

**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
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Date : 12.02.2021

O.A.Nos.689, 690, 691, 692 & 693 of 2020

A.M. Kharade & Ors.Applicants

Versus

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

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Smt. Archana B. K. holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. In all these Original Applications, learned Counsel for the Applicants has filed Affidavit-in-Rejoinder. It is taken on record.
3. On request of learned P.O. the matter is adjourned for hearing at the stage of admission.
4. S.O. to 01.03.2021.

Sd/-

**(A.P. Kurhekar)
Member(J)**

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No.

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	<p>Date : 12.02.2021</p> <p align="center">O.A.No.129 of 2021</p> <p>A. M. GaradApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant, Ms N. G. Gohad, learned Presenting Officer for the Respondent No.1 and Smt. Punam Mahajan, learned Counsel for the Respondent No.2.</p> <p>2. The Applicant has challenged the transfer order dated 03.02.2021 whereby he is transferred from the post of PI, Anti Human Trafficking Cell, Navi Mumbai to PI, Motor Transport Theft Detection Unit, Navi Mumbai contending that it is mid-term and mid-tenure transfer without proper compliance of the provisions of Maharashtra Police Act.</p> <p>3. Shri K. R. Jagdale, learned Counsel for the Applicant submits that the Applicant had hardly completed one year and seven months and he is transferred abruptly under the colorable exercise of powers, purportedly exercised by the Police Establishment Board (PEB) and prayed for interim relief.</p> <p>4. Per contra, Ms N.G Gohad, learned P.O. had tendered the copy of PEB Minutes dated 03.02.2021 and on the basis of it , submitted that in view of default, the Applicant has been transferred invoking Section 22N(2) of Maharashtra Police Act and opposed interim relief.</p> <p>5. Whereas, Smt. Punam Mahajan, learned Counsel for the Respondent No.2 stated that she has instructions to appear on behalf of the Respondent No.2 and seeks time to file reply.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Perusal of PEB Minutes dated 03.02.2021 <i>prima – facie</i> reveals that in view of alleged default, the PEB had exercised the powers under Section 22N(2) of Maharashtra Police Act which <i>inter-alia</i> empowers the PEB to transfer the police personnel mid-term in public interest, in exceptional cases and on account of administrative exigencies. In PEB Minutes, it is further stated that the Applicant is also censured for his lapses for not remaining present on 13.09.2020 in the meeting convened in reference to Maratha Kranti Morcha. True, no regular D.E. seems to have been initiated as urged by the learned Counsel for the Applicant but fact remains that he has been censured for breach of Rule 3 of Maharashtra Civil Services (Conduct) Rules, 1979.</p> <p>7. As such, <i>prima-facie</i> there is compliance of Section 22N(2) of Maharashtra Police Act. I am, therefore, not inclined to grant interim relief.</p> <p>8. Issue notice before admission returnable on 12.02.2021.</p> <p>9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>10. 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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>11. 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>12. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>13. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>14. S.O. to 12.03.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

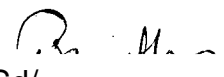
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p style="text-align: center;"><u>12.02.2021</u></p> <p style="text-align: center;"><u>O.A 756 /2020</u></p> <p>M.R Sawant & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Dr Gunratan Sadavarte with Dr Jayshree Patil, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicants relied on the decisions of the Hon'ble Supreme Court in the case of Narendera Kumar Tiwari & Ors Vs. State of Jharkhand & Ors, (2018) 8 SCC 2388, State of Uttar Pradesh Vs. Arvind Kumar Srivastav & Ors (2015) 1 SCC 347 and also of the Hon'ble Bombay High Court dated 25.1.2007 in W.P 1345/1999.</p> <p>3. In the course of arguments it is found that by letter dated 30.11.2019, so also the decision dated 4.7.2019 taken by the Respondents the services of these ad hoc class-IV employees, especially the applicants who are before the Tribunal were considered after applying the conditions mentioned in G.R dated 7.12.2015. So also the applicants are relying on G.R dated 29.1.2020.</p> <p>4. Thus it is necessary for the Respondents to consider all the G.Rs and the decision taken by the concerned authority in respect of absorption / regularization of class-IV employees, especially the applicants those who are before the Tribunal.</p> <p>5. Hopefully the Government has taken into account the decision of the Industrial Court dated 29.7.2003 in the matter of Sarva Mazdoor Sangh Vs. Superintendent J.J Hospital, Mumbai, Complaint (ULP) No. 288/1996 and letter dated 19.8.2004 of Dr W.B. Tayde, Director, Medical Education and Research, Mumbai. The Respondents should also take into consideration the list of the candidates who are found eligible as per service conditions laid down in G.R dated 7.12.2015 which is provided from page 545 onwards.</p> <p>6. Learned C.P.O makes statement on instructions that all employees will get salary of January, 2021 today.</p> <p>7. S.O to 18.2.2021 at 10.00 am.</p> <p style="text-align: right;">  Sd/- </p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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
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O.As. No.698 & 699 of 2019

