

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 136 OF 2012**

**DISTRICT : MUMBAI**

Dr Pramod D. Deokar

)...Applicant

**Versus**

The State of Maharashtra & Others

)...Respondents

Shri A.A Desai, learned advocate for the Applicant.

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

**CORAM** : **Shri Justice A.H Joshi (Chairman)**  
**Shri P.N Dixit (Member) (A)**

**DATE** : **09.07.2019**

**PER** : **Shri Justice A.H Joshi (Chairman)**

**ORDER**

1. Heard Shri A.A Desai, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.
2. This Original Application was reserved for orders. Learned advocate for the applicant states that after hearing was completed he realized that the Original Application is not properly drafted and he requested for substitution of the Original Application.
3. Learned advocate for the applicant prays for recalling of the order after the case was finally heard and closed for orders with liberty for substitution of Original Application and for that purpose applicant prays for leave to amend.
4. The Original Application is treated as De-Part Heard. Leave for amendment by way of substitution of O.A as prayed for by the learned advocate for the applicant is granted.



5. Learned advocate for the applicant undertakes to carry out the amendment within four weeks.

6. Issue fresh notice after amendment returnable on 16.9.2019.

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

8. Applicants are 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.

9. 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.

10. 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. Applicants are directed to file affidavit of compliance and notice.

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

12. S.O to 16.9.2019.

Sd/-

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

Sd/-

(A.H. Joshi (J.))  
Chairman

**Place : Mumbai**  
**Date : 09.07.2019**  
**Dictation taken by : A.K. Nair.**

**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 : 09.07.2019.</p> <p style="text-align: center;">O.A.No.179 of 2019</p> <p>V. M. Gajre <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</li> <li>2. Despite enough chances, the Respondents failed to file the reply.</li> <li>3. This matter was on yesterday's board and having notice delay in filing reply, specific order has been passed by this Tribunal that if reply is not file tomorrow, interim order will be confirmed. Despite, specific order, no reply is filed today.</li> <li>4. Learned P.O. all that submitted one week's time again be granted for filing reply. As more than five months time is already granted for filing reply, I am not inclined to grant further time. Indeed, while granting interim relief in favour of the Applicant, the Tribunal has passed reasoned order and noted that there is no compliance of Section 4(4)(ii) and 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005). It has</li> </ol>

been further noted that there was no proposal for transfer of the Applicant before the CSB. The Applicant was not due for transfer and therefore specific reasons were required to be spelt out for such mid-term transfer and it was also required to be vetted by the CSB. The Tribunal has also observed from the noting file that the proposal of CSB which was in fact pertaining transfer of other officials was placed before the Hon'ble Minister and that time only certain changes were made by him whereby the Applicant was transferred from SDO, Palghar to General Manager, Land Acquisition, MIDC, Andheri. Except stating that changes are made considering difficulties of the employee and administrative need, nothing was mentioned to spelt out the compliance of Section 4(4)(ii) and 4(5) of Act, 2005. As such, having considered the noting, the Tribunal has passed detailed order for grant of interim relief, as the transfer order was not in consonance with Section 4(4)(ii) and 4(5) of the 'Act 2005'.

5. Thus, what emerges from the record that there is no reply from the side of Respondents to deny the averments made by the Applicant to assail the mid-term transfer. It appears that the Respondents have no case on merits and that is why they are protracting the matter without filing reply. Even today also no contention was made to show how the impugned order is legal and valid in the light of provisions of 'Act 2005'. In view of above, interim relief is made absolute and O.A. is allowed with no order as to costs

Sd/-

(A.P. Kurhekar)  
Member(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION Nos.633, 634, 639, 640, 641 & 642 of 2019**

Dr. A. M. Marakani (O.A.633/2019)  
Dr. A. P. Jadhav (O.A.634/2019)  
Dr. P. S. Bhoir (O.A.637/2019)  
N. S. Magar (O.A.639/2019)  
Dr. L. B. Gawade (O.A.640/2019)  
Dr. S. A. Kale (O.A.641/2019)  
Dr. D. R. Pawar (O.A.642/2019) )..... Applicants

**Versus**

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

Shri A. V. Bandiwadekar, Advocate for Applicant (O.A.633/2019)  
Smt. Punam Mahajan, Advocate for Applicant.(O.A.634/2019)  
Shri M. D. Lonkar, Advocate for Applicant (O.A.No.637/2019)  
Shri D. B. Khaire, Advocate for Applicants.(O.A.Nos.639, 640, 641 & 642/2019)  
Smt. Kranti Gaikwad and Smt. Archana B. K., Presenting Officers for the Respondents

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

**DATE : 09.07.2019**

**ORDER**

1. Heard Shri A. V. Bandiwadekar, learned Counsel for Applicant (O.A.633/2019), Smt. Punam Mahajan, learned Counsel for Applicant (O.A.634/2019) and Shri M. D. Lonkar, learned Counsel for the Applicant (O.A.637/2019), Shri D. B. Khaire, learned Counsel for Applicants (O.A.Nos.639, 640, 641 & 642/2019). Smt. Kranti Gaikwad and Smt. Archana B. K., Presenting Officers for the Respondents
2. In all these Original Applications, the Applicants have challenged the transfer order dated 04.07.2019 on the ground that same is not in consonance with Section 4(4) (ii) and 4(5) of the Government Servants Regulation of

*Wadhvani*

Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005). The Applicants were due for transfer but no transfer orders have been issued in April or May and, therefore, they assailed the transfer orders.

