

**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: 07.07.2022</p> <p align="center">O.A. No.380 of 2022</p> <p>O.G. TawareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 2. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant adjourned for filing Rejoinder, if any.</p> <p>4. S.O. to 20.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">O.A. No.97 of 2022</p> <p>A.D. NagareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Karan Gajra, learned Advocate holding for Shri A.A. Desai, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted to file Affidavit-in-Reply but the same is not filed, and therefore I am not inclined to grant further time as requested by learned P.O.</p> <p>3. O.A. be kept for hearing at the stage of admission without Reply.</p> <p>4. S.O. to 04.08.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">O.A. No.994 of 2021</p> <p>V.G. KolekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 3. On request of learned P.O. one week time is granted to file Reply to O.A. by way of last chance. 4. S.O. to 14.07.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">M.A. No.134 of 2022 in O.A. No.190 of 2022</p> <p>Dr. V.S. AbnaveApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 3. On request of learned P.O. two weeks time is granted to file Reply to M.A. by way of last chance. 4. S.O. to 25.07.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">M.A. No.282 of 2021 in O.A. No.552 of 2021 with M.A. No.283 of 2021 in O.A. No.553 of 2021</p> <p>K.T. More P.G. KulkarniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Applicant and his Advocate both are absent. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. Learned P.O. requested for grant of time to file Reply in M.A. Perusal of record reveals that enough time is availed for filing Affidavit-in-Reply. Hence, I am not inclined to grant further time. M.A. be kept for hearing. S.O. to 28.07.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">M.A. No.138 of 2021 in O.A. No.249 of 2021 with M.A. No.29 of 2022 in O.A. No.250 of 2021</p> <p>M.S. Wagh R.Y. ChandramoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms.Priti Kamble, learned Advocate holding for Shri I.M. Koparkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today in M.A. No.138/2021 in O.A. No.249/2021, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1. It is taken on record.</p> <p>3. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance in M.A. No.29/2022 in O.A. No.250/2021.</p> <p>4. S.O. to 28.07.2022.</p> <p align="right">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 07.07.2022</p> <p align="center">R.A. No.05 of 2022 in O.A. No.70 of 2022</p> <p>J.C. NaikwadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Nirmal Pagaria, learned Advocate holding for Shri D.V. Sutar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant adjourned for hearing of review.</p> <p>3. S.O. to 25.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.07.2022</p> <p align="center">O.A.No. 1110 of 2019</p> <p>B.R. SangleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for hearing, it is transpired that the Applicant has not given details of due dates of payment item-wise. Since the Applicant is claiming interest contending that the retirement benefits were paid belatedly, it is necessary to know what was the actual due date of payments of particular item and when it was paid to find out how much delay is in payment.</p> <p>3. Learned Counsel for the Applicant sought two weeks time to submit the information on affidavit which would be helpful to decide the matter.</p> <p>4. S.O. to 21.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.07.2022</p> <p align="center">O.A.No.334 of 2020</p> <p>D. Y.DangeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, the matter is adjourned for hearing at the stage of admission to give one opportunity.</p> <p>3. S.O. to 28.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>


