

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 435 OF 2020
WITH
CAVET APPLICATION NO 31 OF 2020**

DISTRICT : MUMBAI

Shri Rakesh Kisan Pawar)...**Applicant**

Versus

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

Shri H.P Ghadigaonkar, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

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

DATE : **08.09.2020**

ORDER

1. Heard Shri H.P Ghadigaonkar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The applicant who is working as Inspector, State Excise challenges transfer order dated 10.8.2020, transferring him from W-1, Mumbai Suburban to M/s Magnum Trader, FL-I, Raigad, on the following grounds

- (i) That he has not completed two tenures at one place of posting. Applicant was transferred to Mumbai in July, 2016 and he is entitled to continue in the same place for a period of six years.
- (ii) The circular dated 11.7.2000 giving preference to the employees who had worked in difficult area is not given to him.

- (iii) His wife is working as Nurse in Saifee Hospital, Mumbai and Applicant's Mother is 75 years of age and suffering from various ailments.
- (iv) As per G.R dated 9.4.2018 that preferential options given by the applicant are not considered by the Respondents.

5. He submits that he has served Respondent no. 4 who has been transferred to his place from Raigad. Respondent no. 4, Shri Rajesh S. Shinde, is personally present in the Court. Learned counsel further submits that the post at N-Division, Mumbai suburban District is still vacant.

6. Respondent no. 4, who is personally present in the Court informs that he has shifted from Shrivardhan, Dist-Raigad and has joined W-1, Mumbai Suburban on 11.8.2020 and he is functioning.

7. Learned P.O submits that the post of Sub-Inspector, State Excise being an Executive post, there is only one tenure of 3 years and as the applicant was appointed in 4.7.2016, in W-1, Mumbai Suburban, he has already completed 3 years and was due for transfer.

8. Learned P.O submits that prima facie G.R dated 11.7.2000 is not applicable to him because after he was posted in adivasi area, he is given present posting in Mumbai Suburban for 3 years. Learned P.O stated that out of 10 preferences, preference no. 9 given by the present applicant as Raigad was considered and so the said posting was given to him. Learned P.O states that order is issued by the competent authority.

9. Learned counsel for the applicant points out judgment dated 10.11.2016 by S.B in O.A 679/2016. Perused the said judgment, especially para 7, wherein the Tribunal held:-

"Similarly, there is no doubt that the post of Excise Sub-Inspector is a Group 'C' post. Order dated 8.7.2016 issued by the Respondent no. 3 regarding training of State Excise Sub-Inspector, clearly mentions that the post of Sub-Inspector is a Group 'C' post. As per first proviso to Section 3(1) of the Transfer Act, a Group 'C' non-secretariat employee is entitled to a tenure of six years in a post."

10. Learned P.O is directed to file short affidavit stating whether the post of Sub Inspector, State Excise which falls in C-Group is an Executive post or not and whether such officer falling in that category is entitled to 6 years or 3 years tenure at one place of posting under service rules.

11. S.O 15.9.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.09.2020
Dictation taken by : A.K. Nair.

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O.A.No.905 of 2019 with M.A.No.698 of 2019

Dr. Dhason Simon ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The matter was heard for some time and during the hearing it was noticed that the Respondents have not placed on record the order dated 14.03.2016 which is today shown by the learned P.O. rejecting the proposal forwarded by Director, Medical Education and Research dated 31.05.2013, thereby informing that the applicant was in temporary services and therefore the question of grant of extra ordinary leave of 496 days did not survive in terms of Maharashtra Civil Services (General Conditions of Services) Rules, 1981 (hereinafter referred as 'Rules, 1981' for brevity). The issue involved in the present O.A. is about the entitlement of the applicant for pension and for this purpose order dated 14.03.2016 is also relevant which is not challenged by the Applicant in the present O.A.

3. Learned Advocate has pointed out that the order dated 14.03.2016 issued by the Government was not communicated to his client.

4. Whereas, record shows that on the basis of order dated 14.03.2016 Dean, D.G. Medical College, Pune had issued communication to that effect on 02.04.2016. Suffice to say the orders dated 14.03.2016 or 02.04.2016 are not specifically challenged in the present O.A.

5. In view of the above, learned Advocate for the Applicant, seeks time to take necessary steps to amend the O.A. One week time is granted.

