

O.A. No.223 of 2020

D.N. Kamble & Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. Matter filed today. Taken on board by circulation.
3. Ld. Advocate for the applicant submits that respondents have issued letter to Women and Child Development Officer on 4.6.2020 for recovery and seeks that this is the order for recovery and implementation of the earlier order dated 3.2.2020 which is the subject matter of this OA.
4. Perused the said letter. This is not a letter for recovery and hence urgent relief cannot be granted today. Ld. PO submits that the order of the Tribunal dated 5.12.2018 in OA No.805 and 807 of 2016 is challenged before the Hon'ble High Court and is pending.
5. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.
6. Issue notice returnable on 11.8.2020.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
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. 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.
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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

11. Ld. PO waives service of notice.

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

# FARAD CONTINUATION SHEET No.

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

Tribunal's orders

30.06.2020

O.A 276/2020

Shri T.B Gadekar ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

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

2. Pursuant to the order dated 25.6.2020 the officers Shri Shantaram Londhe, Law Officer, Deputy Director of Education, Mumbai Region, Ms Nisha Vaidu, Programme Assistant, Nirantar Education Officer, Zilla Parishad, Thane and Shri Vishal Bapat, Senior Assistant, Education Department (Sad), Z.P, Thane.

3. Today the applicant is retiring. Hence in fact the Petition in respect of correction of date of birth of the applicant from 25.6.1962 to 25.6.1964 has become infructuous. However, there is one report dated 18.11.2004 sent by Mr Mogul, Education Officer, Zilla Parishad, Aurangabad to the Director of Education, Secondary and Higher Secondary, Pune, requesting him to take action.

4. It is found that the applicant has made application for correction of his date of birth after 5 years from the date of his entry level service in Government set up and there are other issues. On the point of delay, however, the Respondents is directed to file one short affidavit as to what action was taken by the Department after receiving the report of Mr Mogul, Education Officer, Zilla Parishad, Aurangabad.

5. S.O to 28.7.2020.

Sd/-

30/07/20  
(Mridula R. Bhatkar, J.)  
Chairperson

Akn

**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
---	-------------------

O.A. No.279 of 2020

S.A. Shinde ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant prays for release of his retirement dues which are withheld by the respondents as the applicant was facing a Departmental Enquiry. The applicant retired on 31.12.2017, charge sheet is filed on 4.10.2018 and approval for DE was given thereafter on 5.10.2018.
3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.
4. Issue notice returnable on 18.8.2020.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
6. 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.
7. 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.

W

9/5/2020

→

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed, to file affidavit of compliance and notice.</p> <p>9. Ld. PO waives service of notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</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
---	-------------------

O.A. No.280 of 2020

R.T. More  
Vs.

..Applicant

The State of Maharashtra & Ors.

..Respondents

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

2. The applicant seeks pre and post retirement dues, after taking into consideration the pay fixation as per 6<sup>th</sup> Pay Commission. He also claims the arrears accordingly. The applicant retired on 31.5.2016. His DE was concluded against him and he was imposed punishment of reduction in pension by 6% for one year.
3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.
4. Issue notice returnable on 3.9.2020.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
6. 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.
7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. Ld. PO waives service of notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</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
---	-------------------

O.A. No.281 of 2020

S.S. Hake

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant prays that the order of suspension dated 16.3.2020 passed by respondent no.1 be stayed and so also stay the implementation of order dated 22.5.2020. The applicant is suspended by order dated 16.3.2020 and his headquarter is changed by order dated 22.5.2020 from Sangli to Mumbai. The applicant has made representation opposing change of Headquarter on 20.6.2020. The respondent no.2 to decide the representation and pass reasoned order on the point of change of headquarter. It is expected that the respondents should clearly mentions its source of power to change the headquarter.

3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.

