

**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 : 07.10.2021</p> <p align="center">O.A.No.1015 of 2019</p> <p>S. D. Jadhav ...Applicant</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 Applicant has challenged the order of his punishment passed by Shri Manohar Gaikwad as a disciplinary authority whereby he accepted the finding recorded by Enquiry Officer holding the Applicant guilty and passed the order of compulsory retirement.</p> <p>3. Interestingly the appeal filed by the Applicant was decided by the Director, which post was that time occupied by same the person namely Shri Manohar Gaikwad and by order dated 28.01.2019, he modified the order of compulsory retirement substituting it in the punishment of withholding of next three increments with cumulative effect.</p> <p>4. Thus, Shri Manohar Gaikwad who was the then disciplinary authority himself later decided the appeal in the capacity of Director which is totally impermissible in law. Since the impugned order of punishment was passed by him, he should have recused himself from hearing of the matter.</p> <p align="right">[P.T.O.]</p>

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	<p>5. Needless to mention where appeal is decided by the same person is obviously influenced by his own findings and in that event the issue of bias and prejudice is obvious. The appeal ought to have been heard and decided by the independent authority and not by the same person.</p> <p>6. In view of above, as rightly pointed out by learned P.O., the matter is required to be remitted back to the Respondent No.1-Director, Government Printing and Stationary, Mumbai who is now manned by somebody else in view of retirement of Shri Gaikwad.</p> <p>7. Learned Counsel for the Applicant submits that since earlier there was the order of compulsory retirement which has been modified and substituted by way of punishment of withholding of three increments and the Applicant is taken back in service some protection till the decision of appeal is necessary. His submission is quite fair and acceptable.</p> <p>8. In view of above, O.A. has to be disposed of with certain directions. Hence the following order:-</p> <p style="text-align: center;"><u>ORDER</u></p> <p>(A) Impugned order passed by Respondent No.1 (appellate authority) dated 28.01.2019 is quashed and set aside.</p> <p>(B) The matter is remitted back to Respondent No.1 – Director, Government Printing & Stationery, Mumbai to hear and decide the appeal afresh in accordance to law within three months from today.</p> <p>(C) Applicant be continued in service subject to the decision of appeal.</p> <p>(D) The decision in appeal be communicated to the Applicant within two weeks thereafter.</p> <p>(E) If the Applicant felt aggrieved by the decision, he may avail further legal recourse in accordance to law.</p> <p>(F) No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"> <u>CA.49/2020 in OA.822/2019 with</u> <u>CA.50/2020 in OA.823/2019 with</u> <u>CA.51/2020 in OA.824/2019 with</u> <u>CA.52/2020 in OA.825/2019 with</u> <u>CA.53/2020 in OA.826/2019</u> </p> <p>Dr. G.P. Jangid (CA.49/2020) Dr. S.K. Balwant (CA.50/2020) Dr. D.A. Wani (CA.51/2020) Dr. N.B. Swami (CA.52/2020) Dr. M.M. Bagwan (CA.53/2020) ..Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.S. Deshmukh, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that State has filed WPST/15563/2021 on 20.8.2021 in the Hon'ble Bombay High Court. Ld. PO submits that till today Petitioners could not get circulation and she seeks time.</p> <p>3. It is necessary to place on record that in the OAs the applicants have prayed for pecuniary benefits for the period from the date of appointments till their regularization. This Tribunal has passed the following order in the above OAs on 8.1.2020:</p> <p style="padding-left: 40px;">"5. Thus, being a policy decision the Government has to take considered view in the issue. While doing so the respondents are directed to look into to the judgments referred above of the Tribunal as well as Hon'ble High Court and by the Medical Education and Drugs Department.</p> <p style="padding-left: 40px;">6. The respondent no.1 is therefore directed to take suitable policy decision in respect of all the applicants as well as similarly situated persons. All the above Original Applications No.821 to 826 of 2019 are therefore disposed off with the above directions. No orders as to cost."</p>



