

**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: 10.11.2020</p> <p>M.A. No.294 of 2020 in O.A. 594 of 2018</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>G. B. Lokhande ...Respondent (Ori. Applicant)</p> <p>1. Heard Smt. Kranti Gaikwad, learned Presenting Officer for the Applicants (Ori. Respondents).</p> <p>2. This Misc. Application is filed for extension of time to comply the order dated 06.10.2020 passed in O.A. No.594/2018 whereby compliance was to be made within a month.</p> <p>3. Learned P.O. submits that she had telephonic talk with Shri B. A. Bandiwadekar, learned Counsel for the Respondent (Ori. Applicant) and he has no objection for extension of reasonable time.</p> <p>4. In view of above, M.A. is allowed with following directions :-</p> <p>(a) Seven days time is granted to deposit the cost of Rs.5000/- in the Tribunal.</p> <p>(b) One month's time is granted from today to comply Clause (C) of operative order of O.A. No. 594/18.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>10.11.2020</p> <p>O.A.No.660 of 2020</p> <p>P.A. Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Clerk-Cum-Typist is challenging the order dated 05.10.2020 by which the applicant is transferred from Ashta to Jat.</p> <p>3. The learned P.O. is directed to obtain the instructions.</p> <p>4. S.O. to 19.11.2020 for Urgent Admission.</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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	<p><u>10.11.2020</u></p> <p>O.A.No.661 of 2020</p> <p>P.R. Ninave ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Matter is not every extreme urgent and hence Rs.200/- costs is imposed upon learned Advocate for the Applicant.</p> <p>3. Now, matter is adjourned to 19.11.2020.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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Tribunal's orders

10.11.2020

O.A.No.662 of 2020

B.A. Nagargoge ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant working as Police Constable, Head Quarter, Shivajinagar, Pune prays that he be continued in the service. His appointment is in 5% reservation for sportsmen. However, his sports validity certificate is held invalid by order dated 28.10.2020.

3. Learned Counsel for the Applicant points out that as per the said order his services are likely to be terminated.

4. Learned C.P.O. for the Respondents submits that there is no actual termination order therefore, this petition is pre-mature. She is also required to file the appeal in respect to cancellation of validity of the sport certificate before the appellate authority as mentioned in the said order.

5. The learned C.P.O. to take instructions from the Respondents whether they are going to terminate the services of the applicant in near future or they are going to keep him in the service till his appeal is decided which he is going to file.

6. The learned Counsel submits that the applicant is going to file the appeal challenging the cancellation of sports validity certificate.

7. In view of this the applicant's services are protected till 15.12.2020. Hamdast granted.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

10.11.2020

O.A.No. 663 of 2020

R.S. Yadav ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant belongs to Hindu Mahadev Koli ST Category. However her caste scrutiny is pending before Caste Scrutiny Committee. However till today she has not received any caste validity certificate and therefore by order dated 20.01.2020 her services are going to be terminated on 20.11.2020. The applicant received tis letter in the month of Jan 2020 and she has moved today.

3. The learned Counsel submits that she has been approaching the Caste Scrutiny Committee to obtain the Caste Certificate.

4. The learned P.O. submits that she needs time to obtain instructions from the Respondents.

5. I am on the view this matter cannot be treated as a matter of extreme urgency hence Rs.200/- costs is imposed upon learned Counsel for the Applicant.

6. S.O. to 19.11.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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10.11.2020

O.A.No.664 of 2020

C.J. Jadhav ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Respondent No.3 is present personally.

2. The applicant who is a Senior Police Inspector is transferred from Shil Daighar Police Station, district Thane, by order dated 05.11.2020. And respondent No.3 is posted to Shil Daighar Police Station from Special Branch Thane.

3. The learned Counsel submits that the applicant is transferred to the present post on 12.08.2019 and has not completed two years. Similarly, Respondent no.3 was posted to Special Branch on 20.02.2019 and has not completed two years at that post.

4. My attention is brought to a Circular dated 15.10.2020 of Deputy Secretary (Home), that the period of issuing the transfer orders is extended upto 30.10.2020. However, the present transfer order is beyond that date i.e. on 05.11.2020. The copy of the same is taken on record.

5. Respondent no.3 is personally present. She informs that she has taken on charge on 06.11.2020.

6. Matter is fixed on 12.11.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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Tribunal's orders

10.11.2020

O.A.No.659 of 2020

S.P. Aher ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. The applicant, Sr. Police Inspector challenges the transfer order dated 29.10.2020 by which the applicant is transferred from Thane City to Dhule.
3. The learned Counsel submits that the applicant has taken charge of the present post on 23.04.2019 and hence he has not completed 2 years, however, in the order the competent authority has treated him as due for transfer. She further submits that the applicant has only 7 months service and he is going to retire on 31.05.2021. His two children are studying at Pune.
4. The learned P.O. submits that the representation of the applicant on 30.10.2020 is pending before the Director General of Police i.e. Respondent No.2 and Director General of Police will consider this point.
5. The learned Counsel submits that Respondent No.4 is served by email and whatsapp. The applicant is directed to file affidavit of service on the next date. The Respondent No.4 is transferred by order dated 05.11.2020. The learned Counsel submits that Government has directed to issue the transfer order till 20.10.2020.
6. The learned P.O. submits that the applicant is already relieved on 05.11.2020. He wants time to take instructions.
7. The learned P.O. may file short affidavit-in-reply on next date.
8. S.O. to 19.11.2020 for Urgent Admission.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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	<p style="text-align: center;"><u>O.A 189/2020 (Aurangabad)</u></p> <p>S.G Vispute & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.B Jadhav, learned advocate for the applicants and Shri M.S Mahajan, learned C.P.O for the Respondents.</p> <p>2. Learned advocate for the applicants states that by order dated 3.11.2020, the Respondents have refixed the pay of the applicants and the excess amount of salary paid to the applicants are going to be recovered from the salary of the month of October, 2020.</p> <p>3. Learned C.P.O is directed to file affidavit in reply on or before 1.12.2020 and copy to be served on the applicants.</p> <p>4. S.O to 7.12.2020 at 10.00 am. Matter will be heard on the question of interim relief.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 488 OF 2020

DISTRICT : AURANGABAD

Dr Sonali V. Gaikwad)...**Applicant**

Versus

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

Shri S.B Patil, learned advocate for the Applicant.

Shri M.S Mahajan, learned C.P.O Presenting Officer for the Respondents.

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

DATE : **10.11.2020**

ORDER

1. Heard Shri S.B Patil, learned advocate for the Applicant, Shri M.S Mahajan, learned C.P.O Presenting Officer for the Respondents.

2. Shri K.B Jadhav, learned advocate files Vakalatnama on behalf of Intervenor. No application for intervention is filed till now. Learned advocate states that he wants to file intervention application. Application for intervention to be filed in between and copy to be served on the learned advocate for the applicant and also to the office of the learned C.P.O.

3. By this Original Application, the applicant seeks directions not to terminate her services or otherwise bring to an end her service as Assistant Professor (Prosthodontics) in Government Dental College &



Hospital, Aurangabad. She further seeks directions that the Respondents be directed to continue her services on the same post.

4. It is the claim of the applicant that she has been working on the post of Assistant Professor (Prosthodontics) from 5.9.2018 with a technical break of one day. However, now the Respondents have published a list of allotment of Government Bonded Services 2020-2021. The list was published on 9.11.2020 with a direction that the recommended candidates should report to the office of the concerned Dean within a period of 7 days, i.e. from 9.11.2020 to 18.11.2020.

5. Learned counsel for the applicant submits that there are three posts of Assistant Professor (Prosthodontics) in Government Dental College & Hospital, Aurangabad. She is working in one of the posts. However, as on today, by the list published on 9.11.2020, three bonded candidates are given posting at Government Dental College & Hospital Aurangabad. Learned counsel for the applicant further submits that two of them have joined and only one post is vacant. So, if other candidate joins, she will be out of service. By the last appointment order dated 20.10.2020, the applicant is continued in service for a period of 120 days which will come to an end on 20.1.2021. Learned counsel for the applicant prays for interim protection till next date.

6. Shri M.S Mahajan, learned C.P.O informs that two candidates have already joined as Assistant Professor (Prosthodontics).

7. It necessary for the applicant to make all the three candidates as party Respondents. Leave to add these three candidates as Party Respondent is granted. Amendment to be carried out forthwith.

8. Issue notice returnable on 7.12.2020

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. The services of the applicant is protected till 7.12.2020. Learned C.P.O is directed to file reply by 4.12.2020 and copy to be served on all the parties.

13. S.O to 7.12.2020 at 10.00 am.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.11.2020
Dictation taken by : A.K. Nair.