

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 10.08.2021.</p> <p>O.A.No.554 of 2021</p> <p>Dr. N.M. GadadeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Dental Surgeon, challenges the order dated 04.08.2021, transferring her to Sub District Hospital, Baramati, District Pune.</p> <p>3. The learned Counsel challenges the transfer order on the following grounds :-</p> <p>(a) He submits that though three years are completed by the Applicant as per Clause 2 of Government Resolution dated 29.07.2021 there are other officers who had completed their tenure of three years or even more than three years i.e. longer period than the applicant, the transfers are more than 25% while considering the tenure spent by the concerned Government servants.</p> <p>(b) He also challenges the order on the basis of letter of Ms. Archana Patil, Director of Public Health to Deputy Director, Public Health, Pune dated 03.08.2021.</p> <p>4. The learned P.O. submits that the letter of Ms. Archana Patil will not come in the way because it pertains to Group C and Group D and the Applicant falls in Group B and hence it is not applicable. The learned P.O. further submits that total 108 candidates are included in 25% and in that the Applicant stands at serial No.97 and so she is eligible. He submits that the applicant did not give her preferences as per the G.R. dated 2018.</p> <p>5. The learned P.O. to file reply on the above grounds.</p> <p>6. Adjourned to 13.08.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

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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 : 10.08.2021.</p> <p align="center">O.A.No.550 of 2021</p> <p>R.S. VanjareApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Police Naik, challenges the transfer order dated 04.08.2021 from Crime Branch to Dattawadi Police Station.</p> <p>3. The learned Advocate submits that he was working in Crime Branch since 24.07.2019. He has not completed his normal tenure of 5 years at present posting and there is no complaint against the Applicant. Impugned order did not disclose any reason as to why he is transferred.</p> <p>4. The learned Counsel relies under Section 22(N) of the Maharashtra Police (Amendment) Act, 2015. No exceptional case is made out.</p> <p>5. Adjourned to 13.08.2021.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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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 : 10.08.2021.</p> <p style="text-align: center;">O.A.No.549 of 2021</p> <p>S.K. KhadeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Police Constable, challenges the transfer order dated 04.08.2021 from Crime Branch to Uttam Nagar Police Station.</p> <p>3. The learned Advocate submits that he was working in Crime Branch since 03.07.2019. He has not completed his normal tenure of 5 years at present posting and there is no complaint against the Applicant. Impugned order did not disclose any reason as to why he is transferred.</p> <p>4. The learned Counsel relies under Section 22(N) of the Maharashtra Police (Amendment) Act, 2015. No exceptional case is made out.</p> <p>5. The learned P.O. submits that she has obtained oral instructions disclosing that there is default report against the Applicant. She seeks time for detailed instructions.</p> <p>6. Time granted. Adjourned to 13.08.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Directives and Registrar's orders	Tribunal's orders
	<p>Date : 10.08.2021.</p> <p>O.A.No.545 of 2021 with M.A.No.229 of 2021</p> <p>S.N. TeleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant and Mr. Archana B.K., learned Presenting Officer for the Respondents. 2. M.A. is filed for condonation of delay of 6 years, 5 months and 10 days. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 24.08.2021. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 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. 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. 8. Adjourned to 24.08.2021. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/ (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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MUMBAI**

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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 : 10.08.2021.</p> <p align="center">O.A.No.542 of 2021</p> <p>S.D. SheteApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Senior Clerk, in Lift Irrigation Management Sub Division Saswad since 01.01.2019 requested to seek directions against the Respondents to post the Applicant in the office of Soil Survey Officer, Sub Division, Pune. Accordingly, she had sent letter on 10.12.2020 that she is to be transferred to Pune.</p> <p>3. The learned Advocate Mr. Dere submits that she is appointed on Compassionate Ground in the place of her father. However, she is a widow having responsibility of twins, 13 years old, who are schooling. The learned Counsel submitted that her mother is old and dependent on her and her brother is in the army who is not staying at Pune.</p> <p>4. As the post is vacant at Pune the Respondents to consider the case of the Applicant and come out with some solution after two weeks.</p> <p>5. Adjourned to 24.08.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 10.08.2021.

O.A.No.532 of 2021

I.G. ShaikhApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant, Police Constable at Shirur, challenges the order dated 19.07.2021 putting him under suspension.

3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

4. Issue notice before admission returnable on 24.08.2021.

5. Applicant is authorized and directed to serve on Respondent 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 may be taken up for final disposal at the stage of admission hearing.

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.

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.

8. Adjourned 24.08.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 10.08.2021.</p> <p>O.A.No.534 of 2021</p> <p>M.N. YadavApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. Archana B.K, learned Presenting Officer for the Respondents. 2. The Applicant, Police Constable, SRPF, Daund, Pune challenges the order dated 13.10.2020 passed by the Respondents rejecting the request of the Applicant of granting him deemed date of seniority below the last Police Constable of Batch of 2011. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 07.09.2021. 5. Applicant is authorized and directed to serve on Respondent 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 may be taken up for final disposal at the stage of admission hearing. 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. 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. 8. Adjourned to 07.09.2021 <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 10.08.2021.</p> <p>O.A.No.543 of 2021</p> <p>P.D. KederApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant, State Tax Officer, challenges the letter dated 03.02.2021 passed by the Respondents suspending him pursuant to the registration of offence vide Cr.No.1/2021, dated 01.01.2021 at Vijapurnaka Police Station, Solapur under Section 7 of the Prevention of Corruption Act, 1988. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 14.09.2021. 5. Applicant is authorized and directed to serve on Respondent 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 may be taken up for final disposal at the stage of admission hearing. 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. 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. 8. Respondents to take review in between and pass necessary orders considering the ratio laid down by the Hon'ble High Court in the case of Ajay Kumar Choudhary Vs. Union of India & Anr. reported in (2015) 7 SCC 291. 9. Adjourned to 14.09.2021. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/ (Mridula Bhatkar, J.) Chairperson</p>

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	<p>Date : 10.08.2021.</p> <p>O.A.No.547 of 2021</p> <p>A.N. SuryawanshiApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Range Forest Officer challenges the order dated 02.08.2021, 03.08.2021 and 08.08.2021 transferring him from the post of Range Forest Officer, Social Forestry Division, Solapur to the post of Range Forest Officer, Daund, Pune Forestry Division.</p> <p>3. The Applicant prays that the Respondents be directed to give posting to the applicant and applicant's wife as per choice posting No.1 to 3 or post the Applicant at Paud, as per the preferential claim, as per the policy decision laid down by the Government Resolution dated 09.04.2018 within a period of one month.</p> <p>4. The learned Advocate challenges the impugned orders on the following grounds :-</p> <p>(a) In view of this transfer order, the wife and husband will be posted 200 kms away from each other as the wife is having posting at Tamhini and husband is having posting at Daund. Distance between these places is approximately 200 kms.</p> <p>(b) The couple is having a baby of 1 ½ years old.</p> <p>(c) Preferences claimed as per the G.R. dated 09.04.2018 is not considered.</p> <p>(d) She submits that the applicants are due for transfer and they have no objection even for transfer, however it is to be at one place when the husband and wife are working at same Department.</p> <p>(e) Respondents to consider the G.R. and the 10 preferences given by both the applicants with a view to keep them either at one place or within the peripherals of 15 to 20 kms. where one of them can commute.</p> <p>5. The learned P.O. to file reply on the above grounds.</p> <p>6. Adjourned to 12.08.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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Tribunal's orders

Date : 10.08.2021.

O.A.No.548 of 2021

I.G. ChappalwarApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. A.A. Desai, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The Applicant, Tahsildar, Khalapur challenges the order dated 06.08.2021 transferring him from Khalapur to Ratnagiri District.

3. The learned Counsel for the Applicant submits that the Applicant was transferred to Khalapur on 29.08.2018. Applicant's tenure of 3 years will be over on 29.08.2021. The learned Counsel submits that the post of Tahsildar, Ratnagiri is vacant since 30.10.2020. The learned Counsel submits that the post at Khalapur is still vacant and nobody is posted there.

3. On query the learned P.O. on instructions submits that the post at Tahsildar, Khalapur is vacant.

4. The learned P.O. is directed to take instructions as to why the order of transfer is issued and the applicant is informed that he is deemed to be relieved.

5. Another query is made to the learned P.O. by the Tribunal that why the order of transfer was issued and why it was mentioned that he is relieved unilaterally when three years of his service at a particular posting are going to be completed on 28.08.2021 and hence the post at Khalapur is not to be filled up till 17.08.2021. Applicant to work at Khalapur till then.

6. In view of this matter is fixed on 17.08.2021

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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	<p>Date : 10.08.2021</p> <p>O.A.No.454 of 2021</p> <p>Shri Laxman BhagaleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. J. Chougule, learned Presenting Officer for the Respondents and Shri M.D. Lonkar, learned Counsel for the Applicant. 2. This matter is listed for 'Speaking to Minutes' filed for extension of one week period granted for releasing GPF, GIS and Leave Encashment in terms of Clause 'C' of the operative order dated 30.07.2021. 3. O.A. was disposed of with directions under Clause 'C' amongst others and was directed to release GPF, GIS and Leave Encashment within a week from the date of order. Besides, directions were also given to ensure completion of D.E. by passing final order therein within six weeks from the date of order. 4. Learned P.O. submits that necessary steps have been taken to release GPF and GIS but the period of one week is too short and it needs to be extended. 5. Insofar as GPF and GIS are concerned, the Respondents directed to ensure the release of said payment within a week from today. 6. As regard Leave Encashment, learned P.O. submits that the Applicant was absent unauthorisedly and unless appropriate order is passed about his absence, it is not possible to calculate Earned Leave at his credit so as to grant Leave Encashment, and therefore, time limit of one week given for grant of Leave Encashment be extended till the completion of D.E. by passing final order therein. 7. Learned P.O. further submits that the steps are already taken to complete the D.E. within six weeks as directed by the Tribunal. 8. In view of above, Leave Encashment as per entitlement of the Applicant be released within a week from the date of passing final order in D.E. 9. Clause 'C' of the operative order dated 30.07.2021 is accordingly modified in above terms. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p><u>10.08.2021</u></p> <p align="center"><u>O.A 458/2021</u></p> <p>Shri A.R Salunkhe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.K Hande, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant, Clerk in the Tahsil Office, Jat, Dist-Sangli, seek direction that the Respondents be directed to declare the deemed regularization of the applicant's services w.e.f 10.3.2005 and he be given all consequential service benefits of 10 years of qualifying service.</p> <p>3. Issue notice returnable on 7.9.2021.</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 may 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 7.9.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akti</p>

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	<p style="text-align: center;"><u>10.08.2021</u></p> <p style="text-align: center;"><u>O.A 512/2021 with M.A 264/2021</u></p> <p>Shri B.D Chaubhe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle holding for Shri V.V Joshi, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant, who retired from service as Police Head Constable, prays for fixation of his pay and pension as per 7th Pay Commission.</p> <p>3. Issue notice returnable on 31.8.2021.</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 may 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 31.8.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p style="text-align: center;"><u>10.08.2021</u></p> <p style="text-align: center;"><u>O.A 524/2021</u></p> <p>Shri Sanjay S. Dhumal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant, Block Education Officer, Panchayat Samiti, Satara, challenges order dated 20.7.2021 passed by the Respondent of his deemed suspension pursuant to the FIR registered under C.R No 317/2021 and by invoking the provisions of Rule 4(2)(a) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and accordingly the applicant be granted all the consequential service benefits.</p> <p>3. Issue notice returnable on 24.8.2021.</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 may 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 24.8.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>10.08.2021</u></p> <p style="text-align: center;"><u>O.A 525/2021</u></p> <p>Shri S.S Rajadhyaksha ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant retired as Clerk-typist on 3.1.2017 voluntarily, prays that Respondents be directed to pay all the retirement dues as per 7th Pay Commission, on the last pay drawn by the applicant immediately. So also, he further prays that the communication/order dated 15.7.2021 issued by Respondent no. 1, in respect of recovery of Rs. 4,30,879/- be quashed and set aside.</p> <p>3. Learned P.O prays for time and she submits that the applicant did not clear the Marathi Typing Exam and the departmental examination within the stipulated time and therefore the order of recovery towards payment made in excess is correct and legal.</p> <p>4. In view of the ratio laid down by the Hon'ble Supreme Court in the case of State of Punjab & Ors Vs. Rafiq Masih (White Washter) etc. (2015) 4 SCC 334, as the applicant has already retired, order of recovery was issued after retirement. In view of the above, the communication/order dated 15.7.2021 is not to be effected till next date.</p> <p>5. Issue notice returnable on 7.9.2021.</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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. S.O to 7.9.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p style="text-align: center;"><u>10.08.2021</u></p> <p style="text-align: center;"><u>O.A 526/2021</u></p> <p>Shri K.K Bhadane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant, Tahsildar in the office of the District Collector, Palghar, prays that the Respondent be directed to decide the representation of the applicant dated 21.5.2018 for grant of deemed date of promotion to the post of Tahsildar from 19.3.2008, instead of 2.3.2009. Learned counsel for the applicant submits that the applicant relies on the decision of this Tribunal in O.A 189/2008 filed by the applicant and decided on 10.12.2008. It was confirmed by the Hon'ble Bombay High Court, vide order dated 29.9.2010 in W.P 5059/2010. He also prays that he is entitled to get the consequential monetary benefits as per the deemed date.</p> <p>3. In view of the nature of the relief sought by the applicant, the Original Application is disposed of on the first date with following directions:-</p> <p style="text-align: center;">The Respondent no. 1, Addl. Chief Secretary, Revenue Department, Mantralaya, Mumbai and Respondent no. 2, Divisional Commissioner, Konkan Division, Navi Mumbai, is directed to decide the representation of the applicant dated 21.5.2018 within four weeks, i.e. on or before 8.9.2021 and said decision be communicated in writing to the applicant on or before 16.9.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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><u>10.08.2021</u></p> <p style="text-align: center;"><u>O.A 530/2021</u></p> <p>Smt Kalpana B. Upase ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant, Staff Nurse, ESIS Hospital, Solapur, challenges the order dated 15.3.2021 and 21.11.2019, issued by the Respondent no. 2, denying regularization of applicant's services, as illegal, bad in law and the same be quashed and set aside and with further directions to the Respondents to consider the case of the applicant for regularization of her services in accordance with G.R dated 5.2.1990 along with all consequential service benefits.</p> <p>3. Issue notice returnable on 14.9.2021.</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 may 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 14.9.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

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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><u>10.08.2021</u></p> <p align="center"><u>O.A 521/2021</u></p> <p>Shri Kundlik R Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant, working as Civil Engineering Assistant, P.W.D, prays that the Respondent no.2 be directed to decide the pending proposal dated 19.10.2020 send by Respondent no. 1, about promotion with deemed date in the post of Junior Engineer and to communicate the decision thereon to the applicant within 8 weeks from the date of order of this Tribunal.</p> <p>3. Learned P.O produces a communication from Under Secretary, P.W.D, Mantralaya, Mumbai addressed to the learned C.P.O dated 9.8.2021 wherein it is mentioned that the decision on the pending proposal dated 19.10.2020 send by Respondent no. 1 to Respondent no. 2 will be taken and it will be communicated to the applicant. They require four weeks' time to take decision. Copy of the said letter dated 9.8.2021 is taken on record and marked as Exh. 'A'.</p> <p>4. In view of the above, the Original Application is disposed of with following direction:-</p> <p align="center">Respondent no. 2 is directed to decide the pending proposal dated 19.10.2020 send by Respondent no. 1 within four weeks and communicate the same to the applicant thereafter. The entire process including the communication to be made to the applicant should be done on or before 15.9.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 06.08.2021.</p> <p align="center">C.A.No.28 of 2021 with O.A.No.1003 of 2017</p> <p>R.S. HingmireApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.B. Kadam, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned Counsel Mr. Kadam submits on instructions that the applicant confirms that he is received all the dues and the matter can be disposed off.</p> <p>3. In view of this statement made by learned Counsel matter is disposed off.</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 10.08.2021.

O.A.No.7 of 2021

S.G. Joshi ...Applicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. A.D. Sugdare, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The learned Counsel for the Applicant prays for interim relief as mentioned in Clause E in his O.A. where he prays for the payment of his provisional pension. He submits that his provisional pension is not given to him from August, 2020. He produces copy of three representations made by him dated 10.08.2021, 02.05.2021 and 02.08.2021 addressed to the Superintending Engineer, Ratnagiri, Patbandhare, Kuwarbav, Irrigation Department. He submits that though the Superintending Engineer is not made party Respondent, the copy of these representations are sent to the Assistant Superintending Engineer and so also Respondent No.3. The copy of representations are taken on record and marked as A, B, C collectively. He submits that he has not received answer/ reply to his representations.
3. The act of Respondents especially Respondents No.2 and 3 of not replying his representations is absolutely incorrect and detrimental to the good administration.
4. The Respondents are hereby directed to pay the provisional pension as per the calculations made by the Government to the Applicant immediately and the arrears are to be paid on or before 30.09.2021.
5. Matter adjourned to 04.10.2021.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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 : 10.08.2021.</p> <p align="center">O.A.No.138 of 2020 with O.A.No.139 of 2020</p> <p>S.G. Koli (O.A.138/2020) R.R. Koli (O.A.139/2020)Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Advocate submits that rejoinder is already filed.</p> <p>3. Interim relief already granted in O.A.No.138/2020 to continue till next date.</p> <p>4. Adjourned to 21.09.2021.</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>10.08.2021</u></p> <p><u>O.A 538/2021</u></p> <p>Shri Chandrakant B. Katkar & Anr ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri S.P Kadam, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents. 2. Learned counsel for the applicants undertakes to file the application seeking leave to sue jointly. Permission granted. 3. The applicants, Police Inspector, seek direction that the Respondent no. 4, Director General of Police, be directed to prepare the seniority and gradation list of 2020-21 and supplementary list of 2019-20 on the basis of G.R dated 18.10.1997. The applicants further challenge clause No. 3(A) of G.R dated 7.5.2021 and it is to be declared unconstitutional, illegal and the same may be quashed and set aside and also the promotion orders dated 20.5.2021 at EXh. 'J' colly. Be quashed and set aside. 4. By way of interim relief the applicants seek stay to the seniority and gradation list of 2020-21 and supplementary list of 2019-20 published by the D.G.P and stay to the effect, implementation and operation of the promotional order dated 20.5.2021. 5. Learned counsel for the applicant produces service of Respondent no. 4, D.G.P. Same is taken on record and marked as Exh. 'A'. However, Respondents no 1 to 3 are not served. 6. Issue notice returnable on 31.8.2021. 7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 10. S.O to 31.8.2021. <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>10.08.2021</u></p> <p style="text-align: center;"><u>O.A 546/2021</u></p> <p>Shri Shailesh S. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant, Laboratory Assistant, Government Polytechnic, Pune, prays that the order dated 8.6.2021 passed by the Respondents terminating the services of the applicant be quashed and set aside. By way of interim relief, he prays stay to the implementation of the order dated 8.6.2021.</p> <p>3. On query, learned counsel for the applicant informs that the services of the applicant is terminated and effect to that order is given. Hence, no interim order can be passed.</p> <p>4. Issue notice returnable on 8.9.2021.</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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. S.O to 8.9.2021.</p> <p style="text-align: right; margin-right: 20px;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left; margin-left: 20px;">Akn</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>10.08.2021</u></p> <p><u>C.A 26/2020 in O.A 1125/2013</u></p> <p>Smt P.S Sakhare & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant files affidavit in rejoinder in the office. Learned counsel for the applicant to serve copy of the rejoinder on the learned C.P.O today.</p> <p>3. S.O to 31.8.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p style="text-align: center;"><u>C.A. No.14 of 2021 in O.A. No.1062 of 2019</u></p> <p>Dr. B.T. Karvekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that on 24.6.2021 the proposal is sent by respondents to the office of Accountant General as provisional pension of the applicant is to be fixed in terms of 7th Pay Commission as per order dated 9.2.2021 passed by this Tribunal in the above OA. Ld. PO seeks four weeks time to get the feedback from the office of Accountant General.</p> <p>3. S.O. to 8.9.2021.</p> <p style="text-align: right;">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgj)</p>	<p style="text-align: right;">></p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>C.A. No.23 of 2021 in O.A. No.23'8 of 2016</u></p> <p>M.A. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that order of this Tribunal dated 25.6.2019 is already challenged in W.P. No.3118 of 2021. The matter was scheduled on 20.7.2021 and then it was kept on 30.7.2021 but however, the matter could not reach and thereafter again it was kept on 4.8.2021 but it could not reach.</p> <p>3. Hence, Ld. CPO seeks time.</p> <p>4. S.O. to 8.9.2021.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram,
Applicants' Tribunal's orders or
Directors and Registrar's orders

Tribunal's orders

O.A. No.255 of 2021

Nikita K. Jadhav & 6 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Ms. Ayesha Keshodwala i/b Talekar & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.
3. Issue notice before admission returnable on 6.9.2021.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
10.8.2021

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.95 of 2020</u></p> <p>P.D. Sakunde ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file affidavit in reply to the amended OA.</p> <p>3. S.O. to 6.9.2021.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.183 of 2020</u></p> <p>J.B. Bangar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files affidavit in reply dated 6.8.2021 on behalf of respondent no.1 and the same is taken on record.</p> <p>3. S.O. to 21.9.2021 for rejoinder.</p> <p align="right">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.216 of 2020</u></p> <p>S.W. Thakare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>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 files reply dated 9.8.2021 on behalf of respondents no.2 & 5 and the same is taken on record.</p> <p>3. S.O. to 21.9.2021 for filing rejoinder.</p> <p style="text-align: right;">Sd/- _____ / (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.460 of 2020</u></p> <p>D.J. Ambilwade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Applicant in person and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant in person informs that he does not want to file rejoinder.</p> <p>3. Admit.</p> <p>4. Place the above matter for final hearing on 5.10.2021.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgi)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.559 of 2020</u></p> <p>S.T. Buye ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>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. Advocate for the applicant states that affidavit in rejoinder will be filed during the course of the day.</p> <p>3. Admit.</p> <p>4. S.O. to 7.10.2021 for final hearing.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.605 of 2020</u></p> <p>S.B. Gunjal ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Asawari Ghatge holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Time extended by three weeks to carry out the amendment.</p> <p>3. S.O. to 24.8.2021.</p> <p align="right">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 10.8.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>10.08.2021</u></p> <p align="center"><u>O.A 531/2021</u></p> <p>Shri P.S Khutemate ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant, a Police Const able at Shirur Police Station, Dist-Pune challenges the order dated 26.7.2021 passed by the Respondent transferring the applicant from Shirur Police Station to Head Quarter, Pashan, Dist-Pune.</p> <p>3. Learned counsel for the applicant challenges the transfer on following grounds:-</p> <p>(a) The applicant is transferred within a period of 9 months as against the normal tenure of 5 years.</p> <p>(b) The applicant is governed by Section 22N (1) & (2) of the Maharashtra Police Act wherein special reasons or exceptional circumstances is to be made out before issuing the transfer order.</p> <p>(c) The applicant is not transferred under special grounds, but he is transferred during general transfers.</p> <p>(d) Nowhere in the impugned order dated 26.7.2021 the Respondents have mentioned under which provision of the Maharashtra Police Act the applicant is transferred. In the impugned order dated 26.7.2021, G.Rs dated 7.7.2020, 14.8.2020 and 30.9.2020 are referred.</p> <p>(e) There was no reason for the Respondents to transfer the applicant.</p> <p>4. Learned P.O produces copy of the minutes of the Police Establishment Board dated 23.7.2021, wherein it is stated that all these transfers 1 to 13 are made for special reasons as there are various complaints against each of them. A specific complaint is mentioned against the applicant.</p> <p>5. Perused the minutes of the Police Establishment Board dated 23.7.2021. I find no good ground to grant interim relief at this stge.</p>

[P.T.O.]

Online Notes, Office Memoranda of Chairman,
Appointments Tribunal's orders or
directions from Registrar's orders

Tribunal's orders

6. Issue notice returnable on 31.8.2021.
7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
10. S.O to 31.8.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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**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><u>10.08.2021</u></p> <p align="center"><u>O.A 535/2021</u></p> <p>Shri A.S Dighe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant, General Manager, (Finance) and Financial Advisor, Mumbai, which is equivalent post to Joint Director, Maharashtra Finance and Accounts Services, challenges the seniority list dated 2nd July, 2021, by which seniority accorded to the Petitioner Sr. No. 53 in the seniority list as of 1st January, 2017, 1st January 2018, 1st January 2019, 1st January, 2020 in the cadre of Joint Director, Group-A, Maharashtra Finance and Accounts Services as illegal and bad in law with further directions directing Respondent no. 1 to accord seniority in favour of the present applicant at Sr No. 43, as the persons at serial nos 42 to 53 are junior to him.</p> <p>3. Learned counsel for the applicant states that the applicant was promoted by order dated 26.11.2016, and he was supposed to join within 30 days. However, as the applicant was suffering from Chicken Guniya, he joined the promotional post on 26.12.2016. However, his first junior joined on 29.11.2016 and thereafter in December, 2016, but before him. So the applicant was pushed down in the seniority list below his juniors.</p> <p>4. Learned counsel for the applicant submitted that the applicant was suffering from Chicken Guniya and he was advised to take rest from 21.11.2016 to 23.12.2016. Thereafter, he joined on 26.12.2016. He has produced the medical certificate disclosing that he was sick and his fitness certificate issued by a Private Hospital of Mr. Gupte Clinic. Learned counsel for the applicant further pointed out that his medical leave was sanctioned by the Respondent by order dated 26.12.2016. He further submits that all the private Respondents no. 2 to 11 are made Party Respondent, but he has not yet served the private Respondents.</p> <p>5. Learned C.P.O pointed out that the decision of Respondent no. 1, which was communicated to the applicant by Smita Kulkarni, Joint Director, (Admn), Accounts & Treasury, Mumbai by letter dated 22.6.2021, wherein his representation dated 28.5.2021, challenging the seniority list dated 24.5.2021 was rejected as per proviso to Rule 5(3) of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982. [P.T.O.]</p>

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6. On perusal of the said Rules, it is found that a Government servant himself is responsible if he does not join the promotional post within 30 days from the date of the order, then he loses his seniority.
7. Respondent no. 1, to explain what is meant by 'personal responsibility' 'वैयक्तिक जबाबदारी'. To that effect short affidavit in reply is required to be filed.
8. Issue notice returnable on 8.9.2021.
9. 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 may be taken up for final disposal at the stage of admission hearing.
10. 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.
11. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
12. S.O to 8.9.2021.

Sd/-

(Mridula Bhatkar, J.)
 Chairperson

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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: 10.08.2021</p> <p>M.A. No.324 of 2020 in O.A. No.742 of 2020</p> <p>S.K. DarekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. M.A. is filed for Condonation of delay of five months caused in filing O.A. challenging the communication dated 31.10.2018. By said communication Respondents denied the claim of the Applicant for counting their initial temporary services for the purpose of promotion etc. 3. The Applicant where initially appointed as Class 'IV' employee, and thereafter, they were promoted as Jr. Clerk. It appears that initially they were appointed purely on temporarily basis. 4. Needless to mention that while considering the Application for Condonation of delay Tribunal should adopt justice oriented approach, Where there is no obvious lapses and negligence on the part of the Applicant and if it is reasonably explained, delay needs to be Condoned so as to decide the O.A. on merit. 5. This O.A. is filed by sixteen Applicants together. 6. In M.A. the Applicant contended that delay has been caused since they were collecting information under Right to Information (R.T.I.) and it was necessary to compare their case with juniors. 7. In view of above, I am inclined to condone the delay of five months caused in filing delay so as to decide the O.A. on its own merit. 8. Accordingly, M.A. No.324/2020 is allowed with no order as to costs. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.742 of 2020</p> <p>S.K. DarekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, Tribunal allowed M.A. No.342/2020 for Condonation of delay as per separate order passed in M.A.</p> <p>3. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply to O.A.</p> <p>4. S.O. to 24.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.345 of 2021</p> <p>D.S. ModheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On previous date two weeks time was granted as last chance for filing Reply. However, today again learned P.O. has requested for grant of time to file Reply.</p> <p>3. One weeks time is granted as most last chance for filing Affidavit-in-Reply.</p> <p>4. S.O. to 17.08.2021.</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 align="center">Date: 10.08.2021</p> <p align="center">O.A. No.892 of 2017</p> <p>D.G. BasutkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant as well as learned P.O. submits that issue involved in the present O.A. is already subjudice before Hon'ble High Court in writ petition. This O.A. was adjourned from time to time awaiting the decision of Hon'ble High Court, however, it is still subjudice therefore this O.A. could not be heard.</p> <p>3. S.O. to 30.09.2021.</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 align="center">Date: 10.08.2021</p> <p align="center">O.A. No.462 of 2021</p> <p>R.M. KashelkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, 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. three weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 31.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.461 of 2021</p> <p>R.R. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 25.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.357 of 2021 with O.A. No.358 of 2021</p> <p>J.P. Chavan & Anr D.R. Nikam & OrsApplicant 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 P.O. three weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 31.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.326 of 2021</p> <p>L.J. KaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadkear, 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 for filing Affidavit-in-Reply by way of <u>last chance</u>.</p> <p>3. S.O. to 25.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.316 of 2021</p> <p>Dr. R.B. NirmaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Affidavit-in-Rejoinder is already filed. 3. Since, pleading is complete, it be kept for Final Hearing. 4. S.O. to 14.09.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.298 of 2021 to O.A. No.303 of 2021</p> <p>B.P. Patade P.I. Gurav V.P. Khot N.P. Shinde A.Y. Date S.V. SatardekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.V. Tamhankar, learned Advocate holding for Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply in all these O.As. is ready and will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Liberty is granted to learned Advocate for the Applicant to file Affidavit-in-Rejoinder, if any.</p> <p>4. Adjourned for hearing at the stage of admission.</p> <p>5. S.O. to 03.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[PTO.</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">O.A. No.50 of 2021</p> <p>A.N. BhalchandraApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Since, pleading is complete. Adjourned for Final Hearing on 14.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 10.08.2021</p> <p align="center">M.A. No.126 of 2021 M.A. No.114 of 2020 in O.A. No.65 of 2020</p> <p>S.P. KapdneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.B. Bhosale, 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 restoration of M.A. No.114/2020 which was dismissed in default on 05.03.2021. Restoration Application M.A. No. 126/2021 is file within limitation.</p> <p>3. In the interest of justice the request for restoration of M.A. as well as O.A. is allowed.</p> <p>4. Learned P.O. is directed to file Reply in M.A. No.114/2020 by next date without fail.</p> <p>5. Accordingly M.A. No.126/2021 is disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center">Date: 10.08.2021</p> <p align="center">M.A. No.114 of 2020 in O.A. No.65 of 2020</p> <p>S.P. KapdneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.B. Bhosale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. and O.A. was dismissed in default on 05.03.2021. However, today as per separate order passed in restoration application (M.A. No.126/2021), Original proceeding i.e. M.A. and O.A. are restored.</p> <p>3. Learned P.O. shall file Affidavit-in-Reply to M.A. No.114/2020 on next date.</p> <p>4. S.O. to 25.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">M.A. No.109 of 2021 in M.A. No.585 of 2019 in M.A. No.226 of 2019 in O.A. No.761 of 2018</p> <p>M.G. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Applicant and his Advocate both are absent.</p> <p>2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present.</p> <p>3. S.O. to 03.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 10.08.2021</p> <p align="center">M.A. No.277 of 2020 in O.A. No.612 of 2020</p> <p>S.V. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply in O.A. No.612/2020 will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Adjourned for hearing on 25.08.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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 Date : 10.08.2021
	<p style="text-align: center;">O.A.No.479 of 2019</p> <p>C. S. ManeApplicant</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 Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. the matter is adjourned to 12.08.2021 for filing Affidavit-in-Reply of Chairperson of PEB.</p> <p>3. S.O. to 12.08.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 10.08.2021</p> <p align="center">O.A.No.83 of 2021</p> <p>M. S. DeoApplicant</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. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.</p> <p>3. S.O. to 16.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p style="text-align: center;">Date: 10.08.2021</p> <p style="text-align: center;">O.A. No.1190 of 2019</p> <p>C.V. NairApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today, Tribunal has Condoned delay by passing separate order in M.A. No.218 of 2021 and thus O.A. needs to be heard on its own merit.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 23.08.2021.</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: 10.08.2021</p> <p style="text-align: center;">M.A. No.218 of 2021 in O.A. No.1190 of 2019</p> <p>C.V. NairApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. O.A. is filed by retired Government servant challenging impugned action of withholding tentatively Rs.4,00,000/- (Rupees Four Lakhs Only) towards some recoveries and for direction to the Respondents to release retrial benefits.</p> <p>3. The Applicant stands retired as Stenographer (Higher Grade) on 31.12.2015. Later, Respondents had issued communication dated 04.01.2016 stating that there are some Government dues tentatively Rs.4,00,000/- (Rupees Four Lakhs Only), and therefore, after deducting sum of Rs.4,00,000/- (Four Lakhs Only) + Rs.1,000 (Rupees One Thousand Only) probable recovery, remaining amount of Gratuity Rs.1,48,615/- (Rupees One Lakh Forty Eight Thousand Six Hundred and Fifteen Only) has been sanctioned.</p> <p>4. However, no amount was paid to the Applicant in terms of order dated 04.01.2016 neither provisional pension was granted.</p> <p>5. It is on above background the Applicant has filed O.A. and during the pendency of O.A. he has filed M.A. for Condonation of delay of one year and five months.</p> <p>6. Shri M.D. Lonkar, learned Advocate for the Applicant submits that the Applicant being retired Government servant, he has right to receive the pension and other retiral benefits as per his entitlement but the same being withheld there is continuous cause of action and taking liberal view, delay be condoned.</p> <p>7. Per contra learned P.O. opposed the Application <i>inter-alia</i> contending that there is no satisfactory explanation</p>

Office Notes, Office Memoranda of Coram,
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of the delay and cause of action accrued to the Applicant to challenge communication of 04.01.2016 itself.

8. Material to note what is stated in order dated 04.01.2016 that there is recovery of tentative Rs.4,00,000/- (Rupees Four Lakhs Only) and on that ground sum of Rs.4,01,000/- was withheld and remaining Rs.1,48,615/- (Rupees One Lakh Forty Eight Thousand Six Hundred and Fifteen Only) were sanctioned from Gratuity. However, interestingly, the said amount of Rs.1,48,615/- (Rupees One Lakh Forty Eight Thousand Six Hundred and Fifteen Only) which was sanctioned in communication dated 04.01.2016 itself was also not paid to the Applicant. Apart no provisional pension was paid to him. It is only after filing of O.A. and the Tribunal has passed certain orders, department has processed the file and ultimately pension is sanctioned by Accountant General (A.G.) on 24.02.2020. In said order recovery of Rs.3,43,931/- (Rupees Three Lakhs Forty Three Thousand Nine Hundred and Thirty One Only) is shown recovered from Gratuity. Thus it is now during the pendency of this O.A. the specific orders are passed.

9. Thus in other words the Applicant was deprived of getting his dues which was sanctioned to him in terms of order dated 04.01.2016. The Applicant is retired Government servant and was entitled to receive whatever Pension and Gratuity was payable to him in law immediately after his retirement. However, no such action was taken which entail in non-payment of any amount to the Applicant. As such there is continuous cause of action to the Applicant. In the mean time the Applicant has also made representation which came to be rejected, but no final order was passed.

10. Needless to mention that while considering the Application for Condonation of delay the Tribunal should adopt justice oriented approach so as to decide the issue on merit instead of closing door at the very outset particularly where grievances pertains to retiral benefits. I am therefore inclined to condone the delay caused in filing the Application.

11. In view above, delay caused in filing O.A.1190/2019 is Condoned and M.A. is allowed.

12. Accordingly, M.A. is allowed with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

W.C.A. No. of 20

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Application No. of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

O.A. No.224 of 2021

B.N. Sathe ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. Advocate for the applicant seeks time to file
affidavit in rejoinder.

3. S.O. to 12.8.2021.

Sd/-

(Medha Gadgil)

Member (A)

10.8.2021

(sgj)

[P.T.O.]