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	<p>4. As per the submissions and the documents placed on record the Government had challenged this decision by way of writ petition before the Hon'ble High Court.</p> <p>5. We fail to understand what challenge can be there in such order. The directions can be summed up:</p> <p>(a) <i>The judgments of the Hon'ble High Court and Tribunal has to be taken into account.</i></p> <p>(b) <i>State to take policy decision.</i></p> <p>6. It was argued before the Tribunal that the Tribunal cannot direct the State to take policy decision. Even if such order is passed the Government has a free hand to take a suitable policy decision that they do not want to take any policy decision for certain reasons.</p> <p>7. It is necessary for the Respondent-State and the concerned officers of the State to go through the entire judgment passed by this Tribunal where reference of judgments of the Hon'ble High Court and this Tribunal is made. Those judgments are required to be taken into account to take a policy decision in respect of the applicants. In such circumstances the respondent-State is given free hand to decide. However, the respondent-State has to keep in mind the orders passed by Hon'ble High Court and Tribunal, which are binding, if not challenged.</p> <p>8. It is necessary for Ld. PO to make a statement whether respondents have taken policy decision or they do not want to take policy decision. Thus, the Ld. PO to inform this Tribunal whether the Government has taken any decision or policy decision in respect of the applicants.</p> <p>9. S.O. to 20.10.2021.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 7.10.2021</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 7.10.2021</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>C.A. No.27 of 2021 in O.A. No.1228 of 2019</u></p> <p>R.K. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Asawari Ghate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that in this matter interest on GPF is only pending. She wants time to find out why it is not sanctioned.</p> <p>3. S.O. to 25.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) / (Mridula R. Bhatkar, J.) Member (A) Chairperson 7.10.2021 7.10.2021</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p>O.A.No.535 of 2021</p> <p>A.S. DigheApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Mr. M.D. Lonkar, learned Advocate, learned Advocate for the Applicant, Mr. R.S. Apte, learned Senior Counsel along with Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents and Mr. U.V. Bhosale, learned Advocate for the Respondents No.3, 4, 5, 6 and 11. 2. Today, affidavit-in-reply is served by the Respondent-State to the learned Advocate Mr. M.D. Lonkar and learned Advocate Mr. U.V. Bhosale. 3. Mr. U.V. Bhosale, learned Advocate appearing for private Respondents seeks time to file affidavit-in-reply. 4. The learned Advocate Mr. M.D. Lonkar submits that the establishment meeting has been held on 04.10.2021 and promotions are likely to be issued hence out of 9 vacant posts, one post is to be kept vacant. 5. The learned Senior Counsel Mr. Apte opposes the submission of learned Advocate Mr. Lonkar and submits that the posts may be allowed to be filled-up subject to the outcome of this O.A. 6. In view of the above, one post be kept vacant till the final decision in O.A. G.A.D. to file reply by next date otherwise the matter will proceed without reply. 7. Adjourned to 21.10.2021. <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member(A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p align="center"><u>M.A. No.162 of 2020 in O.A. No.258 of 2020</u></p> <p>Ms. C.A. Rane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks three weeks time to file reply.</p> <p>3. S.O. to 15.11.2021 by way of last chance.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 7.10.2021 7.10.2021</p> <p>(sgj)</p>

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	<p>Date : 07.10.2021</p> <p align="center">O.A.No.1044 of 2019</p> <p>N.L. BhangreApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Shri R.C. Karmarkar, learned Advocate for the Applicant is absent.</p> <p>3. The learned P.O. for the Respondents has produced the death certificate of the Applicant. It is taken on record and marked as Exhibit-A. She submits that the death certificate discloses that the applicant passed away on 29.06.2020 and his legal heirs have not been brought on record with stipulated time. Hence the matter abates.</p> <p>4. In view of above, O.A. is dismissed.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 07.10.2021</p> <p align="center">O.A.No.49 of 2021</p> <p>A.N. BhalchandraApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned Advocate for the Applicant submits that he will file rejoinder during the course of the day. It be taken on record. Copy be served upon learned P.O. for the Respondents.</p> <p>3. Matter is admitted and kept for final hearing on 16.12.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 07.10.2021</p> <p align="center">O.A.No.116 of 2020</p> <p>S.S. MahajanApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. for the Respondents submits that the reply is already filed and copy is served upon learned Advocate for the Applicant.</p> <p>3. Matter is admitted and kept for final hearing on 16.12.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 07.10.2021</p> <p align="center">O.A.No.226 of 2021</p> <p>Dr. R.R. AsawaApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Applicant in person and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicant moves simple praecipe for amendment in prayer clause 10(d). It is taken on record. He submits that in prayer clause 10(d) instead of "6.40." it should be "6.38".</p> <p>3. Amendment to be carried out today forthwith and copy to be served to the concerned.</p> <p>4. Adjourned to 17.11.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date : 07.10.2021</p> <p align="center">O.A.No.488 of 2021</p> <p>S.C. Pawar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.D. Patil, learned Advocate holding for Mr. A.S. Pawar, learned Advocate, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. for the Respondents requests for grant of time for filing affidavit-in-reply.</p> <p>3. Time granted.</p> <p>4. The learned Advocate for the Applicant submits that the O.A. be clubbed along with O.A.No.660/2021 as the issue is same.</p> <p>5. Registry to take note of it. Adjourned to 17.11.2021.</p> <p align="center">Sd/- _____ (Medha Gadgil) Member(A)</p> <p align="center">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p align="left">prk</p>

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	<p align="center">Date : 07.10.2021</p> <p align="center">O.A.No.484 of 2021</p> <p>V.V. MoteApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, 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. The learned P.O. submits that reply will be filed during the course of the day.</p> <p>3. It be taken on record. Copy be served upon learned Advocate for the Applicant.</p> <p>4. Adjourned to 26.10.2021.</p> <p align="center">Sd/- (Medha Gadgil) ✓ Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p align="center">Date : 07.10.2021</p> <p align="center">O.A.No.417 of 2021 with O.A.No.418 of 2021</p> <p>A.V. Walimbe (O.A.417/2021) - P.M. Jakhadi (O.A.418/2021)Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Ms. Punam Mahajan, learned Advocate for the Applicants and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. for the Respondents seeks two weeks to file affidavit-in-reply.</p> <p>3. Time granted. Adjourned to 26.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>M.A. No.346 of 2021 in O.A. No.694 of 2021</u></p> <p>Dr. (Smt.) Rekha C. Kuwar & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for Respondent No.1 and Shri M.D. Lonkar, learned Advocate for Respondent No.2.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>7.10.2021</p> <p>(sgi)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.)</p> <p>Chairperson</p> <p>7.10.2021</p> </div> </div>

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>O.A. No.694 of 2021</u></p> <p>Dr. (Smt.) Rekha C. Kuwar & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for Respondent No.1 and Shri M.D. Lonkar, learned Advocate for Respondent No.2.</p> <p>2. The applicants who are working as Assistant Professor in R.A. Podar Ayurvedic Medical College, Worli, Mumbai pray that the order dated 16.12.2020 passed by the Respondent-State be quashed and set aside as it adversely effects the seniority of the applicants on account of deemed date.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 17.11.2021. The respondents are directed to file reply.</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. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 7.10.2021 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 7.10.2021</p>

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	<p align="center"><u>C.A. No.22 of 2021 in O.A. No.21 of 2017</u></p> <p>A.A. Pawar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files affidavit in reply. She submits that in this matter one important aspect is to be taken in account as a reason for non-implementation of the order passed by this Tribunal. One important fact of pending DE against Shri Mahesh V. Deshpande-Respondent No.5 has to be taken into account. She submits that this particular fact was informed before this Tribunal while deciding the OA.</p> <p>3. Ld. Advocate for the applicant seeks time to go through the affidavit.</p> <p>4. Shri Mahesh V. Deshpande-Respondent No.5 needs to be made party to this proceeding. Hence, we suo moto add Shri Mahesh V. Deshpande as party respondent no.3 in this CA.</p> <p>5. S.O. to 25.10.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 7.10.2021 (sg)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 7.10.2021</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO.270 OF 2021

DISTRICT : PALGHAR

Mr. Sandip Dhanraj Gaikwad)...**Applicant**
Versus
Maharashtra Public Service Commission & Ors.)...**Respondents**

Mr. S.D. Patil, learned Advocate for the Applicant.

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

CORAM : Justice Ms. Mridula Bhatkar (Chairperson)
Ms. Medha Gadgil, Member (A)

DATE : 07.10.2021

PER : Justice Ms. Mridula Bhatkar (Chairperson)

ORDER

1. The Applicant who is Police Constable aspiring for the post of Police Sub Inspector has cleared the Limited Departmental Examination (LDE) of the year 2016. As per the revised list published by the Maharashtra Public Service Commission (M.P.S.C.) the Applicant stood at serial No.812.