4. Issue notice returnable on 20.8.2020.

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

6. 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

2



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>7. 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>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. Ld. PO waives service of notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</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

O.A. No.282 of 2020

R.S. Naikode

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. The applicant is suspended as he is prosecuted under the provisions of Prevention of Corruption Act. Hence, he prays that the order of suspension dated 24.12.2019 passed by respondent be set aside. He also submits that the case of the applicant is not yet placed before the Review Committee which is mandatory for the respondents. He further submits that the applicant seeks urgent relief for the payment of difference of arrears of subsistence allowance, subsistence allowance at the rate of 25% per month from 4<sup>th</sup> month of suspension of the applicant till the applicant is actually reinstated as against the payment of 50% of the subsistence allowance.

3. 1d. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance. However, in between the respondents to consider the case of the applicant and to be placed for review so also respondents to consider the payment of arrears/subsistence allowance as per rules.

4. Issue notice returnable on 3.9.2020.

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

6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>7. 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>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. Ld. PO waives service of notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</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
---	-------------------

O.A. No.283 of 2020

S.B. Kodgire

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. The applicant challenges the order of his suspension dated 31.7.2019 passed by respondent no.1, who according to the applicant is not competent authority. He further submits that his matter is not placed for review till today, though 90 days of suspension from 31.7.2019 are over.

3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.

4. Issue notice returnable on 3.9.2020.

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

6. 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.

7. 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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. Ld. CPO waives service of notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</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>O.A. No.285 of 2020</p> <p>Dr. R.H. Patale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A.U. Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The respondents to file reply considering the case of the applicant especially in view of the judgment of this Tribunal in other similar cases viz. OA No.63 of 2019. Principal Secretary, Animal Husbandry Department to look into the matter so that appropriate say can be filed with instructions.</p> <p>3. S.O. to 21.7.2020</p> <p>(sgj)</p> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p>

30.06.2020

O.A 289/2020

Mr Jamil A. Shaikh ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

2. In view of these written submission, allowed to withdraw the Original Application. Hence disposed off.

*M R*  
Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson

Akn

**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
---	-------------------

O.A. No.296 of 2020

Dr. R.S. Hiray ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougale, learned Presenting Officer for the Respondents.

2. Matter filed today. Taken on board by circulation.

3. Ld. PO to take instructions why applicant is not allowed to join as Head of Department, Pharmacologist at B.J. Medical College, Pune though he was holding charge as Head of Department from 1.10.2018. The applicant was on leave for one month from 12.4.2020 to 24.5.2020.

4. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.

5. Issue notice returnable on 28.7.2020.

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

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.



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>10. Ld. PO waives service of notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</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
---	-------------------

O.A. No.301 of 2020

S.S. Kangane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant who was working as Superintendent in the office of CPO, MAT, Mumbai prays that he should be given the first benefit of Assured Career Progression Scheme.
3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.
4. The respondents to verify the report given by the Government Pleader of the Hon'ble High Court in this matter and also consider whether the communication sent by him at the time of his promotion was referred or not.
5. Issue notice returnable on 20.8.2020.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
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.

2

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>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.</p> <p>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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>10. Ld. PO waives service of notice.</p> <p style="text-align: right;">Sd/-  (Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</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 style="text-align: center;"><u>M.A. No.153 of 2020 in O.A. No.223 of 2020</u></p> <p>D.N. Kamble &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: right;">Sd/-  (Mridula R. Bhatkar, J.) Chairperson 9.7.2020</p> <p>(sgj)</p>

**O.A.266/2020**

1. Applicant and his Counsel both are absent though the Applicant's Counsel has taken circulation for today. Shri A.J. Chougule, learned P.O. for Respondents is present.
2. Shri A.J. Chougule, learned P.O. seeks two weeks' time to file reply. Time granted.
3. S.O. to 21<sup>st</sup> July, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.07.2020

(skw)

**O.A.246/2020**

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. for Respondents.
2. On request of learned P.O, two weeks' time is granted to file reply as last chance.
3. S.O. to 23<sup>rd</sup> July, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.07.2020

(skw)

**O.A.741/2017**

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for Respondents.
2. The learned Advocate for the Applicant requested for adjournment to prepare the matter.
3. Adjourned to 20<sup>th</sup> August, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.07.2020

(skw)