Dr. S.J. Mane

Dr. A.R. Jadhav

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri J.S. Deshmukh, learned Advocate for the Applicants, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 to 3 and Shri Pankaj Deokar, learned Advocate for Respondent No.4.

2. Ld. Advocate for Respondent No.4 seeks time to file reply.

3. S.O. to 5.3.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
12.2.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
12.2.2021

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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(Advocate

versus

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..... Respondent/s

(Presenting Officer.....)

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	<p align="center">O.A. No.468 of 2020 with O.A. No.469 of 2020 with M.A. No.274/2020 with O.A. No.478 of 2020 with O.A. No.422 of 2020 with O.A. No.133 of 2020 with (All from Aurangabad Bench)</p> <p>K.I. Chole & Ors. (OA.468/2020) N.A. Khadekar (OA.469/2020) V.R. Kanthale & Ors. (OA.478/2020) N.R. Tagad & Ors. (OA.422/2020) A.S. Mundhe (OA.133/2020) ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.D. Munde, learned Advocate for the Applicants and Shri M.S. Mahajan, learned Chief Presenting Officer (Aurangabad Bench) for the Respondents.</p> <p>2. Ld. CPO submits that affidavit in reply of MPSC is filed. However, affidavit in reply by the State Government is due. Ld. CPO seeks four weeks time to file reply on behalf of State.</p> <p>3. S.O. to 22.3.2021 by way of last chance to file reply. GAD to take note.</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman 12.2.2021</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 12.2.2021</p> <p>(sgj)</p>

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..... Respondent/s

(Presenting Officer.....)

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	<u>M.A. No.63 of 2021 in O.A. No.1133 of 2018</u>
	Smt. B.A. Kale & 97 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents
	Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
	2. Ld. CPO provides a chart of the answers to queries put up by the Tribunal by its order dated 11.2.2021. The said chart is taken on record and marked Exhibit '1' for identification.
	3. The matter is fixed on 15.2.2021 at 3.00 p.m.
	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(P.N. Dixit)</p> <p>Vice-Chairman</p> <p>12.2.2021</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.)</p> <p>Chairperson</p> <p>12.2.2021</p> </div> </div>
	(sgj)

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(Advocate

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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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	<p><u>CA.49/2020 in OA.822/2019 with</u> <u>CA.50/2020 in OA.823/2019 with</u> <u>CA.51/2020 in OA.824/2019 with</u> <u>CA.52/2020 in OA.825/2019 with</u> <u>CA.53/2020 in OA.826/2019</u></p> <p>Dr. G.P. Jangid (CA.49/2020) Dr. S.K. Balwant (CA.50/2020) Dr. D.A. Wani (CA.51/2020) Dr. N.B. Swami (CA.52/2020) Dr. M.M. Bagwan (CA.53/2020) ..Applicants</p> <p>Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.S. Deshmukh, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer with Ms. Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. CPO informs that the State Government has taken decision on 21.9.2020 to approach the Hon'ble High Court for challenging the judgment and order dated 8.1.2020 passed by this Tribunal in the above OAs.</p> <p>3. S.O. to 26.3.2021.</p> <p>Sd/- (P.N. Dixit) Vice-Chairman 12.2.2021 (sgj)</p> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson 12.2.2021</p>

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A. No.755 of 2012</u>
	D.S. Mujgond ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents
	Heard Junior Advocate of Shri N.Y. Chavan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
	2. At the request of Junior Advocate that Shri N.Y. Chavan, learned Advocate for the applicant is not well adjourned to 25.2.2021.
	3. S.O. to 25.2.2021.
	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(P.N. Dixit)</p> <p>Vice-Chairman</p> <p>12.2.2021</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.)</p> <p>Chairperson</p> <p>12.2.2021</p> </div> </div>
(sgj)	

