(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date: 12.04.2021

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

M.G. Kadam .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Applicant and his Advocate both are absent.

2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present.

3. Learned P.O. has filed Affidavit-in-Reply in M.A. on behalf of Respondents No.1 & 2. It is taken on record.

4. Adjourned to 04.05.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 12.04.2021

M.A.No.130 of 2021
in
O.A.No.370 of 2019

L.T. Rathod **....Applicant**

Versus

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

1. Heard Shri P.S. Rane holding for Shri M.R. Bamble, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. This M.A. is filed for restoration of O.A.No.370/2019 which was dismissed in default on 23.02.2021.

3. Learned Counsel for the Applicant submits that due to inadvertence, he could not remain present and requested to restore the O.A.

4. Reasons mentioned in O.A. is satisfactory. Hence, M.A. is allowed.

5. O.A.No.370/2019 is restored to file.

6. M.A. is accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 12.04.2021

O.A.No.370 of 2019

L.T. Rathod **....Applicant**

Versus

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

1. Heard Shri P. S. Rane holding for Shri M.r. Bamble, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. In view of the order passed in M.A.130/2021, O.A.No.370/2019 is restored to file. It be kept for final hearing.

3. S.O. to 10.06.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

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

Date : 12.04.2021

O.A.No.266 of 2021

S.S. Paithankar **....Applicant**

Versus

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

1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 07.06.2021.

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 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 07.06.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 12.04.2021

O.A.No.572 of 2019

A.Y. Shrigiriwar ....Applicant

Versus

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

1. Heard Shri B.A.Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed reply on behalf of the Respondent No.2. It is taken on record.

3. Indeed, this is Part-Head O.A. in which reply of Respondent No.2 is filed today. Earlier, reply of Respondent No.1 was only filed.

4. The matter is adjourned for hearing at the stage of admission.

5. S.O. to 20.04.2021 as a Part-Heard.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 12.04.2021

O.A.No.805 of 2020

A.P. Shinde ....Applicant
Versus
The State of Maharashtra & Ors. ...Respondents.

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

2. Initially , the Applicant has challenged the suspension order dated 31.03.2020 but he is reinstated in service by order dated 10.12.2020. In present O.A., the grievances are restricted to non-payment of subsistence allowance as well as non-payment of pay and allowances of the earlier period i.e. before suspension. The Applicant has made representation on 14.12.2020 but it is not responded.

3. In view of above, learned Counsel for the Applicant as well as learned P.O. for the Respondents submit that O.A. be disposed with suitable directions.

4. O.A. is disposed of with direction to the Respondent No.2 to decide the representation dated 14.12.2020 made by the Applicant and to pass appropriate order about his grievances of non-payment of regular salary pertaining to period prior to suspension as well as shall pay subsistence allowance to the Applicant, if not paid.

5. Respondent No.2-S.D.O. is directed to comply the directions within six weeks from today.

6. O.A. is disposed of accordingly with no order as to costs.

Sd/-

[*P.T.O.*

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959(B) (50,000—3-2017)

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

Date : 12.04.2021

O.A.No.697 of 2020

A. J. A. R. Shaikh ....Applicant

Versus

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

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

2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.

3. Pleading is complete.

4. The matter is admitted for final hearing on 07.06.2021.

5. S.O. to 07.06.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 12.04.2021

O.A.No.267 of 2021

G. N. Tate **....Applicant**

Versus

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

1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 07.06.2021.

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 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 07.06.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 12.04.2021

O.A.No.264 of 2021

C.S. Sanap **....Applicant**

Versus

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

1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant has challenged the suspension order dated 13.12.2019 contending that he is subjected to prolong suspension without taking any review in terms of G.R. dated 14.10.2011.

3. Learned P.O. is directed to take instructions from the Respondents as to why D.E. is not completed in terms of G.R. dated 14.10.2011 and why the Applicant is subjected to prolong suspension without taking review and reinstatement in service.

