

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>O.A.854/2019 with O.As.856 &amp; 857/2019</u></b></p> <p><b>Shri N. R. Bhosale</b>                      ... Applicants <b>Vs.</b> <b>The State of Mah. &amp; ors.</b>            ... Respondents</p> <p>1. Applicants and their Advocate absent. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. The learned P.O. files Affidavit-in-reply in these O.As and the same will be filed during the course of the day. The same is taken on record.</p> <p>3. These O.As be kept for hearing with connected O.As.</p> <p>4. S.O. to 3<sup>rd</sup> March, 2023.</p> <p style="text-align: right;">Sd/- <b>(A.P. Kurhekar)</b> <b>Member-J</b> <b>09.02.2023</b></p>
	(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. of 20

I N

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**FARAD CONTINUATION SHEET No.**

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	<p style="text-align: center;"><b><u>09.02.2023</u></b></p> <p style="text-align: center;"><b><u>C.A 40/2022 in O.A 733/2021</u></b></p> <p>Shri S.P Kolte ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri S.S Dere learned advocate for the applicant, Ms Archana B.K, learned P.O for the Respondent no. 1 and Shri M.D Lonkar, learned counsel for Respondent no. 2.</p> <p>2. Learned counsel for the applicant submits that he wants to delete the name of Respondent no. 2, Mr Sandeep Patil from the array of the Respondents. Allowed to delete the name of Respondent no. 2, Mr Sandeep Patil because contempt is not against private party. Amendment to be carried out forthwith.</p> <p>3. Mr Lonkar, produced copy of the order dated 19.5.2022 in W.P 6177/2022 wherein the Government has made statement that the Petitioner shall not be disturbed until further orders from his existing post, i.e., General Manager, District Industries Centre, Nasik.</p> <p>4. Learned P.O submits that the Respondents have filed W.P No. 12189/2022 before the Hon'ble Bombay High Court on 25.5.2022. However, till date circulation is not granted.</p> <p>5. Hence both the Writ Petitions are pending before the Hon'ble High Court. Unless there are further orders from the Hon'ble High Court, this issue in respect of the present Petitioner and Mr Sandeep Patil who is private Respondent cannot be resolved. The statement made by the Respondent-State before the Hon'ble High Court in the Writ Petition in the case of Sandeep Patil will definitely come in the way while deciding the Contempt Application.</p> <p>6. S.O to 16.3.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: right;">[P.T.O.]</p>

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	<p style="text-align: center;"><b><u>09.02.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 79/2023 with M.A 80/2023 in O.A 79/2023</u></b></p> <p>Shri R.N Saykar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant, Smt K.S Gaikwad, learned P.O for the Respondents and Shri S.S Dere, learned counsel for the intervenors in M.A 80/2023</p> <p>2. Learned counsel Mr Dere for the intervenor is directed to serve copy of the application to the learned counsel for the applicant.</p> <p>3. S.O to 23.2.2023.</p> <p style="text-align: right; margin-right: 20px;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p style="text-align: center;"><b><u>09.02.2023</u></b></p> <p style="text-align: center;"><b><u>O.A 18/2023</u></b></p> <p>Shri S.B Rathod ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that this Original Application can be disposed of with specific directions to the Appellate Authority to decide the pending appeal dated 23.6.2022.</p> <p>3. Considering the prayer made by the applicant, the Appellate Authority is directed to decide the appeal dated 23.6.2022 within two month from today and communicate the order to the applicant within one week thereafter.</p> <p>4. Original Application accordingly stands disposed of.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">Akn</p>

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	<p align="center"><u>O.A. No.55 of 2022</u></p> <p>V.S. Kadam ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. V.K. Jagdale holding for Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks leave to add Home Department as party respondent in the array of respondents.</p> <p>3. Leave granted. Amendment be carried out forthwith and amended copy of OA be served on all the respondents.</p> <p>4. S.O. to 16.2.2023.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 9.2.2023</p> <p>(sgj)</p>

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	<p align="center"><u>C.A. No.64 of 2022 in O.A. No.608 of 2019</u></p> <p>Dr. M.V. Pande ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. V.K. Jagdale holding for Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO produces copies of 3 orders dated 8.2.2023 and submits that ad hoc services of the applicant from 26.10.1971 to 31.5.1976 is regularized for the purpose of pensionary benefits only. The period of absence from 10.6.1985 to 12.8.1997 is treated as Extra Ordinary Leave without pay and not to be considered for pensionary benefits. Copies of orders are taken on record and marked Court Exhibit 'X' for identification.</p> <p>3. Ld. Advocate for the applicant seeks time.</p> <p>4. S.O. to 10.2.2023.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 9.2.2023</p> <p>(sgj)</p>

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	<p align="center"><u>C.A. No.25 of 2022 in O.A. No.503 of 2020</u></p> <p>V.S. Pandhare ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that punishment of stoppage of one increment is suggested by the disciplinary authority and the matter is send to the MPSC for approval.</p> <p>3. Concerned officer is directed to remain present on the next date.</p> <p>4. S.O. to 14.2.2023.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 9.2.2023</p> <p>(sgj)</p>

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	<p align="center"><u>C.A. No.12 of 2022 in O.A. No.431 of 2018</u></p> <p>B.D. Sarangkar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that proposal is submitted to the Government on 20.9.2022.</p> <p>3. S.O. to 13.2.2023 at the request of Ld. PO.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 9.2.2023</p> <p>(sgj)</p>



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	<p align="center"><u>C.A. No.53 of 2021 in O.A. No.1091 of 2017</u></p> <p>R.A. Shaikh &amp; Anr. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. Applicants and Advocate are absent.</p> <p>2. Ld. PO submits that the judgment and order dated 9.5.2019 passed by this Tribunal in the above OA is set aside the judgment and order dated 3.2.2023 passed by the Hon'ble High Court in W.P. No.9197 of 2022 filed by the State.</p> <p>3. In view of this nothing remains in the CA and the same is disposed off by consent. //</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson 9.2.2023</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.61 of 2023</u></p> <p>K.M. Dadas ..Applicant  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Applicant and Advocate are absent.</p> <p>2. Ld. PO submits that office of Ld. CPO has not received report from the Medical Board.</p> <p>3. S.O. to 14.2.2023.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.)  Chairperson  9.2.2023</p> <p>(sgj)</p>

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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 09.02.2023</p>
	<p>O.A.No.1179 of 2022</p> <p>V. B. Helavi (Reddy) .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit in Rejoinder. It is taken on record.</p> <p>3. S.O. to 28.02.2023.</p> <p style="text-align: right;">^ Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 09.02.2023</p> <p style="text-align: center;">O.A.No.13 of 2023</p> <p>D. P. Varpe <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Smt. Archana B. K., learned Presenting Officer for the Respondent and Shri Anish Khandekar, learned Counsel for the Respondent No.2.</p> <p>2. When the matter is taken up for hearing, learned Counsel for the Applicant realized that there is some mistake in Prayer clause 9(C) about the period of commuted leave, the period is mentioned as 06.02.2016 to 15.11.2016 instead of 16.11.2016 to 04.07.2017. According to Applicant, it was already granted as commuted leave by order dated 15.03.2018.</p> <p>3. Allowed to correct the dates in prayer clause 9(c), it be corrected immediately.</p> <p style="text-align: right; margin-right: 100px;">           Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </p> <p style="text-align: left; margin-left: 100px;">vsm</p>

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	<p>Date : 09.02.2023</p> <p style="text-align: center;">O.A.No.13 of 2023</p> <p><b>D. P. Varpe</b> <span style="float: right;">....Applicant</span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadkar, learned Counsel for the Applicant, Smt. Archana B. K., learned Presenting Officer for the Respondent and Shri Anish Khandekar, learned Counsel for the Respondent No.2.</p> <p>2. This O.A. is heard for some time but during the course of hearing, learned Counsel for the Applicant submits that his client is also challenging the order of punishment of censure, dated 09.02.2022 post D.E. He therefore requested to adjourn this O.A. It being O.A.No.20/2023. In this O.A., the Applicant has claimed retiral benefits with interest. Some of the retiral benefits are already paid though belatedly. Insofar as gratuity is concerned, till date it is not paid.</p> <p>3. Learned P.O. submits that the proposal is under process. The Respondents are directed to expedite the proposal for releasing gratuity and it be paid within four weeks from today as per his entitlement.</p> <p>4. The question of interest on belated payment of gratuity and other retiral benefits will be dealt with later.</p> <p>5. S.O. to 16.02.2023.</p> <p style="text-align: right; margin-right: 20px;">Sd/- (A.P. Kurhekar) Member(J)</p> <p style="text-align: left; margin-left: 20px;">ysm</p>