6. S.O. to 15.09.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

**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 : 08.09.2020</p> <p>O.A.No.1028 of 2019</p> <p>R.S. Deshmukh ...Applicant 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. Today, learned Advocate for the Applicant has filed affidavit-in-rejoinder of the petitioner. It is taken on record.</p> <p>3. Be kept it for final hearing.</p> <p>4. S.O. to 06.10.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</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>Date : 08.09.2020</p> <p align="center">O.A.No.1231 of 2019</p> <p>P.R. Vanjari & ors. ...Applicant Versus ...Respondents The State of Maharashtra & Ors.</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. Learned P.O. sought time to file reply.</p> <p>3. Learned Advocate has pointed out that connected O.A.no.1000/2018 is also pending before this Tribunal for hearing and the issue being common this O.A. be also kept with the said O.A. Sheristedar informed that O.A.No.1000/2018 was lastly kept before Tribunal on 23.03.2020 and thereafter due to lockdown it was ^{not} listed. He is directed to place O.A.No.1000/2018 with this O.A. on next date.</p> <p>4. Learned P.O. to file reply in O.A.No.123/2019 on next date without fail.</p> <p>5. S.O. to 24.09.2020.</p> <p align="right">Sd/- ✓ (A.P. Kurhekar) Member(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

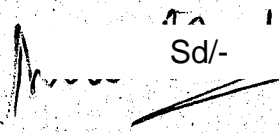
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.09.2020</p> <p>O.A.No.1048 of 2019</p> <p>J.M. Lihitkar ...Applicant Versus The State of Maharashtra & Ors. ...Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, matter is taken on board by circulation. The matter is for final hearing.</p> <p>3. Adjourned on the request of learned P.O.</p> <p>4. S.O. to 01.10.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.09.2020</u></p> <p><u>O.A 420/2020</u></p> <p>Shri M.B Gophane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant prays that the order of Respondent no. 1 dated 27.1.2020 is to be implemented by Respondent no. 2 by issuing the posting order. The applicant who was working as Head Master in Government Residential School, earlier had resigned. Subsequently he wanted to withdraw the resignation. However the said request was rejected by the Commissioner. Against which he preferred appeal, which was allowed by order dated 10.6.2019. Thereafter, the letter was issued pursuant to the said order on 27.1.2020.</p> <p>3. Issue notice returnable on 29.9.2020.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. S.O to 29.9.2020. Parties to take note that matter will be decided finally at the stage of admission.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</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><u>08.09.2020</u></p> <p><u>O.A 343/2020</u></p> <p>Shri J.R Gahane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri B. A Bandiwadekar , learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents. 2. Issue notice returnable on 22.9.2020. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued. 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Q.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.. 7. S.O to 29.9.2020. To be tagged along with O.A O.A 344/2020. <p style="text-align: right;">Sd/-  (Mridula R. Bhatkar, J.) Chairperson</p> <p>Alen</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 448 OF 2020

DISTRICT : MUMBAI

Shri Sham D. Bhokare)...**Applicant**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

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

DATE : **08.09.2020**

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The applicant, who is working as Forester, challenges the transfer order dated 20.7.2020, transferring him from Ambegaon Velhe Range, Bhor, Pune to Shirola Range, Pune on the following grounds:-

- (i) That he has not completed two tenures for which he is entitled as he belongs to Group-C.
- (ii) Learned counsel relied on judgment dated 16.9.2014 in O.A 481/2014, wherein this Tribunal held as under:-

“Provided that, when such employee is from the non-secretariat services, in Group C, such employees shall be transferred from the post held, on his completion of two full

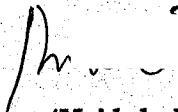
tenure at that office or department to another office or Department.”

- (iii) She pointed out that as per Sec 3(1) of ROT Act, 2005 the applicant is entitled to 6 years tenure at one place.
- (iv) Learned counsel submits that he has been posted to Ambegaon that is present place of posting on 11.8.2017, thus he has completed only 3 years and 7 months but not six years.
- (v) No special reasons are recorded for mid-term transfer.
- (vi) Approval of the competent authority was not taken before issuing the transfer order.
- (vii) G.R of 9.4.2018 of preferential option has not been followed.

3. Learned counsel for the applicant further submits that transfer of one Mr Sarvar Khan, Forester, who was transferred to Ambegaon in the place of the applicant is cancelled by the Respondent no. 2 by order dated 10.8.2020. Hence the said post is still vacant. Applicant is not relieved from the said post and he is presently working on the same post.

4. Learned P.O states that the relevant file is not available. Learned P.O stated that the transfer order was issued after approval from the Civil Services Board. Learned P.O is directed to produce the record on the next date. He prays for four weeks' time.