Date : 11 .02.2021

M.A. No.77 of 2020 in O.A.720 of 2019

M. S. Waghmare & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri Shantanu Raktate holding for Shri A. A. Gharte, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. O.A.720/2019 was dismissed in default on 18.12.2019, therefore, this M.A. No.77/2020 was filed for restoration of O.A. on 30.01.2020. Though, it was filed beyond the period of one month, no application for condonation of delay is filed. In one M.A., two prayers are made for condonation of delay and for recalling of the order dated 18.12.2019 without specifying by how many days M.A. is delayed. The space is left blank in M.A. besides O.A. was dismissed on 18.12.2019 but in prayer clause, it is referred as 18.08.2019. All this shows total causal approach of the Applicant's Advocate in drafting the application. When it is noticed to the learned Counsel for the Applicant, he apologises for the mistake.
3. Be that as it may, instead of asking the Applicant to file fresh application for restoration and proper application for condonation of delay, it would be appropriate to decide the M.A. as it is without waste of further time.
4. O.A. was filed for regularization of service and pensionary benefits.
5. In view of above, I am inclined to recall the order of dismissal so as to decide the O.A. on merit
6. In view of above, M.A.No.77/2020 is allowed subject to cost of Rs.2000/- payable in the office within seven days. If the cost is deposited within seven days, O.A.720/2019 be listed on board for hearing.

Sd/-

(A.P. Kurhekar)
Member(J)

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Date : 12.02.2021

O.A.No.435 of 2020

R. K. PawarApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri S.S. Dere, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondents Nos.1 to 3 and Smt. Punam Mahajan, learned Counsel for the Respondent No.4.

2. Today, Advocate Shri S. S. Dere has filed Vakalatnama on behalf of the Applicant and ~~seeks~~^{seek} adjournment to argue the matter.

3. As per the last order passed by this Tribunal dated 15.01.2021, the Applicant was asked to make stand clear as to whether he wants to withdraw the O.A. in view of modified order dated 15.01.2021 or as to proceed with the matter on merit.

4. Shri S. S. Dere, learned Counsel submits that his client is not satisfied with the modified order dated 15.01.2021 and wants to argue the matter on merit.

5. In view of above, the matter is adjourned for hearing at the stage of admission.

6. S.O. to 25.02.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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	<p>Date : 12.02.2021</p> <p align="center">O.A.No.46 of 2020</p> <p>P. J. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Puna Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant requested for adjournment stating that for the first time the Applicant came to know about the order dated 24.10.20216 whereby the period from 09.03.1994 to 09.05.2000 was treated as unauthorised absence and break in service when the said order has been filed on record along with reply. She, therefore, submits that the Applicant intends to challenge the same by filing Misc. Application for condonation of delay and separate O.A.. She further submits that the Applicant is ^{not challenged} Class-IV employee retired from service in 2014 and if the order dated 24.10.2016 would take away his right of pension etc. for the said period, and therefore, requested for adjournment.</p> <p>3. S.O. to 01.03.2021.</p> <p align="right">N in Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Date : 12.02.2021

O.A.No.263 of 2019

D. B. Vithoba KodagApplicant

Versus

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

1. The Applicant and his Counsel both are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.
2. Perusal of record reveals that the Applicant and his Counsel are repeatedly absent.
3. Thus, they seem not interested in the matter.
4. Original Application is, therefore, dismissed in default.
5. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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	<p>Date : 12.02.2021</p> <p>O.A.No.600 of 2017</p> <p>S. G. DhanawadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, two weeks time is granted for taking necessary steps to challenge the communication dated 28.01.2021 which is on record as letter 'X'.</p> <p>3. S.O. to 26.02.2021.</p> <p style="text-align: right;">Sd/- WVV (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 12.02.2021</p> <p align="center">O.A.No.534 of 2020</p> <p>M. V. PatilApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Ms S. P.Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the challenge is to the transfer order dated 01.10.2020 and during the course of argument, learned Counsel for the Applicant much emphasized on the point of discrimination. She has pointed out that so many officials named in Rejoinder have been accommodated by changing their division allotted to them under Divisional Cadre Allotment Rules but the Applicant is retransferred and thereby subjected to discrimination.</p> <p>3. Rejoinder was filed on 04.01.2021. Thereafter, the matter was taken up for hearing but no Sur-Rejoinder is filed by the Respondents to counter the plea of discrimination raised by the Applicant.</p> <p>4. Today, during the course of hearing, learned C.P.O. submits that she be allowed to file Sur-Rejoinder to explain the plea of discrimination taken by the Applicant and requested for grant of time.</p> <p>5. Indeed, Sur-Rejoinder, if any, ought to have been filed earlier but the same is not filed.</p> <p>6. However, considering the issue involved, it would be appropriate to give one more opportunity to Respondents to file Sur-Rejoinder.</p> <p>7. S.O. to 18.02.2021.</p> <p align="right">Sd/- V~ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 12.02.2021</p> <p>O.A.No.212 of 2020</p> <p>S. H. ParcheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K. holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for adjournment on the ground that Smt. Kranti Gaikwad, learned P.O. who is in charge of the matter is unable to attend the Tribunal for a week due to said demise of her father.</p> <p>3. S.O. to 10.03.2021.</p> <p style="text-align: right;">^ Sd/- W^v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 12.02.2021</p> <p>O.A.No.791 of 2020</p> <p>N. P. BhoyarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant has filed Rejoinder on 08.02.2021.</p> <p>3. On request of learned P.O., the matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 24.02.2021.</p> <p style="text-align: right;">K IS Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 12.02.2021</p> <p align="center">O.A.No.721 of 2019</p> <p>B. A. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</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. The Applicant has challenged the suspension order dated 18.05.2018 as well as order dated 18.06.2019 whereby the Competent Authority decided to continue his suspension. 3. Today, however learned P.O. has tendered the copy of order dated 19.01.2021 issued by the Government which shows that the Applicant is reinstated in service. The copy of order is taken on record and marked by letter 'X'. 4. Thus, a grievance of the Applicant about suspension does not survive in view of his reinstatement in service. It is precisely for this reason, the Applicant and his Counsel both are absent. 5. In view of above, Original Application is dismissed in default with no order as to costs. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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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
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Date : 12.02.2021

O.A.No.1179 of 2019

C. P. Patil

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. The Applicant and his Counsel Shri R. M. Kolge are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.
2. Shri R. M. Kolge, learned Counsel has tendered leave note in the office.
3. In view of leave note of Advocate Shri R. M. Kolge, the matter is adjourned for hearing at the stage of admission.
4. S.O. to 25.02.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 12.02.2021</p> <p>O.A.No.1046 of 2019</p> <p>S. P. BhaveApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Asawari Ghatge holding for Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for adjournment on the ground that Smt. Kranti Gaikwad, learned P.O. who is in charge of the matter is unable to attend the Tribunal for a week due to said demise of her father.</p> <p>3. S.O. to 01.03.2021.</p> <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

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 : 12.02.2021</p> <p align="center">O.A.Nos. 167, 168, 169, 170 & 171 of 2020</p> <p>Dr. N. N. Inamdar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri J. S. Deshmukh, learned Counsel for the Applicants and Ms N. G. Gohad, learned Presenting Officer for the Respondents. 2. Despite enough chances, today, again learned P.O. requested for two weeks time to file reply. 3. Present Original Applications were filed in the month of March, 2020 and as such, enough time is availed by the Respondents for filing reply. 4. I am, therefore, not inclined to grant further time. 5. The matter be kept for hearing at the stage of admission without reply. 6. S.O. to 26.02.2021. <p align="right">Sd/-</p> <p align="right">(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>Date : 12.02.2021</p> <p align="center">O.A.No.638 of 2020</p> <p>D. U. RathodApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. for the Respondents, two weeks time is granted for filing reply to the amendment made in O.A.</p> <p>3. S.O. to 26.02.2021.</p> <p align="right">Sd/-</p> <p align="right">(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>Date : 12.02.2021</p> <p>O.A.No.642 of 2020</p> <p>B. R. Ghadge ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard the Applicant in person and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant in person has filed Affidavit-in-Rejoinder. It is taken on record.</p> <p>3. Learned P.O. in reference to the orders passed by this Tribunal on 10.12.2020 and 19.01.2021 submits that the proposal to accommodate the Applicant nearby Thane is under consideration and orders will be issued within a week.</p> <p>4. S.O. to 23.02.2021.</p> <p style="text-align: right;">Sd/- vsm (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 : 12.02.2021</p> <p>O.A.No.44 of 2021</p> <p>K. H. KurlekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1 and 2 and Shri Krishna Agarwal holding for Shri Talekar, learned Counsel for the Respondent No.3.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent Nos.1 and 2. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 24.02.2021.</p> <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

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 : 12.02.2021</p> <p>O.A.Nos.583, 584, 585, 586 & 587 of 2020</p> <p>B. R. Lokhande & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri L. S. Deshmukh, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for adjournment on the ground that Smt. Kranti Gaikwad, learned P.O. who is in charge of the matter is unable to attend the Tribunal for a week due to said demise of her father.</p> <p>3. S.O. to 26.02.2021.</p> <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

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Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2021</p> <p align="center">O.A.No.129 of 2021</p> <p>A. M. GaradApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant, Ms N. G. Gohad, learned Presenting Officer for the Respondent No.1 and Smt. Punam Mahajan, learned Counsel for the Respondent No.2. 2. The Applicant has challenged the transfer order dated 03.02.2021 whereby he is transferred from the post of PI, Anti Human Trafficking Cell, Navi Mumbai to PI, Motor Transport Theft Detection Unit, Navi Mumbai contending that it is mid-term and mid-tenure transfer without proper compliance of the provisions of Maharashtra Police Act. 3. Shri K. R. Jagdale, learned Counsel for the Applicant submits that the Applicant had hardly completed one year and seven months and he is transferred abruptly under the colorable exercise of powers, purportedly exercised by the Police Establishment Board (PEB) and prayed for interim relief. 4. Per contra, Ms N.G Gohad, learned P.O. had tendered the copy of PEB Minutes dated 03.02.2021 and on the basis of it , submitted that in view of default, the Applicant has been transferred invoking Section 22N(2) of Maharashtra Police Act and opposed interim relief. 5. Whereas, Smt. Punam Mahajan, learned Counsel for the Respondent No.2 stated that she has instructions to appear on behalf of the Respondent No.2 and seeks time to file reply.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Perusal of PEB Minutes dated 03.02.2021 <i>prima – facie</i> reveals that in view of alleged default, the PEB had exercised the powers under Section 22N(2) of Maharashtra Police Act which <i>inter-alia</i> empowers the PEB to transfer the police personnel mid-term in public interest, in exceptional cases and on account of administrative exigencies. In PEB Minutes, it is further stated that the Applicant is also censured for his lapses for not remaining present on 13.09.2020 in the meeting convened in reference to Maratha Kranti Morcha. True, no regular D.E. seems to have been initiated as urged by the learned Counsel for the Applicant but fact remains that he has been censured for breach of Rule 3 of Maharashtra Civil Services (Conduct) Rules, 1979.</p> <p>7. As such, <i>prima-facie</i> there is compliance of Section 22N(2) of Maharashtra Police Act. I am, therefore, not inclined to grant interim relief.</p> <p>8. Issue notice before admission returnable on 12.02.2021.</p> <p>9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>10. 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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>11. 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>12. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>13. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>14. S.O. to 12.02.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NOS 404/2015, 921/2015, O.A 21/2017 with H.C Civil W.P 10052/2016, O.A 22/2017 (H.C Civil W.P 3948/2015), O.A 222/2017, O.A 372/2018, O.A 47/2019, with M.A 285/2020 with O.A 1276/2020, O.A 221/2019, O.A 625/2019 with O.A 626/2019, O.A 613/2018, 614/2018, 1120/2018, 969/2019, 1050/2019, O.A St. 1530/2019 with M.A 356/2019 with O.A ST. 138/2021 with M.A 32/2021 with O.A St 141/2021 with M.A 33/2021

DISTRICT : MUMBAI & AURANGABAD

1. O.A . 404/2015 Dr S.V Patil & Ors)
2. O.A 921/2015 A.V Disale)
3. O.A 21/2017 [H.C Civil W.P 10052/2016])
4. O.A 22/2017 [H.C Civil W.P 3948/2015])
5. O.A 222/2017 N.G Pawaskar)
6. O.A 372/2018 S.J Khedekar)
7. O.A 47/2019 Suresh M. Jaybhaye)
8. M.A 285/2020 with O.A 1276/2020 Akash Patil)
9. O.A 221/2019 N.S More)
10. O.A 625/2019 Y.V Kesarkar)
11. O.A 626/2019 B.J Ghayal)
12. O.A 613/2018 S.D Pawar)
13. O.A 614/2018, A.B Katkar)
14. O.A 969/2019 R.D Avhad)
15. O.A St No. 1530/19 with M.A 356/19 (Aurangabad)
16. O.A St. 138/21 with M.A 32/2021 (Aurangabad)
17. O.A St. 141/21 with M.A 33/2021 (Aurangabad)...**Applicants**

Versus

The State of Maharashtra & Ors

)...**Respondents**

Shri K.R Jagdale, Shri S.D Patil, Shri A.A Karande, Shri B.A Bandiwadekar, Shri M.D Lonkar, Shri Sandeep D. Munde, Shri N.S Kadarale, Shri C.R Nagare, learned advocate for the Applicants in respective Original Applications.

