

**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: 08.03.2022</p> <p align="center">O.A. No.582 of 2021</p> <p>R.S. BhasagiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, 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-Sur Rejoinder on behalf of Respondent Nos.2, 3 and 4. It is taken on record. It be taken on record.</p> <p>3. S.O. to 14.03.2022.</p> <p align="right">Sd/- ✓ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 08.03.2022</p> <p>O.A. No.741 of 2021</p> <p>C.P. YelveApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief 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 31.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 08.03.2022</p> <p align="center">O.A. No.102 of 2020</p> <p>S.H. ShaikhApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Applicant and his Advocate both are absent.</p> <p>2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present.</p> <p>3. Adjourned to 30.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 08.03.2022</p> <p>O.A. No.21 of 2020</p> <p>D.G. HingeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant matter is adjourned for Final Hearing.</p> <p>3. S.O. to 22.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>



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	<p>Date: 08.03.2022</p> <p align="center">O.A. No.1046 of 2019</p> <p>S.P. BhaveApplicant 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. Learned P.O. submits that matter is being handled by Smt. K.S. Gaikwad, learned P.O. but she is unable to remain present due to personal difficulties and requested for adjournment.</p> <p>3. S.O. to 17.03.2022.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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	<p>Date: 08.03.2022</p> <p align="center">O.A. No.928 of 2019 with O.A. No.937 of 2019</p> <p>S.A. DhamaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply with copy of deposition will be filed during the course of the day or by tomorrow. Statement is accepted. It be taken on record.</p> <p>3. S.O. to 22.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 08.03.2022</p> <p align="center">O.A. No.599 of 2021 with O.A. No.600 of 2021</p> <p>A.T. Chowdhar P.L. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. sought permission to file Affidavit-in-Reply on behalf of Respondent No.2. Since, matter is already proceeded without Reply on previous date.</p> <p>3. In the interest of justice allowed to file Affidavit-in-Reply. It is taken on record.</p> <p>4. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>5. S.O. to 21.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 08.03.2022</p> <p align="center">O.A. No.548 of 2021</p> <p>I.G. ChappalwarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Karan Gajara, learned Advocate holding for Shri A.A. Desai, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. sought permission to file Affidavit-in-Reply on behalf of Respondent No.2. Since, matter is already proceeded without Reply.</p> <p>3. In the interest of justice allowed to file Affidavit-in-Reply. It is taken on record.</p> <p>4. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>5. S.O. to 30.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 08.03.2022</p> <p>O.A. No.1000 of 2018 with 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 A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that matter is being handled by Smt. K.S. Gaikwad, learned P.O. but due to personal difficulties she is unable to remain present and requested to adjourn the matter.</p> <p>3. Perusal of order dated 22.12.2021 passed by this Tribunal reveals that direction were given to learned P.O. to take instructions from the Government ^{oboy} on the decision of proposal made by the Department and to file Reply, if any, on behalf of Respondent No.1 by next date.</p> <p>4. However, till date no Reply is filed on behalf of Respondent No.1 – Government.</p> <p>5. On request of learned P.O. adjourned to facilitate her to take instructions from the Department and to argue the matter.</p> <p>6. S.O. to 15.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: right;">[PTO.]</p>

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	<p>Date: 08.03.2022</p> <p align="center">O.A. No.900 of 2021 with M.A. No.504 of 2021</p> <p>B.R. GirmeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.S. Kadam, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged orders dated 08.10.2021, 11.10.2021 and 12.10.2021 whereby he is absorbed in Zilla Parishad school sitting G.R. dated 15.09.2020.</p> <p>3. It appears that the school where the Applicant was serving (Government School) was closed for want of students, and therefore by G.R. dated 15.09.2020 decision was taken to absorb / accommodate surplus teachers on equivalent post. The Applicant was appointed as Teacher in Government school and certificate of permanency has been issued. He has completed more than 30 years of service. Respondents, however by impugned order allotted his service to Z.P., Pune.</p> <p>4. The Applicant grievance is that he ought to have been allotted for absorption on equivalent post with same service conditions. But he is allotted to Z.P. school which is to his disadvantage in the terms of some service benefit which he was getting in Government School.</p> <p>5. Learned Advocate for the Applicant has pointed out that as per Section 242 of Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 there could not be such allotment from the State Government servant services to Z.P. services after expiry of 12 years</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>from the appointed date. In this behalf he placed reliance on decision of <i>Hon'ble Bombay High Court AIR 1967 Bombay 492 P.V. Naik v/s. State of Maharashtra.</i></p> <p>6. Perusal of Reply filed by the office of Deputy Director of Education reveals that the action is taken in terms of G.R. dated 15.09.2020 which in fact provides for allotments on absorption of equivalent post meaning thereby protecting of service conditions. In Reply there is no whisper about bar imposed by Section 242 of Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.</p> <p>7. At this juncture when the matter was being heard, learned P.O. sought permission to take instructions from Respondents to explain how the order is valid in view of bar imposed by Section 242 of Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.</p> <p>8. S.O. to 10.03.2022.</p> <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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
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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 : 04.03.2022</p> <p style="text-align: center;">O.A.No.52 of 2022</p> <p>D. S. BandalApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt.Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant who has retired voluntarily from the post of Naib Tahsildar w.e.f. 06.10.2016 has filed present Original Application for direction to Respondents to release retiral benefits with interest. The Applicant had submitted notice of voluntary retirement on 07.07.2016 which was accepted by the Government by order dated 09.05.2018 w.e.f. 06.10.2016. Thus, the notice of voluntary retirement was accepted much belatedly after about two years which indeed ought to have been processed immediately or within reasonable time. 3. Surprisingly, when the notice of voluntary retirement was accepted, the D.E. which was initiated by charge sheet dated 10.03.2016 for regular inquiry under Rule 8 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 was pending. This aspect seems to have been completely ignored and the notice of voluntary retirement was accepted. There is absolutely no such reference in the order of voluntary retirement that it is accepted subject to decision in D.E. 4. Apart, the Enquiry Officer has thereafter completed inquiry and submitted report to the Government and thereon Government had issued show cause notice dated 12.03.2019 to the Applicant as to why 10% of the pension should not be deducted for two years. The Applicant has submitted reply on 04.04.2019. However, thereafter no further steps were taken, and therefore, the Applicant was constrained to file this O.A. 5. When the matter was taken up for admission hearing, noticing aforesaid aspects, the Tribunal by order dated 15.02.2022, directed the Respondent No.1 –Additional Chief Secretary, Revenue and Forest Department to explain why no final order is passed in D.E. though the period of three years is over.

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	<p>6. In pursuance of it, Dr Nitin Kareer, Additional Chief Secretary, Revenue & Forest Department has filed Affidavit stating that since the proposed punishment requires approval of M.P.S.C., the matter was referred to M.P.S.C. on 24.05.2019. Thereon, M.P.S.C. raised certain queries and Government gave reply to M.P.S.C. satisfying queries on 04.11.2019. Then again M.P.S.C. has raised another query on 29.01.2020 and it was also satisfied by sending letter dated 29.10.2020. Thereafter nothing happen about one year and the matter was in cold storage. The Government again sent reminder to M.P.S.C. on 30.11.2021 but in vain. In Affidavit, the Additional Chief Secretary further stated that on approval from M.P.S.C. necessary orders will be passed in D.E.</p> <p>7. In this O.A., initially M.P.S.C. was not a party but in view of Affidavit in Reply filed by the Additional Chief Secretary, the Applicant was allowed to join the Secretary, M.P.S.C. as Respondent No.5. Accordingly, the Secretary, M.P.S.C. is served with the notice and matter was posted today for final hearing at the stage of admission.</p> <p>8. Shri A. J. Chougule, learned Presenting Officer states that he has taken instructions from the office of M.P.S.C. and he was told that M.P.S.C. again raised query by letters dated 15.12.2021 and 28.02.2022 asking the Government as to when voluntary retirement notice was accepted and how the proposed punishment can be imposed.</p> <p>9. Indeed, instead of raising queries in piecemeal, the M.P.S.C. ought to have raised all queries at once so that issue could have been settled much earlier. However, M.P.S.C. has taken more than 2 ½ years to finalize the proposal and raising queries one after other. Resultantly, the Applicant is deprived of his retiral benefits for undue period of near about three years.</p> <p>10. Perusal of record further reveals that the Applicant had initially approached the office of Lokayukta for undue delay on the part of Government in finalizing the pension and thereafter GIS amount, Gratuity and Leave Encashment is paid as seen from Para No.7 of the Affidavit of Additional Chief Secretary. But Provisional Pension is not being paid regularly. The proposal for further Provisional Pension was sent to the office of Accountant General but factually no such Provisional Pension is paid after 06.10.2017 which again shows total laxity on the part of Respondents.</p> <p>11. In view of above, the Secretary, M.P.S.C. is directed to file Affidavit and to explain the delay caused in taking decision in the proposal forwarded to it by the Government by letter dated 24.05.2019. Affidavit should be filed on 10.03.2022.</p> <p>12. Hamdast granted to learned P.O.</p> <p>13. S.O. to 10.03.2022.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member(J)</p>

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	<p style="text-align: center;"><u>08.03.2022</u></p> <p style="text-align: center;"><u>O.A 414/2021</u></p> <p>Dr Nia S. Padmapani ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.D Gugale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Respondents to clarify whether College of Physicians and Surgeons, Mumbai, was derecognized as per Notification dated 22.1.2018.</p> <p>3. S.O to 9.3.2022.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p style="text-align: center;">Akn</p>

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	<p style="text-align: center;"><u>C.A. No.8 of 2022 in O.A. No.975 of 2019</u></p> <p>G.S. Bhajbhujje ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri J.V. Patil, 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 in CA returnable on 29.3.2022. 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 C.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 style="text-align: center;">A A</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 8.3.2022 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> </div> </div>

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	<u>C.A. No.9 of 2022 in O.A. No.976 of 2019</u>
	<p>B.A. Karale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.V. Patil, 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 in CA returnable on 29.3.2022. 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 C.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>Sd/- (Medha Gadgi) Member (A) 8.3.2022 (sgj)</p>
	<p>Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p>

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	<p style="text-align: center;"><u>C.A. No.10 of 2022 in O.A. No.977 of 2019</u></p> <p>K.S. Dhanvijay & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.V. Patil, learned Advocate for the Applicants 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 in CA returnable on 29.3.2022. 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 C.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> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 8.3.2022 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.205 of 2022</u></p> <p>Dr. S.K. Thakur ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri M.D. Lonkar, 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 12.4.2022. 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> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 8.3.2022 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.82 of 2021</u></p> <p>R.D. Mundhe & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri S.S. Thombre, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicants are allowed to serve respondent no.4 through respondent no.2.</p> <p>3. S.O. to 5.4.2022.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 8.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>M.A. No.451 of 2021 in O.A. No.746 of 2020</u></p> <p>S.M. Bhagwat ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Interim relief granted by order dated 20.12.2021 in the above MA to continue till the OA is heard.</p> <p>3. In view of the above, MA is disposed off.</p> <p>4. Reply and rejoinder are filed in the OA.</p> <p>5. OA is admitted.</p> <p>6. S.O. to 19.4.2022 for final hearing.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 8.3.2022 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.831 of 2021</u></p> <p>S.D. Giri ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that reply of respondent no.1 will be filed during the course of the day. Copy is given to Ld. Advocate for the applicant.</p> <p>3. Ld. PO seeks time to file reply on behalf of respondent no.2.</p> <p>4. S.O. to 5.4.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 8.3.2022 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p>

