allowed to withdraw.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/</p> <p style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>06.10.2020</u></p> <p><u>O.A.No.498/2020</u></p> <p>R.R. Salkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned C.P.O. for the Respondents.</p> <p>2. Issue notice before admission returnable on 15.11.2020.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. Application is made for the appointment on compassionate ground in place of her husband.</p> <p>8. S.O. to 15.11.2020.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>06.10.2020</u></p> <p style="text-align: center;"><u>O.A.No.491/2020</u></p> <p>A.H. Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned C.P.O. for the Respondents. 2. Issue notice before admission returnable on 26.11.2020. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. Prayer is made for directing the Respondent to sanction the leave of the Applicant for the period from 10.12.2018 to 29.04.2019. 8. S.O. to 26.11.2020. <p style="text-align: right;">Sd/- (Mridula Bhatkar J.) Chairperson</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>06.10.2020</p> <p><u>O.A.No.215/2020</u></p> <p>V.N. Dixit ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned P.O. time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 27.10.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>06.10.2020</u></p> <p><u>O.A.No.332/2020</u></p> <p>A.B. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None for the Applicant. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned P.O. three weeks time is granted for filing reply.</p> <p>3. S.O. to 27.10.2020.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No. _____

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>06.10.2020</p> <p><u>O.A.No.538/2020</u></p> <p>S.B. Bhore ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. for the Respondents.</p> <p>2. Learned Counsel submits that he be allowed to withdrawn the O.A. as per the written directions given by the applicant. Application is taken on record marked as A'.</p> <p>3. Original Application is allowed to withdraw.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar J.) Chairperson</p>

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

Tribunal's orders

06.10.2020

O.A 540/2020

Smt B.S Mane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.

2. The applicant, working as Tahsildar, Man, Dist-Satara, is ousted, by order dated 1.10.2020 by which Respondent no. 2 is transferred in his place.

3. Learned counsel for the applicant submits that the applicant has joined at the present place on 23.8.2018 and hence not completed normal tenure of 3 years. This is a mid-term transfer and without any special reasons, the applicant is ousted from her present place of posting without any order.

4. Learned counsel places reliance on the order of the Single Bench of M.A.T, Aurangabad, in O.A 402/2020, dated 5.10.2020. Therefore he prays that the said order be cancelled and prays for interim relief.

5. Learned counsel submits that till yesterday she was working on the said post. Learned C.P.O seeks time to take instructions as it is the first date.

6. This is mid-term transfer. The Government has to make out special case or exceptional circumstances by giving special reasons. As this is first date, no proper instructions received by learned C.P.O.

7. However, in view of submissions which are also supported by the order of the Single Bench of M.A.T, Aurangabad, supra, wherein it is observed as under:-

"There is nothing on record to show that the applicant has been relieved from the present post. Prima facie, the Respondent no. 4 has been posted in place of the applicant without effecting the transfer of the applicant. Therefore, the impugned transfer order of the Respondent no. 4 is in violation of the provisions of the Transfer Act, 2005. Therefore, it requires to be stayed till filing of affidavit in reply by the Respondents."

8. The impugned order is hereby stayed for three weeks. The applicant to continue on the said post till next date.

9. S.O to 27.10.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>06.10.2020</u></p> <p align="center"><u>O.A.No.523/2020</u></p> <p>S.A. Govekar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri V.A. Gangale, learned Senior Advocate a/w. Shri Abhijeet Desai a/w Shri Kulkarni, i/b. Shri A.A. Desai, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This applicant is challenging the suspension order dated 28.09.2020 passed by Respondent no.1 and also prays all other consequential service benefits.</p> <p>3. By way of interim relief the applicant prays that to stay the effect and operation of the suspension order and she be reinstated to the post Senior Research Officer, Scheduled Tribes Certificate Inspection Committee, Kokan Region, Thane. The applicant is prosecuted in a offence under the Prevention of Corruption Act, 1988 and the Criminal case under Section 7 of the Prevention of Corruption Act, 1988 is registered as C.R. no.88/2020 at Vartak Nagar, Police Station, Thane.</p> <p>4. Learned Counsel submits that the name of the applicant was considered for the promotion and is appearing in the list issued by Respondent in 04.03.2020. The record of the applicant is very good. This is the first date hence issue notice to the respondent after amendment is carried out. No interim relief can be granted at this stage without hearing the Respondents.</p> <p>5. Amendment in the prayer as requested by learned Advocate is allowed.</p> <p>6. Issue notice before admission returnable on 01.12.2020.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>8. 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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. The service may be done by Hand delivery, speed pbst, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. S.O. to 01.12.2020.</p> <p style="text-align: right;">sh Sd/-</p> <p style="text-align: right;">/ (Mridula Bhatkar J.) Chairperson</p> <p style="text-align: center;">pk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 532 OF 2020