Ms Swati Manchekar, learned Chief Presenting Officer with Ms Neelima Gohad, learned advocate for the Respondents.

Shri M.S Mahajan, learned C.P.O for the Respondents in O.A 372/2018, 47/2019, O.A 1276/2020, O.A St. No. 1530/2019, O.A St No. 138/2021 and O.A St No 141/2021.

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

DATE : **12.02.2021**

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

ORDER

1. The Respondents are directed to consider the case of all the applicants, after taking into account the ratio laid down by the Hon'ble Supreme Court in the case of **Saurav Yadav & Ors Vs. State of Uttar Pradesh & Ors, (2019) 14 SCC 692**, decided on 18.12.2020.

3. We further point out that this Tribunal has earlier taken a view that migration in horizontal reservation is permissible based on the ratio laid down in Saurav Yadav (supra) and in **T.A 1/2016 (W.P 115/2016) Shri A.G Sanap Vs. State of Maharashtra & Others decided today i.e. on 12.2.2021 to that effect**. The Respondents are directed to take into account the said order also.

5. We are expecting the decision of the Respondents in the matter before the next date.

6. Issue notice returnable 3.3.2021.

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

8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

10. S.O to 3.3.2021. Hamdast granted.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 12.02.2021
Dictation taken by : A.K. Nair.

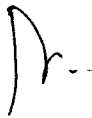

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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 : 12.02.2021</p> <p align="center">O.A.No.299 of 2020</p> <p>A.R. Bhapkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Bhushan V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. submits that the review is taken on 31.12.2020 and the Committee has taken decision to continue the suspension till the Criminal case No. 1256/2019 under the Prevention of Corruption Act, 1988 is decided finally.</p> <p>3. The Respondents perused the said letter informing the decision of the Committee. The Respondent, the Commissioner of Police, Pimpri-Chinchwad Police Commissionerate, Pune is hereby directed to read the judgment of the Hon'ble Supreme Court in <i>Ajay Kumar Choudhary Versus Union of India (2015) 7 SCC 291</i> and file affidavit-in-reply regarding continuing the suspension till the final disposal of the said case.</p> <p>4. Adjourned to 15.02.2021.</p> <p align="right">  Sd/-  (Mridula Bhatkar, J.) Chairperson </p> <p align="left">prk</p>

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</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
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Date : 12.02.2021

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 learned Counsel makes submission that the interim relief granted in the matter is ending today and the same be extended till the next date.

3. The learned P.O. seeks adjournment.

4. By consent adjourned to 22.02.2021. Interim relief to continue till 22.02.2021. To be placed along with O.A.no.O.A.661/2020 with O.A.No.682/2020.

Sd/-

(P.N) Dixit ✓
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

**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 : 12.02.2021</p> <p>O.A.No.136 of 2012</p> <p>P.D. Dorkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms. Surbhi Agarwal, learned Advocate holding for Shri A.A. Desai, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri Bhushan A. Bandiwadekar, learned Advocate for the Respondent No.6 and 7.</p> <p>2. The learned Counsel Shri Bandiwadekar for Respondents No.6 & 7, mentions that he has not been served the O.A.</p> <p>3. The learned Counsel Ms. Surbhi Agarwal for the Applicant is directed to ensure that a copy of the O.A be served to him within a week.</p> <p>4. The learned Counsel Shri Bandiwadekar seeks time to file affidavit-in-reply.</p> <p>5. Adjourned to 08.03.2021.</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>12.02.2021</u></p> <p><u>O.A 1120/2018</u></p> <p>S.N Salve ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, learned advocate for the applicant, Ms Swati Manchekar, learned C.P.O for the Respondents no 1 to 3 and Shri B.A Bandiwadekar, learned advocate for the Respondent no. 4.</p> <p>2. M.P.S.C is directed to come along with whatever decision they have taken.</p> <p>3. S.O to 23.2.2021.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula 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