5. S.O to 6.10.2020. Applicant be continued to work at the present post till next date.

 Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.09.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 435 OF 2020
WITH
CAVET APPLICATION NO 31 OF 2020**

DISTRICT : MUMBAI

Shri Rakesh Kisan Pawar)...**Applicant**

Versus

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

Shri H.P Ghadigaonkar, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

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

DATE : **08.09.2020**

ORDER

1. Heard Shri H.P Ghadigaonkar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The applicant who is working as Inspector, State Excise challenges transfer order dated 10.8.2020, transferring him from W-1, Mumbai Suburban to M/s Magnum Trader, FL-I, Raigad, on the following grounds

- (i) That he has not completed two tenures at one place of posting. Applicant was transferred to Mumbai in July, 2016 and he is entitled to continue in the same place for a period of six years.
- (ii) The circular dated 11.7.2000 giving preference to the employees who had worked in difficult area is not given to him.

10. Learned P.O is directed to file short affidavit stating whether the post of Sub Inspector, State Excise which falls in C-Group is an Executive post or not and whether such officer falling in that category is entitled to 6 years or 3 years tenure at one place of posting under service rules.

11. S.O 15.9.2020.

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Sd/- 81
(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.09.2020
Dictation taken by : A.K. Nair.

**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
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08.09.2020

O.A 305/2020

Shri M.B Borkar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Shri M.V Thorat, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.

2. Issue notice returnable on 20.10.2020.

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

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

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

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

7. S.O to 20.10.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Alm

**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"><u>08.09.2020</u></p> <p align="center"><u>O.A 367/2020</u></p> <p>Smt Anjali R. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri B. A Bandiwadekar , learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents. 2. The applicant seeks relief on the ground of parity as per the decision in O.A 43/2018 decided on 6.3.2020 by this Tribunal. Her services during the period of contract basis as Assistant Professor, Botany between 28.8.2004 and 10.9.2007 to be treated by the Respondents as ad hoc employment for the purpose of grant of benefit under Career Advancement Scheme with all consequential benefits. 3. Issue notice returnable on 20.10.2020. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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. 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. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 8. S.O to 20.10.2020. <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.09.2020</u></p> <p align="center"><u>O.A 424/2020</u></p> <p>Dr Kailas B. Batte ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt Kranti S.Gaikwad, learned P.O for the Respondents. 2. Issue notice returnable on 20.10.2020. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued. 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of-admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 7. S.O to 20.10.2020. <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="left">Akm</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><u>08.09.2020</u></p> <p style="text-align: center;"><u>O.A 302/2020</u></p> <p>Smt Bharati M Shivdasani ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned P.O for the Respondents.</p> <p>2. Learned advocate for the applicant states that applicant retired on 30.6.2020. However, she has not been given retiral benefits. Respondents are directed to give her G.P.F, G.I.S, Leave Encashment and Provisional Pension.</p> <p>3. Learned C.P.O prays for six weeks for filing reply. By way of last chance time is granted to file reply.</p> <p>4. S.O to 20.10.2020. The protection granted to the applicant to continue till next date.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.09.2020</u></p> <p><u>O.A 340/2020</u></p> <p>S.P Thombare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Avanti Inamdar, holding for Shri R.N Gite, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file reply.</p> <p>3. S.O 20.10.2020. Interim relief granted to continue till then.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Aten</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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

08.09.2020

O.A 375/2020

A.B Anandkar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O files reply on behalf of Respondents.

3. Learned advocate for the applicant files short affidavit along with G.Rs.

4. The short issue involved in this matter is as under:-

(i) Whether THE MAHARASHTRA GOVERNMENT SERVANTS REGULATION OF TRANSFERS AND PREVENTION OF DELAY IN DISCHARGE OF OFFICIAL DUTIES ACT, 2005. (ROT Act, 2005) is applicable to the persons who are sent on deputation?

(ii) Who is the competent authority to transfer a person on deputation; a parent department or G.A.D?

5. S.O to 24.9.2020 at 2.15 pm. Interim relief granted to continue till then.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Alm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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Original Application No.

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Tribunal's orders

08.09.2020

O.A 270 & 271/2020

Dr V.N Dekate

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O seeks time to file reply. Time granted by way of last chance.

3. S.O to 6.10.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Alm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No.

of 20

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Original Application No.

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Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

Date: 08.09.2020

O. A. No.390 of 2020

P.P. SakhareApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. P.O. produces the letter written by Respondent No.1 dated 02.09.2020 informing the Applicant that her representation of transferring her at any five places from (Rural) Raigad cannot be considered and her transfer from Kalyan to Deonar Mumbai is hereby confirmed by letter. It is taken on record marked as exhibit '1'.