3. Having heard the learned Counsels for the Applicants, learned P.O. and on perusal of the file produced by the learned P.O. what transpires is as follows:-

Earlier the matter was placed before the Civil Services Board meeting dated 29.05.2019 for approval of General Transfers of the Applicants. Accordingly, CSB gave approval for posting of the Applicants as under:-

Sr. No.	Applicant's Name	Applicant's Name	Posting as per recommendation of CSB	Fresh posting order dated 04.07.2019 without recommendation of CSB
1.	O.A.No.633/2019	Dr. A. B. Marakwar	LDO, Deonar, Ambernath, Mumbai to Veterinary dispensary Gr.1, Raita Tal. Kalyan, Dist. Thane.	TMVP Badlapur, Tal. Badlapur, Dist. Thane.
2.	O.A.No.634/2019	Dr. A. P.Jadhav	LDO Extension, Panchayat Samittee, Tal. Junnar, Dist. Pune to Velha, Dist. Pune	Veterinary dispensary, Ppladpur, Dist. Raigad
3.	O.A.No.639/2019	N.S.Magar	LDO, Veterinary dispensary, Navlakh,Umbre, Dist. Pune to Veterinary dispensary Vadgaon, Wadgaon, Dist. Pune	Panchayat Samittee, Gadhingalaj, Dist. Kolhapur
4.	O.A.No.640/2019	Smt. L. B. Gavade	LDO Extension, Panchayat Samittee, Haveli, Tal. Haveli, Dist. Pune to LDO (Technical) Zillha Parishad, Pune	Veterinary Dispensary Sarathi, Tal. Indapur, Dist. Pune
5.	O.A.No.641/2019	Dr. Sneha A. Kale	Aundh, Dist. Pune to Aundh	Veterinary dispensary, Wadgaon, Dist. Pune.
6.	O.A.No.642/2019	Dr. D. R. Pawar	Veterinary dispensary, Nimbut, Tal.Baramati, Dist. Pune to IVBP, Aundh, Dist. Pune	Veterinary Dispensary Kasaba, Walave, Tal. Radhanagari, Dist. Kolhapur
7.	O.A.No.637/2019	Dr. P. S. Bhoir	LDO, Mini Veterinary Polyclinic, Badlapur, Dist. Thane to Kalyan	Veterinary dispensary, Gr.-I, Talwali, Dist. Thane.

4. Though, the CSB had recommended for transfers of the Applicants at the above places, subsequently, those orders were cancelled and fresh orders were issued by the order dated 04.07.2019 whereby the Applicants were posted at different places as shown in the chart above. It further transpires that earlier the powers of general transfer were delegated to the Secretary but it was withdrawn and Hon'ble Minister himself took over the powers. The perusal of Circular dated 01.06.2019 reveals that the powers of regular transfers only were assigned to the Hon'ble Minister.

5. Whereas in the present case, the transfer orders being issued on 04.07.2019, prima-facie, it is mid-term transfers and, therefore, there has to be compliance of approval of preceding next Competent Authority. However, perusal of file reveals that the Hon'ble Chief Minister had only approved the general / regular transfers and as regard to mid-term transfer, the Hon'ble Minister was directed to take decision at his level.

6. Thus, the position culminates that there is no approval of Hon'ble Chief Minister. Besides, after cancellation of earlier orders of transfers, the matters were not placed before the CSB for approval. The postings given to the Applicants in pursuance of earlier recommendations were totally changed. No special reasons are forthcoming to justify such mid-term transfers.

7. In view of above, I am satisfied that prima-facie, the impugned transfer order dated 04.07.2019 qua the Applicants are not sustainable and the Applicants are entitled to interim relief.

8. In view of above, implementation of the transfer order dated 04.07.2019 qua the Applicants is stayed.

9. As the Applicants have made out strong case of breach of mandatory requirement of law, the Applicants be reposted on the same post, if relieved earlier.

10. Issue notice before admission returnable on 30.07.2019.
11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
12. 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.
13. 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.
14. 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.
15. 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.
16. S.O. to 30.07.2019.

Sd/-

**(A.P. KURHEKAR)**  
**MEMBER (J)**



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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09.07.2019

**O.A 341, 351, 352, 353, 356 & 381/2019**

Shri Pravin K. Keswani & Ors ... Applicants  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.A Desai, learned advocate for Applicants in O.A 352, 353 and 381/2019 Shri AShubham Kaushal, with Ms Aditi Saxena, learned advocate for applicants in O.A 341, 351 and 356/2019 and Ms Swati Manchekar, learned C.P.O for the Respondents

2. Learned C.P.O states that three days' time is required to file affidavit in reply on the ground that copies of O.As, though served on the Respondents were not traceable.

3. S.O to 12.7.2019.

DATE: 9/7/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri P. N. Dixit Member (A) V/C - A

APPEARANCE:

Shri/Smt. A.A. Desai .....

Advocate for the Applicant <O.A. 352, 353, 381/19>

Shri Shubham Kaushal with Ms. Aditi Saxena

Shri/Smt. Ad. Adv. for App. <O.A. 341, 351, 356/19>

C.P.O. for the Respondent/s 356/19

Ms. Swati Manchekar Ld. C.P.O. for

Adt. S.O. to R. P. S.

S.O. to 12/7/2019.

*Handwritten signature*

Sd/-

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

Akn

Sd/-

(A.H Joshi/J.)  
Chairman

*Handwritten signature*

**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: <u>9/7/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A) - V/C - A</p> <p>APPEARANCE: Shri/Smt. <u>A. A. Desai</u>..... Advocate for the Applicant</p> <p>Shri/Smt. <u>Swati Manchekar</u> C.F. J.P.O. for the Respondent/s</p> <p>Adj./ S.O. to <u>12/7/2019</u></p> <p><i>File</i></p>	<p><u>09.07.2019</u></p> <p><u>O.A 343/2019</u></p> <p>Dr V.P Sardar &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri A.A Desai, learned advocate for Applicants and Ms Swati Manchekar, learned C.P.O for the Respondents</p> <p>2. Respondent no. 1is called to file affidavit on the following point:- Whether the case of present O.A is covered by the order passed in O.A no 1091/2015 and if answer is negative, what are the reasons thereto.</p> <p>3. S.O to 12.7.2019.</p> <p>4. Steno copy and Hamdast is granted. Learned C.P.O is directed to communicate this order to the Respondents.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Akn</p> <p>Sd/- (A.H Joshi, Jg) Chairman</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
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09.07.2019

M.A 184/2019 in O.A 343/2019

Dr Vijaykumar P. Sarda & Ors ... Applicants  
Vs.  
The State of Maharashtra & Ors ... Respondents

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

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present M.A is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A is allowed.

DATE: 9/7/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri P. N. Dixit Member (A) - V/C - A

APPEARANCE:

Shri/Smt: A.A. Desai

Advocate for the Applicant

Shri/Smt: Swati Manchekar

C.F. C.P.O. for the Respondent/s

Adj./S.O. to M.A is allowed.

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Sd/-

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

Alm

Sd/-

(A.H Joshi, J.)  
Chairman

**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: <u>9/7/2019</u></p> <p><b>CORAM</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A) V/C - Y</p> <p><b>APPEARANCE:</b> Shri <u>Punam Mahajan</u></p> <p>Advocate for Applicant</p> <p>Shri/Smt. <u>Swati Manchekar</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./ S.O. to <u>12/7/2019</u></p> <p style="text-align: right;"><i>12/7</i> <i>Swati</i></p>	<p><u>09.07.2019</u></p> <p style="text-align: center;"><u>O.A 916/2016</u></p> <p>Shri M.B Patil &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Punam Mahajan, learned advocate for Applicants and Ms Swati Manchekar, learned C.P.O for the Respondents</p> <p>2. Learned C.P.O states that two days' time may be granted for enabling the Government to instruct the learned C.P.O as to the steps taken so far.</p> <p>3. S.O to 12.7.2019.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: right;">Sd/- <i>ilm</i> (A.H Joshi, (J.) Chairman</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><b>DATE:</b> 9/7/2019</p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice N. Dixit Member (A) J/C A</p> <p><b>APPEARANCE:</b> Shri Akhilesh S. Dubey</p> <p>Advocate for Applicant Long Rep. No. 9 Ms. Punam Mahajan and Ms. Swati Shri/Smt. Manoj Manekar C.F./P.O. for the Respondent/s</p> <p>Adj./S.O. to Misc. Application stands disposed of with liberty to reargitate, if occasion arises.</p> <p style="text-align: right;"><i>A.H.</i></p>	<p><b>09.07.2019</b></p> <p style="text-align: center;"><b><u>M.A 468/2018 with O.A 916/2016</u></b></p> <p>Shri Ajinkya Padwal ... Applicants/ Ori Res. 9</p> <p>In the matter of Shri M.B Patil &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Akhilesh S Dubey, learned advocate for the applicants, Ori Res. No. 9, Ms Punam Mahajan, learned advocate for Applicants and Ms Swati Manchekar, learned C.P.O for the Respondents</p> <p>2. Misc Application stands disposed of with liberty to reargitate, if occasion arises.</p> <p>3. Interim order passed in the Misc Application shall continue till final disposal of the Original Application.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A) Akn</p> <p style="text-align: right;">Sd/- (A.H Joshi, J.) Chairman</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.571 OF 2019  
(Subject : Regularisation)

DISTRICT : MUMBAI

1. Mrs. Manjula Yeshawant Sate, )  
Residing at Zopadpati, Near PWD Office, )  
St. Gorge's Hospital Compound, Mumbai. )
2. Mrs. Rupali Rajendra Kemble, )  
Residing at Post DarevonBoudh Wadi. )  
Tq. Chiplun, Dist. Ratnagiri. )
3. Kalawati Maruti Gaikwad, )  
St. Gorge's Hospital Compound, )  
Dhobi Ghat, GPO, Mumbai 400 001. )
4. Vishakha Vishwanath Shirke, )  
St. Gorge's Hospital Compound, )  
Dhobi Ghat, GPO. Mumbai 400 001. )
5. Akashata Arun Hate. )  
AkrutiNirman Paint. 206, Gautam Nagar, )  
CO. HO. Society, A Wing, Midc, Andheri, )  
Mumbai 400 093. )
6. Anjali Anand Kamble. )  
At Post – Bhirawande, Tq. Kankawali, )  
Dist. Sindhudurg. )
7. Shashikala Rajaram Shirke, )  
Yashwant Apartment, Room No.2, Ground Flower, )  
Sonewadi, Badlapur West, Pin 421 503. )
8. Raiesh Kashinath Jadhav, )  
Add : P.N./S Bldg., 2<sup>nd</sup> floor, Room No.6, )  
St. George's Hospital, Fort, Mumbai )
9. Anil Dagadu Shinde, )  
Add : Mahatma Jyotibha Phule, )  
CHS, SwapanPartti, Bldg. No.23, 2<sup>nd</sup> floor, )  
Mankhurd, Mumbai 88. )



10. Ravi Daya Solanki, )  
Add : Sharadha Bldg, Room No.15, 3<sup>rd</sup> floor, )  
St. George Hospital, Mumbai 01. )
11. Ganesh Shivram More, )  
Add : 5/202, Balaji Pranjan, Sector-6, )  
Plot No.-09, 2<sup>nd</sup> floor, Navi Mumbai 410 210 )
12. Shantaram Shivaram Kole, )  
Add : Mukambika H.S.C. Ltd. Sector 4, Plot No.49, )  
Kharghar, Navi Mumbai 410 210. )
13. Dinesh Kashinath Mohite, )  
Add : P.N.S. Bldg, Room 6, 4<sup>th</sup> floor, A-Wing, )  
St. George Hospital Compound, Mumbai. )
14. Ankush Sitaram Pawar, )  
Add : Sai Krupa Bldg., Room No.20, Gr. Floor, )  
A-Wing, St. George Hospital Compound, Mumbai. )
15. Sunil Rakhamji Pawar, )  
Add : New Pramila Apartment, 4<sup>th</sup> floor, )  
Room No.402, Kalina Manipada, C.S.T. Road, )  
Santacruz (E), Mumbai 98. )
16. Mukund Parushuram Kale, )  
Add : Bldg. No.-245/9595, Kannam Nagar 2, )  
Vikhroli (E), Mumbai 400 083. )
17. Sudhir Shridhar Mahadik, )  
Add : Aarwalisahakarsadan Chawal T.P. Road, )  
Shivaji Nagar, Bhandup (W). )
18. Sanjay Madhukar Bhalekar, )  
Add : Sai Krupa Bldg, Room No.21, Gr. Floor, B-wing, )  
St. George Hospital Compound, Mumbai 400 001. )
19. Kishore Ramchandra Jadhav, )  
Add : 2/13, Sharadha Colony, Amol Nagar, )  
Khadegolvali, Vittalwadi (W), Kalyan. )
20. Bharat Nirmal Sarvan, )  
Add : Chwal No.22, Room No.417, )  
St. George Hospital Compound, C.S.T. Fort, )  
Mumbai 400 001. )

21. Sudam Dhondi Mungekar, )  
Add : Maharashtra Shasan, St. George Hospital, )  
Ward No.1, Fort, Mumbai 400 001. )
22. Dattu Saybanna Mudakann, )  
Add : St. George Hospital, P.N.D. Office, Ambewadi, )  
Room No.9, Mumbai 400 001. )
23. Gautam Bhaguram Pawar, )  
Add : Room No.206, Gautham Nagar, A-Wing, )  
2<sup>nd</sup> floor, Mumbai 400 059. )
24. Sunita Miliind Tambe, )  
Add : 18/06, B.J.T. Chawal, Belasis Road, )  
Mumbai Central, Mumbai 400 008. )
25. Rambahu Ananda Donde, )  
Add : Milind Nagar, Kasara, Shapur, Thana, )  
Kasara 421 602. )
26. Rajesh Chintaman More, )  
Add : R. No.9, Chawal No.12, Karmaveer Dadasaheb )  
Gaikwad Nagar, Malodlam, Mumbai 95. )
27. Krishna Hari Tatipamalla, )  
Add : C-Sidheshwar C.H.S. Plot No.44, V.P. Nagar )  
Andheri, Mumbai 400 053 )
28. Ujjwal Vilas Kamble, )  
Add : Flat No.406, Sector-9, C Mauli Apartment, )  
Kalmboli Node, Opp. Saksham Store, 410 218. )
29. Jitendra Chunilal Chawan, )  
Add : Room No.5, Chawal. No.22, )  
St. George Hospital Compound, C.S.T. )  
Mumbai 400 001 )
30. Usha Walmik Pagare, )  
Add : Near Santhoshi Mata Temple, Room No.266, )  
Jal Prabat Nagar, Ghatkopar (E) 400 075 )
31. Nanda Suresh Patadar, )  
Add : Sadguru Apartment, 2<sup>nd</sup> floor, Room No.205, )  
Thane 400 612 )
32. Tara Jagadish Walantra, )  
Add : St. George Hospital, Servant Quarters, )  
1<sup>st</sup> Floor, Room No.6. Mumbai 400 001. )





33. Kiran Kishore Hate, )  
Add : G.5, Staff Quarters, Chawal No.22, )  
Room No.2, St. George Hospital, C.S.T., )  
Mumbai 400 001. )
34. Jayanti Shantilal Waghela, )  
Add : Room No.7, Nav Durga, Chawal, )  
Behind Datta Mandir, Nalasopara (E) )  
401 209. )
35. Jamana Purshottam Chauhan, )  
Add : Amarpali C.H.S. Room No.24. )  
Plot No.203, Sector-2, Kandivali (W), )  
Mumbai. )
36. Shailesh Mahadev Waghela, )  
Add : Room No.B/1, Plot No.564, Kandivali West, )  
Mumbai 400 067. )
37. Dharendra Chunilal Chauhan, )  
Add : Room No.5, Chawal No.22, Room No.2, )  
St. George Hospital, C.S.T. Mumbai 400 001. )
38. Gouri Magan Waghela, )  
Add : Room No.13, Chawal. No.22, )  
St. George Hospital, C.S.T., Mumbai 400 001. )
39. Mina Shantilal Fumatiya, )  
Add : B.No.61/1599, Kanmwar Nagar-2, Vikroli (E) )  
St. George Hospital, C.S.T., Mumbai 83 )
40. Ravindra Baoku Padwal, )  
Add : 6832, Mahalaxmi Nagar, Bldg. No.7, )  
Shivaji Nagar, Ambarnath (E). )
41. Chaya Jijiba Sonwane, )  
Add : 15/4, Senchuri Mil, Kamghar Vasahetp. B )  
Marg Worli, Mumbai 400 025. )
42. Krushna Bhagoji Utekar, )  
Add : Sainath Nagar Road, Chawal No.1, )  
Bal Vikas Mandal, Ganesh Medan Ghatkopar, )  
Mumbai 400 086. )
43. Sangeeta Sridhar Salve, )  
Add : Ramgad 20, Padpatti, Room No.51, )  
St. George Road, C.S.T., Mumbai 400 001. )

44. Ganga Bharat Gaydhanker, )  
Add : Gr. Floor, Balaji Nagar, Go feet Road, )  
Dharavi, Mumbai 400 017. )
45. Java Hiralal Koli, )  
Add : B-Block Room No.85, 3<sup>rd</sup> floor, )  
J.J. Hospital Compound, Byculla, )  
Mumbai 400 086. )
46. Ashok Sudam Awachare, )  
Add : Near Sai Mandir TG. 195 2/2, )  
Hanuman Pada, Mulund Colony, Mulund, )  
Mumbai 400 082. )
47. Sandeep Namdev Shinde, )  
Add : 304/B, Nayan Srishti, 3<sup>rd</sup> floor, Near Ganesh )  
Mandir, Thane, Bhavandar 401 107. )
48. Nirmala Motilal Walantra, )  
Add B/106, Nirmala Apartment, S.V. Road, )  
Bhayandar (E), Thane, Bhayandar- 401 105. )
49. Sunanda Ganpat Gaikwad, )  
Add : 85/43, B.D.D. Chawal, Warli, Mumbai 400 018 )
50. Usha Gautham Gaikwad, )  
Add : Ramgad, Zopad Patti No.18, P.D. Mello Road, )  
Near St. George Hosopital, Mumbai -1 )
51. Usha Sampath Gaikwad, )  
Add : Opp. Dutta Mandir, Room No.2, Tata Nagar, )  
Govandi, Mumbai 400 043 )
52. Ganesh Kishore Solanki, )  
Add : 401, Teli Chawal, Shradhanand Road, )  
Vile Parle (E), Mumbai 400 057 )
53. Gopichand Hari Amkar, )  
Add : Flat No.2, Omkar Nagar, Dombivali (E) )  
Kalyan, Thane 421 203. )
54. Suvarna Ravindra Nayar, )  
Add : Ramabai Ambedkar Nagar, Chawal No.45, )  
Room No.413, Ghatkopar (E), Mumbai 75. )

..... Applicants



**Versus**

1. The Dean,  
St. George Hospital, Bombay. )
  2. The Superintendent,  
St. George Hospital, Bombay. )
  3. The Secretary,  
Medical Education & Research Department,  
Govt. of Maharashtra, Mantralaya,  
Mumbai 400 032. )
  4. Director General Education & Research,  
Mumbai. )
- ) ..... Respondents

Dr. Gunratan Sadavarte, learned Advocate for the Applicants.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.



**CORAM** : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

**DATE** : 09.07.2019.

**ORDER**

1. Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Learned P.O. states on instructions that the decision on the subject of regularization of applicants would be taken within three months because approval of Finance Department and Cabinet is to be taken, and it would be taken expeditiously.
3. In view of the fact that eligibility of applicants for getting the relief as sought is not opposed by the Government, time sought by the Government can be granted.
4. In the background that there is history of judgment of Industrial Court and it is confirmed by Hon'ble High Court, prayer for time for three months can be granted, with no further extension to be sought. O.A. is disposed with direction as recorded in foregoing paragraph No.2.

5. All other issues are kept open including interim pension and interest, if any.
6. Steno copy and Hamdast is allowed to learned P.O.
7. Learned P.O. is directed to communicate this order to the Respondents.

  
Sd/-  
— (A.H. Joshi, )  
Chairman

prk



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

Date : 09.07.2019 Tribunal's orders

O.A.No.269 of 2019

Dr. V. D. Shinde .....Applicant  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K. holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The perusal of O.A. reveals that the Applicant has basically rushed to this Tribunal as he was kept out of posting after he returned from the study leave. This Tribunal in the meantime passed the order directing the Respondents to issue posting orders so that the service of the Applicant who is Medical Officer can be utilized without keeping him in waiting period for a longer time. Consequent to it, the Government had issued the order on 28.03.2019 Whereby the Applicant is posted at Ratnagiri. As such, the main grievance of the Applicant is redressed.
3. However, learned Counsel for the Applicant sought to contend that the Applicant has made representation dated 28.01.2019 to transfer him at Kolhapur. In so far as this representation is concerned, the Government seems to have not accepted his request to transfer at Kolhapur and, therefore, by order dated 28.03.2019 he is posted at Ratnagiri.
4. Learned Counsel for the Applicant again submits that after joining at Ratnagiri, the Applicant had again made representation on 20.04.2019 for his transfer at Kolhapur.
5. In so far as this representation is concerned, it is for the Competent Authority to decide the same and for that Original Application need not be kept pending.
6. As regard, alleged compulsory waiting period, the Applicant is at liberty to make representation to the Competent Authority which will be dealt with in accordance to rules.
7. In view of above, Original Application is disposed of with no order as to costs.

Sd/-

∨  
(A.P. Kurhekar)  
Member(J)


**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 : <u>9-7-19</u></p> <p><b>CORAM</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble <del>Shri P. N. Dixit</del> Member (A)</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>A. V. Bandiwadkar</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. : <u>N. G. Gohad</u> C.F. P.O. for the Respondent/s</p> <p>order passed in tribunal column Adj. S.O. to <u>19-8-19</u></p>	<p>Date : 09.07.2019.</p> <p>C.A.No.19 of 2019 in O.A.No.1090 of 2017</p> <p>M.M. Sawant ..... Applicant Versus The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Shri A.V. Bandiwadkar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned P.O. Ms. N.G. Gohad, adjourned to 19.08.2019.</p> <p style="text-align: right;">         Sd/-        (A.H. JOSHI, J.)        Chairman     </p> <p style="text-align: right;">D. 19/8/19</p> <p>prk</p>

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 09.07.2019.</p> <p>O.A.No.635 of 2019</p> <p>S. R. Wanj Versus</p> <p>The State of Maharashtra &amp; Ors. ....Applicant ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Smt. Archana B. K., learned Presenting Officer for the Respondent No.1 and Shri M. D. Lonkar, learned Counsel for the Respondent No.2.</p> <p>2. In the present O.A., the Applicant has challenged the impugned transfer order dated 06.07.2019 on the ground that he is not due for transfer but transferred only to accommodate private Respondent No.2 and the impugned transfer order is not in consonance with Section 4(4)(ii) and 4(5) of Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005).</p> <p>3. Whereas, the learned P.O. submitted that private Respondent No.2 had made representations for transfer at Mulund or Thane on medical ground, and, therefore, considering his pressing demand, he is transferred in place of the Applicant who is due to complete three years tenure at the end of this month. She, further points out that the proposal has been approved by the Civil Service Board as well the same has been approved by the Hon'ble Chief Minister.</p>



4. Whereas, Shri M.D. Lonkar, learned Counsel for the Respondent No.2 submits that his client has already taken charge of the post and secondly, submits that he requires frequent dialysis and, therefore, after long persuasion, his client is transferred in place of the Applicant on medical ground. According to him the medical exigency which is considered by the Government can be termed as exceptional circumstance or reason in support of the impugned transfer order

5. Today, Shri Lonkar, learned Counsel for the Respondent No.2 has also filed Affidavit-in-Reply along with medical papers and the same is taken on record.

6. Thus, it appears that considering the medical difficulties of Respondent No.2, he is transferred in place of the Applicant.

7. As the Applicant has not completed three years tenure, the impugned transfer order is definitely mid-term and mid-tenure transfer.

8. In view of above, it would be appropriate if the Respondent No.1 find out some other post at Thane or Mulund where the Respondent No.2 can be accommodated considering his medical exigency.

9. Learned P.O. is directed to take instructions and apprise the Tribunal tomorrow.

10. S.O. to 10.07.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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 : 09.07.2019.</p> <p>O.A.No.336 of 2018</p> <p>R. D. Akrupe ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. The Applicant is present in person. Heard Ms N. G. Gohad holding for Shri A. J. Chouguaie, learned Presenting Officer for the Respondent Nos. 1 and 2 and Shri A. V. Bandiwadekar, learned Counsel for the Respondent No.3.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply to the amendments made by the Applicant in Original Application. It is taken on record.</p> <p>3. On the request of learned Counsel for the Respondent No.3, two weeks time is granted for filing reply to amended pleadings.</p> <p>4. S.O. to 23.07.2019.</p> <p>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 : 09.07.2019.</p> <p>O.A.No.268 of 2019</p> <p>S. H. Bobade ....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 Applicant 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. The matter is adjourned for hearing at the stage of admission with liberty to learned P.O. to file Sur-Rejoinder, if necessary.</p> <p>4. S.O. to 29.07.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(I)</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 : 09.07.2019.</p> <p>O.A.No. 636 of 2018</p> <p>B. N. Gadge .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Respondent No.4 and his Counsel are also absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondent Nos.1 to 3.</p> <p>2. The matter pertains to appointment of Police Patil and today, It is fixed for hearing at the stage of admission but the Applicant and his Counsel are absent at 1.00 PM.</p> <p>3. As the Applicant and his Counsel are absent, the Original Application is dismissed in default.</p> <p>4. No order as to costs.</p> <p>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
	<p data-bbox="743 398 941 425">Date : 09.07.2019.</p> <p data-bbox="964 456 1182 483">O.A.No.981 of 2018</p> <p data-bbox="743 510 1305 537">S.S. Gargate .....Applicant</p> <p data-bbox="743 568 818 595">Versus</p> <p data-bbox="743 636 1328 663">The State of Maharashtra &amp; Ors. ...Respondents.</p> <p data-bbox="743 703 1403 801">1. Heard Shri A. R. Joshi, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</p> <p data-bbox="743 837 1403 1052">2. The present matter pertains to interest on delayed payment. It appears that the Applicant had already made representation for grant of interest on delayed payment but the same is not decided by the Respondent No.1 who is the Competent Authority for the same.</p> <p data-bbox="743 1079 1403 1240">3. Indeed, earlier this Tribunal has directed the Respondents to decide the representation and to pass appropriate order. However, no such decision seems to have been taken.</p> <p data-bbox="743 1267 1403 1388">4. The Respondent No.1 even has not filed reply to the O.A. The Respondent No.3 i.e. Commissioner of Police has only filed the reply.</p> <p data-bbox="743 1415 1403 1536">5. In view of above, it is for the Respondent No.1 to file the reply and also to apprise the Tribunal about the decision taken on the representation made by the Applicant.</p> <p data-bbox="743 1563 1403 1724">6. In view of above, the Respondent No1 is directed to file the reply to O.A. as well as to apprise the Tribunal about the decision taken by it on the representation made by the Applicant.</p> <p data-bbox="743 1751 1110 1778">7. One week's time is granted.</p> <p data-bbox="743 1805 1192 1832">8. Hamdast and steno copy is granted.</p> <p data-bbox="743 1850 1013 1877">9. S.O. to 16.07.2019.</p> <p data-bbox="1127 1912 1192 1939">Sd/-</p> <p data-bbox="1062 1989 1240 2047">(A.P. Kurhekar) Member(J)</p> <p data-bbox="727 2047 769 2074">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 : 09.07.2019.</p> <p>O.A.No.1011 of 2018</p> <p>K. R. Tawarej ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms N. G. Gohad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1 and 2. Shri A. V. Bandiwadekar, learned Counsel for the Respondent No.3.</p> <p>2. Today, learned Counsel for the Applicant has tendered a copy of order issued by the Government dated 06.07.2019 whereby the Applicant has been transferred and posted on the post of Deputy Director, Land Record, Pune. The order is taken on record.</p> <p>3. In view of the order dated 06.07.2019, learned Counsel for the Applicant sought permission to withdraw the O.A. as no cause of action survives.</p> <p>4. Allowed to withdraw the Original Application.</p> <p>5. In view of above, the Original Application is disposed of as withdrawn with no order as to costs.</p> <p>Sd/-</p> <p>(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
	<p>Date : 09.07.2019.</p> <p>M.A. No.263 of 2019 in R.A.No.05 of 2019 in O.A.No.1028 of 1995</p> <p>T. S. Shinde .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri M. T. Pawar, learned Counsel for the Applicant and Smt. Archana B. K. holding for Smt. Kranti Gaikwad , learned Presenting Officer for the Respondents.</li> <li>2. Issue notice before admission returnable on 05.08.2019.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>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.</li> <li>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.</li> <li>7. 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.</li> <li>8. S.O. to 05.08.2019.</li> </ol> <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

