

**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><b>Date : 09.12.2021</b></p> <p align="center"><b>O.A.No.215 of 2021</b></p> <p>P.S. Manjare . . . . . Applicant Vs. The State of Maharashtra &amp; Ors. . . . . Respondents</p> <p>1. Heard Mr. L.S. Deshmukh., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Advocate seeks permission to substitute the O.A.</p> <p>3. Allowed to substitute. Adjourned to 23.12.2021.</p> <p align="center">Sd/- _____ (Medha Gadgil) Member(A)</p> <p align="center">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p><b>Date : 09.12.2021</b></p> <p align="center"><b>O.A.No.469 of 2012 with O.A.No.689 of 2013 with O.A.No.879 of 2015</b></p> <p>Dr. A.R. Tarale &amp; Ors, (416/2012) Dr. M.B. Deollikar &amp; Ors. (O.A.689/2013) Dr. G.P. Wadekar &amp; Ors. (O.A.879/2015) .....Applicants</p> <p align="center">Vs.</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants in O.A.No.468/2012, Mr. R.M. Sarda, learned Advocate for the Applicants in O.A.689/2013, Mr. N.Y. Chavan, learned Advocate for the Applicants in O.A.No.879/2015 and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Affidavit-in-reply dated 08.12.2010 filed by the Principal Secretary, Public Health Department, Ms. Neelima Karkata is taken on record.</p> <p>3. With this learned Advocate and learned P.O., both sides have completed their submissions.</p> <p>4. Reserved for orders.</p> <p align="center">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>



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	<p><b>Date : 09.12.2021</b></p> <p><b>M.A.No.244 of 2019 in O.A.No.1080 of 2018 with M.A.No.245 of 2019 in O.A.No.1081 of 2018 with M.A.No.246 of 2019 in O.A.No.1082 of 2018 with M.A.No.247 of 2019 in O.A.No.1083 of 2018 with M.A.No.248 of 2019 in O.A.No.1098 of 2018 with M.A.No.249 of 2019 in O.A.No.1099 of 2018 with M.A.No.250 of 2019 in O.A.No.1100 of 2018 with M.A.No.251 of 2019 in O.A.No.1101 of 2018 with M.A.No.541 of 2021 in M.A.No.252 of 2019 in O.A.No.1103 of 2018 with M.A.No.253 of 2019 in O.A.No.1104 of 2018 with M.A.No.254 of 2019 in O.A.No.1105 of 2018 with M.A.No.255 of 2019 in O.A.No.1106 of 2018 with M.A.No.256 of 2019 in O.A.No.1107 of 2018</b></p> <p>A.S. Kharbude (M.A.244/2019 in O.A.1080/2018) A.J. Shinde (M.A.245/2019 in O.A.1081/2018) D.P. Salunke (M.A.246/2019 in O.A.1082/2018) V.V. Shivade (M.A.247/2019 in O.A.1083/2018) P.K. Patil (M.A.248/2019 in O.A.1098/2018) H.I. Shaikh (M.A.249/2019 in O.A.1099/2018) N.S. Tathavadekar (M.A.250/2019 in O.A.1100/2018) R.N. Deshpande (M.A.251/2019 in O.A.1101/2018) B.K. Naik (M.A.541/2021 in M.A.252/2019 in O.A.1103/2018) M.R. Kelkar (M.A.253/2019 in O.A.1104/2018) M.P. Khaire (M.A.254/2019 in O.A.1105/2018) D.B. Kisal (M.A.255/2019 in O.A.1106/2018) A.V. Mahindrakar (M.A.256/2019 in O.A.1107/2018) .....Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicants and Ms. Archana B.K., learned Presenting Officer for the Respondents</p> <p>2. The learned P.O. today produces the list of Original Applications which were decided by the Tribunal at Nagpur Bench and along with the numbers of the Writ Petitions given wherein some of the orders in Original Applications are challenged.</p> <p>3. The learned P.O. submits that in some of the Writ Petitions which were before the Hon'ble High Court Nagpur Bench, the Hon'ble High Court Nagpur Bench has stayed the orders of the Tribunal allowing the Original Applications.</p> <p style="text-align: right;">[PTO.</p>

Office Notes, Office Memoranda of Coram,  
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**Tribunal's orders**

4. Today, Ms. Geeta Kulkarni, Deputy Secretary from General Administration Department is present to assist the issue in this matter.

5. In this matter the learned P.O. has submitted the order passed by the Hon'ble Division Bench of Bombay High Court, Nagpur Bench wherein all the Writ Petitions having similar issues of Time Bound Promotions in the Wireless Department are directed to be clubbed and placed before the Hon'ble Division Bench on 10.12.2021.

6. In this matter in fact the dictation of the judgment has commenced. However, as the Writ Petitions involving the same issue are now placed tomorrow before the First Court at Nagpur Bench, the judicial propriety warrants to go slow or to wait for the pronouncement if at all they are going to be by the Hon'ble High Court on this issue.

7. Adjourned to 21.12.2021.

Sd/-  
(Medha Gadgil)  
Member(A)

Sd/-  
(Mridula Bhatkar, J.)  
Chairperson

prk



# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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	<p><b>Date : 09.12.2021</b></p> <p style="text-align: center;"><b>O.A.No.919 of 2015</b></p> <p>S.T. Khade .....Applicant Vs. The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondent and Mr. Bhushan A. Bandiwadekar, learned Advocate for the Respondent No.3.</p> <p>2. Mr. M.D. Lonkar, learned Advocate for the Applicant is absent. Leave note is on record.</p> <p>3. The learned P.O. submits that she has received instructions and she will file affidavit during the course of the day or tomorrow.</p> <p>4. Permission granted. Copy of the same to be forwarded through email to the learned Advocate immediately.</p> <p>5. Adjourned to 13.12.2021.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p><b>(Medha Gadgil)</b> <b>Member(A)</b></p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> </div> </div> <p style="margin-top: 20px;">prk</p>

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	<p><b>Date : 09.12.2021</b></p> <p align="center"><b>O.A.No.938 of 2021</b></p> <p>D.B. Vaishnav .....Applicant Vs. The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Mr. A.A. Desai, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Advocate wants interim relief on the point that he should be considered for the post of Joint Commissioner Sales Tax by way of promotion.</p> <p>3. The learned C.P.O. submits that the State wants time to take instructions and file reply as the matter is already fixed on 12.01.2022. She submits that she wants to take instructions from the Department, whether the applicant is in the zone of consideration for the promotion to the post of Joint Commission Sales Tax.</p> <p>4. The contention of the learned Advocate for the Applicant that his juniors were promoted to the post of Joint Commissioner pending his enquiry and however he is exonerated and therefore he should be promoted from deemed date w.e.f. 30.03.2016.</p> <p>4. The learned C.P.O. to take instructions accordingly.</p> <p>5. Adjourned to 12.01.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center"><b>(Medha Gadgil)</b> <span style="float: right;"><b>(Mridula Bhatkar, J.)</b></span> <b>Member(A)</b> <span style="float: right;"><b>Chairperson</b></span></p> <p align="center">prk <span style="float: right;">[P.T.O.]</span></p>



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	<p><b>Date : 09.12.2021</b></p> <p align="center"><b>O.A.No.536 of 2021 with O.A.No.537 of 2021</b></p> <p>S.B. Sonwane .....Applicant Vs. The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Mr. R.G. Panchal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Advocate for the Applicant submits that he wants to amend the O.A. by adding Principal Secretary, Law and Judiciary Department as Party Respondent. He submits that he will make the relevant amendment today itself.</p> <p>3. Amendment Allowed. Amended copy be served upon learned C.P.O. for the Respondents and also to the proposed Respondent.</p> <p>4. Adjourned to 22.12.2021.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p>prk</p>

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	<p><b>Date : 09.12.2021</b></p> <p align="center"><b>O.A.No.667 of 2020</b></p> <p>S.R. Karande .....Applicant Vs. The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Mr. Kaustubh Gidh, learned Advocate holding for Ms. Kranti L.C, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned Advocate for the Applicant files affidavit-in-reply.</p> <p>3. The learned P.O. seeks time with liberty to file affidavit-in-sur-rejoinder.</p> <p>4. Admit. Kept for Final hearing. Adjourned to 13.01.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center"><b>(Medha Gadgil)</b> <span style="float: right;"><b>(Mridula Bhatkar, J.)</b></span> <b>Member(A)</b> <span style="float: right;"><b>Chairperson</b></span></p> <p>prk</p>

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	<p><b>Date : 09.12.2021</b></p> <p style="text-align: center;"><b>O.A.No.598 of 2020</b></p> <p>P.R. Shinde .....Applicant Vs. The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Admit. Part Heard. Adjourned to 13.12.2021.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member(A)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p align="center"><u>O.A. No.989 of 2021</u></p> <p>Bharat U. Patil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri D.H. Pawar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 5.1.2022. The respondents are directed to file reply.</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. 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>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 align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 9.12.2021 9.12.2021</p> <p>(sgj)</p>



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	<p align="center"><u>O.A. No.554 of 2019</u></p> <p>Nilima J. Gupta ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant has filed Praecipe dated 7.12.2021 for speaking to minutes of the order dated 3.11.2020 passed in the above OA.</p> <p>3. Ld. Advocate for the applicant states that in para 3 line 9, para 5 line 8 from top and para 17 line 5 of the judgment through oversight the designation of the applicant is mentioned as "Medical Officer" instead of "Assistant Professor". She prays that the word "Medical Officer" be replaced by "Assistant Professor".</p> <p>4. Ld. PO submits to the order of the Tribunal.</p> <p>5. Prayer is accepted. The word "Medical Officer" be read as "Assistant Professor" at the relevant places in the judgment as stated above. Praecipe dated 3.11.2020 disposed off.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 9.12.2021 9.12.2021</p> <p>(sg)</p>

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	<p align="center"><u>C.A. No.35 of 2021 in O.A. No.229 of 2019</u></p> <p>Amol Nazirkar &amp; 6 Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Sandeep Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO states that MPSC wants to file reply and seeks time for the same.</p> <p>3. S.O. to 13.1.2022.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 9.12.2021 9.12.2021</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>C.A. No.49 of 2021 in O.A. No.652 of 2021</u></p> <p>J.M. Kawade ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. Savita Suryawanshi holding for Shri V.V. Joshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that at this stage it is found that respondent no.1 Shri Vikas Kharage, IAS, Secretary, Forest (Revenue &amp; Forest Department), Mantralaya, Mumbai and respondent no.2 Shri Saurabh Rao, IAS, The Divisional Commissioner, Poona Club Amphitheater, Council, Bund Garden Road, Camp, Pune 411001 are not responsible for implementation of the order dated 20.10.2021 passed by this Tribunal in the above OA, at this stage, and she wants to delete respondents no.1 &amp; 2 from the array of respondents in CA and contempt stands only against respondent no.3.</p> <p>3. Respondents No.1 and 2 be deleted from the array of respondents in CA.</p> <p>4. Ld. PO submits that one week time be granted as higher authorities have informed respondent no.3 to take action as per order passed by this Tribunal. Ld. PO states that one week time is required to implement the order of the Tribunal.</p> <p>5. Ld. Advocate for the applicant insists that the order of reposting should be passed. Ld. Advocate for the applicant has made grievance that salary of the applicant is not paid since 28.8.2021. The OA was filed on 30.8.2021. Ld. PO informs that applicant is on leave from 26.8.2021 as she is absent. Ld. Advocate submits that applicant has submitted application for sanction of medical leave. She has submitted fitness certificate on 25.10.2021 and she has requested that she should be reposted at Bhosari as per order</p>



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	<p>of the Tribunal. Ld. Advocate for the applicant is directed to inform the date of application for sanction of medical leave. Now the Ld. PO informs that application for sanction of medical leave by the applicant was received by the department. However, the said leave is not yet approved.</p> <p>6. Thus from the submissions of both the sides it transpires that the respondents did not allow the applicant to join her post at Bhosari pursuant to order dated 20.10.2021 passed in above OA. We are aware that department has initiated DE against the applicant for misconduct at her posting at Bhosari under Section 8 of MCS (Discipline &amp; Appeal) Rules. However, it was open for the respondents to take another recourse to find out way while implementing the order of the Tribunal and so also the morale of other staff working at Bhosari will not get affected adversely; as apprehension of adverse affect of the morale of the staff is expressed by the Ld. PO.</p> <p>7. Under this scenario we grant time till 14.12.2021 to respondent no.3 to implement the order dated 20.10.2021 passed by this Tribunal in the above OA.</p> <p>8. S.O. to 14.12.2021.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A) 9.12.2021</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson 9.12.2021</p> <p>(sgj)</p>