

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 : 10.03.2022</p> <p style="text-align: center;">M. A. No.37 of 2022 in O.A.No.978 of 2021</p> <p>R. R. JirepatilApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed to recall the order passed by this Tribunal in O.A.No.978/2021 on 18.01.2022 whereby O.A. was disposed of.</p> <p>3. The Applicant retired from the Government service on 31.05.2020 but his retiral benefits were not paid, therefore, initially in first round of litigation, he had filed O.A.No.230/2021 <i>inter-alia</i> contending that he had made representation on 29.07.2021 for exemption from passing examination in terms of Maharashtra Civil Services (Compulsory Marathi Shorthand and Marathi Typing Examination for English Stenographers and English Typists) Rules 1991 (hereinafter referred to as 'Rules 1991' for brevity) but not decided. O.A.230/2021 was disposed of by order dated 29.07.2021 with direction to the Respondents to decide the representation in terms of 'Rule 1991' within two months.</p> <p>4. However, no order was passed on representation within stipulated period of two months given by this Tribunal, and therefore, the Applicant has again filed M.A.No.978/2021. It is during pendency of O.A. No.978/2021, the Department has initially passed the order dated 29.12.2021 to the effect that the Applicant is exempted from passing examination under Rule 10 of 1991. However, again the Department had issued corrigendum by letter dated 10.01.2022 stating that exemption is granted under Rule 8 on completion of 50 years of age and not under Rule 10 as was earlier granted by order dated 29.12. 2021.</p> <p>5. When O.A.No.978/2021 was taken up for hearing, learned P.O. had tendered order dated 10.01.2022. That time, on the basis of statement made by learned Counsel for the Applicant following order is passed and O.A. came to be disposed of.</p> <p>"2. Today learned P.O. has filed short Affidavit of Shri Santosh P. Khorgade, Deputy Secretary in the Cooperation Marketing and Textile Department, Mumbai, in terms of order passed by this Tribunal dated 07.12.2021. Learned P.O. has also filed order dated 10.01.2022 passed by Government granting exemption to the Applicant on the date of attaining age of 50 years from passing requisite examination.</p>

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3. In view of above, Learned Advocate for the Applicant submits that O.A. be disposed of since representation made by the Applicant is now decided by order dated 10.01.2022 and grievances is redressed. However he requested for direction to the Respondents to release retiral benefits in accordance to law in stipulated period. Submission is quite fair and deserved to be accepted.

4. In view of above, O.A. is disposed of with direction to the Respondents to release retiral benefits of the Applicant in accordance to law within period of 6 weeks from today.

5. No order as to costs."

6. Now this M.A. is filed for recall the order dated 18.01.2022. Learned Counsel for the Applicant fairly stated that inadvertently he formed opinion that the Applicant is granted exemption under Rule 10 of Rules 1991 and under belief that his client will get retiral benefits, he made a statement that grievance is redressed. However, later, he realized that exemption is not granted under Rule 10 of Rules 1991 but it was granted under Rule 8 of Rules 1981 on completion of 50 years of age which makes lot of difference insofar as retiral benefits are concerned. He, therefore, prayed that order dated 18.01.2022 in O.A.No.978/2021 be recalled since he wants to challenge the order dated 10.01.2022. He further submits that in same O.A. the Applicant be allowed to challenge the order dated 10.01.2022 by recalling the order dated 18.01.2022.

7. Whereas, learned P.O. submits that the Applicant is required to file fresh O.A. to challenge the orders.

8. It is apparent that due to inadvertent statement made by learned Counsel for the Applicant, O.A. No.978/2021 was disposed of. Learned Counsel fairly submits that because of his inadvertence, Applicant should not suffer and for that purpose only he prayed to recall the order since he wants to challenge the order dated 10.01.2022 passed by the Government on merit.

9. In view of above, the Applicant is required to file fresh O.A. challenging the order passed by the Government on 10.01.2022. The subject matter of O.A.No.978/2021 was restricted to retiral benefits only. Therefore, it is clarified that Applicant is at liberty to challenge the order dated 10.01.2022 by filing fresh O.A. and the order passed by this Tribunal on 18.01.2022 will not come his way for challenging the same to that extent it is recalled.

10. Learned Counsel for the Applicant submits that except Provisional Pension for some period, no other retiral benefits are paid.

11. The Respondents are, therefore, directed to take necessary steps to release retiral benefits of the Applicant as per his entitlement in law and monetary benefits be paid within two months if found entitled to the same.

12. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

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<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p style="text-align: right;">Tribunal's orders</p> <p>Date : 10.03.2022</p> <hr/> <p style="text-align: right;">O.A.No.18 of 2021</p> <p>Dr. D. B. BhosaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant is serving in the cadre of Deputy Collector, Land Acquisition and she was served with the charge sheet dated 25.05.2018 for minor penalty under Rule 10 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 (hereinafter referred to as 'Rules 1979'). Thereafter, the Government has passed order dated 15.12.2020 thereby imposing punishment of withholding of next increment for one year with cumulative effect. The Applicant has challenged this order in the present O.A.</p> <p>3. When the matter is taken up for final hearing, the Tribunal has raised specific query to learned C.P.O. about compliance of Rule 10, Sub-Rule 2 of 'Rules 1979'. However, she fairly concedes that no such procedure as mandated in Rule 10 of Sub-Rule 2 of 'Rules 1979' has been followed. She, therefore, requested to remand the matter to give liberty to take recourse of law afresh.</p> <p>4. Perusal of record reveals that though the charge sheet was issued for minor penalty, ultimately the Government has passed the order of withholding of next increment for one year with cumulative effect by order dated 15.12.2020.</p> <p>5. The procedures for imposing minor penalty are governed by Rule 10 of Rules 1979. Here, it would be apposite to reproduce the Rule 10 which is as under:-</p> <p>"10.Procedure for imposing minor Penalties</p> <p>(1) Save as provided in sub-rule (3) of rule 9, no order imposing on a Government servant any of the minor penalties shall be made except after -</p> <p>(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;</p> <p>(b) holding an inquiry in the manner laid down in rule 8, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;</p> <p>(c) taking into consideration the representation, if any, submitted by the Government servant under clause (a) of this rule and the record of inquiry, if any, held under clause (b) of this rule;</p>
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- (d) recording a finding on each imputation of misconduct or misbehavior; and
(e) consulting the Commission where such consultation is necessary.

(2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed, after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government's servant or to withhold increment of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period 1(x x x) an inquiry shall be held in the manner laid down in sub-rules (3) to (27) of Rule 8, before making any order of imposing on the Government servant any such penalty.

(3) The record of the proceeding in such cases shall include-

- (i) a copy of the intimation to the Government servant of the proposal to take action against to him;
- (ii) a copy of the statement or imputations of misconduct or misbehavior delivered to him;
- (iii) his representations, if any;
- (iv) the evidence produced during the inquiry;
- (v) the advice of the Commission, if any;
- (vi) the findings on each imputation of misconduct or misbehavior; and
- (vii) the orders on the case together with the reasons therefor."

6. Thus, as per Rule 10, Sub-Rule 2 of Rules 1979 where the proposed punishment is of withholding of increment is likely to affect adversely the amount of pension payable to the Government servant or to withhold increment of pay for a period exceeding three years or to withhold increment of pay with cumulative effect for any period, in that event the inquiry shall be held in the manner laid down in Sub-Rule (3) to (27) of Rule 8 before making any order of imposing such penalty.

7. In present case, the impugned order of withholding next increment for one year with cumulative effect is adversely affecting the amount of pension payable to the Applicant.

8. This being the position, the Government ought to have held inquiry in the manner as provided in Sub Rule (3) to (27) of Rule 8 of 'Rules 1979'. However, the Government directly imposed punishment which is totally bad in law.

9. In view of above, impugned order dated 15.12.2020 being totally bad in law is quashed and set aside.

10. The matter is remanded back to the Respondents to comply Rule 10(2) of Rules 1979. This exercise should be completed within four months from today including passing final order therein.

11. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 10.03.2022</p> <p align="center">O.A. No.1037 of 2019 with O.A. No.1039 of 2019 to O.A. No.1042 of 2019 with O.A. No.1237 of 2019 to O.A. No.1241 of 2019</p> <p>Dr. G.B. Taware Dr. V.A. Nadimath Dr. P.M. Sharebkausar Dr. N.B. Masaram Dr. V.P. Doijad C.G. Patil Dr. M.M. Pawar Dr. P.R. Dhumal Dr. P.N. Rathi Dr. A.B. PandavApplicants Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Smt. Punam Mahajan, learned Advocate for the Applicants in O.A. No.1037/19 with O.A. No.1039/19 to O.A. No.1042/19 and Shri K.B. Bhise, learned Advocate for the Applicants in O.A. No.1237/19 to O.A. No.1241/19 are on leave note. Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents is present.</p> <p>2. Learned Counsels for the Applicants sought time to file appointment orders and requested to adjourn the matter.</p> <p>3. Interim relief to continue till next date.</p> <p>4. S.O. to 24.03.2022.</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>VSM</p>

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	<p>Date : 10.03.2022</p> <p align="center">O.A.No.958 of 2021</p> <p>S. H. Suryawanshi Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Purva Pradhan holding for Shri D. B. Khaire, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that the matter is being handled by Smt. Kranti Gaikwad, P.O. but due to personal difficulty, she is unable to remain present today.</p> <p>3. Interim relief to continue till next date.</p> <p>4. S.O. to 25.03.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 10.03.2022</p> <p align="center">O.A.No.574 of 2021</p> <p>S. B. KaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & 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. In present O.A., the Applicant has challenged transfer order dated 09.08.2021 whereby he was transferred to the post of Talathi, Sajja Salgar, Tal. Akkalkot, Dist. Solapur. When the matter was taken up for hearing, at the very outset, learned Counsel for the Applicant submits that subsequent to filing of O.A., the Applicant is suspended by order dated 07.01.2022 in view of registration of crime and arrested under Section 7, 7(a) of Prevention of Corruption Act, 1988. The Applicant is still under suspension.</p> <p>3. As such, in view of suspension of the Applicant challenge to transfer order dated 09.08.2021 has become infructuous and O.A. is , therefore, disposed of with no order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 10.03.2022</p> <p align="center">O.A.No. 194 of 2022</p> <p>S. A. ShindeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & 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. On request of learned P.O. one day time is granted for filing reply in terms of order passed by this Tribunal on 02.03.2022.</p> <p>3. S.O. to 11.03.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 10.03.2022</p> <p align="center">O.A. No.802 of 2021</p> <p>N.B. KolekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. At the very outset, learned Advocate for the Applicant has pointed out that Respondent No.2 – Shri S.D. Shelke is due for transfer in general transfer of 2022, and therefore if Department consider his option for Kolhapur the grievance can be redressed. He has further pointed out that the Applicant has given option of Kolhapur, Palghar and Nashik but all those post were given to Respondent Nos.2 to 4. Out of Respondent Nos.2 to 4, Respondent No.2 is due for transfer ensuing general transfer.</p> <p>3. Respondent is therefore directed to inform the Tribunal as to whether it is considering the option of Kolhapur to the Applicant which is falling vacant in general transfers of May 2022. Learned P.O. is directed to appraise about it to the Tribunal by next date.</p> <p>4. This is without prejudice to the contention raised by the parties in O.A.</p> <p>5. S.O. to 21.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date: 10.03.2022</p> <p style="text-align: center;">O.A. No.180 of 2022</p> <p>S.K. SawantApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that issue of reconsideration of posting of the Applicant since she is physically handicapped is in consideration of Government and necessary orders will be passed within two weeks.</p> <p>3. S.O. to 24.03.2022.</p> <p style="text-align: right;">Sd/- √ (A.P. Kurhekar) Member (J)</p> <p style="text-align: left;">NMN</p>

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	<p>Date: 10.03.2022</p> <p style="text-align: center;">O.A. No.69 of 2022</p> <p>S.S. ThakreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Ganesh Masurkar, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 24.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 10.03.2022</p> <p style="text-align: center;">O.A. No.66 of 2022</p> <p>Dr. A.E. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Ganesh Masurkar, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On previous date direction were given to learned Advocate for the Applicant to take necessary steps for service of O.A. on Respondent No.2. However, till date there is no service. On request of learned Advocate for the Applicant time is granted to take necessary steps for service of O.A. on Respondent No.2</p> <p>3. Learned P.O. has also requested for two weeks time to file Affidavit-in-Reply on behalf of Respondent No.1.</p> <p>3. S.O. to 24.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

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	<p>Date: 10.03.2022</p> <p>O.A. No.57 of 2022</p> <p>B.D. KshirsagarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.T. Bhosale, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri Ashok Misal, learned Advocate for the Respondent No.2.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply as most last chance.</p> <p>3. S.O. to 17.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


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	<p>Date: 10.03.2022</p> <p>O.A. No.1059 of 2021</p> <p>D.V. GuravApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 17.03.2022.</p> <p style="text-align: right;">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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

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	<p>Date: 10.03.2022</p> <p>M.A. No.556 of 2021 in O.A. No. 984 of 2021</p> <p>S.B. GopaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant shortly adjourned for hearing of M.A.</p> <p>3. S.O. to 08.04. 2022.</p> <p style="text-align: right;">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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	<p>Date: 10.03.2022</p> <p>M.A. No.79 of 2022 in M.A. No.532 of 2021 in O.A. No.945 of 2021</p> <p>J.G. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghatе, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for amendment to substitute para 6.1 of O.A. so as to correct the factual position about number of heirs of deceased employee in original pleading. In para 6.1 it is stated that deceased had left 3 heirs. However, in fact he had left 6 heirs. The Applicant wants to bring on record correct factual aspect, in respect of the No. of heirs of the deceased. Learned Advocate for the Applicant submits that mistake occurred inadvertently.</p> <p>3. Since M.A. is for correction of pleading as per factual aspect, permission is granted to amend para 6.1. As prayed for amendment be carried out immediately.</p> <p>4. M.A. is accordingly disposed of with no order as to costs.</p> <p>5. M.A. No.532/2021 in O.A. 945/2021 is adjourned to 31.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 10.03.2022</p> <p>M.A. No.122 of 2022 in O.A. No.1118 of 2019</p> <p>D.T. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Since M.A. is filed in pending O.A. issuance of notice is dispensed with.</p> <p>3. Learned P.O. shall file Affidavit-in-Reply in M.A. within three weeks.</p> <p>4. S.O. to 31.03.2022.</p> <p style="text-align: right;">Sd/- VV (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 10.03.2022</p> <p>O.A. No.894 of 2021</p> <p>V.D. Salok & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer holding for Smt Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicants has filed Affidavit-in-Rejoinder on behalf of the Applicants. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission along with O.A. No.475 of 2019.</p> <p>4. S.O. to 17.03.2022.</p> <p style="text-align: right;">Sd/- v. (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

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	<p>Date: 10.03.2022</p> <p style="text-align: center;">O.A. No.711 of 2019</p> <p>M.N. GaikwadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submit that issue is of whether person carrying pay scale of Rs.5600-9000 falls in Group 'B' or 'C' is not yet decided by Division Bench for which this O.A. was adjourned from time to time.</p> <p>3. In view of above, this O.A. requires to be heard after decision of Division Bench on the issue.</p> <p>4. S.O. to 07.04.2022.</p> <p style="text-align: right; margin-right: 100px;"> [^] Sd/- [✓] (A.P. Kurhekar) Member (J) </p> <p style="text-align: center; margin-top: 20px;">NMN</p>

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	<p>Date: 10.03.2022</p> <p align="center">O.A. No.425 of 2020</p> <p>Dr. M.B. DeollikarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. the Applicant has challenged suspension order dated 06.11.2019 since he was arrested under Section 7 of Prevention of Corruption Act, 1988 and was in custody for more than 48 hours. As such, it was the case of Deemed Suspension under Rule 4(2) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.</p> <p>3. However, during the pendency of O.A. the Applicant is reinstated in service by order dated 11.01.2021.</p> <p>4. As such, in view of reinstatement in service the challenge to the suspension order does not survive.</p> <p>5. Shri A.V. Bandiwadekar, learned Advocate for the Applicant sought to contend that suspension has been revoked belatedly by order dated 11.01.2021 and there is failure on the part of Respondents to take review immediately after 90 days, and therefore the Applicant is entitled to pay and allowance beyond the period of 90 days of suspension.</p> <p>6. Learned P.O. submits that D.E. is initiated and in progress. Insofar as criminal case is concerned he states that he is not aware as to whether charge-sheet is filed in criminal case.</p>

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7. As stated above, the Applicant was suspended by way of Deemed Suspension in view of detention in custody for more than 48 hours. Only because Suspension is revoked after expiring of 90 days belatedly that *ex-facto* does not entitle the Applicant to claim pay and allowance of the Suspension period. The issue of pay and allowance of the Suspension period needs to be decided by competent authority at appropriate stage in terms of Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1981.

8. In view of above, O.A. is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

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	<p>Date : 10.03.2022</p> <p align="center">O.A.No.206 of 2022</p> <p>R. T. KadamApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. G. Panchal, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the suspension order dated 16.2.2022 issued by the Respondent No.3-Police Commissioner, Railway, Mumbai and sought interim relief.</p> <p>3. Admittedly, the Applicant is staff Nurse and her appointing authority is Respondent No.2-Deputy Director, Health Services, Mumbai as seen from appointment order dated 03.12.2005. By order of Civil Surgeon, Thane dated 18.12.2017, she was transferred at Railway Police Hospital, Mumbai. The Respondent N0.3 – Commissioner, Railway Mumbai suspended her for certain misconduct invoking Rule 4(1) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 which inter-alia provides for suspension in contemplation of D.E.</p> <p>4. As per provision of MCS (D &A) Rules 1979, it is for the appointing authority, the power of suspension vests with the appointing authority. The Respondent No.3 – Commissioner of Police, Railway is admittedly not appointing authority. It is totally different authority. As such, <i>prima-facie</i> impugned suspension order is not sustainable in law.</p> <p>5. in view of above, the suspension order dated 16.02.2022 is stayed till filing of reply.</p> <p align="right">[P.T.O.]</p>

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	<p>6. Issue notice before admission returnable on 07.04.2022.</p> <p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>12. S.O. to 07.04.2022.</p> <p style="text-align: right;">Sd/- WV (A.P. Kurhekar) Member(J)</p> <p>ysm</p>

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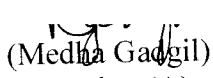
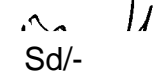
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	<p style="text-align: center;"><u>O.A. No.457 of 2021</u></p> <p>N.A. Netke ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO produces copy of order dated 9.3.2022 issued by Public Health Department wherein the applicant has been absorbed as Medical Officer, Group B. The said order is taken on record and marked Exhibit '1' for identification.</p> <p>3. S.O. 4.5.2022.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p> (Medha Gadgil) Member (A) 10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p> (Mridula Bhatkar, J.) Chairperson 10.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.484 of 2021</u></p> <p>V.V. Mote ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that reply is already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 19.4.2022 for final hearing with liberty to file rejoinder, if any.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>10.3.2022</p> </div> </div>

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	<u>O.A. No.841 of 2022</u> <u>(OA.919/2017-Nagpur)</u>
	D.B. Kurale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents
	<p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Shri S.B. Bhosale, learned Advocate for the applicant has sent the Leave Note.</p> <p>3. Reply is already filed.</p> <p>4. Admit.</p> <p>5. S.O. to 19.4.2022 for final hearing with liberty to file rejoinder, if any.</p>
	Sd/- Sd/- (Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 10.3.2022 10.3.2022 (sgj)

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	<p style="text-align: center;"><u>O.A. No.94 of 2022</u></p> <p>S.S. Zade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant states that he has filed affidavit of service and notice.</p> <p>3. Respondent No.1 to produce copy of Home Guard Certificate of Respondent No.2 – Mr. Yogesh K. Sonkamble on the next date.</p> <p>4. S.O. to 30.3.2022 by way of last chance.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 10.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.203 of 2022</u></p> <p>A.M. Halsangi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, 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 17.3.2022. 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 style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Mridha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 10.3.2022 10.3.2022</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.48 of 2022</u></p> <p>B.V. Kale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Applicant and Advocate both are absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. We direct the Ld. Advocate for the applicant to serve copy of OA in the office of CPO and Respondents.</p> <p>3. S.O. to 1.4.2022.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) / Member (A) 10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson 10.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.189 of 2022</u></p> <p>Dr. V.S. Abnave ..Applicant Vs. The State of Maharashtra & 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. 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 13.4.2022. 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> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>10.3.2022</p> <p>(sgl)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>10.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.222 of 2022</u></p> <p>S.S. Padave ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri B.A. Bandiwadekar, 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 13.4.2022. 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> <div style="display: flex; justify-content: space-around; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>10.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.652 of 2020</u></p> <p>M.B. Borkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.V. Thorat, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant has prayed for regularization of suspension period. Hence, matter be placed before the Single Bench.</p> <p>3. S.O. to 16.3.2022 before Single Bench.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>10.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.232 of 2021</u></p> <p>C.S. Khose ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan., learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Affidavit in reply is filed. Ld. Advocate for the applicant submits that rejoinder is not required.</p> <p>3. Pursuant to order dated 4.1.2022 the respondents have sought three months time for completion of DE. However, we have adjourned the matter for four weeks to see progress in the matter. The matter has appeared today.</p> <p>4. Ld. PO, on instructions from Shri Akshay Rajendra Kadam, Assistant Legal Advisor, Directorate of Municipal Administration, states that enquiry is completed and file is before the Hon'ble Minister. Three months will get over on 4.4.2022. However, the respondents to submit report of enquiry.</p> <p>5. S.O. to 5.4.2022.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>10.3.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.154 of 2021</u></p> <p>S.S. Samant ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri D.B. Kale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that file regarding de-reservation of Ex-serviceman has been sent from Revenue & Forest Department to Collector, Thane for obtaining NOC from Zilla Sainik Welfare Board.</p> <p>3. S.O. to 23.3.2022.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>10.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>10.3.2022</p> </div> </div>

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	<p><u>10.03.2022</u></p> <p><u>O.A 695/2018 with O.A 312/2019 with O.A 355/2019 with O.A 1194/2019 with O.A 1195/2019 & O.A 1196/2019</u></p> <p>Shri N.K Chavan & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Shri D.R Irale Patil, learned counsel for the applicants in O.A 312/2019 & Ors has filed leave note.</p> <p>3. Mrs Punam Mahajan, learned counsel for the applicant in O.A 695/2018, prays that the Original Application be detagged from the present group as the applicants are from P.W.D.</p> <p>4. However, we direct Mr Irale Patil, Shri S.D Patil, Ajay Deshpande and V.P Potbhare to appear on the next date.</p> <p>5. O.A 695/2018 be detagged and placed on Board on 31.3.2022.</p> <p>6. All the other Original Applications also be placed on board on 31.3.2022.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p style="text-align: center;">Akn</p>

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	<p>Date: 10.03.2022</p> <p style="text-align: center;">O.A. No.193 of 2022</p> <p>B.S. ThakurApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M.P. Dalvi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. As per title clause the Applicant's residence is shown at Lamkani, Tal. District Dhule, secondly the Applicant's prayer is for direction to the Respondents to issue permanency certificate. 3. Learned Advocate for the Applicant however submits that after retirement the Applicant is residing at Ratnagiri, and therefore O.A. is filed before this Tribunal. 4. Liberty is granted to make correction in title clause. 5. As stated above, the relief claim is for direction to the Respondents to issue permanency certificate. 6. I/C. Registrar is therefore directed to examine the matter as whether it pertain to Single Bench or Division Bench, since it does not fall in the subject of Single Bench as per office order dated 28.05.2021 and as per the residuary clause the matter which is not shown in Single Bench assignment needs to be place^o before Division Bench. <p style="text-align: right; margin-right: 50px;">Sd/- (A.Ā. Kurhekar) Member (J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 10.03.2022</p> <p>M.A. No.134 of 2022 in O.A. No.190 of 2022</p> <p>Dr. V.S. AbnaveApplicant VersusRespondents. The State of Maharashtra & Ors.</p> <ol style="list-style-type: none"> 1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 07.04.2022. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 Miscellaneous Application. 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. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Miscellaneous Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 07.04.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 10.03.2022</p> <p>M.A. No.29 of 2022 in O.A. No.250 of 2021</p> <p>R.Y. ChandramoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri I.M. Koparkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice of M.A. before admission returnable on 07.04.2022. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 Original Application. 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. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 07.04.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 10.03.2022</p> <p>M.A. No.138 of 2021 in O.A. No.249 of 2021</p> <p>M.S. WaghApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri I.M. Koparkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 07.04.2022. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 Miscellaneous Application. 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. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Miscellaneous Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 07.04.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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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: 10.03.2022</p> <p align="center">O.A. No.220 of 2022</p> <p>S.G. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired by superannuation on 31.10.2018. However, gratuity and leave encashment is not paid. She has earlier filed O.A. No.505/2018 challenging suspension order dated 09.09.2014. O.A. was decided on 22.02.2019 and order^{was} passed that the suspension deemed to have been revoked w.e.f. 10.02.2017 and the Applicant is held entitled to service benefits with deemed date of revocation of suspension. Further liberty was granted to proceed further in D.E. and Criminal prosecution.</p> <p>3. Learned Advocate for the Applicant submits that till date D.E. is not completed finally and criminal case is still subjudice.</p> <p>4. Issue notice before admission returnable on 07.04.2022.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<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. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>10. S.O. to 07.04.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 10.03.2022</p> <p align="center">O.A. No.179 of 2022</p> <p>A.V. SwamiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 12.02.2017 whereby he was subject to punishment of withholding of increment for 3 years without specifying as to whether it is with cumulative effect or otherwise which is confirmed by appellate authority by order dated 05.03.2019.</p> <p>3. Issue notice before admission returnable on 07.04.2022.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>5. 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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. 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>7. 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="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>9. S.O. to 07.04.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>