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	<p>Date : 09.02.2023</p> <p style="text-align: center;">O.A.Nos.1043 and 1048 of 2022</p> <p>S. R. Bankar &amp; Anr. <span style="float: right;">...Applicants</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed additional short Affidavit on behalf of the Respondents with annexures as a joint for these two O.A.s It is paginated in O.A.No.1043/2022 for convenience. It is taken on record.</p> <p>3. Learned Counsel for the Applicant is also directed to produce detail chart showing all the benefits availed by the Applicants so that factual position be visible at a glance.</p> <p>4. S.O. to 13.02.2023.</p> <div style="text-align: right; margin-top: 20px;">   Sd/-  (A.P. Kurhekar)  Member(J) </div>

vsm

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	<p><b>Date : 09.02.2023</b></p> <p style="text-align: center;"><b>O.A.Nos.1041, 1042 &amp; 1044 of 2023</b></p> <p><b>R. P. Dhake &amp; Ors. ....Applicants</b></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Though these 3 O.A.s were initially heard together with two other O.A.Nos.1043 and 1048/2022., however, there is little difference in the facts of O.A. Nos. 1043 and 1048/2022. Therefore, O.A. Nos. 1041, 1042 and 1044/2022 will be heard separately. In these O.A.s today learned P.O. has filed additional short Affidavit on behalf of the Respondents along with annexures for clarity. It is taken on record.</p> <p>3. Learned Counsel for the Applicant has also filed additional Affidavit along with chart and annexures. It is taken on record. However, additional Affidavit filed by the Applicants reveals that there is no reference of first benefit given to the Applicants in 2001 as seen from the office orders produced by learned P.O. along with short Affidavit today.</p> <p>4. Learned Counsel for the Applicants is, therefore, directed to submit fresh chart disclosing all the material facts so that there could be no dispute about factual aspects.</p> <p>5. S.O. to 13.02.2023.</p> <p style="text-align: right; margin-right: 20px;">Sd/- (A.P. Kurhekar) Member(J)</p> <p style="text-align: left; margin-left: 20px;">vsm</p>

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	<p style="text-align: center;"><b><u>O.A.697/2021</u></b></p> <p><b>Shri B.P. Satpute &amp; Ors.     ... Applicants</b> <b>      Vs.</b> <b>The State of Mah. &amp; ors.     ... Respondents</b></p> <p>1.     Shri R.M. Kolge, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2.     Today, learned Advocate for the Applicant files Rejoinder on behalf of Applicant to the reply filed by Respondent No.2. It is taken on record.</p> <p>3.     On the request of learned Advocate for the Applicant, S.O. to 1<sup>st</sup> March, 2023.</p> <p style="text-align: right;">n Sd/-</p> <p style="text-align: right;"><b>(A.P. Kurhekar)</b> <b>Member-J</b> <b>09.02.2023</b></p> <p>(skw)</p>



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	<p align="center"><b><u>O.A.854/2019 with O.As.856 &amp; 857/2019</u></b></p> <p><b>Shri</b> ... Applicants  <b>Vs.</b>  <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>1. Applicants and their Advocate absent. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. The learned P.O. files Affidavit-in-reply in these O.As and the same will be filed during the course of the day. The same is taken on record.</p> <p>3. These O.As be kept for hearing with connected O.As.</p> <p>4. S.O. to 3<sup>rd</sup> February, 2023.</p> <p align="right">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member-J</b>  <b>09.02.2023</b></p> <p>(skw)</p>

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	<p style="text-align: center;"><b><u>O.A.112/2020</u></b></p> <p><b>Shri D.W. Patil</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>1. Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. The learned P.O. sought short time to file reply to the amendment made in O.A. by the Applicant. Indeed, today matter is for reply to the amendment. Short time granted.</p> <p>3. S.O. to 13<sup>th</sup> February, 2023.</p> <p style="text-align: right;">n Sd/-  <b>(A.P. Kurhekar)</b> <b>Member-J</b> <b>09.02.2023</b></p> <p>(skw)</p>

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	<p><b><u>O.As.705 &amp; 706/2019</u></b></p> <p><b>Shri V.D. Kamane &amp; Ors.</b>  <b>Shri P.S. Parab &amp; Ors.        ... Applicants</b>  <b>Vs.</b>  <b>The State of Mah. &amp; ors.        ... Respondents</b></p> <p>1.        Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2.        These two O.As were before the Division Bench and transferred to this bench recently.</p> <p>3.        On the request of learned Advocate for the Applicant as well as learned P.O, matter is adjourned for final hearing to 21.02.2023.</p> <p>4.        S.O. to 21<sup>st</sup> February, 2023.</p> <p style="text-align: right;">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member-J</b>  <b>09.02.2023</b></p> <p>(skw)</p>

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## FARAD CONTINUATION SHEET No.

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	<p>Date: 09.02.2023</p> <p style="text-align: center;">O.A. No.743 of 2022 with O.A. No.744 of 2022</p> <p>Dr. K.S. Madar .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Interim relief to continue till next date.</li> <li>3. S.O. to 01.03.2023.</li> </ol> <div style="text-align: right; margin-top: 20px;"> <p>WV Sd/- (A.P. Kurhekar) Member (J)</p> </div> <p style="text-align: center; margin-top: 20px;">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b>Date: 09.02.2023</b></p> <p align="center"><b>O.A. No.174 of 2023</b></p> <p><b>R.A. Jadhav</b> .....<b>Applicant</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....<b>Respondents.</b></p> <ol style="list-style-type: none"> <li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li> <li>2. The Applicant is serving as Sub Divisional Officer, Wai, Dist. Satara where he was posted by order dated 06.08.2021 but he is displaced by impugned order dated 07.02.2023 whereby Government posted Respondent No.2 in his place leaving the Applicant without posting. The Applicant has therefore filed the present O.A. challenging order dated 07.02.2023 <i>inter-alia</i> contending that he is being transferred mid-term and mid-tenure in contravention of Provision of Transfer Act 2005 and prayed for interim relief.</li> <li>3. Learned P.O. has tendered the file for the perusal of the Tribunal and all that she submits that Respondent No.2 is posted in place of the Applicant in view of the note of the Minister of the Department and it is approved by Hon'ble Chief Minister as a competent authority for such mid-term and mid-tenure transfer.</li> <li>4. Surprising to note that there was no proposal for the Transfer of Respondent No.2 as well as the Applicant. Matter was placed before the CSB in respect of transfer of 11 other officials but when the file was placed before the Minister of the Department he made certain addition that Respondent No.2 be <sup>placed</sup> <del>placed</del> in place of the Applicant and the noting was simply approved by Hon'ble Chief Minister. Thus neither there is recommendation of CSB nor there is any such necessity or administrative reason to displace the Applicant from his present post. <i>Ex-facie</i> it is done only to accommodate Respondent No.2 The note of Minister is simple approved by Hon'ble Chief Minister without bothering to see that no such case is made out to displace the Applicant mid-term and mid-tenure. Only because</li> </ol>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Hon'ble Chief Minister approved transfer that <i>ex-facto</i> would not render transfer order legal and valid. Under Section 4 (5) of transfer Act 2005 such mid-term and mid-tenure transfer is permissible only in special case after regarding reasons in writing for the same which is completely missing rather knowingly that there is no such exigency transfer order is issued only to accommodate Respondent No.2 by giving undue favour to him.</p> <p>5. Suffice to say ex-facie impugned transfer order is in blatant contravention of Provision of Transfer Act, 2005 and liable to be stayed immediately.</p> <p>6. In view of above, interim-relief in terms of Para 10 (a) is granted.</p> <p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 23.02.2023 to Respondent as to why interim relief should not be made absolute and why O.A. should not be allowed with exemplary cost.</p> <p>9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>12. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>13. S.O. to 23.02.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>M.A.87/2023 in O.A.802/2021</u></b></p> <p><b>Shri N.B. Kolekar                      ... Applicant</b> <b>    Vs.</b></p> <p><b>The State of Mah. &amp; ors.              ... Respondents</b></p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. The Tribunal has disposed of O.A.No.802/2021 by order dated 29.03.2022 by giving directions. Para Nos.8 and 9 of the order are material which are as under :-</p> <p style="padding-left: 40px;"><b>“8.</b> Thus, having heard learned Counsel for the Applicant and learned P.O. for the Respondents, present O.A. can be disposed of by giving suitable directions particularly having noticed that the Respondent No.2- Shri Shelke is posted at Kolhapur from 2016 and had already secured 2-3 extensions. Thus, in general transfer of May, 2022, he will be completing I more than six years. Significantly, the record shows that I earlier also he was at Kolhapur from 2002 to 2008. It is quite un-understandable how a person can be posted at one place for such a longer period which is nothing but undue favour.</p> <p style="padding-left: 40px;"><b>9.</b> O.A. is, therefore, disposed of with directions to Applicant to make representation giving option of Kolhpaur and Respondent No.1 should consider the same in general transfer of May, 2022 in the light of observations made by this Tribunal as above.”</p> <p>3. Now this M.A. is filed for modification of above order on the ground that no general transfers were effected in 2022. The general transfers of 2023 are due in the month of April or May in terms of ‘Transfer Act 2005’. The learned Advocate for the Applicant has pointed out that the Department had called for options in general transfers. In the said Circular,</p>