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	<p style="text-align: center;"><u>O.A. No.818 of 2021</u></p> <p>V.S. Hipparkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks time to file reply.</p> <p>3. S.O. to 29.3.2022. Interim relief to continue.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 8.3.2022</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.140 of 2022</u></p> <p>Dr. V.P. Maru ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri V.P. Shirke, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Not on board. Mentioned and taken on board.</p> <p>3. Ld. Advocate for the applicant tenders a letter dated 8.3.2022 from the applicant for withdrawal of the above OA.</p> <p>4. He has also placed on record a letter dated 8.3.2022 to Registrar for withdrawal of the said OA as respondent no.3 is ready to renew the contract of the applicant. The said letters are taken on record.</p> <p>5. OA is allowed to be withdrawn and disposed off as such.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 8.3.2022 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.911 of 2021</u></p> <p>R.K. Patil & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that other than these applicants who claim reservation for Ex-serviceman in appointment as per select list, there are other similar OAs pending before this Tribunal. Ld. CPO wants time to file reply after verifying the GRs applicable and so also the position in other OAs.</p> <p>3. Ld. CPO submits that OA No.969/2021 with MA No.39/2022 (P.P. Bhosale & Ors.) is also about the issue of de-reservation of post for Ex-serviceman. Ld. CPO to give number of other OAs so all these OAs can be clubbed together.</p> <p>4. Thus, all the OAs on the similar point are to be clubbed.</p> <p>5. Ld. Advocate for the applicants submits that posts for Ex-serviceman are already de-reserved on 16.9.2020 and the Agriculture Department has moved the proposal on 18.2.2020.</p> <p>6. Now the issue is regarding appointment of the applicant he being the waitlisted no.1 and department has informed that waiting list is lapsed in December, 2020.</p> <p>7. S.O. to 29.3.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 8.3.2022</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 8.3.2022</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.681 of 2021</u></p> <p>Sudhindra K. Karjol ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant and his Advocate both the absent. Heard Shri Aniket Ransubhe, learned Advocate for Respondent No.1 and Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.2 & 3.</p> <p>2. Today Ld. CPO placed on record the opinion dated 7.3.2022 given by Assistant Solicitor-cum-Deputy Secretary, Law & Judiciary Department to clarify in what circumstances a Special Counsel can be appointed by the Administrative Department of the Government of Maharashtra or Head of Administrative Department, which reads as follows:</p> <p align="center"><i>“The Administrative Tribunals Act, 1985 (hereinafter referred to the as ‘the said Act’) for the Maharashtra Administrative Tribunal came into force with effect from 1.1.1986 and the Rules for the Conduct of the Legal Affairs of Government, 1984 (hereinafter referred to as ‘the said Rules’) came into force with effect from 15.11.1984. Therefore, at the time of framing the said Rules, the said Act was not in force. Hence, it seems that the ‘Tribunal’ referred to in rule 96 of the said rules, does not include, Maharashtra Administrative Tribunal (MAT).</i></p> <p align="center"><i>Further, the Law and Judiciary Department has already appointed Chief Presenting Officer (CPO) and Presenting Officers (POs) for MAT. Thus, generally CPO and POs represent the State and its officers before MAT. However, if in any case, the administrative department desires to engage services of a Special Counsel before MAT, that department move a proposal to the Law and Judiciary Department in compliance of rule 18 of the said Rules. Thereafter, on scrutiny of the proposal</i></p>

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	<p><i>by the Law and Judiciary Department, approval of Remembrancer of Legal Affairs (RLA) is obtained as the powers to engage a special counsel is conferred on the RLA as per the provisions of rule 18 of the said Rules. On approval by the RLA, instructions are issued to the CPO to engage Special Counsel, in a particular matter.</i></p> <p><i>Accordingly, the Administrative Department of the Government of Maharashtra or Head of the Administrative Department are not empowered to independently appoint the Counsel on their panel to argue the matter in MAT, than the PO from the office of the CPO."</i></p> <p>4. It discloses that a proposal is to be submitted to the Law & Judiciary Department, which is required for compliance of Rule 18 of the Rules for the Conduct of the Legal Affairs of Government, 1984. Only after processing the said proposal through the office of Law & Judiciary Department, through CPO, a special counsel can be appointed in a particular matter.</p> <p>5. In the present case, there is deviation from this procedure. Ld. Counsel for the office of Chief Engineer, Public Works Department (PWD), wants to place this opinion for consideration before the said Head of PWD.</p> <p>6. Chief Engineer, PWD is hereby directed to file his say to this opinion and whether he has power to appoint special counsel in view of opinion given by Law and Judiciary Department, on or before 14.3.2022.</p> <p>7. Ld. Advocate for respondent no.1 wants to place his appointment letter dated 27.9.2021 which is issued by the Chief Engineer, PWD, Mumbai. The same is taken on record.</p> <p>8. S.O. to 14.3.2022.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 8.3.2022 8.3.2022</p> <p>(sgj)</p>


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	<p align="center"><u>MA No.475/2019 (for amendment) in OA No.925/2017</u> <u>with</u> <u>MA.569/2019 (for delay condonation) in OA.925/2017</u></p> <p>D.K. Gunjal ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Neha Bhide with Shri C.T. Chandratre & Shri M.B. Gawade, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Presenting Officer for Respondents No.1 to 6 & 84, Shri M.D. Lonkar, learned Advocate for Respondents No.7 to 10, 13, 15, 16, 27, 29 to 31, 40, 47, 52, 53 & 84-A, Shri A.D. Gugale with Shri Nilesh Warulkar, learned Advocate for Respondents No.11, 14, 17, 32, 33, 36, 38 & 41, Shri S.J. Pawar, learned Advocate for Respondents No.18, 20, 35, 37, 43, 44, 47 & 51.</p> <p>2. Report dated 7.3.2022 is submitted by the Research Officer as per order dated 3.3.2022.</p> <p>3. Ld. Advocate for the applicant produces a copy of letter dated 13.1.2022 received from the office of respondent no.3 under RTI and submits that as of today 28 posts of Education Officer, Grade A, including 14 posts for open category, are vacant. The said letter dated 13.1.2022 is taken on record.</p> <p>4. Ld. CPO to verify and submit about the vacancy and availability of posts and whether applicant has a better claim.</p> <p>5. Shri M.D. Lonkar, learned Advocate for Respondent submits that MA No.476 of 2019 is shown as disposed off. However, the order of the Tribunal in the said MA is not available.</p> <p>6. Sheristedar is directed to find out the order and place it before the Bench.</p> <p>7. All the lawyers to give in writing their appearances in the matter.</p> <p align="center"></p>

