

**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: 11.06.2020</p> <p align="center">O. A. No. 1038 of 2019</p> <p>A.N. BalchandraApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant to the order dated 04.06.2020 and 09.06.2020 passed by the bench learned C.P.O. addresses the queries made by us, as follows:-</p> <p>a) The Departmental Promotion Committee (D.P.C.) was not held for the year 2017-18, 2018-19, the Respondent state did not give any Reply to the representation dated 13.11.2018 and 16.09.2019 made by the Applicant. However they have taken the note of it. The appointing authority has accepted the recommendation made by the enquiry office in D.E. conducted against the Applicant. Thus he is exonerated in the inquiry and the order will be issued accordingly in couple of days.</p> <p>3. As the Applicant is exonerated and is reinstated learned C.P.O. submits that the Respondent state will hold D.P.C. /meeting of establishment board to consider his promotion of the Applicant.</p>

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	<p>4. In the present O.A. the Applicant prays that he is to be promoted to the post of Joint Commissioner of Transport from 1.1.2019. Now the state has taken decision to hold meeting nothing remains in this matter so this matter can be decided by following directions.</p> <p>a. The meeting of D.P.C./ establishment board to be scheduled and decision is to be taken on Applicants prayer within four weeks from today i.e. on or before 09.07.2020 & it is communicated within a week thereafter.</p> <p>5. In view of this the O.A. is partly allowed and disposed off.</p> <p>6. Parties to act on authenticated copy.</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p> Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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	<p>Date: 11.06.2020</p> <p align="center">O. A. No. 265 of 2020</p> <p>A.D. Bhalekar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Letter written by Dr. V. Clamint Ben, Chief Forest Conservator (Region); Kolhapur, dated 11.06.2020 from the Respondent No.2 is submitted. It is taken on record. Heard submission of both the parties. At the stage of admission this O.A. can be decided as the issue involved is very short and the Respondent No.2 has specifically stated in the letter about deciding the objections. 3. In this Application the Seven Applicants have challenged the seniority list dated 22.05.2020 and also have prayed that select list dated 28.05.2020 prepared by Respondent No.2 is to be set aside and quashed for want of observance of proper procedure contemplated for preparation of seniority list and the select list. 4. It is admitted fact that on 22.05.2020 the respondent published the provisional seniority list. All objections were called till 10.06.2020 i.e. till yesterday. It is informed by learned P.O. 27 objections are received and the respondent No.2 will decide all the objections within few days. It is further informed that some time is required to decide objections and thereafter to prepare select list, therefore, the meeting of Departmental Promotion Committee (D.P.C.) which is scheduled on 15.06.2020 is hereby postponed. <p align="right">[P.T.O.]</p>

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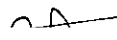
Tribunal's orders

5. In view of these submissions following directions are given by us. Respondent No. 2 to decide all the objections including the objection dated 1.6.2020 taken by the Applicants. All these objections are to be decided within 15 days i.e. on or before 24.06.2020 and decision to be communicated the same on or before 29.06.2020 to the applicants.

6. Thereafter, Respondents may prepare the fresh seniority list & select list. Hence this select list dated 28.05.2020 is hereby quashed and set aside no further order is required. This O.A. is partly Allowed.

7. The Seven Applicants are permitted to prosecute jointly this Application hence they are required to pay court fees till 15 August 2020. Concession is given as the court fees (Postal Order) are not available in the Post office due to Covid-19 Pandemic.

8. Parties to act on authenticated copy.


Sd/-

(P.N. Dixit)
Vice-Chairman


Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

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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: 11.06.2020</p> <p align="center">O. A. No. 250 of 2020</p> <p>M.R. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. the Applicant prayed that all 4 orders dated 29.05.2020 declaring super <u>cession</u> of the petitioner in the matter of his promotion of the rank of Deputy Regional Transport Officer are illegal and bad in law and to be quashed and set aside.</p> <p>3. Learned P.O. after taking oral instructions from D.H. Kadam, Under Secretary, Home Transport submits that the super <u>cession</u> occurred due to non-availability of Annual Confidential Report (A.C.R.) of one year i.e. 2014-15. Now it is found that A.C.R. of the said year are available. The learned P.O. after receiving telephonic communication (Whatsapp message) by Deputy Secretary, Table No.12 Miss Kulkarni informs that the A.C.R. are approved by G.A.D. also. The learned P.O. submits that on the basis of this A.C.R. now decision will be taken afresh as per the rules therefore issue of super <u>cession</u> / promotion will be decided as per the rules.</p> <p>4. Now all these submissions are accepted by us. We direct that the decision on the issue is to be taken by the concerned authority on or before 30.06.2020.</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Parties to act on authenticated copy of the order and thereafter the said decision is to be communicated to the Applicant within a week.</p> <p>6. The Applicants are permitted to prosecute jointly this Application hence they are required to pay court fees till 15 August 2020. Concession is given as the court fees (Postal Order) are not available in the Post office due to Covid-19 Pandemic.</p> <p>7. O.A. is partly Allowed and disposed of.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(P.N. Dixit) (Mridula R. Bhatkar, J.)</p> <p style="text-align: center;">Vice-Chairman Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p>Date: 11.06.2020</p> <p align="center">O. A. No. 257 of 2020</p> <p>U.D. Thorat & Ors.Applicant 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. In compliance with order dated 09.06.2020 passed by us the leaned P.O. has orally answered the queries in pare 4 of the said order.</p> <p>(a) Whether the list prepared on 1.1.2015 is provisional or final?</p> <p>Ans. by P.O. The list dated 1.1.2015 is provisional.</p> <p>Obj. by Advocate: Page 16 exhibit 'A' disclosed it is final seniority list.</p> <p>(b) If final, then furnish the date of publication of the seniority list?</p> <p>Ans. by P.O. He did not receive the correct instructions.</p> <p>(c) What decision was taken by the respondents in respect of the objections of the Association dated 2.11,2019?</p> <p>(d) Produce GR No.SRV.1076/12 dated 21.6.1982.</p> <p>(e) Whether promotions given to the applicants by order dated 30.4.2020 was temporary in nature?</p> <p>(f) If temporary, then prior notice before reversion order is required? If required, whether it was served?</p> <p>Ans. by P.O. In receipt of queries in c,d,e,f, learned P.O. says that he needs more time to file proper affidavit.</p> <p align="right">[P.T.O.]</p>

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	<p>(g) What posting the applicants are holding as of today i.e. Forest Guard or Forester and whether the order of reversion is executed as of today?</p> <p>Ans. by P.O. On 09.06.2020 the promoted Foresters were relieved from the post of Forester and they are required to join as Forest guard however, both of them till today have not joined their original post.</p> <p>Queries by D.B. Respondents are directed to produce the copy of the order of relieving both the Applicants.</p> <p>3. In view of these submissions both the Applicants to join and start working as Forest guard without prejudice pending this litigation. If the claim of the Applicants is found legal then the relief prayed by the Applicants may be considered as per the rules and law after receiving Reply cum Affidavit of the state.</p> <p>4. Copy of the Reply cum Affidavit may be served on the Applicant by email on or before 09.07.2020.</p> <p>5. S.O. 14.07.2020.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(P.N. Dixit) Vice-Chairman</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

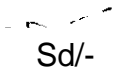
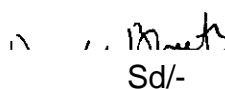
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	<p>Date: 11.06.2020</p> <p>O. A. No. 257 of 2020</p> <p>U.D. Thorat & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>Speaking to the Minutes</p> <p>1. Both are Present, in order dated 09.06.2020 by concerned in para (b) a word final is substituted by word provisional.</p> <p style="text-align: center;">  Sd/- (P.N. Dixit) Vice-Chairman </p> <p style="text-align: center;">  Sd/- (Mridula R. Bhatkar, J.) Chairperson </p> <p>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 of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 11.06.2020</p> <p>O.A.No.985 of 2019</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Today, this matter is taken on record by way of circulation on the request of learned Counsel for the Applicant for early hearing. 3. Learned Counsel for the Applicant submits that in view of the hardship faced by the Applicant, the matter be taken up for final hearing at the stage of admission. He submits that Applicant is suffering from serious health issues and is taking treatment at Aurangabad, and therefore, requested to transfer at Aurangabad. 4. Learned P.O. for the Respondents is directed to take instructions and be ready for final hearing at the stage of admission. 5. S.O. to 16.06.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Date : 11.06.2020

O. A. No. 266 of 2020

1. Heard Shri M.D. Lonkar, learned Counsel for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant has challenged the order dated 11.05.2020 whereby his service as Medical Officer serving as Taluka Health Officer, Niphad has been requisitioned in Zilla Parishad, Nashik in view of Covid-19 pandemic situation.

3. Learned Counsel for the Applicant seeks stay to the impugned order.

4. Whereas learned P.O. for the Respondents seeks two weeks time to take instructions to file reply.

5. It appears that impugned order has been passed by the Chief Executive Officer, Zilla Parishad, Nashik invoking the powers under Epidemic Diseases Act, 1897, as the services of the Applicant were required in Zilla Parishad, Nashik. Therefore, at this stage considering Covid-19 pandemic situation, I am not inclined to grant stay.

6. Issue notice returnable on 25.06.2020.

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 25.06.2020.

12. Issue of interim relief be kept open.

Sd/-

(A.P. Kurhekar)
Member(J)