DISTRICT : PUNE

Shri Ramchandra S. Jadhav)...**Applicant**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **06.10.2020**

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.
2. The applicant, Assistant Commissioner of Police, who is working at Pimpri Chinchwad, Chakan Division, challenges the order dated 30.9.2020, transferring him to Police Training College, Jalna.
3. Learned counsel submits that the applicant has joined the present post on 26.11.2019 and earlier he was transferred from A.T.S, Aurangabad to Pimpri Chinchwad on 5.1.2019. It is a mid-tenure transfer and therefore, she seeks interim relief. Learned counsel further submits that till today the applicant is not relived from his post at Pimpri Chinchwad, Chakan Division.
4. Issue notice returnable on 8.10.2020.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

9. Learned C.P.O seeks time to take instructions in the matter. Learned C.P.O is directed to produce the file / record of transfer of the applicant on 8.10.2020. Till then the applicant if not relieved, to continue on the same post.

10. S.O to 8.10.2020. Hamdast.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 06.10.2020
Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 533 & 535 OF 2020

DISTRICT : PUNE

Shri Ravindra N. Dhumal
Shri Sanjeev S. Shivale)...**Applicant**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicants,

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **06.10.2020**

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Both the applicants who are working as Police Constable /Dog Handlers in Bomb Detection and Disposal Squad Pune are challenging transfer order dated 26.9.2020. In similar matter, following order was passed in O.A 512/2020 & others on 1.10.2020, relevant portion of which is reproduced below:-

“4. Learned counsel for the applicants submitted that there are at present 8 dogs in the service and each dog has two Dog Handlers. She submitted that due to the transfer of these six Dog Handlers, five dogs in the Bomb Squad are facing psychological trauma and are therefore reluctant take commands from the new persons. She has submitted that these amounts to the cruelty to the dogs who cannot speak, but they are in the service. She further submits that all the five dogs are very much attached to the respective Dog Handlers and unable to function without them. In support of her submissions, she has relied on letter dated 7.6.2016 written by Superintendent of Police, CID, Pune and another letter dated 17.11.2016 by Special I.G., VIP Security, State Intelligence Department, Mumbai.

5. Learned C.P.O submits that today she has received the papers and she seeks time to file reply.

6. Perused two letters referred above. In both the letters the importance and necessity of the service rendered by these trained Dogs in the Bomb Squad to the Police Department is highlighted. It is also stated specifically that the Dog Handlers are not to be transferred till a particular dog retires from the service. The officers sending the letters have referred to the Circular Memorandum No. 2/Police (Sports)/2008 (2)-1141, Intelligence Bureau (Ministry of Home affairs) government of India dated 17.6.2008, wherein it is stated as under:-

“Besides it is important that the handler of the dog is not changed during the operational life time of the Dog.”

7. Thus the Dog and Dog Handler work as a team and they should not be separated in the interest of bringing about overall and significant improvement in the performance of sniffer dogs.

8. The dogs are employed in the Dog Squad who are salaried and their date of retirement is also fixed on the basis of their life span and performance. However, this is that class of employees, who cannot speak and take up their grievances, hence all the more those unspoken to be heard and also attended immediately. The transfer of the dog Handlers undoubtedly leads tremendous mental trauma to the dog and therefore, in the interest of Bomb Disposal Squad, I hereby stay all the transfer orders of these Dog Handlers.

9. If at all they are relieved and the transfer orders are now stayed; Dog Handlers are to be sent back to Bomb Detection and Disposal Squad and allow to handle the same dogs with immediate effect.

10. The Commissioner of Police, Pune is directed to consider this issue of transfer of the Dog Handlers in view of Circular Memorandum dated 17.6.2008 and also the Maharashtra Police Dog Squad Manual, Chapter-I, 4 (5) (b) (c).