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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 07.07.2022</p> <p align="center">O.A. No.461 of 2020</p> <p>D.J. AmbilwadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today learned C.P.O. has filed Affidavit-in-Sur Rejoinder on behalf of the Respondent Nos.1 & 2. It is taken on record.</p> <p>3. S.O. to 01.08.2022.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">O.A. No.394 of 2022</p> <p>D.K. KokaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 2. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted to file Rejoinder.</p> <p>4. S.O. to 27.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">O.A. No.598 of 2022</p> <p>R.R. MohiteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 25.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p>O.A. No.556 of 2022</p> <p>K.S. ShengaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 21.07.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">O.A. No.425 of 2022 with O.A. No.426 of 2022</p> <p>S.H. AyareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondents in both the O.As. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted to file Rejoinder.</p> <p>4. S.O. to 21.07.2022.</p> <p align="right">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">O.A. No.393 of 2022</p> <p>S.V. BairagiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Gaurav A. Bandiwadkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 2. It is taken on record. 3. Respondent No.3 is served but absent. 4. On request of learned Advocate for the Applicant two weeks time is granted to file Rejoinder. 5. S.O. to 21.07.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.07.2022</p> <p align="center">O.A.No.908 of 2021</p> <p>S. R. HembadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The matter is already proceeded for hearing at the stage of admission since the Respondents failed to file reply within time granted by the Tribunal.</p> <p>3. Learned P.O. however requested for three days time for hearing.</p> <p>4. S.O. to 14.07.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.07.2022</p> <p align="center">O.A.No.552 of 2022</p> <p>N. K. PardeshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. This O.A. be kept with connected O.As on 25.07.2022 for hearing at the stage of admission.</p> <p>4. S.O. to 25.07.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.07.2022</p> <p align="center">O.A.No.746 of 20</p> <p>K. D. Baraf & Ors. ...Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, the matter is adjourned for final hearing.</p> <p>3. S.O. to 27.07.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.07.2022</p> <p style="text-align: center;">O.A.No.103 of 2022</p> <p>A. N. SayyadApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. In this O.A., the Applicant has challenged transfer order dated 12.10.2021 whereby he was sent from Pimpri-Chinchwad to Hingoli. The Tribunal by order dated 08.02.2022 granted interim relief and on the basis of it, the Applicant is continued at Pimpri-Chinchwad till date. 3. Admittedly, the Applicant has completed his normal tenure at Pimpri-Chinchwad and he was due for general transfer of 2022. 4. Learned Counsel for the Applicant submits that the department has already called options and transfers are under consideration of the Government. 5. Since, there is interim relief in favour of the Applicant, the Government may not consider the Applicant for transfer. Therefore, the order of interim relief is required to be modified so that Applicant's case can be considered for transfer in accordance to law. 6. In view of above, it is made clear that the status quo order passed on 08.02.2022 will not come in the way of Government to consider the Applicant for ensuing transfers of 2022. 7. Learned Counsel for the Applicant has also raised grievance that Applicant is not getting salary since the post of Pimpri-Chinchwad is not sanctioned post. He has further pointed out that the Respondent No.-1 Director General & Inspector General of Police has forwarded the proposal on 02.11.2021 to the Government Respondent No.3 to create the post on the establishment of Motor Transport Department, Pimpri -Chinchwad. However, no further steps are taken. 8. In view of above, O.A. is adjourned for one week with direction to the learned P.O. to take instructions from the Respondent about proposal dated 02.11.2021 as well as transfer of Year 2022 and apprise the Tribunal on next date. 9. S.O. to 14.07.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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	<p>Date : 07.07.2022</p> <p align="center">O.A.No. 126 of 2022</p> <p>V. S. Yadav & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder as well learned P.O. has also filed Sur-Rejoinder. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 21.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 07.07.2022</p> <p align="center">O.A. No.610 of 2022</p> <p>P.B. AhireApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 12.12.2020 passed by the Respondent No.3 – Deputy Commissioner of Police thereby treating period of suspension from 29.05.2012 to 27.01.2014 (609 days) suspension as such and also challenged the order dated 25.01.2022 passed by Respondent No.1 – The Director General of Police stating that there is no provision of filling appeal against the said order.</p> <p>3. In view of above, question arises whether order dated 12.12.2020 treating the period of suspension as such passed by Respondent No.3 – The Deputy Commissioner of Police is appealable.</p> <p>4. Second issue arises that since the Applicant was suspended on account of registration of crime and came to be acquitted in criminal case. How the Applicant can be deprived of pay and allowances of suspension period when admittedly Department has not initiated D.E.</p> <p>5. S.O. to 14.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="right">P.T.O. [P.T.O.]</p> <p>NMN</p>

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

L.O.

6. In the afternoon session, learned P.O. has tendered order dated 06.07.2022 (yesterday) passed by the Respondent No.3 – Deputy Commissioner of Police whereby in supersession of his earlier order dated 12.12.2020 it is ordered that period of suspension from 29.05.2012 to 26.01.2014 will be treated as a duty period for all purposes in view of his acquittal in criminal case. The copy of order dated 06.07.2022 is taken on record and marked by letter 'X'.

7. Thus, it appears after filing of O.A. that Respondent No.3 has realized his mistake and cancelled the order dated 12.12.2020 in respect of which O.A. is filed.

8. In view of above, the grievance of the Applicant stands redressed and O.A. is disposed of with no order as to costs.

Sd/-

W

(A.P. Kurhekar)
Member(J)

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p>M.A. No.393 of 2022 in O.A. No.638 of 2022</p> <p>J.B. GarjeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.D. Butala, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. At the very outset it is disturbing to note that Applicant stands retired in 2008 from the post of Assistant Commissioner of Police (A.C.P.), still he is not paid retiral benefits. The perusal of record reveals that one F.I.R. was registered against the Applicant in Bazarpeth Police Station, District Thane. Interesting to note that later 'B' summary was filed by Police but learned Magistrate did not accept and directed to reinvestigate. The Applicant waited for long time but nothing happened, He then approached Hon'ble High Court by filing Writ Petition No.959 of 2016. The perusal of order passed in Writ Petition No.959 of 2016 on 01.02.2019 reveals that learned Additional Public Prosecutor made statement before Hon'ble High Court that 'B' summary will be filed within four weeks. However, no further steps were taken and matter was kept in cold storage by the Respondents.</p> <p>3. Thus, <i>ex-facie</i> for no legal reason the Applicant is deprived of retiral benefits for 14 to 15 years. Therefore, O.A. ^{needs} to be expedited.</p> <p>4. Learned P.O. is therefore directed to take instruction as to why retiral benefits of the Applicant are withheld for such period of 14 to 15 years and appraise the Tribunal on Tuesday.</p> <p>5. Respondent No.1 is directed to keep responsible officer present before Tribunal on next date.</p> <p>6. S.O. to 12.07.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p>O.A. No.647 of 2022</p> <p>A.G. SangarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged order dated 04.05.2022 rejecting his representation which he made in terms of order passed by the Tribunal on 16.02.2022 in O.A. No.672/2021. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 28.07.2022. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 9. S.O. to 28.07.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p align="center">O.A. No.626 of 2022</p> <p>J.R. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed O.A. claiming Deemed Date of Promotion to the post of Deputy R.T.O. w.e.f. 26.08.2015 and came to be promoted by order dated 08.01.2021. However, he claims Deemed Date of Promotion from 26.08.2015 and made representation dated 29.11.2021 (Page 50 of P.B.) which is not yet decided by Respondent No.1.</p> <p>3. Thus, it seems that representation is still pending. Learned P.O. is therefore directed to take instructions about status of representation so that matter can be disposed of.</p> <p>4. S.O. to 11.07.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.07.2022</p> <p>O.A. No.616 of 2022</p> <p>P.P. PimparkhedeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri P.P. Pimparkhede, Applicant-in-Person and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged communication dated 16.06.2022 issued by Government denying interest on the amount of Time Bound Promotion Benefits and Subsistence Allowance. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 04.08.2022. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 9. S.O. to 04.08.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</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 : 07.07.2022</p> <p>O.A.No.237 of 2022</p> <p>L.G. DalviApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit. Adjourned to 18.08.2022. HOB.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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><u>07.07.2022</u></p> <p><u>C.A 8/2022 in O.A 975/2019 with C.A 9/2022 in O.A 976/2019 & C.A 10/2022 in O.A 977/2019</u></p> <p>G.S Bhajbhujje B.A Karale K.S Dhanvijay & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri J.V Patil, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O states that Shri Pravinkumar N. Tribhuwan, I/C A.P.O in the office of Additional Tribal Commissioner, Tribal Development Department, Nasik Division, Nasik is present. Learned C.P.O submits that the Department could not understand the order passed by the Tribunal and therefore could not implement the order of this Tribunal.</p> <p>3. Learned C.P.O states that she has explained the order to the concerned officer and prays for two weeks' time to take corrective steps. Time granted.</p> <p>4. By way of last chance, two weeks' time is granted to the Department to implement the order of this Tribunal. If the order of this Tribunal is not implemented then against under Contempt of Courts Act will be taken.</p> <p>5. S.O to 21.7.2022. High on Board.</p>
	<p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Akn</p>
	<p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

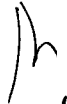
(Advocate

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 07.07.2022
	<p align="center"><u>C.A 18/2022 in O.A 614/2021</u></p> <p>Shri B.D Ingale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Dr P.G Kayande, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant is directed to file affidavit of service on Respondent no. 2, Zilla Parishad, Solapur.</p> <p>3. S.O to 21.7.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) <small>Akn</small></p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson</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
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07.07.2022

C.A 53/2021 in O.A 1091/2017

R.A Shaikh & Or ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. Learned P.O submits that the Respondents have challenged the order of this Tribunal before the Hon'ble Bombay High Court and it is placed on Board on 27.7.2022. Apart from that, the Respondents have put up the matter for consideration before the G.A.D on 29.6.2022.

3. Learned P.O request for two weeks' time. Time granted.

4. S.O to 4.8.2022.


Sd/-

(Medha Gadgil)
Member (A)

Akn

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>Date : 07.07.2022</p> <p>M.A.No.327 of 2022 in O.A.No.405 of 2022 with 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</p> <p>The State of MaharashtraApplicants (Org. Respd) Vs. C.M. Jadhav (O.A.No.405/2022) N.K. Gaikwad (O.A.No.448/2022) S.D. Sutar (O.A.449/2022)Respds (Org. Applis)</p> <p>1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Applicants (Org. Respds) and Ms. Savita Suryavanshi, learned Advocate for the Respondents (Org. Applicants).</p> <p>2. These three Misc. Applications are moved by the State requesting to recall the order passed by this Tribunal in O.A.No.405/2022 on 04.05.2022 and in O.A.No.448/2022 and O.A.No.449/2022 on 06.05.2022 by which the Tribunal allowed the Applicants to appear for the interview for the post of Deputy Education Officer.</p> <p>3. We heard the matter to certain extend. We also heard learned Advocate for the Applicant on the point of raising objection whether there is urgency to hear these Misc. Applications and removed interim relief which is in favour of the Applicants as in the absence of the reply there is no need to hear these applications and decide.</p> <p>4. We make it clear that the issue involved in this matter is now clear to us. It is a short issue whether the applicants fall in the feeder cadre to the post of Deputy Education Officer. We are of the view to decide these applications even finally. We rely on the recruitment rules for which at this stage we are of the view that the matter can proceed without reply of the Respondents as to defense opened by the Respondents is only in respect of Recruitment Rules to the post of Deputy Education Officer.</p> <p>5. Learned Advocate request that before hearing these Misc. Applications, she may be allowed to argue fresh matter i.c. O.A.No.656/2022 which is related to the same issued.</p> <p>6. Request rejected.</p> <p>7. Matter to be treated as Part Heard and adjourned to 08.07.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member(A)</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 07.07.2022</p> <p style="text-align: center;">O.A.No.957 of 2017</p> <p>A.M. KhanApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Savita Suryavanshi, learned Advocate holding for Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. Archana B.K, learned Presenting Officer for the Respondents.</p> <p>2. Applicant prays for promotion with deemed date of 29.07.2017 with consequential benefits.</p> <p>3. Learned P.O. points out that there was punishment for stoppage of increment for one year which is undergone by the Applicant in the year 2018-19.</p> <p>4. In view of this learned Advocate for the Applicant to inform whether the applicant is promoted or not. If it is so then the matter will be infructuous.</p> <p>5. Adjourned to 11.07.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member(A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">prk</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 : 07.07.2022</p> <p align="center">O.A.No.59 of 2017</p> <p>Y.A. DesaiApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Applicant who was 56 years old in the year 2017 prays that the order dated 19.11.2016 passed by the Respondent No.1 reverting him to the post of Senior Clerk from the post of Head clerk on account of the alleged loss of seniority in the cadre of Head Clerk to be set aside and quashed.</p> <p>3. In view of the age mentioned in the caption we would like to know from the learned Advocate for the Applicant whether the Applicant is retired and if so whether cause of action survives.</p> <p>4. S.O. to 21.07.2022</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="right">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p align="left">prk</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 : 07.07.2022</p> <p align="center">O.A.No.713 of 2017</p> <p>D.R. Chavan & Ors.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Savita Suryavanshi, learned Advocate holding for Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant sought direction to allow him to appear for the main examination for the post of Assistant Motor Vehicle which was scheduled on 06.08.2017 by relaxing the short listing criteria in all categories.</p> <p>3. On perusal it is found that the Tribunal by order dated 02.08.2017 has rejected the interim relief</p> <p>4. In view of this learned Advocate for the Applicant to make statement whether the application has become infructuous.</p> <p>5. Adjourned to 11.07.2022</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p align="left">prk</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.07.2022</p> <p>O.A.No.625 of 2022</p> <p>S.D. AkaleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant seeks directions from the Tribunal that his name is to be incorporated in the select list of the year 2021-22, dated 17.06.2022 for promotion to the post of Deputy Superintendent of Police/ Assistant Commissioner of Police (Motor Transport Department) if at all he is found suitable for promotion as there is vacancy available when the DPC was conducted on 18.05.2022.</p> <p>3. Learned P.O. produces communication dated 16.06.2022 from the Additional Director General of Police sent to Additional Chief Secretary, Home, Maharashtra State and copy forwarded to Mr. Swapnil Borse, Under Secretary wherein it is stated that the officer has informed that inadvertently at the time of D.P.C. meeting the vacancies of four posts as on 01.08.2022 is available, was shown. However in fact there are 5 vacancies as one officer retired on 31.05.2022</p> <p>4. Thus after considering this letter of D.G and facts placed before us by learned Advocate and learned P.O. it appears it is a bonafide mistake of the authority and therefore we request the Additional Chief Secretary, Home Department to do needful at the earliest as the Applicant is going to retire at the end of this year.</p> <p>5. We expect the decision to be taken by 11.07.2022 and corrective measures are to be taken on or before 16.07.2022 to consider the Applicant's case for promotion along with deemed date. Thus considering this we are of the view that it is a bonafide mistake and therefore it is to be corrected immediately and also to be considered while considering the case of the Applicant as per Rules.</p> <p>6. Hamdast. Adjourned to 11.07.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member(A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">prk</p>

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

Tribunal's orders

07.07.2022

O.A 701/2016

Shri D.R Dighole ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagadale, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.

