

**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 : 07.12.2021</p> <p align="center"><u>O.A.No.232 of 2021</u></p> <p>C.S. KhoseApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The officers Mr. Sachin Sahatrabuddha, Under Secretary, Urban Development Department and Ms. Pratibha Patil, (D.E.) Under Secretary, Urban Development Department are present for instructions.</p> <p>3. If the affidavit along with all the required Government Resolutions and the judgments of the Hon'ble Supreme Court and Hon'ble High Court are not filed the said Department will be saddled with costs and the said costs will be given to the Applicant.</p> <p>4. After going through the short affidavit it is found that the report of the enquiry is submitted by enquiry officer to Urban Development Department on 07.09.2021 (page 94). Since last 3 months the disciplinary authority has not taken the decision on those. This is inordinate delay. <u>This decision is to be taken till 04.01.2022.</u></p> <p>5. Adjourned to 04.01.2022 (F.O.B.)</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p align="center">prk [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 : 07.12.2021</p> <p><u>O.A.No.774 of 2013 with O.A.No.621 of 2015</u></p> <p>S.B. Koravi ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mr. V.B. Joshi, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Advocate for the Respondents.</p> <p>2. Today suo moto taken on record. The matter is reserved for judgment. However, it is necessary to take on record no objection given by learned Advocate and learned C.P.O. in this matter. However it was not recorded. The said no objection given orally in the beginning of the matter due to over-site remained to be recorded by us. However it is necessary for the sake of record to note it as follows :-</p> <p>One of the Members of the Bench Ms. Medha Gadgil, Member (A) was the Additional Chief Secretary, in the Home Department for the period from September, 2009 to July, 2014 and this matter pertaining to Wireless Department coming under the Home Department, she has signed Recruitment Rules of 2012.</p> <p>3. Therefore it was made clear to the learned Counsel for the Applicant and learned C.P.O. The learned Counsel Mr. Joshi has submitted that he is not challenging the Rules of 2012 in the present matter, hence both, learned Advocate and learned C.P.O. have expressed that they have no objection if the matter is heard and decided by the present Division Bench, so by consent the matter is heard.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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	<p align="center">Date: 07.12.2021</p> <p align="center">O.A. No.797 of 2020</p> <p>R.V. SolankheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record.</p> <p>3. S.O. to 09.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

[P.T.O.]