2. The learned Advocate for the Applicant submits that he is beneficiary of the policy of the State and Government Resolution dated 07.03.2021 which is based on the judgment of the Bombay

High Court in ***Writ Petition No.2797/2015, The State Of Maharashtra Versus Shri Vijay Ghogare And Ors decided on 04.08.2017.*** He submits that his case is similarly situated as the judgment of Bombay High Court in case of ***Sudesh R. Kadam Vs. The State of Maharashtra & Ors, Writ Petition No (ST) No. 97384/2020, dated 22nd April, 2021.*** The learned Advocate for the Applicant submits that his case is to be considered as similarly situated as the present.

3. The learned Presenting Officer for the Respondents seeks time to file affidavit-in-reply.
4. The learned Advocate for the Applicant presses for interim relief as his juniors upto the serial No.828 have been sent for training.
5. The Applicant has approached this Tribunal in April, 2021. However due to 2nd wave of COVID 19 pandemic for 1 ½ month the working of the Tribunal and also Mantralaya was affected and so the proper instructions could not be given to the Chief Presenting Office. However, from the month of June 2021 the work is taken regularly and the instructions are also received from the Mantralaya. Till today affidavit-in-reply is not filed and we have granted interim relief to the similarly situated candidates.

6. We rely on the order dated 28.05.2021 passed by this Tribunal in O.A.No.907/2018 wherein paragraph 5 to 7 reads as below :-

"5. In Sudesh R. Kadam's case, W.P (S) No. 97384/2020, dated 22.4.2021, the Bombay Hon'ble High Court observed as under:-

"2. Inasmuch the aforesaid aspect is not in dispute, without prejudice to the rights and contentions of the parties and on the statement of learned counsel for the Petitioner, that the Petitioner would not claim any equities or seniority, we direct the Respondents to permit the Petitioner to undergo the training by including him in the list of candidates for training (batch no. 119) scheduled to go for training from 26th April, 2021."

6. In Akhtar Hashim Shaikh's case, W.P 12319/2019 dated 21.5.2021, the Hon'ble Bombay High Court observed as under:-

"2. The learned advocate for the Petitioners states that the Petitioners are similarly placed and are at par with the Petitioner in Writ Petition (ST) No. 97384 of 2021. Therefore, the Petitioners be included in the training session for the post of Police Sub Inspector in Batch No. 119.

3. The above Writ Petition was before us on 19th May 2021, when the learned AGP sought time on the ground that he has to confirm whether the Petitioners are similarly placed with the Petitioner in Writ Petition (ST) No. 97384/2021. Today, the learned AGP once again seeks time on the same ground. We are not inclined to accede to his request and proceed to pass the following order:-

(i) Respondent no. 1 shall within a period of one week from today ascertain whether the Petitioner are similarly placed with the Petitioner in Writ Petition (ST) No. 97384 of 2021, and if they are found to be similarly placed, they shall be included in the training session for the post of Police Sub Inspector in Batch No. 119, which training is scheduled to commence on and from 21st June, 2021. It is clarified that all rights and contentions of the parties are kept open, in case they are required to be addressed at the time of hearing of the above Writ Petition."

7. Learned counsel for the applicants also relied on the judgment of Hon'ble Supreme Court in State of Uttar Pradesh & Ors. Arvind Kumar Srivastava & Ors, Civil Appeal No. 9849/2014 (arising out of SLP (C) No. 18639/2012) dated 17th October, 2014. Relevant para is reproduced below:-

"23. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under:-

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit.

Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.....

*(2) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like (see **K.C Sharma & Ors Vs. Union of India** (supra). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them, shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”*

7. We make it clear that at present training of PSI has started in August, 2021 and hence we are not aware whether there is vacancy for this candidate. However, it is necessary for the State to verify the case of the Applicant and give its findings whether the applicant is similarly situated.

8. In view of the above, Respondents are directed to verify whether the applicant is found similarly placed at par with the other candidates who are beneficial of the order of the Tribunal dated 28.05.2021 in O.A.No.907/2018, then it is the duty of the Respondents to send the applicant to undergo training with batch 121 or subsequent batch.