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	<p>8. In view of order dated 5.9.2019 passed by the Division Bench of this Tribunal in OA No.925/2017 with MA.476/2019 with MA.475/2019, it is made clear to all the counsel representing the respondents and also office of CPO that MA and OA are to be heard together. Therefore, if the respondents want to contest the OA and file reply they should file reply to OA and reply to MA, if they want to file, within four weeks.</p> <p>9. S.O. to 5.4.2022 by way of last chance to file reply.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>8.3.2022</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>8.3.2022</p> </div> </div> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 08.03.2022</p> <p>O.A. No.42 of 2022 with M.A. No.103 of 2022 with O.A. No.58 of 2022 with O.A. No.77 of 2022 with O.A. No.88 of 2022 with M.A. No.54 of 2022 in M.A. No.63 of 2022 with O.A. No.90 of 2022 with M.A. No.55 of 2022 with O.A. No.108 of 2022 with M.A. No.65 of 2022 with O.A. No.109 of 2022 with M.A. No.66 of 2022</p> <p>A.B. Handal & Ors. G.B. Kolhal & Ors. R.B. Jadhav B.S. Chavan & Ors. R.V. Mavkar & Ors. D.A. Pawar & Ors. S.B. More & Ors.Applicant</p> <p>Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer along with Shri A.J. Chougule, learned Presenting Officer and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has tendered minutes of P.E.B. dated 04.03.2022 which was held in view of the order passed by this Tribunal on 08.02.2022. P.E.B. confirmed it earlier recommendation of Transferring the Applicant.</p> <p>3. Learned Advocate for the Applicant submits that subsequently all the Applicants are relieved from the establishment of the Commissioner of Police, Mumbai and O.A. be disposed of.</p> <p>4. Thus, it appears that O.A. has become infructuous since grievances of the Applicants are redressed.</p> <p>5. In view of above, all these O.As. along with M.As. (for sue jointly) are disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

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	<p align="center">Date: 08.03.2022</p> <p align="center">O.A. No.121 of 2022</p> <p>S.C. KharadeApplicant 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. 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. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 24.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 08.03.2022</p> <p align="center">M.A. No.446 of 2021 in O.A. No.821 of 2021</p> <p>P.J. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, 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 Reply to O.A. M.A. and O.A. be heard together.</p> <p>3. This matter be kept along with O.A.46/2020.</p> <p>4. S.O. to 22.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 08.03.2022</p> <p>M.A. No.111 of 2022 in O.A. No.124 of 2022</p> <p>S.B. SawantApplicant 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 Reply to M.A.</p> <p>3. S.O. to 23.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 08.03.2022</p> <p align="center">M.A. No.602 of 2021 in O.A. No.1061 of 2021</p> <p>B.G. KardeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has tendered Affidavit-in-Reply on behalf of Respondent No.2 in M.A. It is taken on record.</p> <p>3. Adjourned for hearing along with connected matter.</p> <p>4. S.O. to 04.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 08.03.2022</p> <p align="center">M.A. No.580 of 2021 in O.A. No.500 of 2021</p> <p>H.G. Kulkarni & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.S. Jadhav, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted as most last chance for filing Reply to M.A.</p> <p>3. S.O. to 23.03.2022.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member (J)</p> <p align="left">NMN</p>

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	<p>Date: 08.03.2022</p> <p>M.A. No.119 of 2022 in O.A. No.195 of 2022</p> <p>T.S. SableApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. This M.A. is filed for condonation of delay of 1 year and 11 months caused in filing O.A. No.195/2022. 3. Issue notice before admission returnable on 04.04.2022. 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 04.04.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>