

**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 : 12.03.2021</p> <p>O.A.No.103 of 2020</p> <p>N. G. DeshmukhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. On request of learned C.P.O., two days time is granted for filing Sur-Rejoinder to the Affidavit filed by the Applicant which is at page no.52 to 56 of PB.</p> <p>3. The matter is adjourned for hearing on 18.03.2021.</p> <p style="text-align: right;">N Sd/- V. (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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12.03.2021

C.A 41/2020 in O.A 556/2007

Shri A.B Ghodeshwar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. Learned P.O on instructions from Shri Ashok M. Sanap, Tahsildar in the office of Deputy Collector, Colaba Division, produces the points for extension of time regarding the pay fixation. Learned P.O submits that it will take three to four months. These points for extension of time given by learned P.O is taken on record and marked as Exh. 1.

3. The matter is kept on 30.4.2021 to inform the Tribunal the development and steps taken by Respondent no. 1.

4. S.O to 30.4.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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M.A. No.41 of 2021 in O.A. No.569 of 2018 (Aurangabad)

Prashant A. Bonge ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Archana B.K., learned Presenting Officer for the Respondents. None for the Applicant.

2. This matter can be heard on Video Conferencing as Aurangabad Bench of this Tribunal is non-functional. Similarly Nagpur Bench of this Tribunal is working only with one Administrative Member. It is not possible to allow Nagpur and Aurangabad Bench matters in Mumbai due to COVID-19 Pandemic situation. Hence, no matters can be transferred from Aurangabad Bench to Mumbai till Member is appointed at Aurangabad Bench.

3. MA disposed off accordingly.

Sd/-

/ (Mridula R. Bhatkar, J.)

Chairperson

12.3.2021

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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O.A. No.206 of 2021

Sachin R. Narale ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant seeks leave to amend respondent no.1 in the title of OA as Finance Department. Leave granted. Amendment be carried out forthwith.

3. The Ld. Advocate for the applicant prays that his appeal dated 31.8.2020 is pending before Finance Department and it is not yet decided. We hereby direct respondent no.1- The Principal Secretary, Finance Department to decide the appeal of the applicant within three months i.e. on or before 9.6.2021.

4. Ld. Advocate for the applicant points out that she has also prayed for arrears of salary as per 7th Pay Commission. We keep this issue open depending upon the decision in the appeal.

5. With these directions OA is disposed off.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
12.3.2021

(Mridula R. Bhatkar, J.)
Chairperson
12.3.2021

(sgj)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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M.A. No.97 of 2021 in O.A. No.33 of 2021

Dy. Inspector General of Prisons, Pune ..Applicant
Vs.
Anil S. Jagtap ..Respondent

Heard Smt. Archana B.K., Presenting Officer for the Applicant-original Respondent No.3 and Shri S.B. Gaikwad learned Advocate for the Respondent-original Applicant.

2. Ld. PO moves this MA for modification of order dated 8.2.2021 passed in the above OA. She informs that she has given notice to Shri S.B. Gaikwad, learned Advocate for respondent-original applicant and he has no objection.

3. Ld. PO submits that in para 5 the word, 'already' is to be substituted by word 'not'. After modification, para 5 will read as under:

"5. Learned P.O. on instructions from Shri Atul Patekar, Clerk in the office of Respondent no.3, makes statement that the amount of Rs.3,82,361/- is **not** recovered on 28.1.2021."

4. Ld. PO further submits that Para 7 of the order dated 8.2.2021 is to be deleted.

5. Shri S.B. Gaikwad, learned Advocate for respondent-original applicant has no objection for modification in para 5 and even deleting para 7. However, he submits that further recovery is not to be made till the decision of this OA. Ld. PO submits that the respondents have accordingly made written submissions in the letter dated 12.2.2020 which is at Exhibit M-4 page 12 of MA.

6. In view thereof, the above corrections are allowed. The matter is sent to the regular court for further hearing.

7. MA disposed off accordingly.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
12.3.2021

(sgj)

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	<p>Date : 12.03.2021</p> <p align="center">O.A.No.892 of 2017</p> <p>D. G. BasutkarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan , learned Counsel for the Applicant and Smt. Kranti Gaiwkad, learned Presenting Officer for the Respondents. 2. Present O.A. is filed for getting retirement benefits considering temporary promotion granted to the Applicant since he retired during the period of temporary promotion. 3. The Applicant is relying on certain decision rendered by this Tribunal wherein temporary promotion was considered and direction was issued to grant pension on the basis of last drawn pay. 4. However, learned P.O. submits that the decision rendered by this Tribunal is under challenged before the Hon'ble High Court and matter is subjudice. 5. In view of above, it is desirable to wait for the decision which is subjudice before the Hon'ble High Court. 6. Admittedly, the Applicant is already getting pension as per his entitlement excluding promotional pay. Recovery is also stayed by interim order. 7. In view of above, the matter is adjourned to 30.04.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>

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Date : 12.03.2021

O.A.No.1166 of 2019

Dr. A. R. Patil ...Applicant

Versus

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

1. Heard Ms. Savita Suryawanshi, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today, learned Counsel for the Applicant has filed additional Affidavit of the Applicant in terms of Para No.7 of the order passed by the Tribunal on 05.02.2021. It is taken on record.

3. Learned P.O. submits that still the matter is under consideration of the Government in respect of application made by the Applicant and Ors. for transfer at Jalgaon.

4. One week time is granted to take instructions and to apprise the Tribunal.

5. S.O. to 19.03.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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Date : 12.03.2021

O.A.No.49 of 2020

Ramdass Kalu MaliApplicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. Today, learned P.O. has filed short Affidavit along with documents in terms of order passed by this Tribunal on 04.02.2021. It is taken on record.
3. The matter is adjourned for hearing on 25.03.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;">Date: 12.03.2021</p> <p style="text-align: center;">O.A. No.192 of 2021</p> <p>A.P. JogdandApplicant 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. The Applicant who was working as Additional Public Prosecutor in Session Court, Mumbai has challenged the order dated 08.01.2019 whereby punishment of deduction of 10 percent pension for three years has been imposed in D.E. The Applicant has already filed an appeal before Respondent No.2. In turn Respondent No.2 has forwarded appeal to the Additional Chief Secretary, Home Department by letter dated 28.02.2019. However since then the matter is pending without progress and therefore after waiting for two years the Applicant has filed the present O.A.</p> <p>3. The perusal of record reveals that the Applicant has filed the appeal on 06.02.2019 and the same was forwarded to the Respondent No.1 on 28.02.2019. Thereafter the Applicant had again send reminder on 20.11.2020 for earliest decision of appeal but in vain.</p> <p>4. Thus statutory appeal is pending for more than two years. Indeed appeal ought to have been disposed of within reasonable time particularly considering the retirement of the Applicant in 2016.</p> <p>5. Suffice to say there is inordinate and undue delay in deciding the Appeal.</p>

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6. Learned Advocate for the Applicant and learned P.O. in view of above submits that direction be given to the Respondent No.1 to decide the appeal within a stipulated time.

7. In view of the above O.A. is disposed of with direction to Respondent No.1 to ensure decision to appeal in accordance to law within two months from today. The copy of this order to be sent to the Respondents. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 12.03.2021</p> <p>M.A. No.106 of 2021 in O.A. No.200 of 2021</p> <p>S.R. Bagde & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.D. Patil, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed along with O.A. by four Applicants for grant of retrial benefits with interest.</p> <p>3. However perusal of M.A. and O.A. reveals that the Applicants No. 1, 2 and 4 retired from common office namely office of Superintendent Engineer, Department of Industry, Energy and Labour, Chembur. Whereas, the Applicant No.3 retired from Nagpur. The permanent address of the Applicant No.3 is also of Nagpur.</p> <p>4. Needless to mention that the Application for sue-jointly can be entertained if there is community of issue to be decided commonly whereas in present case the Applicant No.3 retired from different office.</p> <p>5. In view of above Application for sue-jointly is allowed in respect of Applicant No.1, 2 and 4, there being common cause in issue. So far as the Applicant No.3 is concerned, he needs to file individual O.A. before the Nagpur Bench of Maharashtra Administrative Tribunal.</p> <p>7. Learned Advocate for the Applicant seeks permission to delete the name of the Applicant No.3. Allowed to delete his name.</p> <p>8. M.A. is accordingly disposed of with no order as costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 12.03.2021</p> <p>M.A. No.141 of 2020 in O.A. No.936 of 2019 (Speaking to the Minutes)</p> <p>The State of Maharashtra & Ors.Applicant (Org. Respondents)</p> <p>Versus N.S. Palwe ...Respondent (Org. Applicant)</p> <p>1. Heard Shri A.J. Chougule, learned Presenting Officer holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Applicants (Org. Respondents), Shri C.T. Chandratre, learned Advocate for the Applicant in M.A. No.142/2020 and Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A. No.936/2019.</p> <p>2. Today the matter is taken on board for speaking to the minutes by learned P.O. to correct para No.2 of the order passed by this Tribunal on 25.02.2021 which is under as under:-</p> <p style="padding-left: 40px;"><i>"2. Learned P.O. submits that the Applicant is reposted in terms of the decision rendered by this Tribunal on 14.02.2020 in O.A. No.936/2019 and seeks permission to withdraw M.A. No.141/2020."</i></p> <p>3. Learned P.O. however submits that the said statement made was wrong and it should be corrected since the Applicant has joined the place where he is transferred in terms of transfer order.</p> <p>4. In view of above para No.2 should be read as under:-</p> <p style="padding-left: 40px;"><i>"2. Learned P.O. submits that Applicant has already joined at the place where he is transferred and seeks permission to withdraw M.A. No.141/2020."</i></p> <p>5. M.A. No.141/2020 is already disposed of and shall remain disposed of.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 12.03.2021</p> <p align="center">M.A. No.142 of 2020 in O.A. No.936 of 2019</p> <p>N.S. PalweApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant in M.A., Shri A.J. Chougule, learned Presenting Officer holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A. No.936/2019.</p> <p>2. On request of the both the learned Advocates for the Applicant in M.A. and O.A. one week time is granted for filing Reply.</p> <p>3. S.O. to 18.03.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 12.03.2021</p> <p align="center">O.A. No.182 of 2021</p> <p>R.U. SawantApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Abhijit Pawar, learned Advocate holding for Shri A.E. Mokal, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today matter is taken on board by circulation by Advocate Shri A.E. Mokal. However he is absent today. Advocate Shri Abhijit Pawar states that he needs to take instructions from Advocate Shri A.E. Mokal.</p> <p>3. If the Advocate for the Applicant was not able to remain present then he should have not taken circulation for today's listing or he should have fully instructed to another Advocate to represent him.</p> <p>4. In view of above matter is removed from board with the liberty to Advocate for the Applicant to take circulation whenever he is available for the same.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 12.03.2021</p> <p align="center">O.A. No.181 of 2021</p> <p>A.D. AughdeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Abhijit Pawar, learned Advocate holding for Shri A.E. Mokal, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today matter is taken on board by circulation by Advocate Shri A.E. Mokal. However he is absent today. Advocate Shri Abhijit Pawar states that he needs to take instructions from Advocate Shri A.E. Mokal.</p> <p>3. If the Advocate for the Applicant was not able to remain present then he should have not taken circulation for today's listing or he should have fully instructed to another Advocate to represent him.</p> <p>4. In view of above matter is removed from board with the liberty to Advocate for the Applicant to take circulation whenever he is available for the same.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 12.03.2021</p> <p align="center">O.A. No.668 of 2020</p> <p>Dr. D.P. ManeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.R. Ghanavat, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Matter is already adjourned to 09.04.2021 in view of the direction of Hon'ble Chairperson that listing should be restricted to thirty matters due to COVID-19 Pandemic situation.</p> <p>3. Interim Relief to be continued till next date.</p> <p>4. Learned P.O. requested to pre-pone the matter. It be kept on 18.03.2021.</p> <p>5. S.O. to 18.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 12.03.2021</p> <p>M.A. No.109 of 2021 in M.A. No.585 of 2019 in M.A. No.226 of 2019 in O.A. No.761 of 2018</p> <p>M.G. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Anil Jaiswal, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 09.04.2021. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 4. 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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. 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. 6. 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. 7. In case notice is not collected within seven 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. 8. S.O. to 09.04.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 12.03.2021</p> <p align="center">R.A. No.01 of 2021 in O.A. No.935 of 2017</p> <p>S.R. KoliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2 in R.A. It is taken on record.</p> <p>3. Adjourned for hearing on 30.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 12.03.2021</p> <p align="center">M.A. No.516 of 2019 in O.A. No.950 of 2019</p> <p>S.K. InamkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.R. Joshi, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted but on request of learned P.O. two weeks time is granted as most last chance with further instruction that no further time will be granted.</p> <p>3. S.O. to 26.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 12.03.2021</p> <p align="center">M.A. No.42 of 2020 in O.A. No.1227 of 2019</p> <p>H.S. KhudeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant two weeks time is granted for hearing of M.A.,</p> <p>3. S.O. to 26.03.2021</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 12.03.2021</p> <p align="center">M.A. No.94 of 2021 in O.A. No.766 of 2020</p> <p>M.M. MasudApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V.D. Bhambure, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. time is lastly granted for filing Reply in M.A. as well as O.A.</p> <p>3. S.O. to19.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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: 12.03.2021</p> <p align="center">O.A. No.07 of 2021</p> <p>S.G. JoshiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.D. Sugdare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1, 2 & 3. It is taken on record.</p> <p>3. Adjourned to 08.04.2021 for Rejoinder.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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 : 12.03.2021</p> <p align="center">O.A.No.708 of 2019</p> <p>Dr. S. D. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Learned Counsel for the Applicant seeks permission to withdraw the Original Application on instructions from her client. 3. Allowed to withdraw O.A. 4. Interim relief granted by the Tribunal on 19.07.2019 is vacated. 5. Original Application is disposed of with no order as to costs. <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
	<p>Date : 12.03.2021</p> <p>O.A.St.No.308 of 2021 (Aurangabad Bench) Through Video Conferencing</p> <p>S. H. SuryawanshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents through video conferencing. 2. Issue notice before admission returnable on 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 4. 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. 5. 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. 6. 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. 7. In case notice is not collected within seven 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. 8. S.O. to 09.04.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.03.2021</p> <p align="center">M.A. St.No.307 of 2021 in O.A. St.No.308 of 2021 (Aurangabad Bench) Through Video Conferencing</p> <p>S. H. SuryawanshiApplicant</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 M. S. Mahajan, learned Chief Presenting Officer for the Respondents through video conferencing.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.</p> <p>5. M.A.St.No.307/2021 is allowed.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.03.2021</p> <p align="center">O.A.No. 105 of 2019</p> <p>Y. S. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged the suspension order dated 01.07.2020 on the ground of prolong suspension. 3. The matter is already fixed on 01.04.2021 but it is taken on board by circulation by learned Counsel for the Applicant raising grievance that continued suspension is impermissible and matter be decided on merit. 4. Whereas, learned P.O. seeks time to file reply. 5. The Applicant has been suspended in contemplation of D.E. but he is subjected to suspension for more than three months without initiating D.E. 6. Since, the Respondents want to file reply, it would be appropriate to give reasonable time to Respondents to file reply. 7. Matter be proposed for filing reply. One week time is granted for filing reply. 8. S.O. to 18.03.2021. <p align="right">Sd/- w (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
	<p>Date : 12.03.2021</p> <p style="text-align: center;">O.A.No.286 of 2020 (Aurangabad Bench through Video Conferencing)</p> <p>S. S. WalkundeApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Salunkhe, learned Counsel for the Applicant, Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondent Nos.1 and 2 and Shri A. S. Deshmukh, learned Counsel for the Respondent No.3 through video conferencing.</p> <p>2. In the present O.A., the Applicant has challenged his transfer order dated 10.08.2020 whereby he was transferred from Sengon, District Hingoli to Aurangabad. The Tribunal has granted interim relief in favour of the Applicant by order dated 17.08.2020.</p> <p>3. Respondent No.3 has filed M.A.No.214/2020 for early hearing of the matter and for vacating interim stay. Respondent No.3 has also filed reply in O.A. as well as learned C.P.O. has also filed reply on behalf of the Respondent Nos.1 and 2.</p> <p>4. During the course of hearing, learned C.P.O. submits that there is a compliance of Section 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005'). However, the Minutes of Civil Services Board (CSB) as well as noting purportedly approved under Section 4(5) of 'Act 2005' is not produced. He undertakes to produce the same on next date.</p> <p>5. Whereas, Shri A. S. Deshmukh, learned Counsel for the Respondent No.3 submits that in fact this is not a case of mid-term and mid-tenure transfer but it was request of the Applicant to transfer him at Aurangabad, and therefore, the question of compliance of Section 4(5) of 'Act 2005' does not survives.</p> <p>6. Since the pleading is complete, the matter can be heard on merit provided learned C.P.O. should file Minutes of CSB as well as approval by competent authority.</p> <p>7. In view of above, the matter is adjourned to 19.03.2021 for final hearing though video conferencing.</p> <p>8. Learned C.P.O. is directed to produce Minutes of CSB as well as the file noting and to supply the copy of same to the Applicant as well as Respondent No.3 in advance.</p> <p>9. The matter will be taken at 2.30 pm on 19.03.2021 through video conferencing.</p> <p style="text-align: right;">Sd/- v (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
	<p>Date: 12.03.2021</p> <p>O.A. No.474 of 2020</p> <p>S.M. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The present O.A. is filed for want of retrial benefits which was withheld though Applicant retired on 30.11.2018. 3. Learned Advocate for the Applicant submits that it is only after filing of O.A. the Department has initiated D.E. by issue of charge-sheet on 24.09.2020. The Applicant has already submitted his reply to the charge-sheet. Learned Advocate for the Applicant submits that he intend to challenge charge-sheet in D.E. separately. 4. In so far as, grievances pertaining to provisional pension after December 2019 are concerned, even if D.E. is pending Respondents are under obligation to pay provisional pension regularly. 5. Learned P.O. submits that provisional pension was sanctioned but there was some technical mistake in the proposal and therefore it remained unpaid. 6. In view of above Respondents are directed to ensure payment of provisional pension to the Applicant regularly. Compliance be reported by next date. 7. Reply is already filed. Adjourned to 26.03.2021 for hearing at the stage of Admission. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p>Date : 12.03.2021</p> <p align="center">M.A. No.55 of 2021 in O.A.No.768 of 2020</p> <p>Shri D. K. KatkeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Talekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. On request of learned P.O., one week time is granted for filing reply to M.A. 3. S.O. to 19.03.2021 for filing reply as a last chance. No further time will be granted. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Date: 12.03.2021

**O.A. No.194 of 2021
(Speaking to the Minutes)**

**Dr. A.S. BendreApplicant
Versus
The State of Maharashtra & Ors.Respondents.**

1. Heard Shri N.Y. Ukey, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. The matter is taken on today's board for speaking to minutes for some correction in order dated 09.03.2021 whereby interim relief was granted.
3. In para No.2 it is stated "By interim order it is directed that the Applicant's post is isolated, and therefore, not entitled for Non Practicing Allowance as well as Higher Grade Pay".
4. In above sentence, in place of 'interim order' it should be 'impugned order'.
5. As such, typographical mistake be corrected accordingly.

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 12.03.2021</p> <p align="center">O.A. No.200 of 2021</p> <p>S.R. Bagde & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.D. Patil, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In M.A. No.106/2021 i.e. Application for sue-jointly detailed order is passed granting permission for sue-jointly to Applicants No.1, 2 and 4 only. Applicant No.3 needs to file separate O.A. before the Nagpur Bench of Maharashtra Administrative Tribunal, since he retired from Nagpur and his permanent address is also of Nagpur.</p> <p>3. Permission granted to the learned Advocate for the Applicant to delete the name of Applicants No.3.</p> <p>4. In view of above, O.A. is continued in respect of Applicant Nos.1, 2 & 4 only.</p> <p>5. In respect of the Applicant No.1, 2 & 4, issue notice to Respondents before admission returnable on 09.04.2021.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p align="right">[P.T.O.]</p>

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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. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within seven 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.