4. Issue notice before admission returnable on 06.05.2021.

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 O.A.. 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.

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.

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.

10. S.O. to 06.05.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 12.04.2021

O.A.No.225 of 2021

S. D. Gawade **....Applicant**

Versus

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

1. Heard Shri R. G. Patil, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 07.06.2021.

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 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 07.06.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date: 12.04.2021

O.A. No.638 of 2020

D.U. Rathod .....**Applicant**
Versus
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. Learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1 to the amended part of the O.A. It is taken on record.

3. Adjourned to 06.05.2021 for hearing at the stage of admission.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date : 12.04.2021

O.A.No.790 of 2020

S. U. Kulkarni ....Applicant

Versus

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

1. The Applicant and his Counsel both are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.

2. Today, for the first time the matter is listed for admission. Notice is not yet issued.

3. Learned P.O. submits that O.A. is not within limitation and no M.A. is filed.

4. The matter is adjourned to 03.05.2021 for admission.

5. S.O. to 03.05.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 12.04.2021

O.A.No.765 of 2020

T. P. Rathod **....Applicant**

Versus

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

1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. On request of learned P.O., two weeks time as a last chance for filing reply.

3. S.O. to 30.04.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

Date : 12.04.2021

O.A.No.202 of 2021

A.R. Jadhavar ....Applicant

Versus

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

1. Heard Shri A.P. Jadhav, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. On request of learned P.O., three weeks time is granted for filing reply as a last chance.

3. S.O. to 03.05.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 12.04.2021

O.A.No.178 of 2021

R. K. Dhanawade ....Applicant

Versus

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

1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicant and Shri Ram Apte, Special Counsel with Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. In this O.A., the Applicant has challenged the order dated 25.02.2021 whereby he was relieved with direction to join General Administration Department. The Tribunal has granted interim relief on 04.03.2021.

3. However, today learned Special Counsel for the Respondents has tendered the order dated 15.03.2021 issued by Government stating that the Government has withdrawn and cancelled the order dated 25.02.2021 which is impugned in the present O.A.. The order is taken on record and marked by letter 'X'.

4. Thus, the impugned order has been withdrawn by the Government, and therefore, O.A. does not survive.

5. In view of above, O.A. is disposed of with no order as to costs.

6. Interim relief stands vacated.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 12.04.2021

O.A.No.146 of 2021

S. A. Bhosale **....Applicant**

Versus

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

1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. On request of learned P.O., two weeks time is granted for filing reply as a last chance.

3. S.O. to 03.05.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 12.04.2021 **O.A.No.83 of 2021** **M.S. Deo ....Applicant** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. On request of learned P.O., two weeks time is granted for filing reply as a last chance. 3. S.O. to 03.05.2021. Sd/- **(A.P. Kurhekar)** **Member(J)** vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 12.04.2021 **O.A.No.71 of 2021** **P.B. Rajput ....Applicant** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Learned Counsel for the Applicant has filed Rejoinder. It is taken on record. 3. Pleading is complete. 4. The matter is admitted for final hearing. 5. S.O. to 08.06.2021. Sd/- **(A.P. Kurhekar)** **Member(J)** vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 12.04.2021

O.A.No.46 of 2021

N.A. Tittal Chavan ....Applicant

Versus

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

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

2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.

3. The matter is adjourned for hearing at the stage of admission.

5. S.O. to 06.05.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) |Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 12.04.2021 **O.A.No.18 of 2021** **Dr. D. B. Bhosale ....Applicant** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondents. It is taken on record. 3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder, if any. 4. S.O. to 04.05.2021. Sd/- **(A.P. Kurhekar)** **Member(J)** vsm

[*P.T.O.*

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 08.04.2021

O.A.No.378 of 2020

S.N. Raktate ....Applicant

Versus

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

1. Heard Shri Shantanu Raktate, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.

3. The Applicant's retiral benefits were withheld because of D.E. He retired in 2013 but D.E. was not concluded, and therefore, has filed this O.A.

4. Respondent No.2 has filed reply along with the order passed by the Government on 01.04.2021 which shows that the Government has taken decision to close the D.E. Thus, the decision to close the D.E. has been taken after eight years from the retirement of Applicant which indeed could have been taken much earlier.

5. The Applicant's Counsel has, therefore, requested for direction for inquiry into the matter and also prayed for interest and cost.

6. Since the D.E. is now already closed, the Respondents have to issue No Due Certificate and to ensure that retiral benefits of the Applicant are released immediately.

[P.T.O.

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

7. Learned C.P.O. has requested for three months time to complete the process and to release the retiral benefits. She has pointed out that the Applicant was from the establishment of Collector, Nashik, and therefore, it is for the Collector, Nashik to take further steps.

8. Since the retiral benefits of the Applicant are delayed for years together, now the process for releasing the same needs to be done expeditiously.

9. The Respondents are, therefore, directed to ensure the completion of formalities and to release retiral benefits of the Applicant as per his entitlement within eight weeks from today.

10. The Collector, Nashik is also directed to ensure the compliance of this order and copy of the order be also forwarded to Collector, Nashik for compliance.

11. In so far as the claim of the interest, cost and negligence on the part of Respondents for not completing D.E. for nine years is concerned, the matter be kept for hearing.

12. S.O. to 06.05.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 08.04.2021

M.A. No.12 of 2021 in O.A.No.727 of 2019

Mr. J. H. K.. Inamdar ....Applicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. This M.A. is filed to condone the delay of one year and eight months caused in filing O.A.

3. The Applicant was serving as Assistant Police Inspector and stands retired on 31.03.2015. At the time of retirement, his leave encashment was not correctly calculated and he was given less payment of leave encashment. According to Applicant, he had 300 days earned leave at his credit but he was paid leave encashment only for 106 days. He, therefore, made various representations starting from 27.04.2016 but the same was not responded. He then again approached the office of Lok Ayukta, State of Maharashtra, Mumbai. In the said proceeding, the directions were given by order dated 02.08.2018 to calculate the earned leave of the Applicant afresh and give information to the Applicant accordingly. However, the same was also not responded. He again made grievance before the office of Lok Ayukta but no order was passed. It is on this background, the Applicant has filed this M.A. for condonation of one year and eight months.

4. Learned P.O. has opposed the application contending that since the Applicant stands retired on 31.03.2015, he ought to have filed O.A. within the period of one year but the same is filed belatedly and the explanation given for condonation of delay is not satisfactory.