9. This exercise should be completed on or before 19.10.2021.

Adjourned for filing affidavit-in-reply to 21.10.2021.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>05.10.2021</u></p> <p align="center"><u>O.A 1033/2015</u></p> <p>T.D Tayade ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.D Rankhambe, learned advocate for the applicant and Smt K.S Gaikwad , learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant seeks time to lay hand over the judgment delivered by the M.A.T, Nagpur Bench in the month of September, 2021, as he submits that it is on the same line.</p> <p>3. Time granted.</p> <p>4. Respondents may file affidavit in reply to the amended O.A on or before 26.10.2021 and copy of the same be given to the learned counsel for the applicant.</p> <p>5. S.O to 16.11.2021.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 07.10.2021</p> <p align="center">O.A. No.768 of 2021</p> <p>J.M. GawaliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged mid-term and mid-tenure transfer order dated 06.09.2021 and prayed for interim relief.</p> <p>3. Learned P.O. sought time to take instructions and to produce record to consider the issue of interim relief.</p> <p>4. S.O. to 11.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 07.10.2021</p> <p align="center">O.A. No.771 of 2021</p> <p>P.D. JainApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant who is presently serving in the cadre of Joint Director, Maharashtra Account and Finance Services is seeking Deemed Date of Promotion w.e.f. 04.07.2014. He has made representation dated 09.04.2019 and matter was accordingly placed before the Establishment Board No.2 but no decision is taken, and therefore, O.A. has been filed since the Applicant claim to be due for further promotion on the post of Director.</p> <p>3. Perusal of record reveals that the meeting of Establishment Board No.2 was convened on 29.07.2021 as seen from the page 104 of paper book but it seems to have been adjourned.</p> <p>4. Learned P.O. on instruction from Mr. Tanaji R. Pawar, Under Secretary, Finance Department states that the issue is under consideration of Establishment Board No.2 and appropriate decision will be taken soon. She has requested for three weeks time.</p> <p>5. Since, no decision is taken by the competent authority and matter is already under consideration, this O.A. can be disposed of at the state of admission without issuing further notices. Indeed, private notices are already served upon the Respondents. [P.T.O.]</p>

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

Tribunal's orders

6. In view of above, O.A. is disposed of with direction to the Respondents to take appropriate decision about the claim of the Deemed Date of Promotion of the Applicant within two weeks from today and decision as the case may be shall be communicated to the Applicant within week thereafter.


7. If the Applicant felt aggrieved by the decision he may avail further legal remedy.

8. If the Applicant is found entitled to Deemed Date of Promotion, Respondents may consider the claim for further promotion to the post of Director in accordance to law, eligibility etc.