11. S.O. to 09.04.2021.

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

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p align="center">Date: 12.03.2021</p> <p align="center">O.A. No.119 of 2021</p> <p>R.T. KedariApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged suspension order dated 01.12.2018 contending that he is subjected to prolonged suspension on the ground of registration of criminal offence, but suspension is revoked in the matter of co-accused. 3. Learned P.O. submits that Review of suspension was taken twice and authority decided to continue the suspension. She states that Applicant is not co-operating in D.E. She further submits that she will file Reply to explain the facts and notice be issued. 4. Issue notice before admission returnable on 09.04.2021. 5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<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. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within seven 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>10. S.O. to 09.04.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center">Date: 12.03.2021</p> <p align="center">O.A. No.196 of 2021</p> <p>P.G. SoudeApplicant 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. The Applicant has challenged suspension order dated 30.04.2012 whereby he was kept under suspension in view of registration of criminal case against him and also challenged by order dated 12.02.2021 and 04.03.2021 whereby he was asked to vacate the service quarter.</p> <p>3. In first place it is really surprising that Applicant is under suspension for more than eight years without taking appropriate steps for completion of D.E. It appears that criminal case is still pending. However, <i>prima-facie</i> suspension for more than eight years is impermissible.</p> <p>4. The perusal of record reveals that in 2019 the review was taken in respect of 80 personnel persons together and in one line it is stated to be continued. As such apparently there is no objective assessment of the situation.</p> <p>5. Apart by notice dated 12.02.2021 and 04.03.2021 the Applicant was asked to vacate the quarter within seven days and two days respectively. I am at loss to understand how the Applicant who is under suspension can be evicted from service quarter in such manner.</p>

Office Notes, Office Memoranda of Coram,
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6. Learned P.O. seeks short time to take instructions from the Respondent.

7. Prima-facie notice dated 12.02.2021 and 04.03.2021 are unsuitable in law. Hence interim relief in terms of prayer clause 11(a) is granted.

o

8. Issue notice before admission returnable on 26.03.2021.

9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

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.

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.

14. S.O. to 26.03.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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12/03/2021

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 12.03.2021</p> <p align="center">O.A. No.625 of 2020</p> <p>S.S. RajadhyakshaApplicant Versus The State of MaharashtraRespondent.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Advocate holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. O.A. is filed for directions to release regular pension, commutation of pension and gratuity which are unpaid, though Applicant stands retired on 03.01.2017. The Applicant has also claimed interest on this said amount.</p> <p>3. It is really surprising to note though the period of more than five years is over till date some of the retrial benefits remains unpaid due to sheer laxity on the part of the Respondent.</p> <p>4. Learned P.O. submits that the Applicant has not passed Marathi Typing examination and therefore according to her it seems to be reason for not granting regular pension. She further submits that the Applicant is already getting provisional pension and requested for grant of time to file reply.</p> <p>5. Whereas, learned Advocate for the Applicant has pointed out that letter dated 11.07.2016 (page 30 of paper book) which reveals that the Government had exempted the Applicant from passing the said examination and directed to release increments w.e.f. 02.04.2011. Thus it appears that non-passing of examination cannot be the ground for withholding of pension.</p> <p align="right">[P.T.O.]</p>

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6. Since the Applicant is deprived of his regular pension, commutation of pension and gratuity for more than four years, it is incumbent on the part of Respondent No.1 to look into the matter and take necessary steps in this behalf.

7. Respondent No.1 is therefore directed to release remaining retrial benefits of the Applicant if there is no legal hurdle for the same by next date and appraise the Tribunal about the compliance.

8. S.O. to 30.03.2021.

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

NMN

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	<p align="center">Date: 12.03.2021</p> <p align="center">O.A. No.609 of 2020</p> <p>A.B. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Advocate holding for Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant has filed this O.A. on 22.10.2020 for direction to the Respondent to release the retrial benefits along with interest. 3. The Applicant stands retired on 31.07.2019 but his retrial benefits are not granted and his increment due on 01.07.2019 was also not granted for fixing pension amount. 4. Shri U.V. Bhosle, learned Advocate for the Applicant submits that there is no legal hurdle for grant of retrial benefits since neither Applicant is facing any criminal case nor D.E. If it is so there seems to be no reason for withholding retirement benefits. Indeed retrial benefits are required to be released immediately after retirement within stipulated time, falling which Applicant can claim interest for administrative lapses on the part of the Respondents. 5. Though notice was served on the Respondents, till date no reply is filed. Today again learned P.O. requested for short time to file Reply. Indeed if there is no legal hurdle for grant of retrial benefits, filing of reply is not necessary and matter can be disposed of within short time.

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6. Since, today matter is taken on board by Circulation, it cannot be disposed of today for want of reply for which matter is already adjourned to 30.03.2021.

7. In view of above, Respondent No.2 – Commissioner, State Excise Department, 2nd Floor, Old Customs House, Fort, Mumbai-01, is directed to release the retrial benefits of the Applicant as per his entitlement, if there is no legal hurdle for the same and submit compliance report on 30.03.2021.

8. Respondents are also at liberty to file reply if they have any ground to resist the O.A.

9. Copy of order be forwarded to Respondent No.2 for the compliance.

10 S.O. to 30.03.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

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	<p>Date: 12.03.2021</p> <p style="text-align: center;">O.A. No.378 of 2020</p> <p>S.N. RaktateApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Shantanu Raktate, learned Advocate for the Applicant and Smt. Archana B.K., learned Advocate holding for Smt K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the very outset it is disgusting to note that though the Applicant stands retired in 2013, his gratuity and regular pension is withheld on the ground of pendency of D.E. for alleged mis-conduct committed by him during the year 2003-2007. The Applicant stands retired from the post of Additional Collector, Nashik on 31.12.2013.</p> <p>3. The perusal of record reveals that the charge-sheet was served in 2011 and enquiry officer was appointed in 2016 only. As such even enquiry officer was not appointed before the retirement of the Applicant and it is after the retirement only nominal order of the appointment of enquiry officer has been passed. The Applicant has made several representations even before retirement as well as after retirement for completion of expeditious enquiry but in vain. Ultimately having no option he has filed this O.A. on 13.08.2020.</p> <p>4. As such in action on the part of the Respondent is obvious and there is breach of the G.R. issued from time to time for completion of D.E. within six months or maximum within the period of one year. If D.E. is not completed within the period of one year extension for completion of D.E. also needs to be taken in terms of Circulation dated 07.04.2008. Indeed circulation specifically states that where the D.E. remains pending</p>

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for more than five years, Department needs to fix responsibility upon the concerned person for delay in completion of D.E. and should face separate D.E. for such lapses. Shockingly to know that all these G.Rs and Circulars were totally ignored and no steps were taken for completion of D.E.


4. Learned Advocate for the Applicant submits that except appointment of enquiry officer there is no other substantial progress in D.E.

5. Despite aforesaid position learned P.O. requested for grant of time to file Reply to O.A. Indeed there is nothing to adjudicate in O.A. so as to file Reply and to hear the matter. Indeed, at least after filing of O.A. Respondents ought to have woke up and should have taken some concrete steps for the disposal of D.E. which could have been appreciated, but it is not so.