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 : 09.07.2019.</p> <p>M.A. No.244/ 2019 In O.A.No.1080 of 2018 with  M.A. No.245/ 2019 In O.A. 1081 of 2018 with  M.A.246/2019 In O.A.1082/2018 with  M.A.247/2019 In O.A.1083/219 with  M.A.No.248/2019 In O.A.1098/2018 with  M.A.No.249/2019 In O.A.1099/2018 with  M.A.No.250/2019 In O.A.1100/2018 with  M.A.No.251/2019 In O.A.1101 of 2018 with  M.A.No.252/2019 In O.A.1103/2018 with  M.A.No.253/2019 In O.A.No.1104/2018 with  M.A.No.254/2019 In O.A.1105/2018 with  M.A.No.255/2019 In O.A.1106 of 2018 with  M.A.No.256/2019 In O.A.No.1107/2018</p> <p>A. S. Kharbude &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. for the Respondents has filed reply in M.A. No.244 of 2019 In O.A.No.1080 of 2018 with M.A. No.245 of 2019 in O.A. 1081 of 2018 with M.A.No.251 of 2019 in O.A.11101 of 2018 with M.A.No.255 of 2019 in O.A.No.1106 of 2018. Those are taken on record.</p> <p>3. On the request of learned P.O., two weeks time is granted for filing reply in other MAs.</p> <p>4. S.O. to 23.07.2019.</p> <p style="text-align: right;">N 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 : 09.07.2019.</p> <p>O.A.No.194 of 2019</p> <p>C. B. Jagalpure ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"><li>1. Heard Shri A. R. Joshi, learned Counsel for the Applicant and Smt. Archana B. K. , learned Presenting Officer for the Respondents.</li><li>2. Today, learned Counsel for the Applicant has filed separate Affidavit-in-Rejoinder in view of separate reply filed by the Respondents. It is taken on record.</li><li>3. On the request of learned P.O., the matter is adjourned for hearing at the stage of admission.</li><li>4. Allowed to file Sur-Rejoinder, if necessary.</li><li>5. S.O. to 30.07.2019.</li></ol> <p>Sd/-</p> <p>(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
	<p>Date : 09.07.2019.</p> <p>O.A.No.469 of 2019</p> <p>P. R. Acharekar .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The present O.A. is filed to expunge the adverse remarks in the ACR of the Applicant for the year 01.04.2017 to 31.03.2018. In fact, he had already filed representation on 15.10.2018 before the Competent Authority to expunge the adverse remarks which is not yet decided.</p> <p>3. Learned Counsel for the Applicant submitted that the Applicant is due to retire in January, 2020 and, therefore, the earliest decision on the representation is necessary.</p> <p>4. Learned P.O. submits that the file is under consideration before the Government.</p> <p>5. In view of above, Original Application needs to be disposed of with suitable directions. Hence the following order.</p> <p style="text-align: center;"><b>ORDER</b></p> <p>(A) Original Application is disposed of with direction to Respondent No.1 to decide the representation of the Applicant dated 15.10.2018 within a month from today.</p> <p>(B) The decision, as the case may be, be communicated to him within two weeks thereafter.</p> <p>(C) If the Applicant felt aggrieved by the decision, he can avail legal remedy in accordance to law.</p> <p>(D) 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 \_\_\_\_\_

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 : 09.07.2019.</p> <p align="center">D.A.No.480 of 2019</p> <p>J. R. Sagre .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned C.P.O. for the Respondents has filed reply on behalf of the Respondent Nos.1, 2 and 3. It is taken on record.</p> <p>3. Two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 23.07.2019.</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 : 09.07.2019. O.A.No.624 of 2019
	<p><b>B. C. Tribhuvan</b> ....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</li> <li>2. In view of the order passed by this Tribunal on 08.07.2019, today, learned Counsel for the Applicant on instructions from his client submitted that he is not pressing for setting aside of the impugned order dated 07.05.2019 whereby the punishment of stoppage of one increment with cumulative effect was imposed. He further submits that he will restrict his application about the entitlement of the Applicant for the promotion as prayed in Prayer Clause 9 (b) of the O.A.</li> <li>3. The Applicant is also present in person.</li> <li>4. The Applicant's Counsel is directed to delete the Prayer Clause 9(a) as well as related averments from the O.A. during the course of the day.</li> <li>5. Now, the O.A. will be restricted to relief claimed in prayer clause 9(b) of the O.A. only.</li> <li>6. Issue notice before admission returnable on 05.08.2019.</li> <li>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>8. 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.</li> <li>9. 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.</li> <li>10. 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.</li> <li>11. 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.</li> <li>12. S.O. to 05.08.2019.</li> </ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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
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Date : 09.07.2019.

O.A.No.494 of 2019

M. S. Sayyed .....Applicant

Versus

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

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms N. G. Gohad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. In the present O.A., the challenge is to the transfer order dated 29.05.2019. However, by order dated 08.07.2019, the Respondent No.2 has cancelled the transfer order.
3. Today, learned Counsel for the Applicant has tendered a copy of order dated 08.07.2019. It is taken on record.
4. As the transfer order itself has been cancelled, the Original Application has become infructuous.
5. In view of above, Original Application is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

**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 : 09.07.2019.</p> <p>O.A.No.554 of 2019</p> <p>N. G. Gupta ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. The matter pertains to appointment.</p> <p>3. True, earlier the Applicant seems to have been in service by virtue of appointment order dated 18.09.2015. It was purely on temporary basis.</p> <p>4. Learned Counsel for the Applicant fairly concedes that presently the Applicant is out of service as the period of appointment is over. According to her, the Applicant needs continuation of service on the ground of parity.</p> <p>5. Thus, the position emerges that as of now, the Applicant is out of employment and she is seeking fresh appointment.</p> <p>6. This being the position, the matter pertains to Division Bench.</p> <p>7. In view of above, the Registrar is directed to examine the matter and place it before the appropriate bench.</p> <p>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
	<p>Date : 09.07.2019.</p> <p>O.A.No.660 of 2019 with O.A.No.661 of 2019</p> <p>A.P. Gote &amp; Ors. (O.A.660/2019)  R.V. Utkar (O.A.661/2019) .... Applicants.  Versus  The State of Maharashtra &amp; Ors. .... Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri Bharat Kulkarni, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. Issue fresh notice before admission returnable on 16.08.2019.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>4. Applicants are 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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>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.</li> <li>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. Applicants are directed to file Affidavit of compliance and notice.</li> <li>7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.</li> <li>8. S.O. to 16.08.2019.</li> </ol> <p style="text-align: center;">Sd/-  (A.H. Joshi)   Chairman</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 <u>O.A. No.229 of 2019</u>
<p>DATE: <u>3/7/2019</u>  CORAM:  Hon'ble Shri A. H. Joshi (Chairman)  Hon'ble P.N. Dixit Member (A) V/C - A  A/E:  Shri <u>M.B. Kadam</u> Ld. Adv.  holding for Shri S.S. Dere  Advocate for the Applicant</p> <p>Shri/Smt. <u>S.P. ManChekar</u>  C.F./P.O. for the Respondent/s</p> <p>Adj./ S.O. to <u>16/7/2019</u></p>	<p>G.A. Kiture &amp; Ors. ..Applicants  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri M.B. Kadam, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that she proposes to file reply during the course of the day.</p> <p>3. S.O. to 16.7.2019.</p>
	<p>Sd/-  (P.N. Dixit)  Vice-Chairman (A)  9.7.2019</p>
	<p>(sgj)</p>
	<p><i>MT</i></p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>9/7/2019</u>  CORAM:  Hon'ble <del>Shri A. H. Joshi (Chairman)</del>  Hon'ble <del>P.N. Dixit Member (A)</del> V/C A  APP:  Shri <u>Applicant and Advocate for the Applicant are absent.</u>  Advocate of the Applicant  Shri/Smt. <u>S.P. Manchekar</u>  C.F./P.O. for the Respondent/s  Adj./S.O. to <u>Issue notice returnable on 30/7/2019</u></p> <p style="text-align: right;"><i>File</i> (sgj)</p>	<p style="text-align: center;"><u>O.A. No.453 of 2019</u></p> <p>S.T. Patil ..Applicant  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Applicant and Advocate for the Applicant are absent.  Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Issue notice returnable on 30.7.2019.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p style="text-align: right;">Sd/-  (P.N. Dixit)  Vice-Chairman (A)  9.7.2019</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT ..... Applicant/s