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	<p align="center">Date: 07.12.2021</p> <p align="center">O.A. No.735 of 2021</p> <p>J.K. MazgaonkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondents and Shri K.R. Jagdale, learned Advocate for the Respondent No.2.</p> <p>2. In this P.H. matter today learned P.O. has filed additional short Affidavit along with minutes of C.S.B. It is taken on record.</p> <p>3. Arguments heard partly.</p> <p>4. S.O. to 14.12.2021, for hearing with connected matters.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 07.12.2021</p> <p align="center">M.A. No.469 of 2021 in O.A.No.857 of 2021</p> <p>L. P. Gaikwad & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. P. S. Jadhav, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.</p> <p>5. M.A.No.469 /2021 is allowed.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 07.12.2021</p> <p style="text-align: center;">M.A. No.470 of 2021 in O.A.No.857 of 2021</p> <p>L. P. Gaikwad & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P. S. Jadhav, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This is an application for condonation of delay calculated as eight months caused in filing O.A. challenging the order dated 30.01.2020 thereby denying claim of the Applicant for appointment on compassionate ground. 3. Issue notice before admission returnable on 11.01.2021. 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 M.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, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 9. S.O. to 11.01.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 07.12.2021</p> <p align="center">O.A.No.766 of 2021</p> <p>S. A. AnantkawalasApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Asawari Ghate holding for Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The perusal of O.A. reveals that the Applicant is subjected to suspension for more than one year.</p> <p>3. Learned Counsel for the Applicant submits that till date neither charge-sheet is filed in criminal case nor D.E. is initiated.</p> <p>4. The Respondent has not filed reply though enough time is granted.</p> <p>5. When learned P.O. is asked about review of suspension, on instructions she submits that review will be taken within two weeks.</p> <p>6. Learned P.O. should apprise the Tribunal about the decision of review by next date without fail or should file reply on merit.</p> <p>7. S.O. to 23.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 07.12.2021</p> <p style="text-align: center;">O.A.No.978 of 2021</p> <p>R. R. JirepatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Indeed, earlier in O.A.No.230/2021 the Tribunal has given directions by order dated 29.07.2021 directing Respondents to decide the representation dated 29.07.2021 within two months from the date of order in accordance to rules and also to continue provisional pension with arrears within a months. If there is no compliance of the order passed by the Tribunal, the remedy was to file Contempt Application. The Applicant in fact already given notice of contempt of the order passed by the Tribunal. Instead of filing Contempt Application, he has again filed this O.A.</p> <p>3. Material to note that by order dated 29.07.2021, Respondent No.1 was directed to decide the representation. Respondent No.2- Divisional Joint Registrar has already forwarded the proposal to the Government on 03.08.2021 being Government as a competent authority. As such, in terms of order passed by this Tribunal, the decision ought to have been taken within stipulated period given by the Tribunal but no such decision is taken and secondly provisional pension is also not paid for last fourteen months.</p> <p>4. In view of above, issue notice to Respondent No.1 as to why <i>suo-motu</i> cognizance of contempt of order passed by the Tribunal should not be taken and as to why further proceeding for contempt of order of the Tribunal should not be referred to Division Bench for appropriate action.</p> <p>5. S.O. to 22.12.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 07.12.2021</p> <p>O.A.No.977 of 2021</p> <p>L. Y.BhagleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This is second round of litigation wherein Applicant is in fact claiming execution of the order passed by the Tribunal. In first round of litigation i.e. in O.A.No.454/2020 which was disposed of on 30.07.2021 by certain directions. 3. As per the directions, pending D.E. was directed to be completed including passing final order therein within six weeks and further directions were given to release retiral benefits subject to decision in D.E. within a month from the date of final decision in D.E. 4. However, there is no compliance of directions given by the Tribunal except payment of GPF and GIS. The provisional pension is also not paid after May-2019 which was directed to be paid regularly. 5. D.E. is completed by passing final order dated 13.10.2021 thereby imposing punishment of withholding of one increment with cumulative effect. 6. As such, the directions given by the Tribunal in order dated 30.07.2021 are not complied with as per directions. Thus, the Respondents seem to have no regard to the order passed by the Tribunal. 7. Indeed, the Applicant ought to have filed Contempt Petition in which contempt and its implication could have been dealt with in appropriate manner. 8. Be that as it may, in view of disobedience of the order of the Tribunal, it would be appropriate to take cognizance of the same <i>suo-motu</i> and to initiate contempt proceeding against the Respondents. 9. However, at this stage, learned P.O. requested for seven days time with assurance that within this time necessary steps will be taken to release remaining retiral benefits of the Applicant. 10. In view of request of learned P.O., one week time is granted to take necessary steps failing to which further action for contempt of order of the Tribunal would be initiated. 11. S.O. to 15.12.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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	<p align="center">Date: 07.12.2021</p> <p align="center">O.A. No.405 of 2021</p> <p>A.P. AndhereApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Shri A.J. Chougule, 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. S.O. to 07.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 07.12.2021</p> <p align="center">O.A. No.710 of 2021</p> <p>V.A. WaghmodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 20.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 07.12.2021</p> <p align="center">O.A. No.608 of 2021</p> <p>R.G. MoreApplicant 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, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri D.B. Khaire, learned Advocate for the Respondent No.3.</p> <p>2. Shri D.B. Khaire, learned Advocate for the Respondent No.3 has filed Affidavit-in-Reply on behalf of Respondent No.3. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission with connected matters.</p> <p>4. S.O. to 14.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

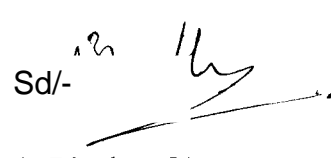
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	<p align="center"><u>M.A. No.542 of 2021 in O.A. No.335 of 2021</u></p> <p>S.A. Kulkarni & 50 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicants have filed this MA for adding Superintending Engineer, National Highway Circle, Pune as per Annexure-M1 to MA as party Respondent No.5 in the above OA.</p> <p>3. Ld. CPO submits to the order of the Court.</p> <p>4. MA is allowed. Amendment be carried out and amended copy be served on all concerned.</p> <p>5. OA adjourned to 18.1.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 7.12.2021 (sgj)</p> <p align="center">Sd/-  (Mridula Bhatkar. J.) Chairperson 7.12.2021</p>

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	<p align="center"><u>O.A. No.740 of 2021</u></p> <p>N.L. Dhawal & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri Sandeep Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid. Ld. Advocate submits that this matter may be tagged with OA No.488/2021 which is adjourned ton 17.12.2021.</p> <p>3. Issue notice before admission returnable on 17.12.2021. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.)</p> <p align="center">Member (A) Chairperson</p> <p align="center">7.12.2021 7.12.2021</p> <p>(sgj)</p>

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	<p align="center"><u>M.A. No.331 of 2021 in O.A. No.677 of 2021</u></p> <p>S.U. Ahire & 81 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Sandeep Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</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> <p align="center">Sd/- (Medha Gadgil) Member (A) 7.12.2021 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 7.12.2021</p>

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	<p align="center"><u>O.A. No.456 of 2021</u></p> <p>D.S. Dahifale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 15.2.2022 for final hearing with liberty to file rejoinder.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 7.12.2021 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 7.12.2021</p>


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	<p align="center"><u>O.A. No.315 of 2021</u></p> <p>V.V. Pote & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant files affidavit in rejoinder.</p> <p>3. Admit.</p> <p>4. Place the above matter for final hearing on 2.2.2022.</p> <p align="center">Sd/- _____ Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 7.12.2021 7.12.2021</p> <p>(sgj)</p>

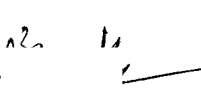
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	<p>Date : 07.12.2021</p> <p align="center">O.A.No.614 of 2014 with O.A.No.938 of 2016</p> <p>D.E. Hirde (O.A.614/2014) V.V. Chavan & 3 Ors. (O.A.938/2016)Applicants</p> <p align="center">Vs.</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Surbhi Agarwal, learned Advocate holding for Mr. A.A. Desai, learned Advocate for the Applicant in O.A.614/2014, Mr. S.S. Dere, learned Advocate for the Applicant in O.A.No.938/2016, Mr. C.T. Chandratre, learned Advocate for the Respondent No.4 and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate Ms. Surbhi Agarwal adjourned to 20.12.2021.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.12.2021</p> <p>C.A.No.49 of 2021 in O.A.No.652 of 2021</p> <p>J.M. KawadeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Savita Suryawanshi, learned Advocate holding for Mr. V.V. Joshi, learned Advocate for the Applicants and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This is the first date of this C.A. The order passed by this Tribunal dated 20.10.2021 in O.A.No.652/2021 wherein the Tribunal has directed the Respondents to repost the applicant on the post from which she was transferred from within two weeks from the said date. Thus, the order should have been complied within two weeks from 20.10.2021.</p> <p>3. We are informed by the learned Advocate that the Respondents had moved the application for extension of time on 09.11.2021. The said Bench rejected the application on 23.11.2021. Till today the order is not complied with hence this C.A. is moved. The learned Advocate submits that the applicant is previously given legal notice on 08.11.2021. It appears from the record that notice dated 08.11.2021 which is given to,</p> <p>(i) Manukumar Shrivastav, IAS, Secretary, Forest (Revenue & Forest Department). (ii) Mr. Vikas Kharage, IAS, Secretary, Forest (Revenue and Forest Department). (iii) Mr. Saurabh Rao, IAS, the Divisional Commissioner, Poona Club Amphitheater. (iv) Mr. Rajesh Deshmukh, IAS, Collector, Collector Office, (Revenue Branch).</p> <p>4. It is made clear to the Applicant to verify whether the notice of contempt given is to the right person.</p> <p>5. Under such circumstances as the contempt is the matter pertaining to the Tribunal itself, we call upon the Respondents in O.A. to state the names of the persons who are the responsible to execute the order of the Tribunal.</p> <p>6. Adjourned to 09.12.2021.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 07.12.2021</p> <p align="center"><u>O.A.No.448 of 2019</u></p> <p>H.P. Jaykar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate holding for Mr. A.A. Desai, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate suo moto taken on record. The learned Advocate Mr. K.R. Jagdale submits that the matter is shown on tomorrow's board i.e. on 08.12.2021. However, it is to be fixed on 09.12.2021.</p> <p>3. At the request of learned Advocate matter is adjourned to 09.12.2021.</p> <p align="center">Sd/- (Medha/Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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"><u>O.A. No.664 of 2021.</u></p> <p>B.Y. Hegade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO files reply on behalf of respondents no.1 & 3 and the same is taken on record.</p> <p>3. S.O. to 11.1.2022 for filing rejoinder.</p> <p align="center"> Sd/- (Medha Gadgil) Member (A) 7.12.2021 (sgj) </p> <p align="center"> Sd/- (Mridula Bhatkar, J.) Chairperson 7.12.2021 </p>

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

Tribunal's orders

Date : 07.12.2021

O.A.No.756 of 2020 with O.A.No.755 of 2020

M.R. Sawant & Ors. (O.A.756/2020)

A.P. Sonawane & Ors. (O.A.755/2020)

....Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In this matter it is necessary to record that in the beginning when the matter was opened it was found that Member (A), Ms. Medha Gadgil during the period when she was working as Principal Secretary, Public Health Department has handled the said files. Thus, in view of the same, she has recused. There is no another Member (A) available in the Mumbai. However, by consent of both the parties the matter to proceed before Chairperson sitting singly.

3. The learned Advocate for the Applicant has placed reliance on the judgment dated 23.06.1999 passed by Justice Mr. A.P. Shah, **O.O.C.J Writ Petition No.1182/1999, Sarva Mazdoor Sangh Versus The Superintendent, J.J. Hospital.** The learned Advocate has further handed over some record of Industrial Courts to the learned C.P.O.

4. Matter adjourned at the request of learned C.P.O. to 17.12.2021 at 2.30 p.m. However, the learned C.P.O. further submits that in respect of the query of the Tribunal and thereafter the matter by consent is fixed on 21.12.2021 at 12.30 p.m.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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 style="text-align: center;"><u>M.A. No.526 of 2021 in O.A. No.212 of 2021</u></p> <p>Vishwanath G. Davari Since deceased by his legal representatives Smt. Vandana V. Davari & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle holding for Shri R.M. Kolge, learned Advocate for the Applicants, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1, 3 & 4 and Shri Gajanan N. Kukde holding for Shri M.V. Thorat, learned Advocate for Respondent No.2.</p> <p>2. Ld. Advocate for the applicants state that Shri Vishwanath Govind Davari-original applicant has expired on 21.8.2021 leaving behind applicants no.1 (a) and (b) as his heirs and legal representatives. Ld. Advocate prays that applicants no.1 (a) and (b) may be brought on record as the heirs and legal representatives of deceased original applicant and title of OA may be amended accordingly.</p> <p>3. MA is allowed. Amendment be carried out within one week and amended copy be served on all concerned.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>7.12.2021</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>7.12.2021</p> </div> </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.960 of 2021</u></p> <p>S.S.A.N. Ali ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 6.1.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 7.12.2021 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 7.12.2021</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: 07.12.2021</p> <p align="center">O.A. No.616 of 2021</p> <p>V.L. GadadaApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate along with Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri C.T. Chandratre, learned Advocate for the Respondent Nos.3 & 4.</p> <p>2. In this P.H. matter, today learned Advocate for the Applicant has sought permission to file Additional Rejoinder on behalf of the Applicant to counter the issue of approval of Civil Service Board (C.S.B.) minutes which are filed by Respondents on previous date. In the interest of justice, allowed to file. It is taken on record.</p> <p>3. On previous date one week time was granted to learned P.O. to take instructions about the issuance of notification under Section 7 of Transfer Act 2005, which was raised during the course of hearing. She was to file Affidavit along with Annexure today.</p> <p>4. However, she requested for one week time.</p> <p>5. S.O. to 14.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="right">[PTO.]</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 align="center">Date: 07.12.2021</p> <p align="center">M.A. No.555 of 2021 in O.A. No.732 of 2021</p> <p>D.P. PradhanApplicant Versus 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, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri Arvind V. Bandiwadekar learned Advocate for the Applicant in O.A.</p> <p>2. This M.A. is filed by Respondent No.2 for vacating interim relief order passed by the Tribunal on 28.09.2021.</p> <p>3. Matter is fixed on 16.12.2021 for Reply of Respondents.