6. Thus due to sheer apathy and laxity on the part of the Respondent and concerned official D.E. is still pending.

7. In view of above the Respondent No.2 is directed to file Affidavit to explain why D.E. is not completed in terms of various G.Rs. as well as Circulars and present status of D.E. Respondent No.1 is further directed to mention what action he proposed to take against the concerned for non completion of D.E. in terms of G.Rs. as well as Circulars issued from time to time. Affidavit to be filed on or before 19.03.2021 without fail.

8. S.O. to 19.03.2021.

Sd/-

 (A.P. Kurhekar)
 Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
CONTEMPT APPLICATION NO. 11 OF 2021
IN
ORIGINAL APPLICATION NO 567 OF 2020**

DISTRICT : PUNE

Shri Shridhar P. Jadhav)...**Applicant**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicant.

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

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

DATE : **12.03.2021**

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

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. This is a very serious Contempt. The original matter pertains to the order of transfer in O.A 567/2020 the Tribunal by order dated 7.1.2021, has quashed and set aside the transfer order

✓

dated 9.10.2020, qua the applicant and the original Respondent no. 4. Both the officers are working as Assistant Commissioner of Police. It was held by the order that the applicant is transferred from the Wakad Division, Pimpri Chinchwad Commissionerate, mid-term and mid-tenure without not following procedure laid down under Sec 22(N) of Maharashtra Police Act.

3. In the affidavit in reply filed on behalf of Respondent no. 1, through Shri K.R. Gaikwad, Dy. Secretary, working in the office Addl. C.S, Home Department, Mantralaya, Mumbai. The chronological steps taken by the Respondents are taken as follows:-

- (a) The order passed by the Hon'ble Tribunal was received by this office on 7.1.2021.
- (b) Thereafter, immediately we send proposal for cancellation of transfer order of applicant on 11.1.2021 to the Hon'ble Minister.
- (c) The Government has given direction to file appeal before Hon'ble High Court on 16.1.2021.
- (d) In the meantime this office has issued a letter to the Chief Presenting Officer, MAT, Mumbai for opinion which was replied by C.P.O office on 15.1.2021 for filing an appeal.
- (e) Thereafter, the file was submitted to Law & Judiciary Department (L & J Dept), Mantralaya, Mumbai for opinion. The L & J Dept. has given opinion on 22.1.2021.
- (f) This office has filed M.A for extension on 25.1.2021 before Hon'ble Tribunal.
- (g) The Hon'ble Tribunal rejected M.A on 28.1.2021. However, on 25.1.2021 this office authorized DGP to file appeal before Hon'ble High Court.
- (h) On 5.2.2021, this office received draft of appeal of Writ Petition.

(i) On 12.2.2021, the draft was finalized.

(j) On 17.2.2021, the Writ Petition filed before Hon'ble High Court."

4. Thus as on today, the Writ Petition bearing Stamp No. 4119/2021 is pending before the Hon'ble High Court, challenging the order of this Tribunal.

5. It is made clear that till today the order of the Tribunal is not stayed. The Misc Application filed by the Respondents seeking extension of time for implementing the order of this Tribunal is also rejected by the Tribunal on 28.1.2021. So it was necessary on the part of the Respondent no. 1 to implement the order of this Tribunal immediately.

6. Learned P.O had produced today order dated 10.3.2021, issued by Shri Kailash A. Gaikwad, Dy. Secretary, Home Department, wherein the transfer order of the original applicant is cancelled.

7. Learned counsel for the applicant submits that till today the applicant has not been served with the order dated 10.3.2021. Learned P.O submits that one Clerk, Mr. Sarode, who is responsible officer, from the office of D.C.P, Pimpri Chinchwad, has informed at 3.00 pm telephonically asking applicant to resume duty today itself

8. On query made to the learned counsel for the applicant, she informs that relative of the applicant has expired and therefore he is at present at Gaganbawada, Kolhapur for funeral. However, he will start tonight and reach Pune tomorrow morning and join at Wakad Division on 13.3.2021. We are quite surprised as to why

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the order of this Tribunal was not implemented by the Respondent no. 1.

9. Meanwhile, the Respondent no. 4 in the Original Application has filed W.P Stamp no. 740/2021, wherein the applicant in the present original applicant was made party. The order of the Tribunal dated 7.1.2021 cancelling the transfer order of the said petitioner was challenged. The Division Bench of The Hon'ble Chief Justice has passed the detailed order, upholding the order of this Tribunal on 15.2.2021. The Hon'ble The Chief Justice in the said order has held:-

"It was clearly a mid-term transfer, not recognized either by Rule of transfer as per Sec 22(N) or even by G.R dated 4.7.2020. It was thus rightly interfered by the Tribunal. The observations of the Tribunal are clearly borne out by the record before it. The view taken by the Tribunal cannot be said to be perverse, it is a plausible view."

In para 8 of the said order the Division Bench has also dealt with the case of the applicant, that is Respondent no. 4.

10. Till today, we are informed that this order is not challenged before the Hon'ble Supreme Court. However, the Respondents have challenged the same order passed by this Tribunal on 7.1.2021 which was considered by the Hon'ble High Court in W.P 740/2021 by filing W.P Stamp No. 4116/2021 though the State was Respondents before the W.P wherein the Respondent no. 4 has challenged the same order.

11. We, therefore, made query whether Respondent no. 4, who was Petitioner before the Hon'ble High Court was relieved from that



posting. We are informed that till today Respondent no. 4, is working as A.C.P, at Wakad Division and Respondent no. 1 has not taken out any order and has not obeyed the order passed the Division Bench of the Hon'ble Chief Justice.

12. We are deeply aggrieved by the stand taken by the Respondents of not implementing the order passed by ^{the} Hon'ble Chief Justice and this Tribunal. It is a very serious matter and therefore, we call upon Addl. C.S, Home, personally to file his affidavit in reply as we are keeping this Contempt Application alive ~~as on today~~.

13. S.O to 16.3.2021 at 2.30 pm.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 12.03.2021
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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12.03.2021

O.A 192/2020

Shri H.A Warawate & Ors ... Applicants
 Vs.
 The State of Maharashtra & Ors ... Respondents

1. None for the applicant. Heard Smt Kranti S. Gaikwad, learned P.O for the Respondents.
2. Admit. Place for final hearing on 23.4.2021

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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12.03.2021

O.A 165/2020

Shri N.R Raut ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.

2. Pleadings are complete. Admit.

3. Place for final hearing on 8.6.2021.

Sd/-

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

Akn

Sd/-

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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12.03.2021

O.A 193/2020

Shri S.D Jaybhaye ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Ms Kranti S. Gaikwad, learned C.P.O for the Respondents.

2. Learned advocate for the applicant files affidavit in rejoinder. Same is taken on record.

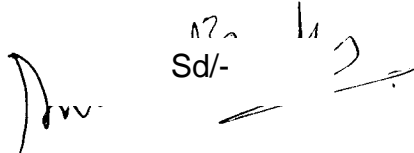
3. Learned P.O seeks time to consider whether Respondents want to file sur-rejoinder.

4. S.O to 9.4.2021.

Sd/-

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

Akn


 Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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12.03.2021

O.A 162/2021

Shri P.V Parkhe ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan , learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Learned P.O informs on instructions that the case of the applicant was not considered for promotion.

3. Learned counsel for the applicant points out that in Annexure A-8, the Police Personnel at Sr no. 4, 11 and 20 and 26, though junior to the applicant are promoted to the post of Assistant Commandant.


4. Learned P.O to make statement on Monday.

5. S.O to 15.3.2021.

Sd/-

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

Akn

 Sd/-

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>12.03.2021</u></p> <p align="center"><u>M.A 353/2020 in O.A 792/2020</u></p> <p>S.M Unhale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.L Dhone, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. This Misc Application is filed seeking condonation of delay of 5 years and 5 months in filing the Original Application.</p> <p>3. This application is a best example of abuse of the legal remedy which is otherwise available to the litigants for the right cause.</p> <p>4. The applicant was in Government service as a Clerk, who resigned on 13.6.2014, on the ground that his parents are always sick and he wants to take care of his Parents. The Respondents accepted the resignation on 7.8.2014. Thereafter, nothing happened in between till 15.7.2018, when the applicant filed application to the Respondents that he be taken back in service. In the said application, he had mentioned that he could not attend the office on 10.6.2014 and his health deteriorated on 11.6.2014. He lost his mental balance and therefore, he sent application for resignation. It was his mistake and he could not withdraw his resignation thereafter because he was undergoing the medical treatment.</p> <p>5. The Respondents rejected his application by letter dated 24.8.2018 under Rule 46(4)(c) of Maharashtra Civil Services (Pension) Rules, 1982, as the application for withdrawal of the resignation was required to be made within 90 days.</p> <p>6. The applicant thereafter challenged the said letter dated 24.8.2018 by filing present Original Application on 24.12.2020, along with M.A wherein delay of 5 years and 5 months is mentioned.</p> <p>7. Learned P.O filed affidavit in reply dated 1.3.2021 through R.R. Pol, Assistant Manager, in the office of General Manager, Government Central Press opposing the Misc Application. In the affidavit in reply the Respondents have stated that the applicant was appointed on the vacant post of Clerk-cum-typist, in S.T category on recommendation of MPSC on 2.2.2012. However, he</p>

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remained absent continuously and therefore his services were terminated by order dated 27.2.2013. Further as per request of the applicant, he was reappointed on 16.2.2014. However, as per applicant's request to accept his resignation vide application dated 13.6.2014, he was allowed to resign from 13.7.2014.

8. We have heard learned counsel for the applicant, who has relied on medical certificate of the applicant showing that he is undergoing treatment for mental health. Learned counsel submitted that his parents met with accident on 9.6.2014 and thereafter, his mental health deteriorated. He could not withdraw the application of resignation on this ground.

9. We have considered the pleadings in Original Application and also in Misc Application. The Medical Certificate which is relied on by the learned counsel for the applicant is to be discarded as it only states that he has moderate anemia and depression and the Certificate does not show any date. But it appears that the fitness certificate was given on 16.7.2018. The Medical Officer had mentioned that he be granted leave from 10.6.2014 to 15.7.2018. We are quite astonished to see such Certificate, if at all it is issued by Medical Officer, Nanded. Such Certificate is issued disregarding all the ethics and the medical procedure which is required to be followed while issuing the Certificate, which should specify the disease he was suffering from and the date of admission. It appears that such Certificate is either fake or is a mischief played on the Government. We discard the Certificate.

10. The reasons given by the applicant for condonation of delay cannot be taken in account. M.A is summarily dismissed and for taking time of the Tribunal, we saddle minimum cost of Rs. 1000/- as the applicant is unemployed and which should be deposited in office of the M.A.T Bar Association.

11. As the Misc Application seeking condonation of delay is dismissed, nothing survives in the Original Application and the same stands dismissed.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p style="text-align: center;">Date: 12.03.2021</p> <p style="text-align: center;">O.A. No.196 of 2021</p> <p>P.G. SoudeApplicant 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 Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged suspension order dated 30.04.2012 whereby he was kept under suspension in view of registration of criminal case against him and also challenged by order dated 12.02.2021 and 04.03.2021 whereby he was asked to vacate the service quarter. 3. In first place it is really surprising that Applicant is under suspension for more than eight years without taking appropriate steps for completion of D.E. It appears that criminal case is still pending. However, <i>prima-facie</i> suspension for more than eight years is impermissible. 4. The perusal of record reveals that in 2019 the review was taken in respect of 80 personnel persons together and in one line it is stated to be continued. As such apparently there is no objective assessment of the situation. 5. Apart by notice dated 12.02.2021 and 04.03.2021 the Applicant was asked to vacate the quarter within seven days and two days respectively. I am at loss to understand how the Applicant who is under suspension can be evicted from service quarter in such manner.

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6. Learned P.O. seeks short time to take instructions from the Respondent.

7. Prima-facie notice dated 12.02.2021 and 04.03.2021 are unsuitable in law. Hence interim relief in terms of prayer clause 11(a) is granted.

o

8. Issue notice before admission returnable on 26.03.2021.

9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

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.

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.

14. S.O. to 26.03.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>12.03.2021</u></p> <p style="text-align: center;"><u>O.A 288/2020 (Aurangabad)</u></p> <p>S.S Markad ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Ketan Pote, holding for Shri A.G Ambetkar, learned advocate for the applicant, Smt Kranti S. Gaikwad, learned P.O for the Respondents and Shri 1 to 3 and Shri Rishabh Gugale i/b Shri Anoop Patil, learned advocate for Respondent no. 5.</p> <p>2. This matter is from Aurangabad Bench. By order dated 14.1.2021, in M.A 341/2020 in O.A 288/2020, we have considered the difficulty of the advocate from Aurangabad who requested for transfer of matter from Aurangabad Bench to Mumbai Bench which was required to be heard urgently. The Tribunal has mentioned that no application under Sec 25 of the Administrative Tribunals Act is required for transfer of the cases and the said matter is transfer.</p> <p>3. However, after taking the complete stock of all the benches and the pendency of the cases therein, it is found that M.A.T, Nagpur Bench is also working with 1/3rd of its strength as one Member (J) and Member (A) had retired and M.A.T, Aurangabad is not functional since November, 2020 barring two sitting in January and February of the Circuit Bench. We realize that it is very difficult to entertain the matters of Aurangabad Bench at Mumbai as there is also request from M.A.T, Nagpur for entertaining matters of D.B at Mumbai.</p> <p>4. It is made clear that unless the Members of M.A.T, Aurangabad or Nagpur are appointed, the matters cannot proceed. However, we make it clear that we are hearing some matters of grave urgency by video conferencing as it is not practically possible for sitting frequently at Aurangabad and Nagpur due to Corona Pandemic.</p> <p>5. Hence we transfer this matter to Aurangabad Bench.</p> <p>6. S.O to 19.4.2021.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>12.03.2021</u></p> <p><u>M.A 54/2021 in O.A 803/2018</u></p> <p>Shri R.K Javkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Anil Jaiswar, holding for Shri R.G Panchal, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The O.A was dismissed by order dated 11.1.2021. However, the application for restoration is filed on 29.1.2021 wherein it is mentioned that the learned counsel was not available.</p> <p>3. Misc Application seeking restoration of O.A 803/2018 is allowed.</p> <p>4. O.A 803/2018 to be placed on Board before Member (J) on 9.4.2021.</p> <p>Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>Akn</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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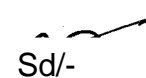
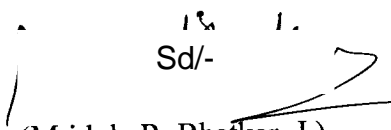
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	<p style="text-align: center;"><u>O.A. No.223 of 2002</u></p> <p>D.D. Jagtap ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. None for the applicant.</p> <p>2. Dismissed for want of prosecution.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  Sd/- (P.N. Dixit) Vice-Chairman 12.3.2021 (sgj) </div> <div style="text-align: center;">  Sd/- (Mridula R. Bhatkar, J.) Chairperson 12.3.2021 </div> </div>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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	<p style="text-align: center;"><u>O.A. No.61 of 2021</u></p> <p>S.S. Choudhari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Mentioned and taken on board. Ld. PO seeks correction to add the word, 'thereafter' in para 3 of the order dated 9.3.2021 passed in the above OA.</p> <p>3. After correction, para 3 of the order dated 9.3.2021 should read as under:</p> <p style="padding-left: 40px;">“3. In view of this, nothing remains in this matter. We dispose off the matter with directions to the enquiry officer to complete the enquiry within six weeks and thereafter report be sent to the concerned officer and preferably it is to be concluded within two months. OA disposed off accordingly.”</p> <p>4. Correction be carried out accordingly.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(P.N. Dixit) Vice-Chairman 12.3.2021</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula R. Bhatkar, J.) Chairperson 12.3.2021</p> </div> </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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12.03.2021

M.A 354/2009 in O.A 55/2009

D.V Vispute ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. None for the applicant. Heard Ms Archana B.K, learned P.O for the Respondents.

2. The record of O.A 563/2008 is not available with the Tribunal.

3. Hence dismissed, subject to outcome of Writ Petition which is still pending.

Sd/-

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

Akn

Sd/- 

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

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12.03.2021

C.A 36/2020 in O.A 1086/2016

Shri S.B Sumbe ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Learned P.O submits that Respondents wants two weeks' time to file sur-rejoinder. Time granted.

3. S.O to 26.3.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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12.03.2021C.A 14/2020 in O.A 301/2019

Late Smt Kalawati Dhanraj Likhar
Through Legal Heir
Shri Dhanraj D. Likhar ... Applicant
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri C.T Chandratre, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Learned P.O submits that the Respondents have complied with the order of reconsideration of the prayer of the applicant by letter dated 16.12.2019.

3. Learned counsel submits that whatever finding was given by the Tribunal for reconsideration was in fact not considered rather ignored by the Respondents and therefore, it is to be main prayer in the O.A, which is to be looked into.

4. We do appreciate the concern of the learned counsel for the applicant. However, the Tribunal has directed the Respondents to reconsider the issue. The Tribunal did not direct specially to decide this way or that way. But there is some reasoning given by the Tribunal and that in view of this, the issue to be reconsidered by the Respondents.

5. As per the submissions of learned counsel for the applicant, the reasoning which was given by the Tribunal is not considered by the Respondents and this amounts to contempt.

6. We are of the view that though we have asked the Respondents to reconsider the issue in view of certain points, the final reconsideration was left to the Government and understanding of the Government and therefore it cannot be strictly said to be contempt. In view of this, it is a different cause of action.

7. In view of the above, C.A stands disposed of.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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12.03.2021

O.A 561/2020

Dr K.S Jawale ... Applicant
 Vs.
 The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.D Gugale, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.
2. Issue notice returnable on 9.4.2021.
3. 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.
4. 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.
5. 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.
6. S.O to 9.4.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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12.03.2021

M.A 244/2020 in O.A 561/2020

Dr K.S Jawale ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.D Gugale, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. The present M.A is filed for condonation of delay of 4 months and 10 days. Learned P.O filed affidavit in reply dated 18.2.2021 through Sudhakar, Shinde, Civil Surgeon, Ulhasnagar, Dist- Thane.

3. Learned counsel or the applicant submits that applicant has submitted application for Voluntary Retirement on 3.8.2018 and it was rejected by order dated 2.11.2018 and the said rejection was received by applicant on 6.11.2018. Learned counsel submits that the period of filing O.A in this Tribunal was up to 4/5.11.2019. The O.A was filed on 6.10.2020. As per the order of Hon'ble Supreme Court dated 23.3.2020, the period of limitation since 15.3.2020 is not to be considered. Therefore, learned counsel submits that the limitation started running from 5/6.11.2019 till 15.3.2020. Learned counsel for the applicant submits that the limitation comes up to 4 months and 10 days as the Supreme Court has condoned the delay.

4. Learned counsel submits that applicant is suffering from Vertigo and Spondylitis and it is a continuous ailment and she is unable to render her services as Medical Officer and unable to look after her and hence there is a delay in filing the Original Application.

5. Learned P.O opposes the application on the ground that reason given is vague.

6. We have considered the submissions. On query we found that applicant is not attending the duty for health issue.

7. In view of the above, we condone the delay and allow the Misc Application.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>12.03.2021</u></p> <p align="center"><u>O.A 661/2017 (Aurangabad)</u></p> <p>S.S Kapse ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Learned advocate Shri A.G. Ambetkar, stated that he be discharged from the present Original Application. Allowed to be discharged.</p> <p>2. Heard Shri S.S Kapse, applicant in person and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. This matter is from Aurangabad Bench. By order dated 14.1.2021, in M.A 339/2020 in O.A 661/2017, we have considered the difficulty of the advocate from Aurangabad who requested for transfer of matter from Aurangabad Bench to Mumbai Bench which was required to be heard urgently. The Tribunal has mentioned that no application under Sec 25 of the Administrative Tribunals Act is required for transfer of the cases and the said matter is transfer.</p> <p>3. However, after taking the complete stock of all the benches and the pendency of the cases therein, it is found that M.A.T, Nagpur Bench is also working with 1/3rd of its strength as one Member (J) and Member (A) had retired and M.A.T, Aurangabad is not functional since November, 2020 barring two sitting in January and February of the Circuit Bench. We realize that it is very difficult to entertain the matters of Aurangabad Bench at Mumbai as there is also request from M.A.T, Nagpur for entertaining matters of D.B at Mumbai.</p> <p>4. It is made clear that unless the Members of M.A.T, Aurangabad or Nagpur are appointed, the matters cannot proceed. However, we make it clear that we are hearing some matters of grave urgency by video conferencing as it is not practically possible for sitting frequently at Aurangabad and Nagpur due to Corona Pandemic.</p> <p>5. Hence we transfer this matter to Aurangabad Bench.</p> <p>6. S.O to 7.6.2021.</p> <p align="center">Sd/- _____ (P.N Dixit) Vice-Chairman (A)</p> <p align="center">Sd/- _____ (Mridula 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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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12.03.2021

M.A 162/2020 in O.A 258/2020

Ms C.A Rane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Ms K.s Gaikwad, learned P.O for the Respondents.