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

**Tribunal's orders**

Shri S.D. Shelke, who is at Kolhapur is shown due for transfer, since he is working there from 25.02.2016. The Applicant, therefore, sought modification that Applicant's representation should be considered in general transfers of 2023 for which process is initiated.

4. In view of above, M.A. is disposed of with direction to the Applicant to make fresh representation giving option of Kolhapur and he may include some other options and it should be considered by the Respondents in general transfers of April ~~or~~ May, 2023. No order as to costs.

Sd/-

**(A.P. Kurhekar)**  
**Member-J**  
**04.02.2023**

(skw)





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

**Tribunal's orders**

5. Thus, Applicant is continued in service and due to retire on 31.05.2025 on attaining the age of superannuation.

6. In view of above, O.A. has become infructuous and required to be disposed of. Accordingly, O.A. is disposed of with no order as to costs.

Sd/-

**(A.P. Kurhekar)**  
**Member-J**  
**09.02.2023**

(skw)

**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 : 09.02.2023</p> <p align="center">O.A.No.1224 of 2022</p> <p>V. D. Kamane <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed additional Affidavit on behalf of the Applicant along with pay-slips. It is taken on record.</p> <p>3. Learned P.O. sought time to file counter Affidavit, if necessary.</p> <p>4. S.O. to 10.02.2023.</p> <p align="right">           Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>

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

Tribunal's orders

Date : 09.02.2023

O.A.No.161 of 2023

M. S Nagulpelli

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. This O.A. is for correction of date of birth in service record. In service record, the date of birth is recorded as 25.02.1965. However, the Applicant contends that his correct date of birth is 25.12.1967. On the basis of date of birth recorded in service book, the applicant is due to retire at the end of February, 2023. The O.A. , therefore, deserves to be expedited.
3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
4. Issue notice before admission returnable on 22.02.2023.
5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
8. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ ~~Miscellaneous~~ Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / ~~Miscellaneous~~ Application shall stand dismissed.

