

**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
	<p>Date: 10.09.2020</p> <p>O. A. No.272 of 2020</p> <p>Dr. K.S. DeshpandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Bhushan A.. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. I am informed that Dr. Bhagwan Pawar, Pune who is responsible to execute the order of this Tribunal dated 20.09.2019 and also 23.06.2020.</p> <p>3. On this P.O. seeks time of one week. It is specifically mentioned that the officer whosoever Dr. Bhagwan Pawar if found disobeying the order of this Tribunal he will face <u>SUO-MOTO Contempt</u> by the Tribunal.</p> <p>3. S.O. to 15.09.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson.</p> <p>NMN</p>

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	<p>Date: 10.09.2020</p> <p>O. A. No.296 of 2020</p> <p>Dr. R.S. HirayApplicant 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 Shri A.J. Chougule, learned Presenting Officer for the Respondents.2. Interim Relief continued till next date.3. Learned P.O. seeks four weeks time. Last Chance.4. S.O. to 06.10.2020. <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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	<p>Date: 10.09.2020</p> <p>O. A. No.357 of 2020</p> <p>M.K. SatputeApplicant 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 Shri A.J. Chougule, learned Presenting Officer for the Respondents.2. Learned P.O. seeks time of four weeks so that the appeal filed by the Applicant can be decided by the concerned authority.3. Submission of learned P.O. is accepted. The petition hence disposed of along with order.4. The Respondent shall decide the Appeal on or before 19.10.2020 till then no D.P.C. for the promotion of post of Commandant shall be scheduled.5. Disposed of. <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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Date: 10.09.2020

O. A. No.457 of 2020

S.A. ShaikhApplicant
 Versus
 The State of Maharashtra & Ors.Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant has challenged to the transfer order dated 20.07.2020. The Applicant is working as Forester, Kikvi Beat, Nasrapur Range, Bhore Division is transferred to the post of Forester, Khodap, Otur Range, Junnar Division District Pune, on following ground:-

- a) Group 'C' of two years tenure he has completed One tenure of Three years.
- b) He relies on order of the Tribunal dated 16.09.2014.

3. The special reasons are not recorded and the approval of next higher authority is not given.

4. Learned P.O. pointed out two, three matters on the same issue are filed and therefore these all matters are to be clubbed and to be heard together.

5. All these matters are transfer matters and therefore they cannot postpone for longer time. Hence Respondent to file the Reply within two weeks.

6. S.O. to: 29.09.2020 along with O.A. No.387/2010, O.A. No.436/2020, O.A. No.448/2020 and O.A. No. 457/2020.

Sd/-

(Mridula R. Bhatkar, J.)
 Chairperson

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

Tribunal's orders

Date: 10.09.2020

O. A. No.459 of 2020

Dr. P.K. KodollikarApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. The Applicant has challenged the order dated 24.08.2020 i.e. class-III employee working as junior clerk is transferred from Kolhapur division to Nagpur division on the ground:-
 - a) He is not due for transfer.
 - b) He was appointed on the present post on 30.05.2017.
 - c) Group 'C' of two years tenure he has completed One tenure of Three years.
3. He relies on G.R. dated 03.06.2011. Learned counsel further submits that he has never made any request for is transfer from one establishment to other establishment and is immediately not forwarded to the Government.
4. Learned C.P.O. submits she seeks time to obtain reply.
5. Two week's time is granted. Meanwhile the order of transfer of this Applicant from Kolhapur to Nagpur is stayed to next date.
6. S.O. to 22.09.2020. Hamdast granted.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

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	<p><u>10.09.2020</u></p> <p style="text-align: center;"><u>O.A 412/2020</u></p> <p>V.V Tamhankar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. At present applicant is working as a Head Constable-Writer and as per the applicant, the promotional post is not A.S.I and but P.S.I. Accordingly, he challenges his pay fixation and promotion. The applicant has submitted his representation on 14.7.2020.</p> <p>3. Learned P.O seeks time to find out whether the said representation is decided or not.</p> <p>4. S.O 29.10.2020.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>10.09.2020</u></p> <p align="center"><u>M.A 191/2020 in O.A 347/2020</u></p> <p>Shri S.A Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant is challenging order dated 4.1.2016, under which applicant was denied grant of deemed date of promotion in the post of Godown Keeper of the year 1993 to 1997. Hence the present M.A is filed seeking condonation of delay in filing Original Application no. 347/2020.</p> <p>3. Learned P.O seeks time to file reply.</p> <p>4. Issue notice returnable on 8.10.2020</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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 8.10.2020.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p>

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	<p><u>10.09.2020</u></p> <p><u>M.A 210/2020 in O.A 456/2020</u></p> <p>D.K Shinde & Others ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Dr G unratn Sadavarte, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application is filed by the applicants to sue jointly. M.A allowed subject to payment of court fees if not already paid.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>10.09.2020</u></p> <p><u>O.A 10/2020</u></p> <p>Shri S.S Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O states that reply has been filed.</p> <p>3. Admit. Place for final hearing on 26.11.2020.</p> <p>Sd/- Sd/-</p> <p>(P. N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson.</p> <p>Alen</p>

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	<p><u>10.09.2020</u></p> <p><u>O.A 277/2020</u></p> <p>Dr S.B Chavan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Puna Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned P.O for the Respondents.</p> <p>2. This matter is fixed on 1.10.2020 for hearing and Respondents to file their reply on or before 24.9.2020 and copy to be served in advance to the applicant</p> <p>3. S.O to 1.10.2020.</p> <p>Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A) Akn</p> <p>(Mridula R. Bhatkar J.) Chairperson</p>

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	<p align="center"><u>10.09.2020</u></p> <p align="center"><u>O.A 338/2020</u></p> <p>Shri K.B Kakade ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan , learned advocate for the applicant and Smt K.S, learned P.O for the Respondents.</p> <p>2. The matter pertains to seniority list dated 12.6.2019. The learned P.O submits that the Respondents have taken decision in respect of the seniority list on 3.8.2020 and the seniority of the applicant Shri Kakade is fixed at serial no. 1257-A, i.e. between Shri Ramaling Chavan at serial no. 1257 and Shri Sachin M. Dongare at serial no. 1258.</p> <p>3. The Respondents to communicate this decision to the applicant.</p> <p>4. S.O to 15.9.2020 for final orders.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(P.N Dkrt) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p>Akn</p>

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	<p><u>10.09.2020</u></p> <p><u>O.A 393/2020</u></p> <p>Ms S.S Zol ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Ms S.S Zol, applicant in person absent. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. To be kept under the caption of dismissal on 15.9.2020.</p> <p>Sd/- Sd/-</p> <p>(P.N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson Akn</p>

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	<p><u>10.09.2020</u></p> <p><u>C.A 18/2020 in O.A 1171/2019</u></p> <p>Shri S.A Bale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. This is Contempt Petition directed against the order of this Tribunal dated 11.12.2019 directing the Respondents to decide the appeal within 3 months from the date of the order.</p> <p>3. Learned P.O produced photo copy of the letter dated 8.9.2020 that the concerned officer heard appeal on 3.8.2020 and decision was communicated to the applicant by letter dated 8.9.2020. Letter dated 8.9.2020 taken on record and marked as Exh-1.</p> <p>4. In view of this, nothing remains in the Contempt Application, which stands disposed of.</p> <p>Sd/- Sd/-</p> <p>(P.N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p>Akn</p>

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	<p><u>10.09.2020</u></p> <p align="center"><u>O.A 413/2020</u></p> <p>Shri V.V Tamhankar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge , learned advocate for the applicant and Ms Swati Manchekar , learned P.O for the Respondents.</p> <p>2. Learned C.P.O seeks time to file reply.</p> <p>3. Issue notice returnable on 3.11.2020.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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. Whether the Representation made by the applicant was considered by the Respondents and secondly at the time of hearing objections of Respondents no 4 to 7, whether they were placed in the final seniority list as per the Rules between the Promotees and Direct Recruits.</p> <p>9. S.O to 3.11.2020.</p> <p align="center">Sd/- Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p><small>Akt</small></p>

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	<p align="center"><u>10.09.2020</u></p> <p align="center"><u>O.A 458/2020</u></p> <p>Shri H.D Pawar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.B Gaikwad, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O is directed to file affidavit on the point why announcement was not made for the post which is the issue in this petition, as the announcements are made generally in other selections as pointed by the learned counsel for the applicant.</p> <p>3. S.O to 29.9.2020.</p> <p align="center">Sd/-</p> <p align="center">(P.N Dixit) Vice-Chairman (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

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	<p><u>10.09.2020</u></p> <p><u>C.A 18/2020 in O.A 1171/2019</u></p> <p>Shri S.A Bale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. This is Contempt Petition directed against the order of this Tribunal dated 11.12.2019 directing the Respondents to decide the appeal within 3 months from the date of the order.</p> <p>3. Learned P.O produced photo copy of the letter dated 8.9.2020 that the concerned officer heard appeal on 3.8.2020 and decision was communicated to the applicant by letter dated 8.9.2020. Letter dated 8.9.2020 taken on record and marked as Exh-1.</p> <p>4. In view of this, nothing remains in the Contempt Application, which stands disposed of.</p> <p>Sd/- _____ Sd/- _____</p> <p>(P.N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p>Akn</p>

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	<p align="center"><u>08.09.2020</u></p> <p align="center"><u>O.A 467/2020</u></p> <p>Shri Pradip S. Khairnar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicants in this O.A submit that he was called for physical test from 24.2.2020 to 23.3.2020. When he appeared before the Medical Officer, he was declared fit, even though he had produced Medical Certificates indicating physical defects/infirmities are of temporary nature.</p> <p>3. Since he was not fit, he did not participate in the physical examination and left the ground. As per the document produced by the applicant, the physical examination is rescheduled from end of September, 2020. In view of the Medical Certificates produced and demonstrated by the applicant, the Respondents are directed to permit him for the physical examination as scheduled at end of September, 2020. He should carry the physical fitness certificate before the Medical Officer from the competent Government authority on the scheduled date of physical test.</p> <p>4. The MPSC is directed to carry out his physical examination after he produces the fitness medical certificate on the scheduled date.</p> <p>5. With the above directions, the O.A stands disposed of.</p> <p align="right">Sd/-</p> <p align="center">Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p align="right">(Mridula R. Bhatkar J.) Chairperson</p> <p>Alm</p>

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	<p><u>10.09.2020</u></p> <p><u>O.A 249/2020</u></p> <p>Shri H.G Holmukhe ... 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. Affidavit in reply has been filed.</p> <p>3. Admit. Place for final hearing on 24.11.2020.</p> <p>Sd/- Sd/-</p> <p>(P.N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p>Alm</p>

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	<p>Date: 10.09.2020</p> <p>M.A. No.196 of 2020 in O. A. No.30 of 2018 (A'bad)</p> <p>M.K. SatputeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In the M.A. the counsel prays for approval of the proceeding of O.A. 30/2018 to Mumbai from Aurangabad on the ground that the Division Bench is not available due to COVID-19 pandemic it is not possible for any Member (Admin) either from Mumbai or from Nagpur to visit and stay at Aurangabad. Hence the Division Bench cannot be constituted at Aurangabad. It is a very difficult situation.</p> <p>3. However, the process of appointment of the Members is already initiated by the concerned authority which may be soon in the future. The Division Bench can be available at Aurangabad.</p> <p>4. Disposed of.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p style="text-align: center;">NMN</p>

**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 at Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 10.09.2020</p> <p style="text-align: center;">O.A.No.323 of 2017</p> <p>1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Perusal of record reveals that earlier also the Applicant was absent and the matter was dismissed in default by order dated 05.12.2018. Thereafter, it was restored in terms of order passed in M.A. No.221/2019 while restoring the O.A. specific caution was given that if the learned Counsel for the Applicant remains absent, no leniency will be shown. Thereafter, the Applicant and his Counsel were absent on 03.03.2020 as well as 16.03.2020.</p> <p>3. As such, the Applicant and his Counsel are not interested in the matter and they remained absent despite enough opportunities.</p> <p>4. In view of above, Original Application is dismissed in default. No order as to cost.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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
	<p>Date : 10.09.2020</p> <p>O.A.No.1205 of 2019</p> <ol style="list-style-type: none">1. Heard Shri G.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.3. The matter is adjourned for hearing at the stage of admission.4. S.O. to 29.09.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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
	<p data-bbox="769 805 967 840">Date : 10.09.2020</p> <p data-bbox="992 844 1209 880">O.A.No.560 of 2019</p> <ol data-bbox="776 953 1448 1389" style="list-style-type: none"><li data-bbox="776 953 1448 1086">1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.<li data-bbox="776 1092 1448 1240">2. Learned Counsel for the Applicant seeks permission to withdraw the O.A. as the Applicant does not want to continue the proceeding.<li data-bbox="776 1263 1192 1307">3. Allowed to withdraw the O.A.<li data-bbox="776 1336 1341 1389">4. O.A. is disposed of with no order as to cost. <p data-bbox="1187 1424 1252 1484" style="text-align: center;">N Sd/-</p> <p data-bbox="1143 1528 1312 1588" style="text-align: center;">(A.P. Kurhekar) Member(J)</p> <p data-bbox="805 1610 846 1632">vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 10.09.2020</p> <p align="center">O.A.No.423 of 2019</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present. 2. Today, the matter is taken on board in view of the circulation precipe filed by the Advocate Shri C.T. Chandratre. However, he is absent though he himself requested to take the matter on today's board by circulation. 3. Perusal of Record reveals that the matter was listed from time to time before the Division Bench. However, today it is placed before this Single Bench in view of circulation. 4. Registrar is, therefore, directed to examine the matter and place it before the appropriate Bench. <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 10.09.2020</p> <p align="center">O.A.No.1016 of 2018</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present. 2. On the last date also the Applicant and his Counsel were absent but the matter was adjourned to give one opportunity. However, today also they are absent though the matter was kept back for afternoon session awaiting for appearance but in vain. 3. Thus, it appears that the Applicant and his Counsel are not interested in the matter. 4. In view of above, Original Application is dismissed in default. No order as to costs. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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
	<p><u>10.09.2020</u></p> <p><u>O.A 312/2020</u></p> <p>S.K Nara ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file. Time granted by way of last chance.</p> <p>3. Interim relief granted to continue till then.</p> <p>4. S.O:15.10.2020.</p> <p style="text-align: right;">Sd/- V (Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

**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
	<p>10.09.2020</p> <p><u>O.A 325/2020</u></p> <p>Shri V.D Sulochane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file. Time granted by way of last chance.</p> <p>3. S.O 15.10.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>Akn</p>

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

Tribunal's orders

Date : 10.09.2020

O.A.No.225 of 2020

1. Heard Shri G.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. In pursuance of the directions issued by this Tribunal on 08.09.2020, Registrar has placed the report before this Tribunal which shows that all the ten matters are still lying unattended including the present O.A. Thus, still nine O.A.s are not listed before this Tribunal for first order.

3. Registrar is, therefore, directed to list the O.A. at Sr. Nos.1 to 5 before this Tribunal on 15.09.2020 after its due scrutiny and it should be notified on board. Remaining O.A.s at Sr. Nos. 6 to 9 be listed before this Tribunal on 17.09.2020 after its scrutiny for passing orders in the matter.

4. Registrar is further directed to issue instructions to all the concerned to ensure that after filing of O.A., it is properly scrutinized and listed before the Tribunal within a week from the date of filing of O.A.

6. This is one of the O.A. which is lying unattended since 18.03.2020. Surprising to note that despite order dated 08.09.2020, it is again placed before the Tribunal without any scrutiny.

7. In view of above, Registrar is directed to scrutinize the O.A. and should get objections removed, if any.

8. This O.A. is also placed before the Tribunal on 15.09.2020 with endorsement of scrutiny for passing further orders.

Sd/-

(A.P. Kurhekar)
Member(J)

**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
	<p align="center"><u>10.09.2020</u></p> <p align="center"><u>C.A 28/2020 in R.A 13/2010 in O.A 35/2019</u></p> <p>Shri Yogesh L. Dharavane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that Superintending Engineer, has prepared the proposal and submitted to Respondent no. 3, i.e. Principal Secretary, Water Resources Department, on 8.1.2020. The Principal Secretary, Water Resources to take note that this a Contempt Petition, where time bound order is passed, which is not executed.</p> <p>3. Hence, the Respondent no. 3 is directed to take decision within two weeks as the matter is fixed after three weeks.</p> <p>4. S.O to 8.10.2020. Sd/-</p> <p align="center">Sd/-</p> <p>(P.N. Dixit) Vice-Chairman (A) (Mridula R. Bhatkar J.) Chairperson</p> <p>Alm</p>

**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
	<p align="center"><u>10.09.2020</u></p> <p align="center"><u>C.A 27/2020 in O.A 848/2018</u></p> <p>Shri R.S Salunkhe & Others ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.A Gharate, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. In this Contempt Petition, the applicant points out that the order dated 13.2.2020 of the D.B of this Tribunal is not executed where the time bound execution of four months was ordered.</p> <p>3. Learned C.P.O submits that in between one application i.e. M.A 188/2020 was moved by the State in July, 2020. However, notice could not be given to the applicants and the Tribunal extended the time for execution of the order of the Tribunal by 15.12.2020 as last chance.</p> <p>4. It is to be noted that inadvertently notice was not sent to the applicants and it was decided unilaterally, especially on the background of Covid-19 pandemic all the establishments including the Courts are not functioning regularly.</p> <p>5. Learned counsel for the applicants fairly submits to the order of the Tribunal is passed unilaterally.</p> <p>6. In view of this, the present C.A being premature is disposed of. However, if the order of the Tribunal is not executed till 15.12.2020, the applicant is at liberty to take necessary action.</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar J.) Chairperson</p> <p align="left">Akn</p>


(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
	<p data-bbox="760 561 987 592">Date : 10.09.2020</p> <p data-bbox="1013 628 1268 659">O.A.No.572 of 2019</p> <ol data-bbox="753 760 1523 1256" style="list-style-type: none"> <li data-bbox="753 760 1523 880">1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. <li data-bbox="753 915 1523 1066">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. <li data-bbox="753 1114 1523 1198">3. The matter is adjourned for hearing at the stage of admission. <li data-bbox="753 1225 1078 1256">4. S.O. to 06.10.2020. <p data-bbox="1138 1287 1333 1464" style="text-align: right;">  Sd/- v" (A.P. Kurhekar) Member(J) </p> <p data-bbox="743 1464 786 1486">vsm</p>

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 10.09.2020</p> <p>O.A.No.232 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri G.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned Presenting Officer for the Respondents has filed reply on behalf of the Respondent Nos.1 to 3. It is taken on record. 3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder. 4. This O.A. be kept with O.A. No.230/2020 and 231/2020 for filing Rejoinder. 5. S.O. 24.09.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="776 462 1011 495">Date : 10.09.2020</p> <p data-bbox="1019 524 1300 555">O.A.No.1085 of 2017</p> <ol data-bbox="776 621 1549 924" style="list-style-type: none"><li data-bbox="776 621 1549 743">1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.<li data-bbox="776 780 1549 869">2. On the request of learned Counsel for the Applicant, the matter is adjourned for hearing as a last chance.<li data-bbox="776 891 1110 924">3. S.O. to 15.09.2020. <p data-bbox="1166 962 1370 1123" style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p data-bbox="776 1130 829 1156">Vsm</p> <p data-bbox="1425 1975 1495 2001" style="text-align: right;">[P.T.O.]</p>

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 : 10.09.2020

O.A.No.1134 of 2017

1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.
2. Perusal of record reveals that the Applicant and his Counsel are not attending the matter regularly. Thus, the Applicant seems not interested in the matter.
3. In view of above, Original Application is dismissed in default. No order as to costs.

^
Sd/-

^v
(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.]

(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
	<p>Date : 10.09.2020</p> <p>O.A.No.64 of 2018</p> <ol style="list-style-type: none">1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.2. On the request of learned Counsel for the Applicant, matter is adjourned for final hearing as a last chance.3. S.O. to 22.09.2020. <p style="text-align: right;">Sd/- WV (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(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 : 10.09.2020

O.A.No.718 of 2019

1. Heard Shri G.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.
3. The matter is adjourned for hearing at the stage of admission.
4. S.O. 06.10.2020.

Sd/-
Ww
(A.P. Kurhekar)
Member(J)

vsm

(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
	<p data-bbox="747 504 982 537">Date : 10.09.2020</p> <p data-bbox="1003 566 1260 599">O.A.No.767 of 2019</p> <ol data-bbox="747 665 1518 1227" style="list-style-type: none"><li data-bbox="747 665 1518 785">1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.<li data-bbox="747 842 1518 962">2. Perusal of record reveals that the Applicant and his Counsel are continuously absent for last three dates. Today also they are absent.<li data-bbox="747 1019 1518 1094">3. Thus, it appears that they are not interested in the matter and remaining absent despite enough chances.<li data-bbox="747 1152 1518 1227">4. In view of above, Original Application is dismissed in default. No order as to costs. <p data-bbox="1209 1263 1274 1296" style="text-align: right;">^</p> <p data-bbox="1209 1296 1274 1329" style="text-align: right;">Sd/-</p> <p data-bbox="1185 1329 1234 1362" style="text-align: right;">v</p> <p data-bbox="1136 1362 1331 1395" style="text-align: right;">(A.P. Kurhekar)</p> <p data-bbox="1153 1395 1299 1428" style="text-align: right;">Member(J)</p> <p data-bbox="738 1428 787 1462">vsm</p>

(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
	<p data-bbox="771 530 998 564">Date : 10.09.2020</p> <p data-bbox="1023 597 1274 630">O.A.No.875 of 2019</p> <ol style="list-style-type: none"> <li data-bbox="755 729 1534 851">1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present. <li data-bbox="755 906 1534 1083">2. Perusal of record reveals that after securing interim relief, the Applicant and his Counsel are continuously absent. Despite their absence, the matter was adjourned from time to time to give enough opportunity but in vain. <li data-bbox="755 1128 1534 1205">3. Thus, it appears that the Applicant and his Counsel are not interested in the matter. <li data-bbox="755 1260 1534 1382">4. In view of above, Original Application is dismissed in default. Interim relief granted by order dated 04.09.2019 stands vacated. No order as to costs. <p data-bbox="1209 1448 1274 1493">Sd/-</p> <p data-bbox="1120 1493 1323 1603"><i>W</i> (A.P. Kurhekar) Member(J)</p> <p data-bbox="722 1581 771 1614">vsm</p>

(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 : 10.09.2020

O.A.No.886 of 2019

1. Heard Shri G.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, 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 for hearing at the stage of admission.
4. S.O. to 08.10.2020.

A

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>10.09.2020</u></p> <p style="text-align: center;"><u>C.A 32/2020 in O.A 264/2019</u></p> <p>Dr S.S Bhujbal & Others ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.B Gaikwad, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. This Contempt Application is filed against non-execution of the order of this Tribunal dated 5.4.2019 passed by D.B of this Tribunal in O.A 264/2019. By the said order, the Tribunal has directed as under:-</p> <p>(a) Process and complete the matter of promotions</p> <p>(b) Thereafter complete process of 50% direct recruitment</p> <p>3. Learned counsel for the applicants submits that notice was given to the Contemnors on 9.9.2019.</p> <p>4. Learned C.P.O submits that the said notice was replied on 1.10.2019, wherein the Desk Officer, of the Respondents have informed the applicants that the Respondents has stopped the process of direct recruitment and initiated the process of promotion. Copy of reply dated 1.10.2019 is taken on record and marked as Exh-1.</p> <p>5. Learned C.P.O submits that the respondents were served with another notice on 8.7.2020 of Contempt to which the Respondents replied on 13.8.2020. Copy of letter dated 13.8.2020 is taken on record and marked as Exh-2. Learned C.P.O submits that it is a big exercise for which the Government is collecting the information.</p> <p>6. Learned counsel for the applicants states that as per Circular dated 16.2.2010 wherein the directions given by High Court in W.P 8348/2009 are referred to as per this Circular, if the time limit is not given, it is to be decided within 3 months.</p> <p>7. Learned C.P.O states that the subject matter of the said Writ Petition pertains to Land Acquisition</p> <p>9. In view of the above, we direct the Respondents to comply the order by completing the entire process of promotion by 5.1.2021 by way of last chance. The Respondents to take note that the Respondents are not taking this order of the Tribunal seriously.</p> <p>10. C.A stands disposed of with above directions.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>10.09.2020</u></p> <p><u>O.A 260/2020</u></p> <p>Shri G.D Gole ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Affidavit in reply has been filed.</p> <p>3. Admit. Place for final hearing on 24.9.2020. O.A 259 to be tagged along with the present O.A.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula R. Bhatkar J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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>10.09.2020</u></p> <p><u>M.A 27/2020 in O.A 13/2020</u></p> <p>Shri R.S Pawar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicant, Shri A.A Desai, learned Senior Counsel for the Respondent no 1 & 2 and Shri C.T Chandratre, learned advocate for the Respondent no. 3.</p> <p>2. M.A filed seeking condonation of delay in filing the Original Application no. 13/2020 will be heard on 13.10.2020.</p> <p>Sd/- (P.N.Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

**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
	<p>Date: 10.09.2020</p> <p>M.A. No. 211 of 2020 in O. A. No.404 of 2020</p> <p>S.R. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Dr. Gunaratan Sadavarte, learned Special Counsel along with Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for recalling order of this court dated 31.08.2020 by which this court has directed Applicant to take charge of the post where he is transferred i.e. of Deputy Director, VJNT, OBC, SBC Welfare Commissionerate, Pune. It is to be noted the said order dated 31.08.2020 was passed by this court on the basis of the statement made by Counsel Respondent No.3 Party-in-Person that Respondent No.3 had joined the post on 13.08.2020 and has effectively also passed the orders in that capacity.</p> <p>3. Learned Advocate for the Applicant raised two points contradicting this statements.</p> <p>a) The order of transfer of the Applicant was passed on 18.08.2020 then how Respondent No.3 took charge of the said post on 13.08.2020..</p> <p>b) In the letter dated 31.08.2020 Smt. Purna Oeshbhartar (I.A.S.), Commissioner, Disabilities Welfare, Pune Respondent No.3 in M.A. (Respondent No. 2 in O.A.) has informed the Principal Secretary, Social Justice and Special Assistance Department, wherein she has stated that as the Applicant has filed petition in the Tribunal and the matter is subjudice none of the officers i.e. who is transferred from that post and who is transferred to that post (Deputy</p>

Commissioner, Commissionerate for Persons with Disabilities, Pune) is not available for services and therefore the said department is unable to pass the necessary orders and resolve the issues and complaints of disabilities.

4. Learned Special Counsel Dr. Gunaratan Sadavarte appearing on the behalf of Respondents including Party-in-Person submits that the matter is to be taken on 17.09.2020 along with O.A., so the necessary record of Civil Service Board (C.S.B.) so also the approval of the competent authority i.e. Hon'ble The Chief Minister can be brought before Tribunal.

5. On considering the submissions of learned Counsel of both the side the M.A. along with O.A. will be heard on 17.09.2020. Respondents to take note of the following directions.

a) The record of transferring the Applicant disclosing the compliance of the procedure in ROTA (Transfer Act) specially section 4(ii) and (IV) (V) is to be produced and placed before Tribunal.

b) In view of the letter dated 31.08.2020 and a conflicting situation about the date of taking charge 13.08.2020, of post of Deputy Commissioner, Commissionerate for Persons with Disabilities, Pune by Respondent No. 3 in O.A. and Transfer order of the Applicant dated 18.08.2020, it is necessary for the Respondent No.2, Principal Secretary and the Commissioner Disabilities i.e. Respondent No.3 in M.A. to file separate Affidavit to explain this point. It is necessary for both the Respondents i.e 2 and 3 in M.A. to take into account the financial repercussions of two officers working on the same post simultaneously from 13.08.2020 to 17.08.2020.

6. S.O. 17.09.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 434 OF 2020**

DISTRICT : RAIGAD

Smt Surekha R. Chavan)...Applicant

Versus

The State of Maharashtra & Others)...Respondents

Shri B.A Bandiwadekar, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **10.09.2020**

ORDER

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.
2. By order dated 7.7.2020, Respondent no. 2, Controller of Rationing had directed the Respondent no. 3 to transfer the Applicant to a non-executive post in his office and accordingly consequently order was issued on 8.7.2020 posting the applicant in the office of the Deputy Controller of Rationing, F-Zone, Thane However, by the impugned order dated 10.8.2020, applicant was transferred on 10.8.2020 from F-Zone, Thane to D-Zone, Andheri, Mumbai.
3. Learned P.O points out that there are allegations and complaints against the applicant regarding irregularities in her duty and therefore, she was relieved with immediate effect.
4. Learned counsel for the applicant challenges the relieving order on the ground of competency, because she is a Class-II officer, hence the power to take any action vest with the Government, i.e. Respondent no. 1.
5. The transfer order is challenged on the following grounds:-

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- (i) Applicant is not due for transfer.
 - (ii) Approval of the next higher authority has not been taken before transferring the applicant.
 - (iii) No special case is made out for transfer of the applicant. Transfer order is issued without approval from Civil Services Board.
6. Learned P.O submits that she needs time to go through the entire file in view of complaints made against the applicant. Learned advocate for the applicant request for inspection of the record. Inspection of the record to be given to the learned counsel for the applicant in presence of the learned P.O.
7. Issue notice returnable on 17.09.2020.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
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 would 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 17.09.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.09.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 432 OF 2020**

DISTRICT : RAIGAD

Shri B.V Rikame)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri B.A Bandiwadekar, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **10.09.2020**

ORDER

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.
2. Applicant challenges transfer order dated 13.7.2020 by which the applicant is transferred from the post of Talathi, Saza Mhasrul, Tal & Dist-Nasik to Villholi, Tal & Dist-Nasik, on following grounds:-
 - (i) Applicant is not due for transfer.
 - (ii) The authority issuing the order of transfer is S.D.O, hence he is not competent authority as the Collector is the competent authority. Learned counsel for the applicant relies on the decision of Single Bench of this Tribunal, dated 6.2.2020 in O.A 762/2019, para no. 7.
 - (iii) The applicant is due to retire 31.8.2021.
3. The learned counsel stated that the applicant is working at the present post of Talathi at Saza Mhasrul from 9.8.2016. Thus, he has not completed two tenures of 6 years as he falls in Group-C category.
4. Learned P.O seeks time to take instructions.

5. Learned counsel for the applicant states that Respondent no. 2, has joined at Saza Mhasrul in place of the applicant. However, the applicant is relieved from the post of Talathi at Saza Mhasrul, Tal & Dist-Nasik.
6. Issue notice returnable on 17.09.2020.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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.
9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
10. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
11. S.O to 17.09.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.09.2020
Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 454 OF 2020

DISTRICT : MUMBAI

Shri Sunil A. Golokar)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri C.T Chandratre, learned advocate for the Applicant.

Smt K.S Gaikwad, holding for Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **10.09.2020**

ORDER

1. Heard Shri C.T Chandratre, learned advocate for the applicants and Smt K.S Gaikwad, holding for Shri A.J Chougule, learned P.O for the Respondents.

2. The applicant who is working as Sales Tax Officer, takes exception to the order dated 26.7.2020. It is submitted by Shri Chandrate that the applicant was due for transfer. However, he was transferred from Mumbai to Mumbai, but from one section to another section without considering his preferential options given by him. Shri Chandratre states that applicant is posted in Mumbai from 29.12.2016 and his wife is working at Akola in State Bank of India. They have one six year old son. He has given three preferential options at Akola, Washim and Khamgaon and as on today three posts vacant at Akola and one post at Washim. Applicant has submitted his representation on 28.7.2020.

3. Meanwhile, Respondents are directed to decide the representation dated 28.7.2020, as his wife is working in State Bank of India, Akola and is having six year old son as he has completed his tenure in Mumbai. So also there is availability of three posts vacant at Akola and one post vacant at Washim.

4. The applicant is directed to take charge of his post at the transferred place.
5. Issue notice returnable on 17.09.2020.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
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 would 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.
10. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
11. S.O to 17.09.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.09.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 456 OF 2020**

DISTRICT : DHULE

Shri D.K Shinde & Others)...**Applicants**

Versus

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

Dr Gunratan Sadavarte, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **10.09.2020**

ORDER

1. Heard Dr Gunratan Sadavarte, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.
2. This matter is taken by the Chairperson though it is a matter of Division Bench as no other Member (Administrative) is available and no bench of Chairperson along with Member (Judicial) can be constituted.
3. In this application the two applicants who are working as Scientific Officers at present posted in the Directorate of Forensic Department, New Delhi, prayed that they are to be considered and called for the interview for the post of Scientific Officer in the establishment of Respondent no. 2. The applicants are not called for the interview as they fall short of experience by two months due to the technical breaks.
4. The learned counsel for the applicants submits that in fact they fulfill the criterion of 3 years' experience and this technical break is to be treated as a period of experience. The details of experience of applicants are given below:-



Institution/ Department/ Organization	Designation (Post Held)	Nature of Appointment	From Date	To Date
Cypherkode Infosec	Asst. Information Security Analyst	Permanent	10.4.2014	30.4.2015
DFSL Mumbai	Scientific Assistant	Contract Basis	19.5.2015	17.5.2016
DFSL Mumbai	Scientific Assistant	Contract Basis	3.11.2016	2.11.2017
DIRECTORATE OF FORENSIC SCIENCE LABORATORIES, MUMBAI	Scientific Assistant	Contract Basis	6.11.2017	5.10.2018

5. Learned C.P.O relies on the notification dated 25.9.2014 about the rules of appointment to the post of Scientific Officer, Cyber Crime. She submits that the advertisement for the post of Scientific Officer had appeared on 15.10.2018 and prior to that the candidates should hold the experience of preceding three years in a registered or recognized Institution.

6. Learned C.P.O submits that the interviews for these posts were conducted on 7.9.2020 and the petition was filed 7.9.2020. Learned C.P.O further submitted that in all 43 posts are available and 30 candidates were called for interview.

7. In this scenario, the matter needs to be heard finally at the stage of admission. Learned counsel for the applicants to assist the Court on the ground of whether technical break is to be included as experience.

8. Matter is fixed on 29.9.2020. Till then names of candidates for two posts of Scientific Officers should not be recommended and they are to be kept vacant by the Respondents.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.09.2020
Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 417 OF 2020

DISTRICT : RAIGAD

Shri D.G Dhabekar)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri B.R Deshmukh, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**
Shri P.N Dixit (Vice-Chairman) (A)

DATE : **31.08.2020**

PER : **Justice Mridula R. Bhatkar (Chairperson)**

ORDER

1. Heard Shri B.R Deshmukh, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. In this petition the Police Naik, who is facing charges for the offence committed under the Wild Life (Protection Act), 1972 has challenged the Departmental Enquiry. His preliminary enquiry was conducted and he was served the charge sheet for D.E on 8.8.2020 by one Shri Shanker Khatke, who appointed as Enquiry Officer. The department has put a charge on the delinquent officer that he left the headquarter by giving a false reason of sickness of his uncle and went to Nasik without E-pass.

3. He made the grievance that he was not given entire set of documents in D.E and he was not allowed by the Enquiry Officer to file the written statement and he was not aware under which M.C.S Rules he was supposed to face the enquiry. The charge sheet was served on him 8.8.2020.

4. After going through the documents annexed to this Petition, especially Exh. 'B' to Exh. 'J', it appears that the delinquent Officer had appeared before the Enquiry Officer on 17.8.2020 through his friend Shri Chandrakant T. Gaikwad. We have not come across any grievance raised in writing by the delinquent officer during this D.E, that he was not supplied with details of the charges and he was not allowed to file his written statement of defence. The only application placed by his friend Shri Chandrakant T. Gaikwad, discloses that the last opportunity was given to the delinquent officer for cross examination of the witnesses, the examination in chief of all the witnesses was over. Exh. 'I' further discloses that the relevant documents, if made available, then only it is possible for the delinquent officer to communicate the names of defence witnesses. It is also mentioned in the said application that the Enquiry Officer has kept the hearing of many matters on one day and therefore, the friend Officer who is appearing for the delinquent officer gets exhausted. Exh. 'J' at page 62, is application given by the delinquent officer where he has asked for the documents listed therein. There is no document on record to show wherein the applicant delinquent officer has pointed out or protested the refusal on the part of the Enquiry Officer for taking written statement of defence on record.

5. Learned P.O on instructions states that examination in chief of four witnesses is recorded and cross examination is deferred and still two more witnesses are to be examined.

6. We have considered the relief sought by the applicant, which is in fact to be contended before the Enquiry Officer and his relief at prayer clause (c) is premature. Relief at prayer clause (d) cannot be granted because criminal trial and Departmental Enquiry are two different modes. So also the charges levelled against the delinquent officer in criminal case and in D.E are different. The grievance raised by the delinquent officer of not getting copy of the FIR and other documents in the criminal trial, this Tribunal is not the proper Forum.

7. In view of the above, we dismiss the Original Application summarily at the threshold with following order:-

- (a) To enable the delinquent officer to present his case fairly by submitting his written statement of defence
- (b) The Enquiry Officer to allow the delinquent officer to file his written statement of defence, if he wants till 4.9.2020.

- (c) The next date of D.E to be fixed thereafter, i.e. on 7th or 8th September, 2020 as per the convenience of all the parties and the Enquiry Officer, on which date the deferred cross examination of all the four witnesses can be concluded in these two days.
- (d) Thereafter, Enquiry Officer to proceed further and delinquent officer to cooperate in the enquiry. All the contentions are kept open before the Enquiry Officer.

Sd/-
(P.N Dixit) 31/8/2020
Vice-Chairman (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 31.08.2020.
Dictation taken by : A.K. Nair.

D:\Anil Nair\Judgments\2020\1.8.2020\O.A 214.2020, Promotion challenged, DB. Int order 8.2020.doc

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 411 OF 2020**

DISTRICT : MUMBAI

Shri Navnath B. Nagargoje)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri U.V Bhosle, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**
Shri P.N Dixit (Vice-Chairman) (A)

DATE : **10.09.2020**

PER : **Justice Mridula R. Bhatkar (Chairperson)**

ORDER

1. Heard Shri U.V Bhosle, learned advocate for the applicant, Ms Swati Manchekar, learned C.P.O for the Respondents no 1 to 3 and Shri Kishore Jagdale, learned advocate for Respondents no 4 to 7.

2. In this application the applicant challenges the seniority list for the post of Assistant Director, Town Planning published on 13.7.2020 for the year 2015. The applicant was appearing at Serial no. 31 in the provisional list which was published in 2015. He filed first representation on 31.12.2015 for correction of his Educational Qualification and date of birth, which was rectified. However, in the seniority list which is challenged, the Respondents no 4 to 7 who were shown earlier below him was shown above him mainly on the ground that he is a promotee and


these private Respondents are directly appointed on 4.3.2014. The applicant was promoted to the post of Assistant Director on 4.3.2014. However the issue is whether his promotion was temporary. He has made representation on 19.8.2020 after his seniority was disturbed.

3. Learned counsel appearing for Respondents no 4 to 7 relies on the decision of the Hon'ble Supreme Court in the case of Vinod Giri Goswami & Ors Vs. The State of Uttarakhand & Ors, Civil Appeal No. 1606 of 2020 arising out of S.L.P (Civil) no. 2779 of 2012 on the point of temporary promotion.
4. Learned CPO seeks time to take instructions.
5. Issue notice returnable on 1.10.2020.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
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 would 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. Whether the Representation made by the applicant was considered by the Respondents and secondly at the time of hearing objections of Respondents no 4 to 7, whether they were placed in the

final seniority list as per the Rules between the Promotees and Direct Recruits.

11. The decision on the promotion, if any taken by the Respondents will be subject to the outcome of this petition.

12. S.O to 1.10.2020


Sd/-

(P.N. Dixit)
Vice-Chairman (A)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.09.2019
Dictation taken by : A.K. Nair.