(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.41 of 2021

E.B. Sayyad ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed short Affidavit on behalf of the Respondent. It is taken on record.

3. S.O. to 01.04.2021 for Rejoinder.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.1108 of 2019

V. D. Suryawanshi ....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. Today, learned P.O. has filed Affidavit in Sur-Rejoinder. It is taken on record.

3. S.O. to 06.04.2021 for final hearing.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.1058 of 2019

S. M. Wankhede ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed Affidavit in Sur-Rejoinder on behalf of the Respondent Nos.1 and 2. It is taken on record.

3. S.O. to 05.04.2021 for final hearing.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019) . [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.618 of 2020

S. J. Agale ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.

3. No reply is filed on behalf of the Respondent No.2.

4. S.O. to 26.03.2021 with connected O.A.No.617/2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

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

Date : 09.03.2021

M.A. No.58 of 2021 in M.A.No.59 of 2021
in
O.A.No.05 of 2020

The State of Maharashtra & Ors. **....Applicants (Ori. Respondents)**

Versus

D. R. Wadkute **...Respondent (Ori. Applicant)**

1. Heard Smt. Archana B. K., learned Presenting Officer for the Applicants (Ori. Respondents).

2. Original Applicant is served with notice of M.A. but absent

3. These Misc. Applications are filed for extension of time for compliance of the direction issued by the Tribunal on 28.01.2020 in O.A.No.05/2020 whereby the Respondents were directed to complete the D.E. within four months including passing of final order.

4. As such, in terms of direction of the Tribunal, the D.E. including passing of final order by the Applicant No.1 – Government of Maharashtra should have been ~~passed~~ completed on or before 28.05.2020. However, it was not complied with, and therefore, these Misc. Applications are filed.

5. Indeed, these Misc. Applications are filed on 03.02.2021 much belatedly which were required to be filed before expiration of time limit given by the Tribunal in order dated 28.01.2020.

6. Applicant No.1-Government is the Appointing Authority, and therefore, it was for the Applicant No.1 to comply the same. However, the M.A. is filed with affirmation of Assistant Commissioner in the office of Commissionerate, Social Welfare Department, Pune. In M.A., it is stated that due to Covid-19 pandemic situation and lockdown, inquiry could not be completed.

7. As stated above, it was for the Applicant No.1-Government of Maharashtra through Principal Secretary, Social Justice and Special Assistant Department, Mumbai to ensure the compliance of direction and to pass final order in D.E. Consequently, it is for the Applicant No.1 to explain why D.E. could not be completed and further to explain the status of D.E.

8. The Applicant No.1 is, therefore, directed to file Affidavit in support of M.A. and further to explain the status of D.E.

9. S.O. to 16.03.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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 Date : 09.03.2021

O.A.No.340 of 2020

S. P. Thombare **....Applicant**

Versus

The State of Maharashtra & Ors. **...Respondents.**

1. Heard Ms Avanti Inamdar holding for Shri Gite, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. In the present matter, notices were issued on 30.07.2020 but till date no reply is filed though enough time is granted. On previous date, last chance was granted but in vain.

3. Hence, the matter is proceeded without reply.

4. O.A. is adjourned for hearing at the stage of admission.

5. Interim relief to continue till next date.

6. S.O. to 08.04.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.619 of 2020

P. U. Rathod ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.

3. S.O. to 30.03.2021 for Rejoinder.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date: 09.03.2021

O.A. No.197 of 2021

V.E. Jog .....**Applicant**
Versus
The State of Maharashtra & Ors. .....**Respondents.**

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

2. The Applicant has challenged order dated 01.03.2021 (in order wrongly typed as dated 01.03.2020), whereby Respondent namely Controller, Legal Metrology has temporarily shifted the Applicant from Mandavi–Division-II to Vehicle Tank-1 Division (Ghatkopar) till further orders.

3. Learned Advocate for the Applicant seeks stay to the impugned order contending that it amounts to transfer in the guise of temporary shifting and it is mid-term without compliance of Section 4(5) of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act 2005' for brevity). He has further pointed out that there is no recommendation of Civil Service Board (C.S.B.).

4. Per Contra, learned P.O. submits that there are serious complaints against him, and therefore, Respondent being Head of the Department had taken temporary measures of shifting the Applicant temporarily and it does not amount to transfer. He further submits it being temporary arrangement issue of the recommendation of C.S.B. as well as compliance of section 4(5) of 'Transfer Act 2005' does not arise.

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

5. In impugned order, it is specifically stated that Applicant is temporary posted in view of certain complaints against him. Respondent is Head of the Department though not transferring authority. The impugned order is passed just before 9 days as the temporary arrangement in view of alleged complaints.

6. Learned P.O. submits that proposal is also forwarded to the Government for suitable action.

7. As such, at this stage, it appears to be temporary shifting in Mumbai itself. Hence, at this stage I am not inclined to grant interim relief.

8. Issue notice before admission returnable on 23.03.2021.

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

10. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

12. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

14. S.O. to 23.03.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.282 OF 2020

DISTRICT: SOLAPUR
SUBJECT : SUSPENSION

1) Shri Rajesh Sidram Naikode,)
Aged 32 yrs, Occ. Talathi, (now under suspension))
With last posting at Hotgi, South Solapur,)
Dist. Solapur, R/o. 690, Ballari Chawl,)
Damani Nagar, Solapur.) ... **Applicant**

Versus

1) The Sub Divisional Officer,)
Solapur-2, Solapur, Having Office at Collectorate)
Compound, Siddheshwar Peth, Solapur.) ... **Respondents**

Shri A.V. Bandiwadekar, learned Advocate for the Applicant.

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

CORAM : SHRI A.P. KURHEKAR, MEMBER (J).

DATE : 09.03.2021.

ORDER

1. The Applicant has challenged the suspension order dated 24.12.2019 mainly on the ground of prolong suspension.

2. During the course of hearing, learned Advocate for the Applicant submits that the provision quoted as section 4(1) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 (hereinafter referred to as 'Rules

1979' for brevity) while suspending the Applicant is itself incorrect and vague, and therefore, suspension order is liable to be quashed. He further raised grievances of prolong suspension contending that in terms of decision of the Hon'ble Supreme Court ***(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India & Anr.),*** the suspension beyond 90 days is impermissible, and therefore, Applicant is entitled to pay and allowance after expiration of period of 90 days automatically.

3. Whereas, learned P.O. has pointed out that it is a case of deem suspension since the Applicant was in custody for more than 48 hours and quoting of wrong provision in impugned order do not render suspension order invalid. He has further pointed out that after filling of Reply in the matter, the Applicant is reinstated by order dated 22.02.2021 and O.A. has become infructuous.

4. Shri A.V. Bandiwadekar, learned Advocate for the Applicant fairly concedes that the Applicant is reinstated in service by order dated 22.02.2021.

5. Learned Advocate for the Applicant however submits that Applicant was subjected to prolong suspension beyond 90 days, and therefore, is entitled to pay and allowances after expiration of period of 90 days in terms of the decision in ***Ajay Kumar Choudhary's case*** *(cited supra).*

6. In so far as, the legality of suspension order dated 24.12.2019 is concerned, the Applicant came to be suspended in view of registration of offences under Section 7 of Prevention of Corruption Act, 1989 and he was

in custody for more than 48 hours. He was arrested on 22.12.2019 and was in judicial/police custody for more than 48 hours. He was released on Bail on 30.12.2019. As such, it is explicit that he was under detention for more than 48 hours and it is a case of deem suspension contemplated under Section 4(2)(a) of 'Rules 1979'. The Respondent, however wrongly mentioned Section 4(1) of 'Rules 1979' in suspension order. Needless to mention that quoting of wrong provision of law in the order could not render the order illegal since it is clear case of deem suspension as provided under Section 4(2)(a) of 'Rules 1979'.

7. In view of above, I see no illegality in the suspension order.

8. Since, the Applicant is already reinstated in service, the O.A. in-fact itself has become infructuous.

9. In so far as, the claim for full pay and allowances after the expiration of 90 days period is concerned, it is based on the decision of Hon'ble Supreme Court in ***Ajay Kumar Choudhary's case*** which is arising from suspension in contemplation of D.E. Whereas in present case, the suspension is on account of registration of crime under the Prevention of Corruption Act and custody for more than 48 hours.

10. Needles to mention that it is for the competent authority to regularize the period of suspension as it thinks fit in accordance to law particularly under the provisions of Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1981 at appropriate time. Therefore, at this stage, the

claim of pay and allowances for the period of suspension is premature. It is for the competent authority to deal with this issue at appropriate time and in accordance to law.

11. In view of above, O.A. is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

Place: Mumbai
Date: 09.03.2021
Dictation taken by: N.M. Naik.

