

**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 : 11.12.2020</p> <p align="center">R.A. No.09 of 2020 in O.A.536 of 2018 with R.A.13 of 2020 in O.A.539 of 2018 with O.A.540 of 2018 with O.A.775 to 777 of 2018 with O.A.1084 with R.A. No.21 of 2019 in O. A. No.238 of 2018</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>U. G. Salgaonkar & Ors. ...Respondents (Ori. Applicants)</p> <p>1. Heard Shri U. V. Bhosale, learned Counsel for Ori. Applicant and Shri A.J. Chougule, learned Presenting Officer holding for Ms S.P. Manchekar, learned C.P.O. for the Respondents.</p> <p>2. Learned P.O. submits that learned C.P.O. is in charge of the matter but she is out of station and requested for short adjournment.</p> <p>3. S.O. to 18.12.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">Date : 11.12.2020</p> <p align="center">O. A. No.305 of 2018</p> <p>S. S. JattiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Perusal of record reveals that the matter was listed on 04.03.2020 and thereafter it was lying unattended in the board section due to Covid-19 pandemic situation and lockdown. It is taken up today for hearing.</p> <p>3. As the matter is listed for the first time after lockdown, it would be just an appropriate to give one more opportunity to the Applicant to remain present for hearing.</p> <p>4. S.O. to 08.01.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">Date : 11.12.2020</p> <p align="center">O. A. No.280 of 2017 with O.A.No.241 of 2019</p> <p>V. V. PunathilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Perusal of record reveals that the matter was lastly listed on 02.03.2020 and thereafter it was lying unattended in the board section due to Covid-19 pandemic situation and lockdown. It is taken up today for hearing.</p> <p>3. As the matter is listed for the first time after lockdown, it would be just an appropriate to give one more opportunity to the Applicant to remain present for hearing.</p> <p>4. S.O. to 07.01.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 11.12.2020

O. A. No.935 of 2017

S. R. Koli

....Applicant

Versus

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

1. In this matter, the submission of Smt. Punam Mahajan, learned Counsel for the Applicant was heard yesterday and today the matter was kept for hearing of learned P.O. for the Respondents.
2. During the course of hearing, Shri A.J. Chougule, learned P.O. sought to refer Para No.12 and 12.1 of the reply to justify bifurcation of the period for out of service of the Applicant for entitlement to pay and allowances. The Applicant was out of service from 05.05.2007 to 19.08.2016. However, this period was bifurcated in impugned order dated 05.10.2016.
3. When the learned P.O. was asked to justify the bifurcation, he sought to refer Para No.12 and 12.1 of the reply.
4. Perusal of Para Nos.12 and 12.1 of reply reveals that it pertains to eligibility criteria for promotion. G.R. dated 05.10.2015 which is referred in reply also pertains to eligibility criteria for promotion which inter-alia provides that candidate should have served for three years in feeder cadre. Thus it appears that Para Nos.12 and 12.01 has absolutely no relevance in the present O.A. Reply is affirmed by Shri KashinathTirthkar, Police Inspector, in the office of Commandant, S.R.P.F. GR-10, Solapur.
5. In view of above, learned P.O. is directed to explain Para Nos.12 and 12.01 by filing additional affidavit of the concerned official.
6. The matter is adjourned to 15.12.2020.

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
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Date : 11.12.2020

O. A. No.636 of 2018

B. N. GadageApplicant

Versus

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

1. The Applicant and his Counsel are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Perusal of record reveals that the matter was listed on 20.03.2020 and thereafter it was lying unattended in the board section due to Covid-19 pandemic situation and lockdown. It is taken up today for hearing.
3. As the matter is listed for the first time after lockdown, it would be just an appropriate to give one more opportunity to the Applicant to remain present for hearing.
4. S.O. to 18.12.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**ORIGINAL APPLICATION NO.756 of 2020 WITH
ORIGINAL APPLICATION NO.755 of 2020**

M.R. Sawant & Ors.
A.P. Sonawane & Ors.

... Applicants

Versus

The State of Maharashtra & Ors.

..Respondents

Dr. Gunaratan Sadavarte, learned Advocate for the Applicants
Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents

CORAM : JUSTICE MRS. MRIDULA BHATKAR, CHAIRPERSON

DATE : 11.12.2020

ORDER

1. Heard Dr. Gunaratan Sadavarte, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. The learned Counsel submits that the issues involved in these two Original Applications is about regularisation / absorption and continuity in service / service benefits are same hence, both the matters are to be clubbed.
3. The applicants in O.A.755/2020 are Technicians working in Government Hospital and the group of Applicants in O.A.no.756/2020 are all Class-IV employees. They pray for regularisation / absorption and continuity in service / service benefits. It is also pointed by Mr. Sadavarte, that the applicants have put in more than 20 years in their service.
4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
5. The learned Counsel pointed out a letters dated 30.11.2019 and 27.11.2020. He states that by letter dated 30.11.2019 the Government has taken the policy decision to absorb the 263 adhoc employees working in

Government Hospital, against 995 vacancies. However, by letter dated 27.11.2020 it appears that the Government has taken another policy decision of not to fill-up the 50% vacancies

6. The learned Counsel for Applicants submits that resultant to this letter of 27.11.2020 the applicants who are going to be benefited by the earlier policy decision which was communicated by letter dated 30.11.2019 are going to be affected adversely.

7. The learned Counsel for Applicants submits that the Respondents be called upon to answer following questions :-

(a) Why 50% posts are kept vacant and for whom ?

(b) Whether the applicants are going to be affected adversely if the policy of keeping the 50% vacancy is implemented.

8. Issue notice before admission returnable on 21.01.2021.

9. Applicants are authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. Applicants are directed to file Affidavit of compliance and notice.

12. The learned Counsel submits that the office of P.O and the office of Respondents are served, the private respondents are remained to the served.

13. He is directed to serve the private respondents and file the affidavit-in-service by next date.

14. Adjourned to 21.01.2021. Hamdast Allowed.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

Date : 11.12.2020

O.A.No.671 of 2020

S.K. Ghusar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Dhiraj D. Chavan, learned Advocate i/b M/S. Devan Dwardakar & Partners, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. The learned Counsel states that in view of development of giving extension to the Applicant at Nashik Rural till the general transfer of 2020-2021 he seeks permission to withdraw the O.A.
3. In view of above, O.A. is allowed to withdraw.

Sd/-

**(Mridula Bhatkar, J.)
Chairperson**

prk

Date : 11.12.2020

**M.A.No.334 of 2020 in O.A.No.756 of 2020 with
M.A.No.333 of 2020 in O..A.No.755 of 2020**

M.R. Sawant & Ors.

A.P. Sonawane & Ors. ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Dr. Gunaratan Sadavarte, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. This is an application for leave to sue jointly.
3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.
4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.
5. Misc. Applications are allowed.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

Date : 11.12.2020

O.A.No.493 of 2020

Smt. S.M. Khillare ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Mentioned by learned Advocate for the Applicant and taken on board.

3. Learned Advocate for the applicant has produced praecipe dated 11.12.2020 for speaking to minutes of the order dated 3.12.2020 passed in the above O.A.

4. The following sentence is to be added in the order dated 03.12.2020 :-

(a) "12. S.O. to 02.02.2021. Already adjourned and admitted."

To be read as :

"12. O.A. is allowed with no order as to costs."

(b) Appearance of Smt. Archana B.K. is to be replaced by the name of Smt. K.S. Gaikwad.

5. Praecipe dated 08.12.2020 is disposed off.

Sd/-

**(Mridula Bhatkar, J.)
Chairperson**

Date : 11.12.2020

O.A.No.303 of 2020

M.N. Thosare ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The learned Counsel for Respondent No.2 is not present and has not yet filed affidavit-in-reply, though he was directed specifically by order dated 03.12.2020. Now the matter is fixed on 17.12.2020 and on that day the learned Counsel for Respondent No.2 is directed to remain present and also to file the affidavit-in-reply, failing which the Tribunal will proceed and hear the submission of learned Counsels of both sides.

3. S.O. to 17.12.2020.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk