IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

MISC. APPLICATION NO.549 OF 2018
IN
ORIGINAL APPLICATION NO.918 OF 2018

Dr. (Ms.) Geetha Sukumaran.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

Mr. C.R. Sadasivan, Advocate for Applicant.

Ms. N.G. Gohad, Presenting Officer for Respondents.

CORAM : **A.P. KURHEKAR, MEMBER-J**

DATE : **10.07.2019**

ORDER

1. The present Misc. Application Is filed for condonation of delay of 275 days caused in filing O.A. wherein the Applicant has challenged the order dated 11.11.2016 whereby the Appllcant's salary is re-fixed thereby down-grading her salary and also claimed post retirement benefits on the basis of last drawn pay.

2. The Applicant was working as Assistant Professor in Government Medical College, Mumbai. She stands retired on 30th November, 2017.

However, the Respondents informed the Applicant that her services have been regularized by G.R. dated 22.10.2016 thereby putting her in pay scale of Rs.15600 + 6000 and she was asked to submit option. She was also informed orally that she would be brought under new pension scheme namely Defined Contribution Pension Scheme.

3. The Applicant contends that after retirement, she went to her native place at Kerala. She was diagnosed with brain T.B. Meningitis which required long hospitalization. She, therefore, sought to condone the delay of 275 days caused in challenging the impugned order dated 11.11.2016.

4. Heard Shri Sadashivan, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

5. Needless to mention that while considering the application for condonation of delay, the Tribunal / Court is required to adopt justice oriented approach and hyper technical approach should be avoided. If the explanation for delay is satisfactory and there is no negligence or intentional delay, then delay deserves to be condoned to decide the matter on merit, particularly when it relates to pension which is in fact continuous cause of action, as the employee would be getting less amount of pension than her entitlement. Indeed, in the present case, the application filed on 15.10.2018 cannot be said barred by limitation, as the limitation needs to be counted from the date of retirement.

6. The learned Advocate for the Applicant submits that he is challenging the impugned order of down-grading the salary of the Applicant by order dated 11.11.2016, and therefore, counted delay of 275 days. As such, she seems to have filed application for condonation of delay as abundant precaution. In support of his application, she has also filed Medical Certificates to show that the Applicant was undergoing life threatening

disease. Before impugned order, she was in pay scale of Rs.39100 + 7000 but by impugned order, she was put in pay scale of Rs.15600 + 600. She is claiming retiral benefits on the basis of last drawn pay. As such, it is also a case of continuous cause of action. This being the position, it would be just and proper to decide the O.A. on merit. I see no lapse or negligence on the part of Applicant, so as to reject the application for condonation of delay. The reasons mentioned in the application deserve to be accepted. As such, even assuming that delay is caused, it deserves to be condoned.

7. In view of above, the M.A.549/2018 is allowed. The Respondents are directed to file reply in O.A. 918/2018 on next date.

Sd/-

(A.P. KURHEKAR)
Member-J

skw

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

O.A.477/19

Shri B.V. Kulkarni ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

1. Heard Shri A.V. Bandiwadekar, learned Advocate for Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents.

2. The Applicant's main grievance is that he is denied promotion only on the ground of pendency of D.E.

3. The learned Advocate for the Applicant referred to the Judgment of Hon'ble Bombay High Court in ***2016 (1) Mh.L.J. 827 (Prabhakar Rangari Vs. Hon'ble Minister of Industries and Chairman, MIDC)*** wherein it has been held that the pendency of D.E. proceeding for years itself amount to denial of legitimate right of a person to seek promotion and directions were issued for the promotion subject to outcome of D.E.

4. The learned P.O. submitted that in DPC meeting, the subject was discussed and the decision was kept in a sealed cover envelope as per the existing practice.

5. However, it is not clear from the pleadings as to whether the Applicant was fulfilling all requisite criteria for promotion as per the Rules applicable and whether the pending D.E. was the only ground to deny the promotion. This aspect needs to be clarified by filing additional Affidavit.

6. In view of above, the learned P.O. is directed to file short Affidavit, as discussed above.

7. S.O. to 17th July, 2019.

Sd/-

(A.P. Kurhekar)
Member-J
10.07.2019

(skw)

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

Date : 10.07.2019.

O.A.No.532 of 2019

V. Y.Darekar ....Applicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri S. T. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. The present O.A. is filed for direction to Respondent Nos.1 and 2 to consider his application dated 26.02.2019 for his transfer from the office of Asstt. Public Prosecutor, Mhada,Dist. Solapur to some other places as mentioned in his representation. The representation is not decided within reasonable time, therefore, the Applicant has approached this Tribunal. He is seeking transfer in the office of Asstt. Public Prosecutor, Pimpri, Pune, Khed or Maval.

3. The Applicant has not completed his normal tenure of six years but he is seeking transfer on the ground of family difficulties.

4. In view of above, the Original Application is premature for want of decision on his representation. Therefore, the same can be disposed of with suitable directions. Hence the following order.

ORDER

(A) Original Application is disposed of with direction to Respondent No.2 to decide the representation of the Applicant dated 26.02.2019 within two months from today and pass appropriate order in accordance to rules.

(B) The order, as the case may be, be communicated to him within two weeks thereafter.

(C) If the Applicant felt aggrieved by the decision, he can avail legal recourse as may be permissible in law.

(D) No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION Nos.644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656 & 657 of 2019 & O.A.No.638 of 2019

Shri Prakash R. Shinde & Ors.)..... **Applicants**

Versus

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

Shri D. B. Khaire, Advocate for Applicants
Shri S. B. Gaikwad, Advocate for Applicant (O.A.No.638/2019)
Smt. Kranti Gaikwad and Smt. Archana B. K., Presenting Officers for the Respondents

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

DATE : 10.07.2019

ORDER

1. Heard Shri D. B. Khaire, learned Counsel for Applicants and Shri S. B. Gaikwad, learned Counsel for Applicant in O.A.No.638/2019. Smt. Kranti Gaikwad and Smt. Archana B. K., Presenting Officers for the Respondents

2. In all these Original Applications, the Applicants have challenged the transfer order dated 04.07.2019 on the ground that same is not in consonance with Section 4(4) (ii) and 4(5) of the Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005). The Applicants were due for transfer but no transfer orders have been issued in April or May and, therefore, they assailed the transfer orders.

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

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

Sr. No.	O.A.No.	Name	Presenting Posting	CSB recommendation dated 29.05.2019	Posting as per transfer order dated 04.07.2019.
1.	644/2019	Dr. Prakash R. Shinde	Veterinary dispensary Gr-1, Kathapur Bk. Tal. Ambegaon, Dis. Pune	Veterinary dispensary Gr-1, Avsari Bk.Tal. Ambegaon, Dist. Pune	Veterniary dispensary Gr-1, Mhasawad, Tal. Man, Dist. Satara.
2.	645/2019	Dr. N. D. Puri	Veterinary dispensary Gr-1, Pimpalgaon Tarfe Mahalunge Tal. Ambegaon, Dis. Pune	Veterinary dispensary Gr-1, Kathapur Bk.,Tal. Ambegaon, Dist. Pune	Veterniary dispensary Gr-1, Dhudhani, Tal. Akkalkot, Dist. Solapur.
3.	646/2019	Dr. S. R. Firke	LDO (Statistics), Commisonerat of Animal Husbandry, Pune	Disease Investigation Section, Aundh, Pune	Veterniary dispensary Gr-1, Velha, Tal. Junnar, Dist. Pune (150 km away)
4.	647/2019	Dr. Arun P. Otari	Veterinary dispensary Gr-1, Ranjani, Tal. Ambegaon, Dis. Pune	Veterinary dispensary Gr-1, Umraj, Tal. Junar, Dist. Pune	Veterniary dispensary Gr-1, Madilage, Tal.Shirala, Dist. Sangali.
5.	648/2019	Dr.Ashok Dindhale	Veterinary dispensary Gr-1, Dingore, Tal. Junnar, Dist.Pune	LDO Extension Panchayat Samittee, Akole, Dist.Ahmednagar	LDO Extension Panchayat Samittee, Mokhada, Dist.Palghar.
6.	649/2019	Dr. Sunanda M. Gawali	LDO Mycology, Disease Investigation Section, Oune	Veterinary dispensary Gr-1, Ranjani, Tal. Ambegaon, Dist. Pune.	Veterniary dispensary Gr-1, Dhamni, Tal. Ambegaon, Dist. Pune.
7.	650/2019	Dr. Kapil Dhayaje	LDO, Slaughter House, Khadaki, Pune	Veterinary dispensary Gr-1, Inamgaon, Tal.Shirur, dist. Pune	Veterniary dispensary Gr-1, Karajgi, Tal. Akkalkot, Dist. Solapur.
8.	651/2019	Dr. Anita Date	Veterinary dispensary Gr-1, Khed, Tal.Igatpuri, Dist. Nashik	ZP Mobile Clinic Shahapur, Dist. Thane	Veterniary dispensary Gr-1, Pimpalgaon, Tal.Igatpuri, Dist. Nashik

9.	652/2019	Dr. R. P. Kale	Veterinary dispensary Gr-1, Kewadi, Tal. Junnar, Dist. Pune.	Veterniary dispensary Gr-1, Madh, Tal. Junnar, Dist. Pune.	Veterniary dispensary Gr-1, Ghotawade, Tal.Radhanagari, Dist. Kolhapur.
10.	653/2019	Dr. Anita R. Patil	ZP Mobile Clinic Shahapur, Dist. Thane	Veterinary dispensary Gr-1, Talwade, Tal. Malegaon, Dist. Nashik	Veterniary dispensary Gr-1, Khed, Tal. Igatpur, Dist. Nashik.
11.	654/2019	Dr. Surjerao Salunkhe	Veterinary dispensary Gr-1, Madh, Tal.Junnar, Dist. Pune	Veterinary dispensary Gr-1, Pargaon Khandala, Dist. Satara.	Veterinary dispensary Gr-1, Bhedasgaon, Tal. Shahuwadi, Dist. Kolhapur.
12.	655/2019	Dr. Sharad Londhe	Veterinary dispensary Gr-1, Khodad Tal.Junnar, Dist. Pune	Disease Investigation Section Aundh, Pune	LDO Exension Panchayat Samittee, Shahuwadi, Dist. Kolhapur.
13.	656/2019	Dr. D. B. Dagadu	Veterinary dispensary Gr-1, Khanapur, Tal.Haveli, Dist. Pune	Veterinary dispensary Gr-1, Shivare, Tal. Bhor, Dist. Pune	Veterinary dispensary Gr-1, Rashivade, Tal. Radhanagari, Dist. Kolhapur.
14.	657/2019	Dr. Deepak Autade	Veterinary dispensary Gr-1, Umraj, Tal. Junar, Dist. Pune	Veterinary dispensary Gr-1, Navlakh Umbre, Tal. Junnar, Dist. Pune.	Veterinary dispensary Gr-1, Mulirge, Tal. Ajara, Dist. Kolhapur.
15.	638/2019	Dr. V. K. Thorat	Veterinary dispensary Gr-1, Ozarkhed, Tal. Trimbak, Dist.Nashik	Veterinary dispensary Gr-1, Vadner, Tal. Chandwad, Dist. Nashik	Veterinary dispensary Gr-1, Deola, Tal. Devala, Dist. Nashik

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

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

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

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

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

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

10. Issue notice before admission returnable on 30.07.2019.

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

12. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

14. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

16. S.O. to 30.07.2019.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

FARAD CONTINUATION SHEET No.

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

Date : 10.07.2019.

O.A.No. 332 of 2019

L. M. Kamble **....Applicant**

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.

3. On the request of learned P.O., the matter is adjourned for hearing at the stage of admission.

4. S.O. to 11.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 10.07.2019.

O.A.No.537 of 2018

S. P. Patil **....Applicant**

Versus

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

1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Dfficer for the Respondents.

2. In the present matter, the Tribunal has passed interim order on 12.06.2019 whereby the impugned order dated 04.04.2019 for recovery of Rs.4,19,667/- was stayed.

3. Today, learned Counsel for the Applicant has filed Affidavit stating that despite interim stay order granted by the Tribunal, the Respondent No.3 has deducted sum of Rs.1,56,000/- from the payment of the Applicant towards Leave Encashment and thereby the Respondents No.3 has flouted the order of Tribunal.

4. Today, Shri Avinash Mavalkar, Mother Dairy, Kurla is present in the court and he states that inadvertently the amount of Rs.1,56,000/- has been deducted from Leave Encashment.

5. In view of above, the Respondent No.3 is directed to refund the said amount of Rs.1,56,000/- to the Applicant within seven days and submit the compliance report on the next date.

6. S.D. to 17.07.2019

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) (J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date : 10.07.2019.

M.A. No.124 of 2019 in O.A.No.225 of 2019

B. M. Thakur ....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents submits that reply will be filed during the course of the day. Statement is accepted. It be taken on record.

3. The matter is adjourned for hearing on 29.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date : 10.07.2019.

O.A.No.518 of 2019

S. M. Sonawane ....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned P.O. for the Respondents has filed Affidavit-in-Reply. It is taken on record.

3. The matter is adjourned for hearing on 30.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date : 10.07.2019.

O.A.No.539 of 2019

A. M. More ....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri R. G. Panchal, learned Counsel for the Respondent No.2.

2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.

3. Shri R. G. Panchal, learned Counsel for the Respondent No.2 submits that he will be filed additional Affidavit-in-Reply during the course of the day. Statement is accepted.

4. Allowed to file additional Affidavit-in-Reply on behalf of the Respondent No.2.

5. The matter is adjourned for filing Rejoinder.

6. S.O. to 22.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date : 10.07.2019.

M. A. No.354 of 2019 in O.A.No.1123 of 2018 with O.A.No.1123 of 2018

A. B. Gawari **....Applicant**

Versus

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

1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.

2. The present M.A.354/2019 is filed for amendment to O.A. whereby the Applicant is introducing the ground of discrimination to challenge the impugned transfer order as well as the order dated 02.05.2019 which has been passed during the pendency of O.A. thereby rejecting the representation of the Applicant for his transfer to Pune.

3. Learned P.O. for the Respondents has no objection for amendment.

4. In view of above, allowed to amend the O.A. Amendment be carried out within a week.

5. M.A. is accordingly disposed of with no order as to costs.

6. The matter is adjourned for filing reply to 22.07.2019 in O.A. No.1123/2018.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date : 10.07.2019.

O. A. No.534 of 2019

G. R. Wani **....Applicant**

Versus

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

1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents submits that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted. It be taken on record.

3. The matter is adjourned for hearing at the stage of admission.

4. S.O. to 31.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) : 2959(B) (50,000—8-2017) [Spl.- MAT-F-2 E.

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

Date : 10.07.2019.

O.A.No.1067 of 2018

M. V. Sonawane ....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant submits that Affidavit-in- Rejoinder will be filed during the course of the day. Statement is accepted. It be taken on record.

3. The matter is adjourned of hearing at the stage of admission along with connected O.A.Nos.1066/2018 and O.A.1062/2018.

4. S.O. to 29.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.441 of 2019
DATE : 10/7/2019 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit ~~Member (A)~~ V/C-A APPEARANCE: Shri/Smt. : P.S. Pathak Advocate for the Applicant Shri/Smt. : S.P. Manchekar C.P.O/P.O. for the Respondent/s Adj/ S.O. to 22/7/2019	P.S. Swami ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri P.S. Pathak, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Ld. Advocate for the applicant prays that the reply in the OA scheduled for 17.7.2019 may be restricted to paras 6.10 and 7.3 of OA. 3. Ld. CPO seeks two weeks time to file reply on behalf of the respondents. 4. The respondents are directed to limit their reply to paras 6.10 and 7.3 of OA and file short affidavit before 22.7.2019. 5. S.O. to 22.7.2019. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019 (sgj)

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.619 of 2019
DATE : 16/7/2019 CORAM : ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri P. N. Dixit Member~~(A)~~ V/C-A APPEARANCE: Shri/Smt. : S.S. Dere Advocate for the Applicant Shri/Smt. : S.P. Manchekar C.P.O. for the Respondent/s **Adj/S.O. to** Ld. Advocate for the Applicants prays for day to day hearing of this O.A as soon as the Division Bench is constituted. gpe	S.N. Thembe & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Ld. Advocate for the applicants refers to interim order dated 11.4.2019 passed by this Tribunal in OA No.368 of 2019 and final order dated 8.5.2019 passed in OAs No.389 of 2018 & Ors. 3. Ld. CPO as well as Ld. Advocate for the applicants confirm that same has not been challenged by the respondents-Government. 4. Ld. Advocate for the applicants prays for day to day hearing of this OA as soon as the Division Bench is constituted. Prayer is approved and action will be taken and intimated accordingly. 5. The respondents are directed to intimate the action taken in view of the order mentioned above within two weeks. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019 (sgj)

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

MA.330/2019 in OA.306/2015

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

Heard Shri Hitendra Gandhi, learned Advocate holding for Shri Hemant P. Ghadigaonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Issue fresh notice returnable on 7.8.2019.

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 M.A. 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 three days and if service report on affidavit is not filed three days before returnable date, MA shall stand dismissed without reference to Tribunal and papers be consigned to record.

Sd/-
(P.N. Dixit)
Vice-Chairman (A)
10.7.2019

(sgj)

DATE : 10/7/19
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri P. N. Dixit ~~Member (A)~~ V/C-A
APPEARANCE:
Shri/Smt. : Hitendra Gandhi Ld. Adv.
holding for Shri Hemant P. Gadhigaonkar
Ld. Advocate for the Applicant

Shri/Smt. : S. P. Manchekar
C.P.O. for the Respondent/s

Adj./ S.O. to ..... Issue fresh notice returnable on 7/8/2019.

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders M.A.355/2019 in MA.330/2019 in OA.306/2015
DATE : 10/7/2019 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A) ~~(A)~~ V/C - A APPEARANCE: Shri/Smt. : Hemant Gandhi Ld. Adv. holding for shri Hemant P. Gadhgaonkar Ld. Advocate for the Applicant Shri/Smt. : S.P. Manchekar C.P.O./P.O. for the Respondent/s Adj./ S.O. to ..... MA is allowed. (sgj)	R.D. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri Hitendra Gandhi, learned Advocate holding for Shri Hemant P. Ghadigaonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. MA No.330 of 2019 is dismissed as per conditional order dated 27.6.2019. 3. MA No.355 of 2019 is filed for restoring MA No.330 of 2019 to file. 4. For the reasons stated therein MA No.355 of 2019 is allowed and MA No.330 of 2019 is restored to file. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.117 of 2019
DATE : 10/7/2019 CORAM : ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri P. N. Dixit ~~Member (A)~~ VC-A APPEARANCE: Shri/Smt. : Applicant and Advocate for the Applicant are absent Advocate for the Applicant ~~Shri/Smt.~~ : S.P. Manchekar Ld. C.P.O./P.O. for the Respondent/s 1 & 2. Shri Sachin Gawade Ld. Adv. for R.No.3 Adj./ S.O. to 29/7/2019 by way of last chance sgj	R.B. Vaishnav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Applicant and Advocate for the Applicant are absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 & 2 and Shri Sachin Gawade, learned Advocate for Respondent No.3. 2. Ld. CPO seeks two weeks time to file reply. 3. Ld. Advocate for Respondent No.3 also seeks two weeks time to file reply. 4. S.O. to 29.7.2019 by way of last chance. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019 (sgj)

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.120 of 2019
DATE : 10/7/19 CORAM : ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri P. N. Dixit ~~Member (A)~~ V/C - A APPEARANCE: Shri/Smt. B.A. Bandiwadekar Advocate for the Applicant Shri/Smt. : S.P. Manchekar C.P.O./P.O. for the Respondent/s Adj./ S.O. to ..... Place the above matter for admission before hearing on 16/7/2019. P.E	G.B. Chambole ..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. Replies on behalf of respondents no.1 to 3 have been filed. 3. Place the above matter for admission before hearing on 16.7.2019. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019 (sgj)

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Mamoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.280 of 2019
DATE : 10/7/19 CORAM : ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri P. N. Dixit ~~Member (A)~~ V/C-A> APPEARANCE: Shri/Smt ..... K.R. Jagdale Advocate for the Applicant Shri/Smt. : S.P. Manchekar C.P.O./P.O. for the Respondent/s Adj./ S.O. to 11/7/2019	R.H. Chavan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Ld. Advocate for the applicant seeks leave to add certain documents which have been available to him subsequently after filing this OA. He proposes to do the same during the course of the day. Leave granted. 3. At the request of Ld. CPO adjourned to 11.7.2019 for informing the progress regarding the order dated 8.4.2019. 4. S.O. to 11.7.2019. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019 (sgj)

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.581 of 2019 with M.A. No.324 of 2019
DATE : 10/7/2019 CORAM : ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri P. N. Dixit ~~Member (A)~~ Vice-A ADVOCATE : Shri S.S. Dere Advocate for the Applicant Shri/Smt. S.P. Manchekar C.P.O. for the Respondent/s Adj./ S.O. to 11/7/2019	Y.D. Kale & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. At the request of Ld. Advocate for the applicants adjourned to 11.7.2019. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019 (sgj)

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders M.A. No.348 of 2019 in O.A. No.507 of 2018
DATE : 10/7/19 CORAM ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri P. N. Dixit Member (A) V/C-A APPEARANCE Shri S. T. Bhosale Advocate for the Applicant Shri/Smt. S. P. Manchekar C.P.O for the Respondent/s Adj./ S.O. to Leave granted. M.A. is allowed to be withdrawn with liberty to file fresh M.A.	A.S. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri S.T. Bhosale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Ld. Advocate for the applicant seeks leave to withdraw the above MA with liberty to file fresh MA. 3. Leave granted. MA is allowed to be withdrawn with liberty to file fresh MA. Sd/- (P.N. Dixit) Vice-Chairman (A) 10.7.2019 (sgj)