3. The reply is to be filed by the Respondent. The matter is fixed after two weeks.

4. P.O. to make statement specifically in the Reply about decision taken by Civil Service Board.

5. So.O.24.09.2020.

Sd/-

(Mridula R. 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><u>08.09.2020</u></p> <p align="center"><u>O.A 305/2020</u></p> <p>Shri M.B Borkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Shri M.V Thorat, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Issue notice returnable on 20.10.2020.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 20.10.2020.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Atm</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"><u>08.09.2020</u></p> <p align="center"><u>O.A 367/2020</u></p> <p>Smt Anjali R. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri B. A Bandiwadekar , learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents. 2. The applicant seeks relief on the ground of parity as per the decision in O.A 43/2018 decided on 6.3.2020 by this Tribunal. Her services during the period of contract basis as Assistant Professor, Botany between 28.8.2004 and 10.9.2007 to be treated by the Respondents as ad hoc employment for the purpose of grant of benefit under Career Advancement Scheme with all consequential benefits. 3. Issue notice returnable on 20.10.2020. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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. 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. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 8. S.O to 20.10.2020. <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="left">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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08.09.2020

O.A 424/2020

Dr Kailas B. Batte ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt Kranti S.Gaikwad, learned P.O for the Respondents.
2. Issue notice returnable on 20.10.2020.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of-admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
7. S.O to 20.10.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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>08.09.2020</u></p> <p><u>O.A 302/2020</u></p> <p>Smt Bharati M Shivdasani ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned P.O for the Respondents.</p> <p>2. Learned advocate for the applicant states that applicant retired on 30.6.2020. However, she has not been given retiral benefits. Respondents are directed to give her G.P.F, G.I.S, Leave Encashment and Provisional Pension.</p> <p>3. Learned C.P.O prays for six weeks for filing reply. By way of last chance time is granted to file reply.</p> <p>4. S.O to 20.10.2020. The protection granted to the applicant to continue till next date.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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>08.09.2020</u></p> <p><u>O.A 340/2020</u></p> <p>S.P Thombare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Avanti Inamdar, holding for Shri R.N Gite, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file reply.</p> <p>3. S.O 20.10.2020. Interim relief granted to continue till then.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Alm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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>08.09.2020</u></p> <p style="text-align: center;"><u>O.A 375/2020</u></p> <p>A.B Anandkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents. 2. Learned C.P.O files reply on behalf of Respondents. 3. Learned advocate for the applicant files short affidavit along with G.Rs. 4. The short issue involved in this matter is as under:- <ol style="list-style-type: none"> (i) Whether THE MAHARASHTRA GOVERNMENT SERVANTS REGULATION OF TRANSFERS AND PREVENTION OF DELAY IN DISCHARGE OF OFFICIAL DUTIES ACT, 2005. (ROT Act, 2005) is applicable to the persons who are sent on deputation? (ii) Who is the competent authority to transfer a person on deputation; a parent department or G.A.D? 5. S.O to 24.9.2020 at 2.15 pm. Interim relief granted to continue till then. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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08.09.2020

O.A 270 & 271/2020

Dr V.N Dekate ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O seeks time to file reply. Time granted by way of last chance.

3. S.O to 6.10.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Akn

**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
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Date: 08.09.2020

O. A. No.390 of 2020

P.P. SakhareApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. P.O. produces the letter written by Respondent No.1 dated 02.09.2020 informing the Applicant that her representation of transferring her at any five places from (Rural) Raigad cannot be considered and her transfer from Kalyan to Deonar Mumbai is hereby confirmed by letter. It is taken on record marked as exhibit '1'.

3. The reply is to be filed by the Respondent. The matter is fixed after two weeks.

4. P.O. to make statement specifically in the Reply about decision taken by Civil Service Board.

5. So.O.24.09.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

**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><u>08.09.2020</u></p> <p align="center"><u>O.A 348/2020 with M.A 192/2020</u></p> <p>Shri R.B Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Affidavit in reply has already been filed. Learned advocate for the applicant files affidavit in rejoinder. The same is taken on record.</p> <p>3. S.O 8.10.2020.</p> <p>Sd/-  (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/-   (Mridula R. Bhatkar J.) Chairperson</p> <p>Attn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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08.09.2020

O.A 261/2020

Shri B.A Jadhav ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O seeks time for filing reply. Time granted by way of last chance.

3. S.O to 6.10.2020.

Sd/-

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

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

Alm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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08.09.2020

O.A 259/2020

Shri D.H Gawali ... Applicant
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Affidavit in reply has already been filed. Learned advocate for the applicant files affidavit in rejoinder. Same is taken on record.

3. Admitt. Place for final hearing on 22.10.2020.

Sd/-

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

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

Attn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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08.09.2020

M.A 43/2020 in O.A 994/2019 with O.A 1134/2019

Shri S.A Narawade
Shri V.S Dalve ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Mrs Punam Mahajan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Learned P.O seeks time to file reply pursuant to the order of this Court dated 18.8.2020.

3. S.O to 29.9.2020.

Sd/-

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

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

Akn.



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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>08.09.2020</u></p> <p align="center"><u>C.A 51/2019 in O.A 301/2017</u></p> <p>Shri J.K Bhosle ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard M.D Lonkar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. In this Contempt Application, the applicant seeks direction against the Respondents for breach of the order dated 4.2.2019 of Single Bench of this Tribunal in respect of payment of retirement benefits on the basis of last drawn pay of the post from which he retired.</p> <p>3. Learned P.O submits that this order is challenged by the Respondents before the Hon. High Court. She further submits that other such petitions of similarly placed person are also challenged before the Hon. High Court and Hon. High Court has stayed the order of promotions in those matters. On verifying correct facts, learned P.O is directed to file reply.</p> <p>4. S.O to 27.10.2020</p> <p align="center">Sd/-  Sd/-  2</p> <p align="center">(P.N Dixit) Vice-Chairman (A)</p> <p align="center">(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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O.A 414/2020

Shri C.M Kabade ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Prashant D. Patil i/b Shri P.B Kulkarni, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. In this application, which was filed on 25.8.2020, the applicant seeks relief that he should be called for interview as a eligible candidate for the interview.

3. Learned counsel points that yesterday, i.e. on 7.9.2020 he received email as well as SMS from MPSC, respondent no. 1, that he is called for the interview at 9.30 am on 14.9.2020.

4. In the said email, it is mentioned that he should come along with the original interview letter. However, the said original interview letter is not yet received by the applicant.

5. In view of this, nothing remains in this application. Hence the application is disposed of with following order.

ORDER

MPSC, Respondent no. 1 is directed to allow the applicant for the interview on the scheduled date, subject to verification of their office copy of the original letter calling the applicant for the interview, as the original letter is not yet received by him. If such letter is received by the applicant meanwhile, he should carry the letter.

Sd/-

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

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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08.09.2020

O.A 405/2020

Shri A.N Chavan ... Applicant
 Vs.
 The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadékar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.
2. Learned P.O seeks time to file reply.
3. S.O 27.10.2020.

Sd/-

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

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

Altn


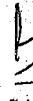
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>08.09.2020</u></p> <p><u>O.A 700 with 461 and 266 /2019</u></p> <p>Shri D.N Ghoderao ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Shri R.M .Kolge, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O states that affidavit in reply has been filed.</p> <p>3. Admit. Place for final hearing on 26.11.2020.</p> <p>Sd/-  Sd/- </p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p>Attn</p>

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Tribunal's orders

08.09.2020

O.A 1133/2018

Smt Kale Bhagyashree Ashok & Ors ... Applicants
Vs.

The State of Maharashtra & Ors ... Respondents

1. Shri A. Deshpande, learned advocate for the applicants and Ms Swati Manchekar, learned P.O for the Respondents.

2. Pursuant to order dated 3.9.2020, Smt Geeta Kulkarni, Deputy Secretary, G.A.D is present. She informs that GAD has received file in August, 2020. They have taken certain policy decision. However, the decisions are to be summed up and they are to be communicated to the Public Health Dept.

3. Learned C.P.O mentions that on instructions that the said communication will be communicated to Public Health by 15.9.2020.