(G.C.P.) J 2737 (50,000—4-2019)

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

O.A. No.87 of 2020

R.V. Kardak & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants, Ms. Neelima Gohad, learned Presenting Officer for Respondents No.1 to 4 and Shri C.T. Chandratre, learned Advocate for Respondents No.5 to 8.

2. Ld. PO seeks one week time to file reply. Ld. Advocate for Respondents No.5 to 8 submits that he be given two weeks time thereafter so that after receiving the reply of the State he will be able to file reply for private respondents.

3. S.O. to 16.3.2021.

Sd/- Sd/-

(P.N. Dixit) (Mridula R. Bhatkar, J.)
Vice-Chairman Chairperson
9.3.2021 9.3.2021

(sgj)

(G.C.P.) J 2959(B) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.663 of 2020 with O.A.No.682 of 2020 with O.A.No.683 of 2020 with O.A.No.684 of 2020 with O.A.No.685 of 2020 with O.A.No.661 of 2020 with O.A.No.703 of 2020 with O.A.No.85 of 2020 with O.A.No.47 of 2021

R.S. Yadav (O.A.663/2020)
S.G. Koli (O.A.682/2020)
S.G. Koli (O.A.683/2020)
V.B. Koli (O.A.684/2020)
P.R. Arage (O.A.685/2020)
P.R. Ninave (O.A.661/2020)
P.R. Waikar (O.A.703/2020)
N.H. Koli (O.A.85/2020)
S.B. More (O.A.47/2021 ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant in O.A.663/2020, Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant in O.A.No.682/2020 to 685/2020 & in O.A.No.703/2020, Smt. Punam Mahajan, learned Advocate for the Applicant in O.A.No.661/2020, Shri S.D. Joshi, learned Advocate for the Applicant in O.ANo.85/2020, Shri R.G. Panchal, learned Advocate for the Applicant in O.A.No. 47/2021 and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Interim relief granted to be continued till next date.

3. Adjourned to 08.04.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

(G.C.P.) J 2959(B) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

09.03.2021

O.A 149/2021

Shri G.A Metakari ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. Today, Shri Sanjay Deshmukh, Dy. Secretary, MPSC is present. He informs that yesterday he has viewed the CCTV footage at 11.15 am in the presence of the applicant of the shot-put performance of the applicant, which has taken place at the time of test on 27.2.2020. Shri Deshmukh makes statement in presence of learned counsel for the applicant and the learned C.P.O that CCTV footage was shown to the applicant. Mr Dere on instructions from the applicant submits that according to the applicant the metal ball fell exactly at 7.50 meters distance.

3. We would like to point that as per order dated 2.3.2021 we have directed the applicant to remain present in the office of MSPC before Dy Secretary for the purpose of viewing the video of his performance and accordingly to us it was done.

4. Learned counsel Mr. Dere submits that as the applicant after viewing the CCTV footage has confirmed that the metal ball fell on the line of 7.50 meters, the applicant is entitled to get 15 marks instead of 12.5. Learned counsel for the applicant submits that photo copy of the CCTV footage is to be given to hm.

5. We are of the view that such request of supplying the portion of CCTV footage cannot be entertained. However, we direct MPSC to preserve that particular CCTV footage for a period of six months.

6. Learned counsel for the applicant wants to amend prayer (c). Allow to amend the O.A. As the Court time is over, the order will be passed tomorrow.

7. S.O to 10.3.2021.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2737 (50,000—4-2019)

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

O.A. No.61 of 2021

S.S. Choudhari ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant produces a letter dated 23.2.2021 issued by Dr. M.S. Deshpande, Joint Director, Water Supply and Sanitation Department, Pune wherein the DE is remanded to the same Enquiry Officer for further enquiry. Copy of letter is taken on record and marked as Exhibit '1' for identification.

3. In view of this, nothing remains in this matter. We dispose off the matter with directions to the enquiry officer to complete the enquiry within six weeks and report be sent to the concerned officer and preferably it is to be concluded within two months. OA disposed off accordingly.

Sd/- Sd/-

(P.N. Dixit) (Mridula R. Bhatkar, J.)
Vice-Chairman Chairperson
9.3.2021 9.3.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019)

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

O.A. No.551 of 2020

P.R. Shinde & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Shri Devendra V. Tawde, Under Secretary, MPSC has filed reply dated 2.2.2021 on behalf of respondent no.1. Ld. Advocate for the applicants submits that he does not wish to file rejoinder.

3. Admit.

4. This matter pertains to selection in examination of 2019 for the post of PSI through direct recruitment. Ld. Advocate for the applicants submits that applicants have cleared the written test however, while sending candidates for physical test the ratio of 1:4 is not maintained.

5. S.O. to 8.4.2021 for final hearing.

Sd/-

(P.N. Dixit)
Vice-Chairman
9.3.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
9.3.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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

O.A. No.178 of 2020

C.T. Chaudhari & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO files reply on behalf of respondent no.1 and the same is taken on record.

3. Ld. Advocate for the applicants seeks time to file rejoinder

4. S.O. to 6.4.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
9.3.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
9.3.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

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

O.A. No.1116 of 2019

Ravindra U. Shinde ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO states that reply will be filed during the course of the day.

3. Ld. Advocate for the applicant makes a statement that he does not want to file rejoinder.

4. Admit.

5. S.O. to 9.6.2021 for final hearing.

Sd/-
(P.N. Dixit)
Vice-Chairman
9.3.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
9.3.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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

O.A. No.55, 56 &57 of 2020

G.B. Udeg
J.M. Khanzode
V.N. Waghmare ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Admit.

3. S.O. to 16.3.2021 for final hearing.

Sd/-
(P.N. Dixit)
Vice-Chairman
9.3.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
9.3.2021

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

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

O.A. No.969 of 2018

Tushar A. Diwan ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant submits that he has amended the OA however inadvertently copy of the Ld. CPO is not amended. He undertakes to do the needful.

3. S.O. to 31.3.2021 for reply.

Sd/-
(P.N. Dixit)
Vice-Chairman
9.3.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
9.3.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019)

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

OA.1002/2019, OA.1003/2019 with MA.609/2019, OA.1004/2019, OA.1005/2019, OA.1006/2019 with MA.611/2019

D.C. Singnath & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. None for the applicants.

2. There is no assistance from the Ld. Advocate for the applicants. Ld. Advocate for the applicants is directed to remain present.

3. S.O. to 16.3.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
9.3.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
9.3.2021

(sgj)

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

09.03.2021

O.A 37/2020

Shri C.S.Rakh ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. None for the applicant. Heard Shri A.J Chougule, learned P.O for the Respondents.

2. In this Original Application the applicant prays for a limited relief that his reply/say to the letter dated 9.12.2019 sent by Respondent no. 1 to be taken on record and Respondents be directed not to take coercive action. It is submitted that letter dated 9.12.2019 was received by the applicant on 13.12.2019 and he was directed to file reply within three days. However, 14.12.2019 was 2nd Saturday and 15.12.2019 was Sunday. His mother's health was also not well till 16.12.2019 and so he went on leave. He is appointed on a compassionate ground after his father's death by order dated 30.6.2016. His father Shri Shivaji Rakh has joined service as Peon on 10.7.2005. He was in service for nearly 7 years. However, he expired 13.9.2012. On 16.6.2016, applicant was appointed as Peon, in Group-D. However, he received a letter on 9.12.2019 from the Civil Surgeon, Raigad, Alibaug where he was working as a Peon, that by order dated 25.4.2018 in O.A 659/2017 & Ors of M.A.T, Aurangabad, the legal heirs in the service who are on compassionate ground are to be removed, if the predecessor Government servant has obtained the Government job on the basis of bogus Certificate of Freedom Fighter. Pursuant to the said decision of M.A.T, Aurangabad Bench, applicant t was asked to submit his explanation within 3 days. However, for the reasons given above, the applicant could not submit his reply and thereafter, he filed present O.A praying that the Respondents be directed to accept his reply which he wants to submit.

3. Matter is placed tomorrow under the caption of dismissal.

4. S.O to 10.3.2021 at 10.00 am

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.193 of 2021

Asaram E. Shete ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant an Assistant Police Inspector aspiring for promotion to the post of Police Inspector prays that his name be considered for promotion by the respondents.

3. Ld. Advocate for the applicant submits that orders of promotion are issued on 23.2.2021 in which 110 junior officers to the applicant holding the post of API are given promotion to the post of PI. She submits that earlier the applicant faced enquiry however the said enquiry was concluded by order dated 28.7.2020 by giving him censure. Thus, there is no enquiry or any criminal proceedings pending against him. The applicant is not aware why his name was not considered. Ld. Advocate for the applicant submits that if at all it was not considered on misconception that some enquiry is pending against the applicant, the same is to be removed and directions are to be given to the respondents to consider his name for promotion.

4. The issue involved and the submission made is very short. Hence, this matter can be disposed off on the next date. Ld. CPO to obtain instructions to that effect and inform accordingly.

5. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

[P.T.O.

	Tribunal's orders
	6. Issue notice before admission returnable on 23.3.2021.
	7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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.
	8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
	9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(P.N. Dixit)
Vice-Chairman
9.3.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
9.3.2021

(sgj)

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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	Date : 09.03.2021 Tribunal's orders

O.A.No.389 of 2020

N. A. Lokhande **....Applicant**

Versus

The State of Maharashtra & Ors. **...Respondents.**

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant has pointed out that there is subsequent development since there will be promotion to the post of Circle Officer soon, and in that event, three posts of Talathi from Scheduled Cast category are likely to fall vacant.

3. In this behalf, he referred to the letter issued by the Collector, Pune dated 26.02.2021 whereby information is called to initiate the process of promotion.

4. Thus, it appears that the posts of Talathi from S.C. categories are likely to fall vacant and there would be no hurdle to absorb the Applicant in Pune district.

5. Learned P.O. states that he will take instructions and apprise the Tribunal tomorrow.

6. Steno copy granted.

7. S.O. to 10.03.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.312 of 2020

S. K. Nara **....Applicant**

Versus

The State of Maharashtra & Ors. **...Respondents.**

1. Heard Smt. Vaishali Jagadale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant submits that she wants to amend the O.A. and requested for two weeks time to file Misc. Application for amendment.

3. Learned Counsel requested for four weeks time.

4. S.O. to 06.04.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.301 of 2020

S. S. Kangane ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.2 and 3. It is taken on record. No reply is filed on behalf of the Respondent Nos.1 and 4.

3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.

4. S.O. to 06.04.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.211 of 2020

C. D. Tikekar **....Applicant**

Versus

The State of Maharashtra & Ors. **...Respondents.**

1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. On request of learned P.O., one week time is granted for filing reply.

3. S.O. to 16.03.2021

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

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

Date : 09.03.2021

M. A. No.68 of 2021 in M.A. No.69 of 2021 in O.A.No.112 of 2018

J. P. Madye .....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 06.04.2021 in both Misc. Applicantions.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 M.As. 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. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Misc. Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 06.04.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date: 09.03.2021

O.A. No.1198 of 2019

N.S. Lote .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents.

2. Applicant is also present in person.

3. Learned Advocate for the Applicant seeks liberty to withdraw the O.A. since the Applicant is already reinstated in service.

4. Allowed to withdraw the O.A.

5. In view of above, O.A. is disposed of with no order as to costs.

Sd/-
(A.P. Kurhekar)
Member (J)

NMN

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.287 of 2020

Dr. P. N. Kakade ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri N. Y. Ukey, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.

2. On request of learned P.O., the matter is adjourned for hearing at the stage of admission.

3. Interim relief to continue.

4. This matter be kept with connected O.A.No.194/2021.

5. S.O. to 06.04.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 09.03.2021

O.A.No.280 of 2017

V. V. Punathil ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that Rejoinder will be filed during the course of the day. Statement is accepted. It be taken on record.

3. The matter is adjourned for final hearing with connected O.A.Nos.241/2019 and 1190/2019.

4. S.O. to 23.03.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019)

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	Date : 09.03.2021 Tribunal's orders O.A.No.194 of 2021

Dr. A. S. Bendre **....Applicant**

Versus

The State of Maharashtra & Ors. **...Respondents.**

1. Heard Shri N. Y. Ukey, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.

2. The Applicant is District Malaria Officer and has challenged the order dated 07.10.2020 and 08.01.2021 whereby the sum of Rs.9,94,627/- are sought to be recovered which was paid to the Applicant for more than five years towards Non Practicing Allowance and Higher Grade Pay. By interim orders, it is directed that the Applicant's post is isolated, and therefore, not entitled for Non Practicing Allowance as well as Higher Grade Pay.

3. Learned Counsel for the Applicant relying on the decision of the Hon'ble Supreme Court in ***Civil Appeal No.11527/2014 (State of Punjab and others Vs. Rafiq Masih (White Washer), decided on 18th December, 2014*** and prayed for interim stay.

4. In view of the decision in ***Rafiq Masih's*** case, the recovery of the excess payment paid for more than five years is inadmissible.

5. *Prima-facie*, the Applicant is entitled to interim relief.

6. In view of above, interim relief in terms of Clause 11(a) of O.A. is granted.

7. Issue notice before admission returnable on 06.04.2021.

[*P.T.O.*

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

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

9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. S.O. to 06.04.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm