(G.C.P.) J 2959 (A) (50,000—3-2017)

[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<br>Date : 04.05.2023 |
|---|---|

**C.A.No.40/2023 in O.A.No.1290/2022**

P.S. Choughule ....Applicant

Vs.

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

1. Heard Mr. U.V. Bhosle, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents

2. Applicant retired on 28.02.2020 on superannuation. By order dated 02.01.2023 this Tribunal directed the Respondents to grant retiral benefits to the Applicant.

3. Learned P.O. has submitted that the Applicant has received all his retiral benefits. He is also getting regular pension. However, gratuity is not yet received. She submits that payment of order of gratuity is issued on 20.02.2023. On instructions she has further states that the papers regarding payment of gratuity has been submitted to the office of Treasury. However with some objections the file is returned to the Department.

4. Adjourned to 13.06.2023. Time granted to concern Respondent for compliance of the order

Sd/-

**(Mridula Bhatkar, J.)**
**Chairperson**

prk

(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.As. No.568 & 344 of 2022

K.N. Dombale & Ors.
A.K. Gosavi & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. None for Applicants in OAs. No.568 & 344 of 2022.

3. S.O. to 8.6.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson
4.5.2023

(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.327 of 2022

S.N. Solanki & 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. The 9 applicants who are working as Assistant Teachers in Zilla Parishad School have applied for Group B post in Maharashtra Education Services (MES) Administrative Branch through Limited Department Competitive Examination (LDCE) of 2017. Ld. Advocate for the applicants submits that for 123 posts 2498 candidates appeared. Out of 123 posts, 31 posts were to be filled up from MES Group C and 93 posts from District Technical Services (DTS) Group C which are feeder cadre. The applicants belong to DTS. The result of the examination was declared on 1.4.2022 and cutoff is 150 marks out of 400. The applicants are above cut-off marks. Though they have more than 150 marks the names of these applicants are mentioned in the list of ineligible candidates. Ld. Advocate submits that these applicants were not considered eligible for the reason that they are from DTS and a specific hierarchy is provided within the department to reach the post of Deputy Education Officer/ Block Education Officer and therefore though the applicants have appeared for the examination, they cannot be considered by way of LDCE.

3. Ld. Advocate for the applicants rely on the judgment and order dated 4.10.2018 passed by this Tribunal in OA No.634 of 2017 (Shrikant D. Sutar & Ors. Vs. The State of Maharashtra & Ors.).

4. Ld. CPO relies on the judgment and order dated 25.7.2022 passed by the Nagpur Bench of this Tribunal in OA No.391/2022 & Ors (Sandip B. Somwanshi & Ors. Vs. State of Maharashtra & Ors.).

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | 5. Ld. Advocate for the applicants prays for interim relief that interviews of present applicants are to be conducted. Ld. CPO on instructions from Shri Vijay Bhosale, Under Secretary, School Education Department and Shri Rajesh Zatke, Under Secretary, MPSC, who are present in the Court, submits that interviews for the post of Dy. Education Officers are not likely to be conducted till 8.6.2023. The statement is accepted and therefore no interim relief is granted in respect of taking interviews.<br><br>6. S.O. to 8.6.2023.<br><br>Sd/-<br><br>(Mridula Bhatkar, J.)<br>Chairperson<br>4.5.2023<br><br>(sgj) |

(G.C.P.) J 2959 (A) (50,000—3-2017)

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

[Spl.- MAT-F-2 E.

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 |
|---|---|

**O.A.413/2023**

**Shri S.N. Pawar ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Shri K.R. Jagtap, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.

2. The Applicant has filed this O.A. for direction to the Respondents to release his gratuity and remaining retiral benefits. He stands retired on 31.05.2020. DE was initiated in 2015 which was continued after retirement. Notably, Enquiry Officer has submitted report and Department received it on 03.10.2016. Thereafter, disciplinary authority issued show cause notice to the Applicant on 16.12.2016 as to why he should not be dismissed from service. The Applicant submitted reply on 26.12.2016. However, thereafter, no final order was passed in the matter and it was kept in cold storage. In the meantime, Applicant retired on 31.05.2020. In view of retirement, the proposed punishment of dismissal from service has become infructuous due to sheer inaction and negligence on the part of disciplinary authority.