5. Perusal of record of M.A. reveals that after the order passed by the office of Lok Ayukta on 02.08.2018, Respondent No.1 gave one letter to Applicant on 04.08.2018 making reference of only one G.R. Reply is as under P.T.O.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	"पोलीस कर्मचा-यांना राज्यातील कायदा व सुवस्था राखण्याच्या दृष्टीने सार्वजनिक सुटटया नैमित्तीक रजा इत्यादी सवलती उपभोगता येत नाहीत. त्यांची वरील बाब लक्षात घेवून त्यांना कर्तव्यार्थ व्यतित केलेल्या २४ दिवसांमागे १ याप्रमाणे अतिरिक्त अर्जित रजा दिली जाते. पोलीस कर्मचा-यांना इतर कर्मचा-यांपेक्षा वेगळी सवलत त्यांची कर्तव्ये व जबाबदा-या विचारात घेवून दिलेली आहे. या अतिरिक्त रजेचा विहीत नियमाशी काही संबंध नसल्यामुळे जरी राज्य शासकीय कर्मचा-यांच्या अर्जित रजा परिगणित करण्याच्या पध्दतीमध्ये बदल करण्यात आला असला, तरी शा.नि.गृह.वि. क.एलव्हीई ०१७९/१३५४८-अ/पोल ५ अ, दिनांक ०४ सप्टेंबर १९७९ अन्वये अतिरिक्त अर्जित रजा परिगणित करण्याच्या विहीत करण्यात आलेल्या पध्दतीमध्ये कोणताही बदल करण्यात येवू नये. हे पत्र वित्त विभागाच्या सहमतीने त्यांच्या अनपौचारीक संदर्भ क्रमांक सह.७१०/९३/सेवा-९/दिनांक २९.१२.१९९३ अन्वये निर्गमित करण्यात येत आहे.'' 6. Thus, the reply is too vague and nothing specifically was communicated to the Applicant about his entitlement to 194 earned leave claimed by him or otherwise. 7. Be that as it may, one thing is clear that after retirement the Applicant has made various representations to the Respondents as well as had approached the office of Lok Ayukta to redress his grievance. He retired as API and agitating for leave encashment of 194 days. Whether there was mistake on the part of Respondents to calculate his earned leave and the Applicant was paid leave encashment correctly are the questions to be decided in O.A. 8. Indeed, significantly in reply to O.A., in Para No.3 there is admission about non-payment of leave encashment of 194 days to the Applicant. However learned P.O. sought to contend that it is not admission of fact and the Applicant was not entitled to leave encashment of 194 days. 9. As stated above after recommendations by the office of Lok Ayukta, it is by letter dated 04.08.2018 some communication was made to him which itself is vague and unclear. Even assuming that it amounts to denial of claim of the Applicant for leave encashment and the cause of action has arose on 04.08.2018, in that event also O.A. is filed in 2019 cannot be said barred by limitation. 10. If the delay is calculated from representations made by the Applicant then it comes into one year and nine months. Since the Applicant was pursuing his remedy in the office of Lok Ayukta, he cannot be said negligent in the matter. Needless to mention, while considering the application for condonation of delay, the Tribunal should adopt justice oriented approach and if delay is satisfactorily explained, it deserves to be condoned so as to decide the O.A. on merit. 11. In view of above, I am inclined to condone the delay. 12. M.A. No.12/2021 is allowed with no order as to costs. 13. O.A.No. 727/2019 be kept for hearing on 04.05.2021. Sd/- **(A.P. Kurhekar)** **Member(J)**

vsm

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

ORIGINAL APPLICATION NO. 85/2020
(Shri Satwa N. Sangle Vs. State of Maharashtra & Ors.)
(Virtual Hearing)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 12.04.2021

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that as per the order dated 13.2.2020 passed by the Hon'ble Acting Chairman the interim relief is granted and the impugned order of transfer of the applicant dated 20.1.2020 is stayed till filing affidavit in reply by the respondents. Notices were issued to the respondents and the matter was adjourned to 23.3.2020.

3. Record further shows that thereafter affidavit in reply on behalf of respondent nos. 1 to 4 dated 5.4.2021 is filed on 9.4.2021. Learned Advocate for the applicant submitted that he received the copy of the affidavit in reply on 9.4.2021. He seeks time for filing the rejoinder and also requests to extend the interim relief till next date.

[P.T.O.

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

4. Learned C.P.O. submitted that the impugned order of transfer is passed in the background of serious lapses committed by the applicant and therefore he objected for grant of extension of interim stay.

5. Considering the exigencies in the matter, in my opinion, it would be just and proper to grant short period for enabling the applicant to file rejoinder and till then it would be just and proper to extend the interim stay order.

6. In view of above, interim stay order dated 13.2.2020 is extended till next date.

7. The matter be fixed on 16.4.2021 for filing rejoinder / hearing.

Sd/-

MEMBER (J)

ARJ ORAL ORDERS 12.4.2021

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

ORIGINAL APPLICATION NO. 531/2020
(Shri Manik D. Chavan Vs. State of Maharashtra & Ors.)
(Virtual Hearing)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 12.04.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that there is urgency in the matter as the applicant is going to retire on 30.4.2021. During the argument, he invites my attention to applicant's first representation which received by the respondents on 10.8.1988 seeking correction in his date of birth from 6.4.1963 to 14.10.1965. The applicant in support relied upon birth certificate issued by the Group Grampanchayat, Moha Gavann, Tq. Manora, Dist. Washim on 20.5.1988. Learned Advocate for thc applicant also invited my attention to the latest representation dated 4.3.2020 made by the applicant to the Hon'ble Forest Minister. Perusal of this representation would show that there is no mention of his earlier representation dated 10.8.1988.