9. No order as to costs.

10. Steno copy granted.

Sd/-


(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p align="center">O.A.No.604 of 2021</p> <p>P. R. ShelkeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On perusal of Original Application, <i>prima-facie</i>, this O.A. for treating suspension period from 06.10.2012 to 05.06.2014 as a duty period is premature since admittedly the D.E. for the said alleged mis-conduct for which the Applicant was suspended is now initiated albeit belatedly. Thus, where D.E., even if it is initiated belatedly is pending, the question of treating the suspension period as a duty period would not survive.</p> <p>3. However, learned Counsel for the Applicant sought one week time to satisfy the Tribunal that O.A. is maintainable.</p> <p>4. S.O. to 11.10.2021.</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: 07.10.2021</p> <p align="center">O.A. No.50 of 2019</p> <p>V.T. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Vaibhav A. Sugdare, learned Advocate holding for Shri A.D. Sugdare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri Vaibhav A. Sugdare submits that the matter is seen handled by Advocate Shri A.D. Sugdare and requested for adjournment.</p> <p>3. S.O. to 29.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 07.10.2021</p> <p align="center">O.A. No.1231 of 2019</p> <p>L.G. Lonkar P.R. Vanjari & OrsApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. This O.A. be kept for Final Hearing along with connected O.A. No.1000/18.</p> <p>4. S.O. to 13.10.2021.</p> <p align="right">Sd/- ✓ (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 07.10.2021</p> <p align="center">O.A. No.606 of 2021</p> <p>P.P. DoiphodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. Smt. K.S. Gaikwad submits that this matter is been^{being} handled by C.P.O. and due to sickness she is on leave, and therefore, requested for adjournment.</p> <p>3. S.O. to 25.10.2021.</p> <p align="right">^ Sd/- v (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date : 07.10.2021</p> <p align="center">O.A.No.602 of 2020</p> <p>S. B. ShindeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad , learned Presenting Officer for the Respondents is present. 2. The Applicant has challenged the order of punishment of withholding of increment for two years with cumulative effect. 3. Perusal of record reveals that the Applicant and his Advocate are not attending the matter regularly and seems not interested in the matter. 4. In view of absence of Applicant and his Advocate, Original Applications is dismissed in default with no order as to costs. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 07.10.2021</p> <p align="center">O.A.No.560 of 2021</p> <p>R. M. ChajchidakApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondent Nos.3 & 5 and Shri R. Anbhule, learned Counsel for Respondent Nos.1, 2 & 4 are present.</p> <p>2. Today, learned Counsel for the Respondent Nos.1, 2 & 4 has filed Affidavit-in-Reply. It is taken on record.</p> <p>3. On request of learned P.O., two weeks time is granted for filing reply on behalf of remaining Respondents.</p> <p>4. S.O. to 22.10.2021.</p> <p align="right">Sd/- v (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 : 07.10.2021</p> <p style="text-align: center;">O. A. Nos.1237, 1238, 1239, 1240 & 1241 of 2019</p> <p>C. G. Patil & Ors. Dr. G. B. Taware & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicants and their Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. These group of O.As are kept for hearing with another group of O.A. O.A.No.1037, 1039, 1040, 1041 & 1042 of 2019 which is filed by Smt. Punam Mahajan, learned Counsel for the Applicants.</p> <p>3. Ms Asawari Ghate holding for Smt. Mahajan, learned Counsel for the Applicant sought adjournment on the ground that due to personal difficulty Smt. Mahajan is unable to remain present.</p> <p>4. S.O. to 20.10.2021 for final hearing.</p> <p style="text-align: right; margin-right: 100px;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;">Date: 07.10.2021</p> <p style="text-align: center;">O.A. No.901 of 2019 with O.A. No.902 of 2019 with O.A. No.1010 of 2019 with O.A. No.1011 of 2019 with O.A. No.137 of 2020 with O.A. No.293 of 2019 with O.A. No.09 of 2020</p> <p>R.S. Palkar M.W. Bhogan A.G. Bhat A.B. Sawant R.A. Khedekar D.R. Dhumal S.L. GholapApplicant</p> <p>Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Vaibhav A. Sugdare, learned Advocate holding for Shri A.D. Sugdare, learned Advocate for the Applicant in O.A. No.901/19, O.A. No.902/19, O.A. No.1010/19, O.A. No.1011/19 & O.A. No.137/2020, Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant in O.A. No.293/19 and Shri K.R. Jagdale, learned Advocate for the Applicant in O.A. No.09/2020 and Smt Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that the matter is ^{being} been handed by C.P.O. and due to sickness she is unable to attend the Tribunal from last week. She further submits that file is under process in Law & Judicial Department for opinion about filing S.L.P.</p> <p>3. However, learned Advocates for the Applicants submits that O.A. needs to be heard immediately since the judgment delivered by this Tribunal in similar situated matter is already upheld by Hon'ble High Court and there is no need to wait for more time. They further submits that the decision if rendered in favour of the Applicant that may be passed subject to decision of Hon'ble Supreme Court in S.L.P. This submission is quite fair since all these O.As. are pending for a long time. Therefore, O.A. needs to be heard on merit.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="777 458 1517 677">4. Learned P.O. sought short time stating that she will take instructions from C.P.O. and will argue the matter on next date without fail. Her statement is accepted with specific direction that no further time will be granted and matter will be heard without fail.</p> <p data-bbox="777 729 1119 762">5. S.O. to 18.10.2021.</p> <p data-bbox="1235 783 1298 834">Sd/-</p> <p data-bbox="1163 899 1367 976">(A.P. Kurhekar) Member (J)</p> <p data-bbox="777 1014 821 1038">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p style="text-align: right;">O.A.No.762 of 2021</p> <p>K. J. PatkiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A V. Bandiwadekar, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondent and Shri M. D. Lonkar, learned Counsel for Respondent No.2. 2. The Applicant has challenged the transfer order dated 07.05.2021 whereby he is transferred from the post of Forester, Chiplun, Dist. Ratnagiri to Forester, Social Forestry, Dapoli, Vanpariskhetra Khed, Dist. Ratnagiri and the Respondent No.2 is posted in his place earlier by order dated 05.05.2021. 3. Learned Counsel for the Respondent No.2 states that his client is already taken charge of his post. 4. In view of above, no case is made out for grant of interim relief. 5. Issue notice before admission returnable on 29.10.2021. 6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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.. 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. Applicant is directed to file Affidavit of compliance and notice. 10. 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. 11. S.O. to 29.10.2021. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p style="text-align: center;">O.A.No.243 of 2021</p> <p>A. P. SansareApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M. S. Wasif, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. In view of the order passed in M.A.N.396 & 397/2021 today, the order dated 24.08.2021 is recalled. 3. O.A. is restored in the file. 4. Issue notice before admission returnable on 15.11.2021. 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 O.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, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 10. S.O. to 15.11.2021. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p style="text-align: center;">M.A.No.396 of 2021 in M.A. No.397 of 2021 in O.A.No.243 of 2021</p> <p>A. P. SansareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. S. Wasif, learned Counsel for the Applicant and Smt. Archana B. K. , learned Presenting Officer for the Respondents.</p> <p>2. In O.A.No.243/2021, the Applicant has challenged the suspension order dated 16.02.2021. O.A. was taken up for admission on 24.08.2021 before the Hon'ble Chairperson. On that day, the Applicant's Counsel was absent. The Tribunal noted that the Applicant is already reinstated in service by order dated 14.06.2021, and therefore, disposed of the O.A.</p> <p>3. Learned Counsel for the Applicant submits that his daughter was admitted in hospital in Pune for one month, therefore, he could not remain present when O.A. was taken up for admission on 24.08.2021. He further submits that the Respondents had no authority to pass the suspension order and he is challenging the legality of suspension order. He, therefore, requested to hear the O.A. on merit.</p> <p>4. On 24.08.2021, the Applicant and his Counsel were absent, and therefore, O.A. was disposed of in view of his reinstatement. The legality of the suspension order is under challenge, and therefore, O.A. has to be decided on merit.</p> <p>5. In view of above, M.A.No.396/2021 for restoration and O.A.No.397/2021 for condonation of delay of six days are allowed.</p> <p>6. Accordingly, M.A.No.396 & 397/2021 are disposed with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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	<p style="text-align: center;">Date : 07.10.2021</p> <p style="text-align: center;">O.A.No.80 of 2021 With O.A. No.81 of 2021</p> <p>Dr. J. K. Pagare Dr. A. R. PatilApplicants</p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri J. S. Deshmukh, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 20.10.2021.</p> <p style="text-align: right; margin-right: 100px;">Sd/- (A.P. Kurhekar) Member(J)</p>

vsm

[P.T.O.]



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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 : 07.10.2021</p> <p align="center">O.A.No.65 of 2020</p> <p>S. P. Kapdne ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. B. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 22.10.2021.</p> <p align="right">Sd/-</p> <p align="right">  (A.P. Kurhekar) Member(J) </p> <p>vsm</p> <p><u>L.O.</u></p> <p>4. Learned P.O. has filed reply on behalf of the Respondent Nos.1, 2 & 3. It is taken on record.</p> <p align="right">Sd/-</p> <p align="right">  (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date : 07.10.2021</p> <p align="center">O.A.No.106 of 2021</p> <p>H P. KateApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. R. Joshi holding for V. V. Joshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 22.10.2021.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p>

vsm

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p align="center">O.A.No.478 of 2021</p> <p>R. M. FulzalkeApplicant</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. Today, learned P.O. has filed reply on behalf of the Respondents. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 20.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p>O.A.No.492 of 2021</p> <p>D. B. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 20.10.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

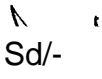

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N _____

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 07.10.2021</p> <p align="center">O.A. No.562 of 2021</p> <p>J.N. ShaikhApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Interim relief to continue till next date.</p> <p>4. O.A. be kept for hearing at the stage of admission.</p> <p>5. S.O. to 28.10.2021.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>