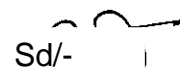
(Advocate .....)

*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 O.A. No.173 of 2019
<p>DATE : <u>9/7/2019</u></p> <p>CORAM :</p> <p>Hon'ble JUDGE Shri A. H. Joshi (Chairman)</p> <p>Hon'ble JUDGE (Deputy Member (A) - V/C - A)</p> <p>APPEARED FOR :</p> <p>Sd/- <u>U.V. Bhosale</u></p> <p>APPEARED FOR :</p> <p>Shri/Smt. <u>S.P. Manohkar</u></p> <p>C.F./P.O. for the Respondent/s</p> <p>Ad/S.O. to <u>16/7/2019</u></p> <p style="text-align: right;"><i>M.T.</i> <i>File</i></p>	<p>S.N. Naik &amp; Ors. ..Applicants</p> <p>Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manohkar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks one week's time to file reply.</p> <p>3. S.O. to 16.7.2019.</p> <p style="text-align: right;">Sd/-  (P.N. Dixit) Vice-Chairman (A) 9.7.2019</p> <p>(sgi)</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 O.A. No.174 of 2019
<p>DATE: <u>9/7/2019</u></p> <p>CORAM:</p> <p>Member: <u>Shri A. H. Joshi (Chairman)</u></p> <p>Member: <u>Shri P. N. Dixit Member (A) V/C - A</u></p> <p>Advocate: <u>Smt. Punam Mahajan</u></p> <p>Ld. <u>S.P. Manchekar</u></p> <p>C. for the Respondent/s</p> <p>Adj. S.O. to: <u>16/7/2019</u></p> <p><i>[Signature]</i></p>	<p>V.T. Gawade ..Applicant</p> <p>Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO states that her brief is not traceable and seeks one week's time to file reply.</p> <p>3. S.O. to 16.7.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 9.7.2019</p> <p>(sg)</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 O.A. No.725 of 2018
<p>DATE : 31/7/2019</p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice P. N. Dixit Member (A) V.C. A</p> <p>APPEARANCE : Shri Punam Mahajan</p> <p>Advocate for the Applicant</p> <p>Shri/Smt. S. P. Manchekar C.F. /P.O. for the Respondent/s</p> <p>Adj./ S.O. to 23/7/2019</p> <p style="text-align: right;">12/21 2</p>	<p>B.B. Birajdar &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO mentions that she has not received instructions.</p> <p>3. The respondents are directed to ensure that reply is filed within two weeks.</p> <p>4. S.O. to 23.7.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 9.7.2019</p> <p>(sg)</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 O.A. No.741 of 2018
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M.L. Bramhane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.B. Kadam, learned Advocate holding for Shri J.N. Kamble, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant seeks two weeks time to file rejoinder.
3. S.O. to 23.7.2019.

Sd/-

(P.N. Dixit)  
Vice-Chairman (A)  
9.7.2019

DATE: 9/7/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Justice N. Dixit Member (A) V/C - A

APPEARANCE:

Shri M.B. Kadam Ld. Advocate

holding for Shri J.N. Kamble  
Ld Advocate for the Applicant

Shri/Smt. S.P. Manchekar

C. P.O. for the Respondent/s

Adj./S.O. to 23/7/2019

(sgl)

*File*

**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 <u>O.A. No.454 of 2019</u>
<p>DATE : <u>9/7/2019</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A) - V/C - A</p> <p>APPEARANCE Shri/Smt. : <u>Applicant and Advocate</u> <u>for the Applicant are absent.</u> Advocate for the Applicant</p> <p>Shri/Smt. : <u>S.P. Manchekar</u> C.F./P.D. for the Respondent/s</p> <p>Adj./ S.O. to <u>23/7/2019</u></p> <p style="text-align: right;"><i>SGJ</i></p>	<p>P.H. Pandit ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Applicant and Advocate for the Applicant are absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks time to take instructions for filing reply.</p> <p>3. At her request adjourned to 23.7.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 9.7.2019</p> <p>(sgj)</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 O.A. No.247 of 2019
<p>DATE: <u>9/7/2019</u></p> <p>CORAM: Hon'ble Justice P.V. H. Joshi (Chairman) Hon'ble Justice P.V. Dixit (Member(A)) v/c - 19</p> <p>Applicant and Advocate for the Applicant are absent</p> <p>Shri/Smt. <u>S.P. Manjekar</u> C.F./P.O. for the Respondent/s Admit.</p> <p>Adj./S.O. to <u>to come up for final hearing in due course.</u></p> <p style="text-align: right;"><i>12/10</i></p>	<p>K.P. Jadhav ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Applicant and Advocate for the Applicant are absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO files reply on behalf of respondent no.1 and the same is taken on record.</p> <p>3. Admit. To come up for final hearing in due course with liberty to file rejoinder, if any.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 9.7.2019</p> <p style="text-align: center;">(sgi)</p>