3. It is only after retirement, the Government issued show cause notice on 23.10.2020 and proposed punishment of 30% deduction of pension permanently to which Applicant submitted reply on 16.12.2020. Even thereafter also, no final steps were taken by the Government in the matter.

4. It is on the above background, the Applicant has filed this O.A. on 18.04.2023 for direction to release remaining retiral benefits.

5. When this O.A. was taken upon for admission noticing inordinate and huge delay as well as

[P.T.O.

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

negligence on the part of disciplinary authority, the Tribunal directed Additional Chief Secretary, Revenue & Forest Department (Stamps and Registration) to file Affidavit to explain the delay.

6. Shri Nitin Kareer, Additional Chief Secretary has filed Affidavit. In Affidavit, all that he stated that certain queries were raised by MPSC about the proposed punishment of 30% deduction of pension and it was answered. Again, MPSC raised certain queries to which Government submitted reply. Thus, the time in consultation with MPSC stated to be the reason for delay.

7. However, notably, there is absolutely no explanation about the action taken by the Government after submission of reply of the Applicant on 26.12.2016 to the proposed punishment of dismissal from service. For 4 years, no action seems to have been taken by the Government and by that time, Applicant got retired. There is absolutely no whisper about these 4 years of delay in between 2016 to 2020. Suffice to say, the Affidavit filed by Additional Chief Secretary is totally unsatisfactory.

8. Learned P.O. submits that now within 2 months, necessary orders will be issued and remaining dues of the Applicant will be paid. He has further submitted that GIS and GPF is already paid and provisional provision is also being paid. Thus, according to him what remains gratuity and leave encashment.

9. In view of above, O.A. is disposed of with direction to the Respondent No.1 to pass final order in DE within 4 weeks from today in accordance to law and shall release remaining retiral benefits to the Applicant within 2 weeks thereafter in terms of final order in DE.

10. The Applicant is at liberty to redress grievance of interest independently. No order as to costs.

Sd/-

**(A.P. Kurhekar)**
**Member-J**
**04.05.2023**

(skw)

(G.C.P.) J 2959 (A) (50,000—3-2017)

[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 | **09.05.2023**<br>**Tribunal's orders**<br>**M.A 329/2023 in O.A 536/2023** |
|---|---|

Shri R.M More & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms Bhavana R. Khichi i/b Shri A.S Gaikwad, learned advocate for the Applicants, Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents. None present on behalf of Respondent no. 3, though served.

2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not already paid.

Sd/-

**(Mridula Bhatkar, J.)**
**Chairperson**

Akn

(G.C.P.) J 2959 (A) (50,000—3-2017) [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 |
|---|---|
| | **09.05.2023** |

**O.A 536/2023**

Shri R.M More & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms Bhavana R. Khichi i/b Shri A.S Gaikwad, learned advocate for the Applicants, Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents. None present on behalf of Respondent no. 3, though served.

2. The 20 applicants pray that the Respondents be directed to allow the applicants who are qualified as B. Sc (Agricultural Business Management), B. Sc (Horticulture) and B. Sc (Agricultural Bio-Technology) to appear for the preliminary examination which is going to be conducted for the post Food Safety Officer (Group-B) and for the post of Assistant Commissioner for Food (Group-A), pursuant to the advertisement dated 24.2.2023 and Corrigendum dated 19.4.2023. Further the Respondent no. 2 be directed to open the link of application for the Preliminary Examination to be conducted and their forms are to be accepted.

3. Learned counsel for the applicants submit that out of 20 applicants, some of the applicants are qualified as B. Sc (Agricultural Business Management), B. Sc (Horticulture) and B. Sc (Agricultural Bio-Technology), which is covered under the umbrella faculty of B. Sc (Agriculture). Learned counsel for the applicants relied on the letter dated 3.5.2023 issued by the Associate Dean of Agriculture Business Management, Malegaon to the Commissioner, Food and Drugs, State of Maharashtra. Out of the 20 applicants, 18 applicants have filled up the form. Learned counsel further submits that applicants No 1, 5 have filled the form with the Degree in B. Sc (Agriculture Business Management), and applicant no. 18 has filled the form in B. Sc (Horticulture), but the same is not accepted by the Respondents.

4. Learned C.P.O on instructions from Shri Sainath Ganalwad, Section Officer, Medical Education and Drugs Department, submits that the Respondent no. 1, Secretary, Medical Education and Drugs Department has written letter to the Respondent no. 3, Director, Food Safety and Standard Authority of India, New Delhi on 25.3.2023 seeking clarification on the point of

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

equivalence B. Sc (Agriculture) which was given by the Agriculture Department by G.R dated 22.4.2021. Learned C.P.O further submits that the applicants whose application forms are accepted, they will be allowed to appear for the examination as the examination is common which is scheduled on 4.6.2023.

5. In view of the fact that Respondent no. 1 has sought the clarification from Respondent no. 3 in respect of equivalence and the scope of eligibility with regard to B. Sc (Agriculture), the case of the 18 applicants is to be considered for the post of Food Safety Officer and Assistant Commissioner for Food, subject to the outcome of this Original Application.

6. S.O to 10.5.2023.

Sd/-

**(Mridula Bhatkar, J.)**
**Chairperson**

Akn

(G.C.P.) J 2959 (A) (50,000—3-2017)

[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 |
|---|---|
| | **09.05.2023** |

**M.A 330/2023 in O.A 538/2023 with M.A 331/2023 in O.A 539/2023**

H.S Khairnar & Ors
M.P Takale & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not already paid.

Sd/-

**(Mridula Bhatkar, J.)**
**Chairperson**

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI BENCH**

**ORIGINAL APPLICATIONS NO 538 & 539 OF 2023**

**DISTRICT : MUMBAI**

Shri H.S Khairnar & Ors
Shri M.P Takale & Ors )...**Applicants**

**Versus**

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

Shri Kranti L.C, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

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

**DATE : 09.05.2023**

**O R D E R**

1. The applicants pray that the Tribunal be pleased to hold that the order and judgment dated 17.3.2022 in O.A 144/2022 would not apply to the present applicants as they had been declared successful to the post of Police Constable Driver 2019, against their first application in the light of provision at clause 11.17.

2. Learned counsel for the applicants submit that the applicants have applied for the post of Police Constable Driver at more than one Unit. However, in view of the order and judgment of the Full Bench dated 17.3.2023 in O.A 144/2022, the candidature of the present applicants is considered invalid. However, some of the present applicants, who were already in service have approached the Hon'ble Bombay High Court challenging the order and judgment of the Full Bench of the Tribunal dated 17.3.2023 in O.A 144/2022, especially on the point

that clause 11.17 of the Advertisement dated 30.11.2019, in W.P Nos 5299/2023 & Ors, Amit H. Daphal & Ors Vs. State of Maharashtra & Ors. Learned counsel for the applicants pointed out that by order dated 24.4.2023 the Division Bench of the Hon'ble High Court has granted status quo in respect of those Petitioners who are in service. Learned counsel for the applicants pray that similar order of status quo is required to be passed in these matters as the applicants are similarly placed like Mr Amit H. Daphal in W.P 5299/2023 & Ors. Learned counsel further submitted that the names of the persons who are going to be affected because of the status quo order are required and the Respondents be directed to provide the said names so that the Original Application will not suffer from non-joinder of parties.

3. Learned C.P.O submits that the applicants are similarly situated like the Petitioners in W.P Nos 5299/2023 and Ors.

4. In view of the order dated 24.4.2023 passed by the Hon'ble Bombay High Court in W.P Nos 5299/2023 & Ors, Amit H. Daphal & Ors Vs. State of Maharashtra & Ors, if the present applicants are in service, then status quo to be maintained as on today, qua the applicants. Learned C.P.O to provide the names of the persons who are going to be affected by the status quo order to the learned counsel for the applicants.

5. S.O to 22.6.2023.

Sd/-

**(Mridula Bhatkar, J.)**
**Chairperson**

**Place : Mumbai**
**Date : 09.05.2023**
**Dictation taken by : A.K. Nair.**