4. Hence matter is fixed on 17.9.2020.

Sd/-

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

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center"><u>08.09.2020</u></p> <p align="center"><u>O.A 829/2019</u></p> <p>Shri A.B Ghadge & Others ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Mangesh Deshmukh, learned advocate for the applicants and Ms Swati Manchekar, learned P.O for the Respondents.</p> <p>2. Shri S.S. Dere submits that his name is wrongly appearing on Board, however, name of Shri Mangesh Deshmukh learned advocate for the applicants should appear. Request of Shri S.S Dere granted.</p> <p>3. Learned counsel for the applicants seek interpretation of clause 4(c) in Circular dated 30.1.2014 and clause 13 in Circular dated 21.2.2014.</p> <p>4. Learned counsel for the applicants submit that he has filed affidavit of service dated 24.3.2020 disclosing that he has served all the Respondents no 1 to 14, which includes private Respondents also.</p> <p>5. Learned counsel for the applicant invites attention to the interpretation of clause 4(c) of circular dated 21.2.2014, clause 13 of Circular dated 30.1.2014 and Rule 180(3) (e) of the Police Manual.</p> <p>6. It is to be noted that Division Bench of M.A.T, Aurangabad in O.A 378/2016, along with 38, 39 & 40 of 2016, by order dated 24.3.2017 has interpreted the Circulars. However, they have not considered Rule 180(3)(e).</p> <p>7. We are of the view that prima facie subject to further submissions by learned P.O, the relevant clauses in both the circulars of 30.1.2014 & 21.2.2014 are not in consonance with Rule 180 (3)(e).</p> <p>8. The Respondents are directed not to take further decision in respect of the promotion for one week.</p> <p>9. S.O 17.9.2020.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(P.N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p align="center">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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


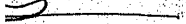
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	<p><u>08.09.2020</u></p> <p><u>O.A 363/2020</u></p> <p>Shri V.S Chaudhary & Others ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard M.D Lonkar, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.</p> <p>2. Pursuant to order dated 18.8.2020, the learned C.P.O to seek instructions on the policy decision of filling up the vacancies of health workers.</p> <p>3. S.O 15.9.2020.</p> <p>Sd/-  Sd/- </p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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08.09.2020

O.A 97/2020

Shri P.K Pande ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri C.T Chandratre, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Shri C.T Chandratre learned advocate for the applicant informs that the name of the applicant is recommended for the post of Assistant Motor Vehicle Inspector on 27.7.2020.

3. In view of this, nothing remains in this matter, hence disposed of.

Sd/-

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

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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directions and Registrar's orders

Tribunal's orders

08.09.2020

O.A 764/2019

Shri A.S Nayakwadi & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. Out of four applicants, applicant nos 1 & 4 have withdrawn their application. Shri Rahul Gorkanath Kadam, applicant no. 2 is present personally in Court and Pan Card is verified by Shirestedar. He submits application that he wants to withdraw the application. Application is taken on record. Learned counsel appearing for applicants no. 2 & 3 informs that applicant no. 3 has telephonically informed that he does not want to pursue the matter as nothing remains in the matter. He has forwarded the application along with applicant no. 2.

3. In view of this the application is allowed to be withdrawn by applicants no 2 & 3. Hence O.A stands disposed of.

Sd/-

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

Akn

Sd/-

(Mridula R. 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><u>08.09.2020</u> <u>O.A 439, 440, 441, 442, 443, 444 & 445 /2020</u></p> <p>Shri S.B Sarak & Others ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicants in this O.As submit that they were called for physical test from 24.2.2020 to 23.3.2020. When these candidates appeared before the Medical Officer, they were declared fit, even though they had produced Medical Certificates indicating their physical defects/infirmities of temporary nature.</p> <p>3. Since they were not fit, they did not participate in the physical examination and left the ground. As per the document produced by the applicants, the physical examination is rescheduled from end of September, 2020. In view of the Medical Certificates produced and demonstrated by the applicants, the Respondents are directed to permit them for the physical examination as scheduled at end of September, 2020. They should carry the physical fitness certificate before the Medical Officer from the competent Government authority on the scheduled date of physical test.</p> <p>4. The MPSC is directed to carry out their physical examination after they produce the fitness medical certificate on the scheduled date.</p> <p>5. With the above directions, the O.As stand disposed of.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(P.N Dixit) Vice-Chairman (A)</p> <p align="center">(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

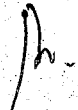

of 20

IN

Original Application 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>08.09.2020</p> <p>O.A 64/2015</p> <p>Shri S.A Madake ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Shri M.A Patil , learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O states that they have no copy of the Original Application and prays to construct the same.</p> <p>3. Learned C.P.O is allowed to construct the brief as they have no copy.</p> <p>4. S.O to 6.10.2020.</p> <p>Sd/-  Sd/- </p> <p>(P.N. Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

08.09.2020

Tribunal's orders

O.A 393/2020

Ms S.S Zol ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Ms S.S Zol, applicant absent. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O submits that she has perused the record of MPSC and especially the answer paper of the applicant. Learned C.P.O submits that there is a negative marking and if the said marking is taken into account, then marks obtained by the applicant will come to 76 marks and if negative marking is not considered, then it comes to 83 marks and yet she is not above the cut-off marks, i.e. 84 marks. Similarly, in other paper she secured 72 marks and her cut off is 74 marks.