2. Learned P.O submits that brief is not traceable in C.P.O's office. Hence learned counsel for the applicant is directed to furnish extra copy of M.A to the office of the learned C.P.O.

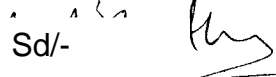
3. S.O to 26.3.2021.

Sd/-

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

Akn

(Mridula Bhatkar, J.)
Chairperson

Sd/- 

**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 align="center"><u>M.A. No.81 of 2021 in O.A. No.155 of 2021</u></p> <p>Nisha K. Parakhe & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Shrikant Patil, learned Advocate holding for Shri L.S. Deshmukh, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p align="center">Sd/- _____ Sd/- _____ (P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 12.3.2021 12.3.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.155 OF 2021**

Smt. Nisha K. Parakhe & 9 Ors. ..Applicants

Versus

The State of Maharashtra & Anr. ..Respondents

Shri Shrikant Patil holding for

Shri L.S. Deshmukh – Advocate for the Applicants

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

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

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

DATE : 12th March, 2021

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

ORDER

1. Heard Shri Shrikant Patil, learned Advocate holding for Shri L.S. Deshmukh, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. All the 10 applicants working as Staff Nurse want to join the M.Sc. (Nursing) course in private institutes and they want to take study leave for a period of two years for the same.

3. Ld. Advocate for the applicants submits that applicants' request for recommendation dated 25.1.2020, 13.1.2021, 18.1.2021, 9.2.2021 (pg.51-66 of OA) are not forwarded by respondent no.2-Director of Medical



Education & Research to respondent no.1-Secretary, Medical Education and Drugs Department. The respondent no.1 is directed to reply to their letters in writing.

4. Ld. Advocate for the applicants submits that the applicants be allowed to take admission in the private nursing institute for M.Sc. (Nursing) as the last date for admission is 15.3.2021. If these applicants are not allowed then on 15.3.2021 the doors of admission will be closed and this OA will become infructuous.

5. Ld. Advocate for the applicants submits that respondent no.2 has not given permission but have issued a circular dated 9.2.2021 which is contrary to their corrigendum dated 3.5.2018 to circular dated 7.6.2014. Ld. Advocate for the applicants submits that in fact the applicants had participated earlier for the admission process in Government Nursing Institutes, however, they could not get the admission and therefore they want to pursue M.Sc. (Nursing) in private institutes.

6. Ld. PO submits that recommendation of the authority is required as per Rule 80 of the MCS (Leave) Rules, 1981 and she seeks time to file reply. She further submits that challenge is given to the circular dated 9.2.2021. Hence, after one month the applicants have approached this Tribunal with a request that they are to be given relief. It is an artificial urgency created by the applicants.

7. Relevant rule 80 of MCS (Leave) Rules, 1981 is reproduced below:

“80. Conditions for grant of study leave.- (1) Subject to the conditions specified in this chapter, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher

studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) *Study leave may also be granted-*

(a) *for a course of training or study tour in which a Govt. servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Govt. from the point of view of public interest and is related to sphere of duties of the Govt. servant; and*

(b) *for the purposes of studies connected with the framework or back ground of public administration subject to the conditions that-*

(i) *the particular study or study tour should be approved by the authority competent to grant leave, and*

(ii) *the Govt. servant should be required to submit, on his return, a full report on the work done by him while on study leave;*

(c) *for the studies which may not be closely or directly connected with the work of a Govt. servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.*

(3) *Study leave shall not be granted unless-*

(a) *It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantages from the point of view of public interest;*

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(b) It is for prosecution of studies in subjects other than academic or literary subjects:

Provided that a Medical Officer may be granted leave for prosecuting a course or post-graduate study in medical sciences, if the Director of Medical Education and Research certifies to the effect that such study shall be valuable in increasing the efficiency of such Medical Officer in the performance of his duties;

(c) the Department of Economic Affairs of the Ministry of Finance, Government of India agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the schemes administered by the Department Economic Affairs of the Ministry of Finance or by the Ministry of Education, Government of India.

(5) Study leave shall not ordinarily be granted to a Government servant

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(a) who has rendered less than five years service under the Government;

(b) who is due to retire, or has the option to retire, from the Government service within three years of the date on which he is expected to return duty after the expiry of the leave.;

(6) Study-leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

Note:- Application for study shall be considered on merits of each case in consultation, with the General Administration Department and Finance Department."

8. It is true that recommendation of the higher authority is necessary for Staff Nurses to pursue their further education and to obtain the study leave. Though the applicants have completed 5 years of their Government service yet the study leave it not considered. It is up to the competent authority to consider whether particular study which is going to be pursued by the government employee is useful, necessary and whether services of such Government employees can be spared for a period of two years. Study leave is paid leave.
9. The applicants could not succeed to get admission in Government Nursing Institute and therefore now they want to take further education in private institutes. It is up to the competent authority to consider whether their services can be spared at this time for a period of two years. It is the decision to be taken after considering number of factors and therefore considering present COVID-19 Pandemic situation we are not granting any interim relief in this matter. However, we may mention that apart from study leave, there is also provision of Extra Ordinary Leave Without Pay.
10. The Ld. PO has made a statement that applicants should have come earlier so that the respondents would have got some time to file their reply. However, the applicants are challenging the circular dated 9.2.2021 after one month. Today is 12.3.2021 and 13.3.2021 & 14.3.2021 are closed and 15.3.2021 is Monday and according to him 15.3.2021 is the last date of admission in private nursing institutes. We are of the view that this is an artificial urgency created by the applicants.


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11. Moreover, we have also considered the order dated 5.2.2021 by which the office of Directorate, Medical Education and Research, Mumbai has granted study leave to some Nurses at various places in Maharashtra.
12. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.
13. Issue notice before admission returnable on 23.3.2021.
14. 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.
15. 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.
16. 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.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.3.2021

Sd/-


(Mridula R. Bhatkar, J.)
Chairperson
12.3.2021

Dictation taken by: S.G. Jawalkar.