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, Tribunal's orders Appearance, Tribunal's orders or directions and Registrar's orders Date: 09.12.2021 O.A.No.215 of 2021Applicant P.S. Manjare . Vs. The State of Maharashtra & Ors. Respondents Deshmukh., learned Heard Mr. L.S. Advocate for the Applicant and Ms. S.P. Manchekar, for Presenting Officer Chief learned Respondents. The learned Advocate seeks permission to substitute the O.A. Adjourned to Allowed to substitute. 23.12.2021. Sd/-(Mridula Bhatkar, J.) (Medha Gadgil)

prk

Member(A)

Chairperson

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 09.12.2021

O.A.No.469 of 2012 with O.A.No.689 of 2013 with O.A.No.879 of 2015

Dr. A.R. Tarale & Ors, (416/2012)

Dr. M.B. Deolikar & Ors. (O.A.689/2013)

Dr. G.P. Wadekar & Ors. (O.A.879/2015)

....Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

- 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.
- 2. Affidavit-in-reply dated 08.12.2010 filed by the Principal Secretary, Public Health Department, Ms. Neelima Karkata is taken on record.
- 3. With this learned Advocate and learned P.O., both sides have completed their submissions.
- 4. Reserved for orders.

Sd/-

(Medha Gadgii) Member(A) Sd/-

(Mridula Bhatkar, J.) Chairperson

M.A./R.A./C.A. No.

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	09.12.2021 O.A 448/	<u> 2019</u>
	Shri H.P Jaykar & Or Vs. The State of Maharashtra & O	Applicants
	1. Heard Shri S.D. Cho and Shri K.R Jagdale, lear applicants and Ms Swati Mar the Respondents.	
	2. Learned counsel for written note of arguments a matter.	the applicants had filed and thereafter argued the
	3. Learned C.P.O to argu	e on the next date.
	4. S.O to 12.1.2022. Par	t Heard.
	Sd/-	Sd/-
	(Medha Gadgil) Member (J)	(Mridula Bhatkar, J.) Chairperson

M.A./R.A./C.A. No.

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, C	Office Memoranda	of Coram,
Appearan	ce, Tribunal's ord	lers or
directions	and Registrar's	orders

Tribunal's orders

Date: 09.12.2021

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

- 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

The State of Maharashtra & Ors. Respondents

- Ms. Punam Mahajan, Advocate for the Applicants and Ms. Archana B.K., learned Presenting Officer for the Respondents
- 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.
- 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.T.O.*

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

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/(Mridula Bhatkar, J.)

Chairperson

Sd/-(MedHa Gaďgil) Member(A)

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

Tribunal's orders

Date: 09.12.2021

O.A.No.1235 of 2019 (Mumbai) With O.A.No.11 of 2020 (Mumbai) With O.A.No.224 of 2020 (Mumbai) With O.A.No.215 of 2020 (Aurangabad) With O.A.No.443 of 2020 (Aurangabad) With O.A.No.42 of 2021 (Aurangabad)

M.K. Shivsaran & Ors. (O.A. 1235/2019)

M.A. Deshpande (O.A.11/2020)

L.M. Wankhede & Ors. (O.A.224/2020)

M.P. Samag (O.A.215/2020)

B.K. Pundlik (O.A.443/2020)

A.S. Tandale (O.A.42/2021)Applicants Vs.

The State of Maharashtra & Ors. Respondents

- 1. Heard Mr. Dr. G. Sadavarte, learned Advocate for the Applicants in O.A.1235/2019, Mr. Shantanu Raktate, learned Advocate for the Applicants in O.A.224/2020 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 2. The learned C.P.O. submits that in this group the Respondent (M.P.S.C.) wants sometime to file affidavit-in-reply. She points out that in O.A.No.1011/2019, Tanveer Shah Versus State of Maharashtra at Nagpur Bench detailed reply is filed by the M.P.S.C. and the M.P.S.C. wants to adopt the same reply in the present matters. However, the cases of the present Applicants are different in one or two points and therefore the learned C.P.O. had meet with the M.P.S.C. and now wants sometime to file the affidavit-in-reply on behalf of M.P.S.C. in the present matters.
- 3. In view of this last chance is given to M.P.S.C. to file affidavit-in-reply.
- 4. The learned C.P.O. submits that she will furnish the copy of the affidavit-in-reply of M.P.S.C. in O.A.No.1011/2019 to the Applicants today itself.
- 5. Adjourned to 22.12.2021.

Sd/-

Sd/-

(Medha Gadgil) Member(A) (Mridula Bhatkar, J.) Chairperson

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

Date: 09.12.2021

O.A.No.919 of 2015

S.T. Khade Vs.Applicant

The State of Maharashtra & Ors. Respondents

- 1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondent and Mr. Bhushan A. Bandiwadekar, learned Advocate for the Respondent No.3.
- 2. Mr. M.D. Lonkar, learned Advocate for the Applicant is absent. Leave note is on record.
- 3. The learned P.O. submits that she has received instructions and she will file affidavit during the course of the day or tomorrow.
- 4. Permission granted. Copy of the same to be forwarded through email to the learned Advocate immediately.
- 5. Adjourned to 13.12.2021.

Sd/-

Sd/-

(Medha Gadgil) Member(A) (Mridula Bhatkar, J.) Chairperson

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 09.12.2021

O.A.No.938 of 2021

D.B. Vaishnav

....Applicant

Vs.

The State of Maharashtra & Ors. Respondents

- 1. Heard Mr. A.A. Desai, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 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.
- 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.
- 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.
- 4. The learned C.P.O. to take instructions accordingly.
- 5. Adjourned to 12.01.2022.

Sd/-

Sd/-

(Medha Gadgil)

Member(A)

(Mridula Bhatkar, J.) Chairperson

M.A./R.A./C.A. No.

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 09.12.2021

O.A.No.536 of 2021 with O.A.No.537 of 2021

S.B. Sonwane

....Applicant

Vs.

The State of Maharashtra & Ors. Respondents

- 1. Heard Mr. R.G. Panchal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 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.
- 3. Amendment Allowed. Amended copy be served upon learned C.P.O. for the Respondents and also to the proposed Respondent.
- 4. Adjourned to 22.12.2021.

Sd/-

Sd/-

(Medha Gadgil) Member(A) (Mridula Bhatkar, J.) Chairperson

M.A./R.A./C.A. No.

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 09.12.2021

O.A.No.667 of 2020

S.R. Karande

....Applicant

vs.

The State of Maharashtra & Ors. Respondents

- 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.
- 2. The learned Advocate for the Applicant files affidavit-in-reply.
- 3. The learned P.O. seeks time with liberty to file affidavit-in-sur-rejoinder.
- 4. Admit. Kept for Final hearing. Adjourned to 13.01.2022.

Sd/-

Sd/-

(Medha Gadgii) Member(A) (Mridula Bhatkar, J.) Chairperson

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 Tribunal's orders directions and Registrar's orders Date: 09.12.2021 O.A.No.598 of 2020 P.R. ShindeApplicant The State of Maharashtra & Ors. Respondents Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents. 2. Admit. Part Heard. Adjourned to 13.12.2021. 1. Sd/-

Sd/-

(Medha Gadgil) Member(A)

(Mridula Bhatkar, J.) Chairperson

M.A./R.A./C.A. No.

of 20

ΙN

Original Application No.

of 20

	O.A. No. 989 of 20			
	<u> </u>	O.A. No.989 of 2021		
	Bharat U. Patil Vs.	Applicant		
	The State of Maharashtra & Ors.	Respondents		
	Heard Shri D.H. Pawar, lear Applicant and Ms. S.P. Manchekar, le Officer for the Respondents.	ned Advocate for tarned Chief Presenti		
	 The office objections, if any, are to be removed a court-fees to be paid, if not already paid. Issue notice before admission returnable on 5.1.20 The respondents are directed to file reply. 			
	4. Applicant is authorized and Respondents intimation/notice of dauthenticated by Registry, along with of O.A. Private service is allowed in COVID-19 Pandemic situation. Respondice that the case would be taken up the stage of admission hearing.	late of hearing du complete paper bo n view of this prese spondents are put		
	5. This intimation/notice is order the Maharashtra Administrative Tribut 1988, and the questions such as lir remedy are kept open.	nal (Procedure) Rule		
	6. The service may be done by post/courier and acknowledgement produced along with affidavit of comp within one week. Applicant is direct compliance and notice.	be obtained an obtained and obt		

Sd/-

Sd/-

(Medha Gadgil) Member (A) 9.12.2021

(Mridula Bhatkar, J.) Chairperson 9.12.2021

(sgj)

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.993 of 2021		
	A.R. Jadhav Vs.	Applicant	
	The State of Maharashtra & Ors.	Respondents	
	Heard Shri R.M. Kolge, learned Applicant and Smt. K.S. Gaikwad, l Officer for the Respondents.	Advocate for t earned Presenti	
	2. The office objections, if any, are court-fees to be paid, if not already paid.	to be removed a	
	3. Issue notice before admission returning. The respondents are directed to file reply.	mable on 3.1.202	
	4. Applicant is authorized and dire Respondents intimation/notice of date authenticated by Registry, along with cor of O.A. Private service is allowed in viccoVID-19 Pandemic situation. Respon	of hearing dunplete paper boo ew of this prese	

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.

notice that the case would be taken up for final disposal at

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.

Sd/-

the stage of admission hearing.

Sd/-

(Medha Gadgil) Member (A) 9.12.2021 (Mridula Bhatkar, J.) Chairperson 9.12.2021

(sgj)

M.A./R.A./C.A. No.

of 20

ΙN

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 ore	lers
	O.A. No.554	of 2019
	Nilima J. Gupta Vs.	Applicant
	The State of Maharashtra & Ors.	Respondents
	Heard Smt. Punam Malthe Applicant and Shri A.J. Cl Officer for the Respondents.	najan, learned Advocate for nougule, learned Presenting
	2. Ld. Advocate for the addited 7.12.2021 for speaking to 3.11.2020 passed in the above Oz	pplicant has filed Praecipe minutes of the order dated A.
	3. Ld. Advocate for the applicant states that in para 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" by replaced by "Assistant Professor".	
	4. Ld. PO submits to the ord	er of the Tribunal.
	5. Prayer is accepted. The read as "Assistant Professor" at judgment as stated above. disposed off.	word "Medical Officer" be the relevant places in the Praecipe dated 3.11.2020
	\$d/-	.7. I. Sd/-
	(Medha (Gadg/l/) '(Mr Member (A) 9.12.2021 (sgj)	idula Bhatkar, J.) Chairperson 9.12.2021

M.A./R.A./C.A. No.

of 20

ΙN

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			
		C.A. No.35 of 202	1 in O.A. No.229	9 of 2019
	Amo	l Nazirkar & 6 Ors. Vs.		Applicants
	The S	State of Maharashtra &	Ors.	Respondents
		Heard Shri Sandeer icants and Ms. S. Inting Officer for the R	P. Manchekar,	
	2. Ld. CPO states that MPSC wants to file reply seeks time for the same.		to file reply and	
	3.	S.O. to 13.1.2022.		
		Sd/-	Sd/-	,
	(sgj)	(Medha Gadgil) Member (A) 9.12.2021	(Mridula Bhat Chairper 9.12.202	son

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

C.A. No.49 of 2021 in O.A. No.652 of 2021

J.M. Kawade

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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.

- 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 & 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 & 2 from the array of respondents in CA and contempt stands only against respondent no.3.
- 3. Respondents No.1 and 2 be deleted from the array of respondents in CA.
- 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.
- 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

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

Tribunal's orders

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.

- 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 & 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.
- 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.
- 8. S.O. to 14.12.2021.

9.12.2021

Sd/Sd/
(Medha (GadgM) (Mridula Bhatkar, J.)

Member (A) Chairperson

9.12.2021

(sgj)