3. S.O to 10.9.2020.

Sd/-

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

Akn

Sd/-

(Mridula R. Bhatkar J.)
Chairperson

2

**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

Date: 08.09.2020

O. A. No.1192 of 2019 with M.A. No.115 of 2020

P.P. Gade & Ors.Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Miss V.P. Deshmukh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. This Twenty Applicants there are seeking promotion order, there are to be considered as eligible for the post of Assistant Electrical Inspector. They all are Diploma holders and they are not the degree holders. However, they have served for more than Ten years continuously to the post of Sectional Engineer.

3. It is their contention that the Applicants are eligible.

4. Learned Advocate for the Applicant submits that the process of promotion is going on and the list of the candidates will be out any time.

5. Learned C.P.O. seeks time to get the instructions as query is made by the Hon'ble Tribunal why these persons are considered not eligible.

6. As order of promotion and the list of the candidate is subject to the outcome of this O.A.

7. S.O. to 06.10.2020.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula R. 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

Date: 08.09.2020

O. A. No.458 of 2020

H.D. PawarApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri S.B. Gaikwad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The Applicant who want Respondent M.P.S.C. to consider him for the interview to the post of Chief Administrative Officer, Directorate of Ayush at present he is working as Research Officer in Jail Department.
3. By letter dated 28.08.2020 M.P.S.C. has informed him that the Applicant has not verified his profile and updated the same and therefore his Curriculum vitae (C.V.) regarding his education qualification and experience along with the certificate is not received by the M.P.S.C. and therefore he was not considered.

4. S.O. to 10.09.2020.

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

Sd/-
(Mridula R. 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 data-bbox="751 825 971 858">Date : 08.09.2020</p> <p data-bbox="837 897 1395 930">M.A.No.703 of 2019 in O.A.No.1232 of 2019</p> <p data-bbox="751 969 1427 1004">R.K. Mundhe & Ors. ...Applicants</p> <p data-bbox="751 1006 833 1039">Versus</p> <p data-bbox="751 1041 1427 1076">The State of Maharashtra & Ors. ...Respondents</p> <ol data-bbox="751 1116 1487 1594" style="list-style-type: none"><li data-bbox="751 1116 1487 1257">1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.<li data-bbox="751 1323 1487 1410">2. Today learned P.O. has filed affidavit-in-rejoinder of the Applicant in M.A. It is taken on record.<li data-bbox="751 1476 1295 1509">3. The matter is adjourned for hearing.<li data-bbox="751 1563 1071 1596">4. S.O. to 29.09.2020. <p data-bbox="1218 1618 1279 1651">Sd/-</p> <p data-bbox="1141 1705 1333 1782">(A.P. Kurhekar) Member(J)</p> <p data-bbox="751 1782 786 1814">prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.09.2020</p> <p>O.A.No.792 of 2019</p> <p>Dr. D.B. Bamane ...Applicant 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 the request of Shri A.V. Bandiwadekar, learned Advocate for the Applicant matter is adjourned ^{to} hearing at the stage of admission.</p> <p>4. S.O. to 06.10.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</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 : 08.09.2020</p> <p style="text-align: center;">O.A.No.278 of 2019</p> <p>B.B. Rathod ...Applicant 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. Today, Shri A.J. Chougule, learned Presenting Officer has filed affidavit-in-reply on behalf of Respondent No.3. It is taken on record. In so far as Respondent No.2 is concerned, learned P.O. submits that his reply is not required.</p> <p>3. The matter is adjourned to hearing at the stage of admission.</p> <p>4. S.O. to 29.09.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</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>Date : 08.09.2020</p> <p>R.A.No.7 of 2020 in O.A.No.805 of 2019</p> <p>V.B. Kamble ...Applicant 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 holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed affidavit-in-reply in R.A. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 22.09.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.09.2020</p> <p>O.A.No.1132 of 2019</p> <p>K.S. Ghongade ...Applicant 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. Enough time is granted for filing reply, but the same is not filed. However, on the request of learned P.O. two weeks time is granted as a last chance.</p> <p>3. Adjourned to 22.09.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.09.2020</p> <p>O.A.No.66 of 2020</p> <p>Dr. A.S. Mane ...Applicant 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. Enough time is granted for filing reply, but the same is not filed. However, on the request of learned P.O. two weeks time is granted as a last chance.</p> <p>3. Adjourned to 22.09.2020.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.09.2020</p> <p>O.A.No.128 of 2020</p> <p>Smt. M.D. Kale ...Applicant 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. Today learned Advocate for the Applicant has filed affidavit-in-rejoinder of the Applicant. It is taken on record.</p> <p>3. The matter is adjourned ^{for} hearing at the state of admission.</p> <p>4. Adjourned to 29.09.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

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 : 08.09.2020</p> <p>O.A.No.924 of 2019</p> <p>R.P. Navale ...Applicant 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. After hearing the matter for some time, it was noticed that the applicant claims to be falling in Group-C but there is no specific reply on that point. Reply is evasive. This aspect is crucial to determine whether the Applicant is entitled for three years tenure or six years tenure. Therefore, it is necessary to find out whether the applicant falls in Group-C as he claimed. The matter on record as of now is not clear on this point.</p> <p>3. In view of above, request of the Applicant as well as learned P.O. one week time is granted for further hearing.</p> <p>4. Adjourned to 15.09.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</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>Date : 08.09.2020</p> <p>O.A.No.1107 of 2019</p> <p>Y.V. Mane ...Applicant Versus The State of Maharashtra & Ors. ...Respondents</p> <p>1. Applicant and his Advocate both are absent. Smt. K.S. Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule, learned P.O. for the Respondents is present.</p> <p>2. Adjourned to give one more opportunity to the Applicant.</p> <p>3. Adjourned to 29.09.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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 : 08.09.2020</p> <p align="center">O.A.No.121 of 2020</p> <p>R.M. Sankpal ...Applicant Versus The State of Maharashtra & Ors. ...Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Smt. Punam Mahajan, learned Advocate the Respondent No.2.</p> <p>2. Today, learned Advocate Smt. Punam Mahajan for Respondent No.2 has filed affidavit-in-reply on behalf of Respondent No.2. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 22.09.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

P.M. Teli

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This O.A. was filed on 18.03.2020 but it is listed before this Tribunal for the first time in view of circulation/praecipe by the learned Advocate for the Applicant. Perusal of O.A. reveals that it is not even checked or examined by the concerned official and it was just pending without any scrutiny by the office.

3. It appears that even if the Original Applications are filed long back due to subsequent lockdown the matters were not scrutinized and listed before the Tribunal. Now, we are in unlock 4 and all such matters which are lying unattended, unscrutinized and unlisted before the Tribunal needs to be checked and after scrutiny those are required to place before the Tribunal for the first orders.

4. Having noticed the above discrepancies by Shri More, Office Superintendent was called to know the situation. He states that some matters are still pending unattended and office is placing the matter before the Tribunal only if circulation is taken by the learned Advocates. Indeed it is the responsibility of the office to scrutinize the matters and list them before the Tribunal without waiting for circulation by learned Advocate.

5. In view of above, Registrar is directed to find out how many matters are lying unattended or unscrutinised by the office. He should prepare the list of such matters which are pertaining to this Bench and shall submit the list on 10.09.2020 so that further directions can be issued. This matter be also included in the list so that first order/interim relief order can be passed.

6. Adjourned to 10.09.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.09.2020</p> <p>O.A.No.223 of 2020</p> <p>D.N. Kamble & Ors. ...Applicants Versus The State of Maharashtra & Ors. ...Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicants submits that he wants to bring on record certain subsequent development and seeks permission to amend the O.A. During the pendency of O.A. Respondents have issued fresh orders in respect of Respondents No.2, 3 and 4 for recovery of the amount from retiral benefits.</p> <p>3. Learned Advocate sought to amend O.A. so as to challenge the orders passed by the Respondents during the pendency of O.A.</p> <p>4. Perused the proposed amendment and relief sought by way of amendment. It being subsequent development amendment is allowed. Amendment be carried out within three days. Thereafter only issue of interim relief will be considered.</p> <p>5. Adjourned to 15.09.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.09.2020</p> <p>O.A.No.155 of 2020 with O.A.No.157 of 2020 with O.A.No.161 of 2020</p> <p>D.L. Fupagar (O.A.155/2020) D.Y. Kamble & Ors (O.A.157/2020) A.A. Zajam & Ors. (O.A.161/2020)Applicants Versus The State of Maharashtra & Ors. ...Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicants 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 of the Applicant in each matter. It is taken on record.</p> <p>3. The matter is adjourned to hearing at the state of admission.</p> <p>4. Adjourned to 29.09.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>