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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 07.10.2021</p> <p align="center">O.A. No.686 of 2021</p> <p>S.V. WaghApplicant Versus 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 Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 22.10.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">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 align="center">Date: 07.10.2021</p> <p align="center">O.A. No.612 of 2021</p> <p>Dr. S.B. BansodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Enough chances are granted for filing Affidavit-in-Reply but no Reply is filed till date. 3. Hence, I am not inclined to grant any further time. 4. O.A. be kept for hearing at the stage of admission without Reply. 5. S.O. to 28.10.2021. <p align="right">A Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>



**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 align="center">Date: 07.10.2021</p> <p align="center">O.A. No.610 of 2021</p> <p>P.B. IngaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. 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 for filing Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 20.10.2021.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p style="text-align: center;">O.A.No.773 of 2021</p> <p>Dr. S. G. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 26.03.2021 whereby his request for deemed date of promotion to the post of Associate Professor w.e.f. 29.06.2006 as against 01.08.2015 is declined. 3. Issue notice before admission returnable on 15.11.2021. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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.. Respondents are put to notice that the case would 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. 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. 8. 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. 9. S.O. to 15.11.2021. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</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 align="center">Date : 07.10.2021</p> <p align="center">M.A. No.90 of 2021 in O.A.No.164 of 2021</p> <p>R. B. Pingle ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present. 2. Shri C.T. Chandratre, learned Counsel is on leave note. 3. In view of leave note of learned Counsel for the Applicant, the matter is adjourned for hearing. 4. SO. To 25.10.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p>M. A. No.264 of 2021 in O.A.No.512 of 2021</p> <p>B. D. ChaubheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. R. Joshi holding for Shri V.V. Joshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. O.A. and M.A. deserve to be decided together. Therefore, the reply of Respondents in O.A. is necessary.</p> <p>3. On request of learned P.O., two weeks time is granted for filing reply in O.A.</p> <p>4. S.O. to 18.10.2021.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p>

vsm

[P.T.O.]

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p style="text-align: center;">O.A.No.759 of 2021</p> <p>R. N. GaikwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the impugned order dated 22.09.2021 whereby he held under deemed suspension w.e.f. 28.03.2011 invoking Rule 4(4) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.</p> <p>3. Perusal of impugned order reveals that while the Applicant was serving as Police Constable, he was convicted in the criminal case vide judgment dated 14.10.2020 for the offence under the provisions of Prevention of Corruption Act. Therefore, he was compulsorily retired w.e.f. 28.03.2011. Later, the Applicant was acquitted in Criminal Appeal No.929/2010 by judgment dated 23.02.2021.</p> <p>4. In view of the acquittal, the Applicant made representation for reinstatement in service.</p> <p>5. However, surprisingly the Respondent No.2 by impugned order dated 22.09.2021 invoking Rule 4(4) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 kept the Applicant in deemed suspension w.e.f. 28.03.2011 in contemplation of D.E.</p> <p>6. When the specific quarry was raised to learned P.O. how such action is permissible invoking Rule 4(4) of Rules 1979, he sought time to take instructions.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. <i>Prima-facie</i>, the action of suspension at this juncture seems not permissible and O.A. needs to be decided expeditiously.</p> <p>8. Issue notice before admission returnable on 22.10.2021</p> <p>9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>10. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>11. 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>12. 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>13. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>14. S.O. to 22.10.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.10.2021</p> <p style="text-align: center;">O.A.No.739 of 2021</p> <p>D. B. SulApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 19.08.2021 whereby he is transferred mid-term and mid-tenure from Police Station Karmbak, Dist. Solapur to Police Station, velapur, Dist. Solapur <i>inter-alia</i> contending that he is subjected to mid-tenure before completion of normal tenure. 3. Learned Counsel for the Applicant prayed for interim relief. 4. However, he fairly concedes that the Applicant has been already relieved and joined at Velapur. Therefore, he requested to expedite the O.A. 5. Whereas, learned P.O. submits that it is in view of recommendations of PEB, the Applicant is transferred. However, perusal of impugned order dated 19.08.2021 does not seem to have passed under Section 22N(2) of Maharashtra Police Act. 6. In view of above, O.A. deserves to be expedited since the issue involved is very small. 7. Issue notice before admission returnable on 22.10.2021. 8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. [P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>13. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>14. S.O. to 22.10.2021</p> <p>15. Learned P.O. is directed to ensure filing of reply by next date.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>