</p> <p>4. In view of above, this M.A. be also kept on 16.12.2021 for Reply of Respondents.</p> <p>5. S.O. to 16.12.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p> <p align="right">[P.T.O.]</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: 07.12.2021</p> <p align="center">M.A. No.447 of 2021 in O.A. No.795 of 2021</p> <p>Kamal NirbhavaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2 in M.A. as well as O.A. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 06.01.2022.</p> <p 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 align="center">Date: 07.12.2021</p> <p align="center">O.A. No.719 of 2021</p> <p>U.S. SorateApplicant 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. 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. 22.12.2021.</p> <p 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 align="center">Date: 07.12.2021</p> <p align="center">O.A. No.671 of 2021</p> <p>A.R. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Ganesh Masurkar, learned Advocate holding for Shri C.T. Chandratre, 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 as last chance.</p> <p>3. S.O. 22.12.2021.</p> <p 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 align="center">Date: 07.12.2021</p> <p align="center">O.A. No.752 of 2021</p> <p>R.J. BhosaleApplicant 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. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 20.12.2021.</p> <p 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 align="center">Date: 07.12.2021</p> <p align="center">O.A. No.786 of 2021 with O.A. No.787 of 2021 with O.A. No.788 of 2021</p> <p>J.B. Jadhav S.B. Kamat S.L. BhoreApplicant 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. Archana B.K. & 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. 23.12.2021.</p> <p 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 align="center">Date: 07.12.2021</p> <p align="center">O.A. No.822 of 2021</p> <p>R.N. RathodApplicant 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. 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. 23.12.2021.</p> <p 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: 07.12.2021</p> <p align="center">O.A. No.243 of 2021</p> <p>A.P. SansareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.S. Wasif, 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 for filing Affidavit-in-Reply as most last chance.</p> <p>3. S.O. 22.12.2021.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

[P.T.O.]

**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: 07.12.2021</p> <p align="center">O.A. No.1227 of 2019</p> <p>H.S. KhudeApplicant 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 Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. O.A. is filed for challenging punishment of stoppage of increment.</p> <p>4. Since pleading is complete, O.A. be kept for Final Hearing.</p> <p>5. S.O. to 04.01.2022.</p> <p 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 align="center">Date: 07.12.2021</p> <p align="center">O.A. No.959 of 2021</p> <p>V.N. VadakeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Ms. Punam Mahajan, learned for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant who retired from service in 2016 has challenged order dated 28.10.2021 whereby sum of Rs.1,46,242/- (One Lakh Forty Six Thousand Two Hundred and Forty Two Only) is sought to be recovered on ground of excess payment made to him during the course of service from 2006 onwards. The Applicant has also prayed for stay to the recovery.</p> <p>3. <i>Prima-facie</i>, impugned order of Rs.1,46,242/- (One Lakh Forty Six Thousand Two Hundred and Forty Two Only) is issued after four years from his retirement and in view of the decision of Hon'ble Supreme Court in (2015) 4 SCC 334 (State of Punjab and others Vs. Rafiq Masih (White Washer)) case recovery seems not permissible.</p> <p>4. In view of above, interim relief as prayed for in clause No.10 (b) is granted.</p> <p>5. Issue notice before admission returnable on 21.12.2021.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</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

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 Original Application. 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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. S.O. to 21.12.2021.

Sd/-

W

(A.P. Kurhekar)
Member (J)

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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>Date: 07.12.2021</p> <p style="text-align: center;">O.A. No.962 of 2021 with M.A. No.544 of 2021</p> <p>S.M. KalkateApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. P.H. Hendre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for Condonation of delay of 1 year and 2 months. However perusal of O.A. reveals that the Applicant's claim is based on letter dated 18.09.2008. As such, he is approaching the Tribunal quite belatedly.</p> <p>3. In M.A. delay is shown 1 year and 2 months which is counted from 21.08.2019 which is letter issued by the Tribunal on the basis of one decision rendered by the Tribunal. Thus <i>prima-facie</i> delay calculated in M.A. seems incorrect.</p> <p>4. Issue notice before admission returnable on 11.01.2022.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p style="text-align: right;">[P.T.O.]</p>

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

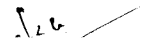
Tribunal's orders

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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. S.O. to 11.01.2022.


Sd/-

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(A.P. Kurhekar)
Member (J)

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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">Date: 07.12.2021</p> <p align="center">M.A. No.558 of 2021 in M.A. No.539 of 2021 in O.A. No.896 of 2019</p> <p>S.P. BidarkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V.S. Undre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This M.As are filed for Condonation of delay and restoration of O.A. which was dismissed in default by order dated 16.09.2021.</p> <p>3. The learned Advocate for the Applicant submits that he is from Aurangabad and could not remain present before this Tribunal on 16.09.2021. He therefore prayed for restoration of O.A. so as to decide it own merit.</p> <p>4. In the interest of justice both the M.As are allowed and O.A. is restored to the file, subject to the cost of Rs.2,000/- as condition precedent, to be payable within 7 days in the Office.</p> <p>5. If cost is paid within 7 days as directed above, O.A. be allowed before the Tribunal on immediately next date.</p> <p>6. Learned Advocate for the Applicant, submits that he is depositing cost today itself and fix date be given in O.A.</p> <p align="right">[P.T.O.]</p>

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

7. Since, Reply is already filed in O.A., matter is kept for hearing at the stage of admission.

8. On request of learned Advocate for the Applicant adjourned to 06.01.2022.

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Sd/-

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(A.P. Kurhekar)
Member (J)

NMN

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: 07.12.2021</p> <p style="text-align: center;">M.A. No.513 of 2021 in O.A. No.383 of 2021 with M.A. No.514 of 2021 in O.A. No.385 of 2021 with M.A. No.515 of 2021 in M.A. No.207 of 2021 in O.A. No.393 of 2021 with M.A. No.516 of 2021 in O.A. No.434 of 2021 with M.A. No.517 of 2021 in M.A. No.229 of 2021 in O.A. No.440 of 2021 with M.A. No.518 of 2021 in M.A. No.230 of 2021 in O.A. No.441 of 2021 with M.A. No.519 of 2021 in M.A. No.235 of 2021 in O.A. No.445 of 2021 with M.A. No.520 of 2021 in M.A. No.236 of 2021 in O.A. No.446 of 2021 with M.A. No.545 of 2021 in M.A. No.205 of 2021 in O.A. No.391 of 2021 with M.A. No.546 of 2021 in O.A. No.386 of 2021</p> <p>G.J. Mhatre G.V. Sawant R.D. Sawant & Ors. M.L. Langi N.N. Kadam & Ors. V.B. Chafekar & Ors. S.N. Rane & Ors. S.S. Salunkhe & Ors. S.S. Dixit & Ors. S.S. ManjrekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant, Smt. K.S. Gaikwad, Smt. Archana B.K., Shri A.J. Chougule learned Presenting Officer for the Respondents and Ms. S.P. Manchekar learned Chief Presenting Officer for the Respondents.</p> <p>2. This M.As are for Condonation of delay, filed in O.As challenging order of recovery on ground of wrong fixation. [P.T.O.]</p>

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

3. Issue notice before admission returnable on 11.01.2022.
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 Original Application. 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 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
9. S.O. to 11.01.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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