**M.A.102/20 in R.A.04/2020 in O.A.697/2019**

1. Heard Shri A.J. Chougule, learned P.O. for Applicants (Ori. Respondents) and Shri M.B. Kadam, learned Advocate for Respondent (Ori. Applicant).
2. Shri M.B. Kadam, learned Advocate sought adjournment to file reply on the ground that due to Covid-19 pandemic situation, the Applicant is unable to file reply. He requested to keep the matter in August, 2020 for filing reply to M.A. and R.A.
3. Adjourned to 13<sup>th</sup> August, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.07.2020

(skw)



O.A. No.298 of 2020

R.S. Karpe

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. The applicant prays that he be granted deemed date of promotion for the post of Accounts Officer w.e.f. 17.7.2014. However, such deemed date of promotion was rejected by order dated 24.2.2020 of respondent no.2. It is contended that the applicant was given a minor penalty of stoppage of one increment in DE and therefore there was no ground to not consider him for deemed date of promotion when the DE was going on.

3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.

4. Issue notice returnable on 6.8.2020.

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

6. 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.

7. 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.

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

9. Ld. CPO waives service of notice.

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sg)

O.A. No.299 of 2020

A.R. Bhapkar ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. The applicant is challenging the deemed suspension on the ground that he is suspended by applying wrong provisions of law.
3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.
4. Issue notice returnable on 20.8.2020.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
6. 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.
7. 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.
8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
9. Ld. PO waives service of notice.

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.300 of 2020

R.G. Lande

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri R.S. Apte, Ld. Sr. Counsel with Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant seeks relief that the transfer order dated 22.6.2020 be cancelled and he be reposted to his earlier place of posting.
3. It is requested by the applicant that transfer file of the applicant be kept ready for perusal of the Tribunal. Ld. Counsel for the respondents submits that transfer file is brought and today also Ld. Advocate for the applicant can take inspection of the same.
4. As per the request made by the Ld. Advocate for the applicant the matter is fixed on 14.7.2020 for submissions.

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.302 of 2020

Smt. B.M. Shivdasani

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. The respondents have initiated recovery by order dated 7.1.2020, 15.4.2020 and 4.5.2020 of Rs.34,18,359/- at the time of her retirement. She has retired on 30.6.2020. She was working as Pharmacist with the respondents however she did not pass the Marathi Language Lower Grade and Higher Grade Examination within the stipulated period and therefore recovery is initiated against her.

3. Ld. PO to obtain instructions and file reply. Copy of reply is to be served two days in advance.

4. **Order of recovery is stayed till 6.8.2020.**

5. Issue notice returnable on 6.8.2020.

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

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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

10. Ld. PO waives service of notice.

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sg)

M.A. No.160 of 2020 in T.A. No.8 of 2018

Ms. K.C. Pawar

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. The applicant seeks transfer of her matter TA No.8 of 2018 pending at Aurangabad Bench of this Tribunal to Principal Bench at Mumbai. It is submitted that this case is covered by the judgment and order dated 10.6.2019 of Single Bench of this Tribunal in the matter of Rupali S. Bidkar Vs. State of Maharashtra (OA Nos.1029 & Ors of 2014).

3. Ld. PO is directed to take instructions. Whether judgment of this Tribunal is challenged by the State is also to be informed.

4. S.O. to 14.7.2020.

Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

9.7.2020

(sgj)

O.A. No.297 of 2020

M.N. Chaudhary

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri D.B. Khaire, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for Respondents No.1 to 3 and Shri K.R. Jagdale, learned Advocate for Respondent No.4.

2. Though the Tribunal has passed the order on 2.7.2020, proper instructions are not obtained by the Ld. PO and affidavit in reply is also not filed. This is a case of transfer between complainant who is working as Assistant Commissioner of Foods at present at Nashik and who has moved this OA that he is to be sent back to his earlier posting at Zone-III, Vashi, Thane as his daughter who is 24 years is taking medical treatment for Blood Cancer as well as for Avascular Nerosis of Bylateral Hip Joint. Respondent no.4 who is at present posted at Zone-III, Vashi, Thane on the same post is required to be transferred if at all applicant is brought back. It is to be noted that earlier one Mr. Yashwant T. Daunde, Assistant Commissioner (Food), who was transferred from Zone X, Palghar, Thane to Kolhapur has challenged the said order dated 11.9.2019 of the Minister in OA No.912 of 2019. This Tribunal by its order dated 17.9.2019 has granted relief in his favour. Pursuant to the implementation of the said order the respondent Government has issued fresh order of transfer by giving the earlier post to Mr. Daunde and respondent no.4-Shri P.R. Singarwad. Thus by virtue of the said order Mr. Daunde was sent back to Zone X, Palghar, Thane and therefore the applicant who was working at Zone III is also transferred to Nashik.

3. After perusal of the said order it is made clear that the said order was qua applicant i.e. Daunde. In para 7 of



the said it was clearly mentioned, “as such prima facie the impugned transfer order qua applicant is not in consonance to Section 4(5) OF THE Act of 2005”. The said order was confirmed by the Tribunal on 9.3.2020. In the said application Shri Singarwad-respondent no.2 was party. However, present applicant was not party. Hence the orders passed by the Tribunal are not applicable to applicant as he is third party to the said application.

4. Under such circumstances the issue of transfer of respondent no.4 and applicant can be settled by the Government by considering their difficulties and also their suitability for the administration as per the rules. The Principal Secretary, Medical Education and Drugs Department to take note and he himself or he may depute the Joint Secretary in this aspect and consider whether any arrangement between these two officers is feasible or not. The request made by Ld. PO that both the officers should join at their respective posts will be considered on the next date.

5. S.O. to 4.8.2020.

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.303 of 2020

M.N. Thosare

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. In this OA the applicant prays that he was wrongly denied promotion which was given to respondent no.2. However, now respondent no.2 is going to retire on 31.7.2020 and therefore the Departmental Promotion Committee (DPC) which is going to take place be directed to consider his name for promotion as Joint Director of Sports and Youth Services.

3. The applicant was suspended as offences under Section 13(1)(c), 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and under Section 120(b), 467, 468, 471 and 109 of IPC were registered against him and the case is pending against him. However, as per the recommendation of the Review Committee dated 27.3.2019 he was reinstated. The said Review Committee was formed and taken decision pursuant to the order dated 30.8.2019 passed by Ld. Single Bench of this Tribunal in OA No.303 of 2019. Our attention is drawn to the order dated 11.9.2019 passed by the Under Secretary of Sports Department wherein the reason for not giving promotion to the applicant is given. The reason states three points as follows:

(a) The Confidential Reports were not available to the then DPC.

(b) The Departmental Enquiry (DE) is going on under Rule 8 of MCS (Discipline & Appeal) Rules, 1979.

(c) He was under suspension.

4. Ld. Advocate for the applicant submits that respondent no.2 is going to retire on 31.7.2020 and before that DPC is likely to be formed and consider the candidates for promotion to the post of Joint Director, Sports and Youth Services and therefore the Tribunal may direct the respondents to consider his name for the vacancy which is due after retirement of respondent no.2.

5. Ld. CPO submits that this is the first date and needs time to obtain instructions on the above points. Time granted. On instructions Ld. CPO makes a statement that till 28.7.2020 there will be no DPC.

6. S.O. to 28.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.325 of 2018

A.M. Jadhao

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondent No.2 and Shri K.R. Jagdale, learned Advocate for Respondent No.3.

2. A request is made by respondent no.2 and also by respondent no.3 that this matter be heard finally as the stay granted on 26.4.2019 due to code of conduct during election period is running against respondent no.3. Now, the elections are over and therefore this matter is to be taken up for hearing.

3. Shri M.D. Lonkar, learned Advocate for the applicant is present and hence by consent the matter is fixed on 21.7.2020 for final hearing.

4. MPSC – Respondent no.1 is directed to ask the officers to produce all the relevant record of the selection process of the concerned post before this Tribunal on the next date.

5. S.O. to 21.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.88 of 2020

Dr. V.R. Bhailume

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. S.O. to 13.8.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.99 of 2020

B.G. Phatangare & Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. S.O. to 13.8.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.116 of 2020

S.S. Mahajan

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. S.O. to 30.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.142 of 2020

A.A. Kulkarni

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Shri Datta Mane, learned Advocate for the Applicant  
and Smt. K.S. Gaikwad, learned Presenting Officer for the  
Respondents.

2. S.O. to 30.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)



O.A. No.819 & 820 of 2020

V.V. Chavan

A.J. Thorat

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Shri M.D. Lonkar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. S.O. to 30.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.852 of 2020

N.D. Dharade

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Shri V.V. Joshi, learned Advocate for the Applicant  
and Ms. S.P. Manchekar, learned Chief Presenting Officer  
for the Respondents.

2. S.O. to 30.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.994 of 2019 with M.A. No.43 of 2020

S.A. Narawade

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. S.O. to 30.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.1216 of 2019

R.A. Patil

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. S.O. to 13.8.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.1233 of 2019

Dr. S.B. Satpute & Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Shri M.R. Kulkarni, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. S.O. to 30.7.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

C.A. No.7 of 2020 in O.A. No.259 of 2019

D.R. Rathod ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.B. Kadam, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In this CA an order dated 9.8.2019 passed by the Tribunal in OA No.259 of 2019 wherein it was directed to the respondents to issue appointment order to the applicant within one month from the date of the order. Such orders are not issued. Hence, Contempt Application is filed on 27.1.2020.

3. Ld. PO informs that W.P. No.2562 of 2020 is filed in the Hon'ble High Court challenging the order of the Tribunal and it is pending.

4. However, it is necessary for the department to file say in this CA because the order of the Single Bench of the Tribunal was required to be implemented within one month from the date of order i.e. 9.8.2019 or the respondents should have approached the Tribunal for extension of time.

5. S.O. to 6.8.2020. Hamdast and steno copy allowed.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

M.A. No.168 of 2020 in O.A. No.277 of 2020

Dr. S.B. Chavan

..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. This MA is for amending the OA as per Annexure M1 of the MA.

3. MA is allowed. Amendment be carried out accordingly and amended copy of OA be served on all the respondents.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

O.A. No.277 of 2020

Dr. S.B. Chavan

..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. Issue notice returnable on 6.8.2020.

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

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

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

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

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)



MA.169/2020 in MA.170 of 2020 in OA.1102/2019

The State of Maharashtra ..Applicant  
Vs.  
Shri S.V. Khatavkar ..Respondent

Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicant-original Respondent and Respondent-original Applicant present in person.

2. This MA No.169 of 2020 is filed by the Respondent-State for condoning the delay of 34 days in filing MA No.170 of 2020 for extension of time.

3. Respondent-original applicant files reply in MA and the same is taken on record.

4. Ld. PO submits that by order dated 26.11.2019 the Division Bench of this Tribunal directed the respondents to decide the appeal within six months from the date of order which came to an end on 25.5.2020. However due to lockdown for COVID-19 Pandemic the Government was not functional with all machinery and full strength. Hence there is delay. Respondent-original applicant opposes the application for condonation of delay.

5. In view of the submissions of Ld. PO as it is unprecedented situation we condone the delay of 34 days. MA No.169 of 2020 is allowed.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)

MA.170 of 2020 in OA.1102/2019

The State of Maharashtra

..Applicant

Vs.

Shri S.V. Khatavkar

..Respondent

Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicant-original Respondent and Respondent-original Applicant present in person.

2. This MA No.170 of 2020 is filed by the Respondent-State for extension of time.
3. Respondent-original applicant files reply in MA and the same is taken on record.
4. Applicant-original respondents seek period of six months time to implement the order dated 26.11.2019 of this Tribunal in the above OA.
5. In view of the situation of COVID-19 Pandemic the time is extended till 30.11.2020. The respondents shall decide the appeal by 30.11.2020. MA disposed off accordingly.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.7.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.7.2020

(sgj)