9. S.O. to 22.02.2023.

Sd/-

(A.P. Kurhekar)  
Member(J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 09.02.2023</p> <p>M. A. No.90 of 2023 in O.A.No.161 of 2023</p> <p>M. S Nagulpelli ....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed to condone the delay of 31 months caused in filing O.A. challenging orders dated 03.07.2019 and 23.11.2019 whereby request of the Applicant for change in date of birth has been rejected. In service book, date of birth is 25.02.1965. However, he contends that his correct date of birth is 25.12.1967. The department however rejected his request. Being aggrieved by it, he initially filed W.P. No.4478/2021 before the Hon'ble High Court which was disposed of as withdrawn with liberty to approach the Tribunal by order dated 03.02.2023.</p> <p>3. Learned Counsel the Applicant therefore submits that delay be condoned so as to decide the O.A. on merit.</p> <p>4. In terms of order of the Hon'ble Supreme Court in <i>Suo-Motu</i> W.P.No.3/2020, dated 10.01.2022 directions were issued for extension of period of limitation in view of Covid-19 pandemic situation and lockdown. The Hon'ble Supreme Court held that in case where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all person shall have a limitation period of 90 days from 01.03.2022.</p> <p>4. In present case, limitation challenged impugned orders expired in period covered by the order of the Hon'ble Supreme Court. Thereafter, he filed W.P. which is withdrawn with liberty to approach the Tribunal.</p> <p>5. In view of above, I am inclined to condone the delay caused in filing O.A.</p> <p>6. M.A. is accordingly allowed and disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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 : 09.02.2023</p> <p>O.A.No.1322 of 2023</p> <p>S. R. Patil ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply by way of most last chance.</p> <p>3. S.O. to 16.02.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 09.02.2023</p> <p align="center">O.A.No.1130, 1131, 1141 &amp; 1142 of 2022</p> <p>L. S. Patil &amp; Ors. <span style="float:right">....Applicants</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned P.O. holding for 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 to file reply as a last chance.</p> <p>3. S.O. to 23.02.2023.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 09.02.2023</p> <p align="center">O.A.No.154 of 2023</p> <p>J. R. Kumbhar <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In this O.A., the Applicant has grievance of non-getting the benefit of 7<sup>th</sup> Pay Commission so as to get revised pension benefits. He retired on 03.06.2018 but his pension is not revised in terms of 7<sup>th</sup> Pay Commissioner which is made applicable w.e.f. 01.01.2016. As such nothing is to be adjudicated in the O.A.</p> <p>3. Learned P.O. is therefore directed to take instructions as to why benefit of 7<sup>th</sup> Pay Commission is not given to the Applicant and apprise the tribunal on next date so as the O.A. could be disposed of with suitable directions.</p> <p>4. S.O. to 10.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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 : 09.02.2023</p> <p align="center">M. A. No.18 of 2023 in O.A.No.39 of 2023</p> <p>R. B. Misal <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply.</p> <p>3. S.O. to 23.02.2023</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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 : 09.02.2023</p> <p style="text-align: center;">O.A.No.1212 of 2022</p> <p>Dr. S. F. Deshmukh <span style="float: right;">...Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Smt. Vaishali Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos. 1 and 2. Shri D. B. Khaire, learned Counsel for the Respondent No.3 is absent.</p> <p>2. The Respondent No.3 has already filed reply. However, no reply is filed on behalf of Respondent Nos.1 and 2, though enough time is granted. On previous date, one week time was granted to file reply as a last chance but no reply is filed.</p> <p>3. In view of above, I am not inclined to grant further time. O.A. to proceed without reply of Respondent Nos.1 and 2 and be kept for hearing at the stage of admission.</p> <p>4. S.O. to 03.03.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 09.02.2023</p> <p align="center">O.A.No.1228 of 2022</p> <p>S. L. Shinde <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.2. It is taken on record. No separate reply is filed on behalf of the Respondent No.1.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted to file Rejoinder.</p> <p>4. S.O. to 23.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 09.02.2023</p> <p align="center">O.A.No.1229 of 2023</p> <p>M. M. Thakur <span style="float: right;">...Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that reply is under preparation and same will be filed during the course of the day. The statement is accepted. It be taken on record. The copy be served to other side.</p> <p>3. On request of learned Counsel for the Applicant, three weeks time is granted to file rejoinder.</p> <p>4. S.O. to 02.03.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 09.02.2023</p> <p align="center">O.A.No.1270 of 2023</p> <p>K. S. Chandanshive <span style="float: right;">....Applicant</span></p> <p><b>Versus</b></p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Smt. Vaishali Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Today, learned P.O. has filed reply on behalf of the Respondent No.1 and 2. It is taken on record.</li> <li>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</li> <li>4. S.O. to 08.03.2023.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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 : 09.02.2023</p> <p align="center">O.A.No.1279 of 2023</p> <p>K. T. Ghorpade <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply by way of most last chance with specific direction that no further time will be granted.</p> <p>3. S.O.to 16.02.2023.</p> <p align="right"> <sup>^</sup>            Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>