3. S.O to 20.11.2020. Hamdast granted.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 06.10.2020
Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 531 OF 2020

DISTRICT : SOLAPUR

Dr Pradeep M. Dhele)...**Applicant**

Versus

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

Shri M.D Lonkar, learned advocate for the Applicant.

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

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **06.10.2020**

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. The applicant, Civil Surgeon, Civil Hospital, Solapur, challenges the transfer order dated 1.10.2020, passed by Respondent no. 1. Learned counsel for the applicant submits that the applicant after completing four years at Latur as Medical Superintendent, Women's Hospital, was posted as Civil Surgeon, Solapur by order dated 21.6.2019. He is not due for transfer as he has completed only one year and two months. He submits that he is transferred at the request of Respondent no. 2, Dr. Ashok Bolde and the present applicant is not given any posting as on today and therefore, the applicant is aggrieved by the said order of transfer. Learned counsel for the applicant submits that still the applicant is holding the charge of Civil Surgeon, Solapur, till yesterday. However, today he is present in the Tribunal for filing this application. He seeks interim relief. Learned advocate states that Respondent no. 2 is not served for want of time and he has not come to take charge at Solapur till yesterday.

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3. Learned P.O seeks time to take instructions.
4. In view of submissions of the learned counsel for the applicant and no posting is given to the applicant, so also his transfer is mid-tenure and that he is in-charge of the post till yesterday, hence the impugned order qua Respondent no. 2, is stayed and applicant to continue to work as Civil Surgeon, Solapur till next date.
5. Issue notice returnable on 8.10.2020.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. 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.
9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
10. S.O to 8.10.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 06.10.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p align="center">O.A.No. 1179 of 2019</p> <p>C. P. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. In this matter, notice was issued to the Respondents on 27.01.2020 and enough time is availed for filing reply but in vain. 3. On previous date, two weeks time was granted as a last chance but no reply is filed. 4. Thus, Respondents seem not interested in filing reply though enough time is availed. 5. In view of above, matter be kept for hearing at the stage of admission. 6. S.O. to 22.10.2020. <p align="right">Sd/- V** (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No. 1199 of 2019</p> <p>Y. B. PhadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Learned P.O. for the Respondents submits that reply is ready but the officer is unable to come. He, therefore, submits that reply will be filed within three days. 3. Allowed to file reply within three days and the copy of the same be supplied to other side. 4. The matter be kept for hearing at the stage of admission. 5. S.O. to 22.10.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No. 1125 of 2019</p> <p>S. V. Lolge & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, 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 the Respondent Nos.1 to 3. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicants, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 20.10.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No.79 of 2020</p> <p>Dr. M. M. DesarkhaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre holding for Shri M. R. Kulkarni, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents submits that instructions are received and reply will be filed within a week.</p> <p>3. On request of learned P.O., one week's time is granted for filing reply as a last chance.</p> <p>4. S.O. to 15.10.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

Applicant/s
(A.P. Kurhekar)
Member(J)

(Advocate vsm)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No. 138 of 2017</p> <p>H. B. SuryawanshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. for the Respondents, two weeks time is lastly granted for filing Sur-Rejoinder.</p> <p>3. S.O. to 20.10.2020.</p> <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No.09 of 2020</p> <p>S.L. GholapApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Kishor Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Learned P.O. submits that enough time is availed by the Respondents to file reply but the same is not filed. 3. On request of learned P.O., one week's time is granted for filing reply as a last chance. 4. S.O. to 13.10.2020. <p style="text-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

Date : 06.10.2020

M.A. No.136 of 2020 in O.A. No.201 of 2020

I. R. ShahapurkarApplicant

Versus

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

1. Heard Shri R. A. Naik, learned Counsel for the Applicant and Ms. S. P. Manchekar, learned Chief Presenting Officer holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant submits that Para No.1 of Misc. Application is typed inadvertently and seeks permission to delete the same.

3. Allowed to delete Para No.1 of M.A.

4. Issue notice before admission returnable on 03.11.2020.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. S.O. to 03.11.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Tribunal's orders

Date : 06.10.2020

O.A.No.213 of 2020

S. P. Khamkar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri Abhijeet Kandarkar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 03.11.2020.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 03.11.2020.
9. Office objection that some of the documents are illegible be rectified and objection be removed within three days.

Sd/-

(A.P. Kurhekar)
Member(J)

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

Tribunal's orders

Date : 06.10.2020

O.A.No.209 of 2020

P. R. Pawar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 03.11.2020.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 03.11.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No. 1184 of 2019</p> <p>D. J. SonawaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel both are absent. Heard Ms S. P. Manchekar, learned Chief Presenting Officer holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned C.P.O. for the Respondents, two weeks time is granted for filing reply as a last chance.</p> <p>3. S.O. to 20.10.2020.</p> <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No.1013 of 2019</p> <p>S. B.MetkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant and Smt. A. J. Chougule, learned Presenting Officer for the Respondents. 2. This matter is Part-Heard but today learned P.O. has tendered additional affidavit in reply on behalf of the Respondent Nos.1 to 3 and requested to take it on record so as to deal with certain grounds raised by the Applicant in his Affidavit-in-Rejoinder. 3. Indeed, the Applicant has filed Affidavit-in-Rejoinder on 02.01.2020, and therefore, Respondents ought to have filed additional Affidavit within reasonable time. 4. However, in the interest of justice and to decide the matter on merit, I am inclined to allow the Respondents to file additional affidavit. Accordingly, it is taken on record. 5. In view of above, Shri A. V. Bandiwadekar, learned Counsel sought short time to deal with contentions raised in additional affidavit filed today and to file short Rejoinder, if necessary. 6. S.O. to 15.10.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J) [P.T.O.]</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No. 792 of 2019</p> <p>Dr. D. B. BamaneApplicant</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. Today, learned P.O. has filed Affidavit in Sur-Rejoinder on behalf of Respondent Nos.1 to 3. It is taken on record.</p> <p>3. S.O. to 27.10.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Date : 06.10.2020

O.A.No.1202 of 2019

S. B. Khalekar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. This is second round of litigation challenging suspension order dated 14.04.2017. In the first round of litigation i.e. O.A.1075/2018 directions were given to Commissioner, Social Welfare, Maharashtra State, Pune to take review of suspension in terms of G.R. dated 14.10.2011.

3. It appears that the Commissioner, Social Welfare, M.S. Pune by order dated 28.12.2019 declined to reinstate the Applicant in service till completion of D.E. Therefore, the Applicant again filed this O.A.

4. Perusal of Minutes of Review Committee (Page Nos.156 to 158) dated 14.02.2019 reveals that the Committee had decided to forward the proposal to the Government for reinstatement of the Applicant. Therefore, it is necessary to know whether any such proposal has been forwarded by the Commissioner, Social Welfare, M.S. Pune to Government.

5. Besides, perusal of record reveals that three departmental enquires are forwarded against the Applicant. Wherein, Enquiry Officer was appointed in 2018.

6. When quarry was raised to learned P.O. about the status of D.E., she sought time to take instructions.

7. In view of above, learned P.O. is directed to take instructions on following two aspects:-

(A) Whether the Commissioner has forwarded any proposal to the Government for reinstatement of the Applicant as proposed in the meeting of Review Committee dated 14.02.2019 and if yes, what is the status of the proposal at the level of Government.

(B) What is the progress in three departmental enquires initiated against the Applicant in 2018 and present status of enquiry.

8. Respondent No.2-Commissioner, Social Welfare, M.S. Pune is directed to file short affidavit on above aspect within a week.

9. S.O. to 13.10.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

Date : 06.10.2020

M.A. No.102 of 2019 in R.A. No.04 of 2020 in
O.A.No.697 of 2019The State of Maharashtra & Ors.Applicants
(Ori. Respondents)

Versus

V. G. SuryawanshiRespondent (Ori. Applicant)

1. Heard Shri A. J. Chougule, learned Presenting Officer Counsel for the Applicants (Ori. Respondents) and Shri M. B. Kadam, learned Counsel for the Respondent (Ori. Applicant).
2. O.A.No.697/2019 was allowed by this Tribunal by order dated 18.02.20019 whereby transfer order dated 31.05.2019 was quashed. The Respondents have filed Review Application along with application for condonation of delay. Review ought to have been filed with 30 days from 18.11.2019 but the same has been filed on 14.02.2020.
3. Shri A. J. Chougule, learned P.O. submits that delay occurred due to certain procedural difficulties and prayed to condone the delay so as to decide the Review on merit.
4. In the application for condonation of delay, Applicants (Ori. Respondents) sought to contend that the order dated 18.11.2019 was uploaded quite belatedly and it was one of the reason for not filing R.A. within time.
5. In view of these contentions, the Tribunal has passed the order directing Registrar to submit the reply about any delay in uploading the order. Registrar has submitted the report that order was uploaded immediately.
6. As such, contention made in M.A. that order was uploaded lately is apparently incorrect and Applicant ought to have vigilant and careful before making any such contention attributing delay to the office.
7. Shri Suresh Reddy, City Survey Officer, Sangli who has filed affidavit in M.A. is present before the Tribunal and he sought apology for the same. Apology accepted.
8. Now, turning to the aspect of delay, having regard to short delay of less than two months, it would be appropriate to condone the delay and to decide R.A. on merit.
9. I am, therefore, inclined to condone the delay. The delay is condoned. M.A. No.102/2020 is accordingly disposed of.
10. Matter be kept for hearing for Review on 20.10.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p>O.A.No. 718 of 2019</p> <p>D. R. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed Affidavit-in-Reply for Rejoinder on behalf of the Respondent No.1. It is taken on record. 3. On request of learned Counsel for the Applicant, the matter is adjourned for hearing at the stage of admission. 4. S.O. to 27.10.2020. <p style="text-align: right;">Sd/- V (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.10.2020</p> <p align="center">M.A. No.408 of 2019 in O.A.No.722 of 2019 With O.A. No.766 of 2019 M.A. No.408 of 2019 in O.A.No.722 of 2019</p> <p>S. M. DeoreApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p align="center">With O.A. No.766 of 2019</p> <p>R. S. RaundalApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard M. D. Lonkar, learned Counsel for the Applicant appearing in O.A.722/2019 and Shri A. V. Bandiwadekar, learned Counsel for the Applicant appearing in O.A.766/2019 and Shri A. J. Chougule , learned Presenting Officer for the Respondents.</p> <p>2. The Applicant Shri R.S. Raundal was serving as Deputy Engineer, P.W.D. Satana in view of his posting by order dated 17.06.2019. However, by order dated 12.07.2019, his posting was modified on administrative ground and he was transferred at Yeola. He, therefore, filed O.A.No.722/2019 wherein this Tribunal has granted interim relief having found <i>prima-facie</i> there is no compliance of Section 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005).</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>3. Simultaneously, by order dated 12.07.2019 Shri Suresh Deore was transferred at Satana in place of Shri R.S. Raundal. Shri Deore has also filed O.A.No.766/2019 and has also filed M.A.No.408/2019 in O.A.722/2019 to vacate interim relief granted in favour of Shri Raundal.</p> <p>4. Shri Raundal is retiring at the end of October, 2020. In view of interim relief granted by this Tribunal, he is continued at Satana.</p> <p>5. In view of above, learned Counsel for the parties as well as learned P.O. on instructions submit that O.A.s be disposed of as no cause of action would survive after retirement of Shri Raundal as ^{of O.A. by} retirement of Shri Raundal, Shri Deore will be posted at Satana by virtue of order dated 22.07.2019.</p> <p>6. In view of above, Shri A.V. Bandiwadekar, learned Counsel for Shri Deore in O.A.766/2019 seeks permission to withdraw the same as well as M.A.No.408/2019 filed in O.A.722/2019.</p> <p>7. Allowed to withdraw O.A.No.766/2019 as well as M.A.408/2019.</p> <p>8. As Shri Raundal who is Applicant in O.A.No.722/2019 is retiring at the end of this month, it would be appropriate to allow him to retire at the same place till his retirement. As Shri Deore will join in place of Shri Raundal, there is no need to decide the matter on merit.</p> <p>9. For the aforesaid reasons, interim relief granted in O.A.722/2019 is made absolute on the statement made by Shri A. J. Chougule, learned P.O. on instructions that he will be allowed to continue at the same place till his retirement.</p> <p>10. After retirement of Shri Raundal, transfer order of Shri Deore dated 12.07.2019 for posting him at Satana shall be implemented.</p> <p>10. Original Application No.722/2019 and O.A.No.766/2019 are accordingly disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>