2. The applicant, who is working as Police Constable, has put in nearly 13 years of service, remained absent for 1206 days from duty on the ground that he was suffering from mental depression. The applicant is compulsorily retired from service on 5.10.2013, in view of the departmental enquiry held against.

3. The applicant has challenged the said impugned order dated 5.10.2013 of compulsory retirement, issued by Respondent no. 3 and also the order dated 10.3.2015 passed by Respondent no. 2 confirming the order passed by Respondent no. 3 and also prays that he be reinstated in service to the post of Police Naik forthwith.

4. Learned counsel for the applicant has submitted that the applicant being mentally disabled is entitled to get the benefits of Section 37 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The applicant has to prove the fact of his mental disability relying on the Medical Certificate dated 14.1.2013, issued by Dr Y.A Matcheswala, Professor of Psychiatry and Hon. Consultant, Grant Medical College, Sir J.J Group of Hospitals, Mumbai. In the said Certificate it is stated that the applicant was taking treatment from the private Psychiatry during the period 1.3.2009 to 1.8.2012. He also relied on the document, i.e. Discharge Card issued by Dr. Matcheswalla wherein he has mentioned about depression and that the applicant took treatment from 1.3.2009 to 1.8.2012 and at present no active psychiatric illness. Fit for duty.

5. After hearing the learned counsel for the applicant, we are of the view that the applicant first should prove the fact of his mental disability. After going through the documents, it cannot be proved that Dr Matcheswalla was a Surgeon or Practitioner under whom the applicant was treated when he was under mental depression. These two documents are Certificates of Fitness of the applicant. However, the applicant is required to prove the fact of his mental illness and the percentage of such illness to claim the benefits of Section 37 of of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

6. Learned counsel for the applicant seeks time

7. S.O to 19.7.2022.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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 : 07.07.2022</p> <p>O.A.No.646 of 2022</p> <p>A.C. KadamApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant seeks directions that Respondent No.1 should decide his Appeal filed on 21.10.2021.</p> <p>3. We therefore direct Respondent No.1, concerned Hon'ble Minister, Appellate Authority to decide the said Appeal within a period of six weeks and thereafter communicate the decision as may be to the Applicant within one week.</p> <p>4. In view of above, O.A. disposed of.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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><u>07.07.2022</u></p> <p><u>O.A 263/2022 with M.A 287/2022</u></p> <p>N.D Raut ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Karan Gajra i/b Ms Archana B.K, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that copy of the Misc Application is not served on the office of the learned C.P.O.</p> <p>3. Learned counsel for the applicant is directed to serve copy of the Misc Application to the office of the learned C.P.O forthwith.</p> <p>4. S.O to 21.7.2022.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</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><u>07.07.2022</u></p> <p><u>O.A 600/2022 with O.A 601/2022 & 644/2022</u></p> <p>V.B Kashid ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Kaustub Gidh i/b Shri Kranti L.C, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant is filing affidavit of service in O.A 600 & 601/2022. Same is taken on record.</p> <p>3. Learned counsel for the applicant seeks permission to amend the Original Application by adding Social Justice Department as Party Respondent as they are concerned with the reservation for transgender. Permission granted. Amendment to be carried out forthwith.</p> <p>4. Learned counsel for the applicant seeks to correct the cause title of the Original Application that is Respondent no. 1, Secretary, M.P.S.C, instead of Chairman, M.P.S.C. Permission granted to correct the cause title of the Original Application.</p> <p>5. Both the Original Applications 600 & 601/2022 be removed from the 'caption of Dismissal'.</p>
	<p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Akn</p>
	<p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</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 align="center"><u>07.07.2022</u></p> <p align="center"><u>C.A 25/2020 in O.A 28/2018 with O.A 938/2018</u></p> <p>D.L Awate ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O submits that the Respondents have challenged the order of this Tribunal before the Hon'ble Bombay High Court and the matter is finally heard and closed for orders.</p> <p>3. In view of the above, matter is adjourned to 28.7.2022.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p>