[P.T.O.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders ::-2-:: **O.A. NO. 531/2020**

3. Record of this proceedings would show that interim order is passed by this Bench on 14.12.2020 thereby the Deputy Conservator of Forests (East Forest Division), Nashik is directed to forward the representation of the applicant dated 10.8.1988 to the respondent No. 1. It is further ordered that the respondent No. 1 is directed to decide the representation made by the applicant on 10.8.1988 for correction of his date of birth, within 30 days of receiving representation from the Deputy Conservator of Forests.

4. Upon enquiry, learned C.P.O. submitted that, in spite of making efforts by writing letters as well as oral requests, no information is yet received as regards the implementation of the said order by the respondents. He seeks a week's time for making a statement and filing affidavit in reply. Learned Advocate for the applicant objected for grant of a week's time stating that there is utmost urgency in the matter.

5. Considering the peculiar facts and circumstances of the case, the matter is now kept on 16.4.2021 for filing affidavit in reply as well as response to be made by the learned C.P.O. as regards the representation.

6. S.O. to 16.4.2021.

Sd/-

MEMBER (J)

ARJ ORAL ORDERS 12.4.2021

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

M.A. No.98 of 2021 in O.A. St. No.390 of 2021
(Aurangabad Bench through Video Conferencing)

Satyajeet M. Ambhore ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Vishal P. Bakal, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer (Aurangabad Bench) for the Respondents.

2. This is a case of compassionate appointment as father of the applicant expired on 4.1.2010. The mother of the applicant moved an application on 22.1.2010 seeking appointment on compassionate grounds. Subsequently in view of her medical difficulties she made a representation to replace her name by her son after he became 18 years old on 30.1.2018. However, the same was rejected on 28.8.2018 stating that there is no provision for the same in the GR dated 21.9.2017. Thereafter the applicant made two more representations and finally approached the Hon'ble High Court at Aurangabad by filing W.P. No.918 of 2020 on 2.1.2020 assailing the impugned letter of rejection. On 30.3.2021 the Hon'ble High Court permitted the applicant to file present OA St. No.390 of 2021 as alternative remedy was available through video conferencing. In this MA the applicant has prayed to condone the delay of one year seven months and eight days. He submits that delay is not intentional but circumstantial. Moreover, the applicant was not aware about the possible forum for litigation.

3. Ld. CPO concedes the point that the delay is not intentional as claimed by the applicant.

4. For the reasons mentioned in the MA as above, we are inclined to permit the MA by condoning the delay of one year seven months and eight days. MA is allowed and the delay is condoned.

Sd/-
(V.D. Dongare)
Member (J)
12.4.2021

Sd/-
(P.N. Dixit)
Vice-Chairman
12.4.2021

(sgj)

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

O.A. St. No.390 of 2021
(Aurangabad Bench through Video Conferencing)

Satyajeet M. Ambhore ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Vishal P. Bakal, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer (Aurangabad Bench) for the Respondents.

2. Ld. CPO seeks two weeks to file reply.

3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

4. Issue notice before admission returnable on 28.4.2021.

5. 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.

6. 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.

7. 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/- Sd/-

(V.D. Dongare)
Member (J)
12.4.2021

(P.N. Dixit)
Vice-Chairman
12.4.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019)

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

O.A. No.82 of 2017

D.K. Khairnar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Removed from the caption of 'Dismissal'.

3. Ld. PO wants to verify about the reply of the State and the MPSC. Ld. PO states that reply of MPSC is already filed however it is missing from the file of PO.

4. Ld. Advocate for the applicant points out that Tribunal has passed interim order on 22.6.2017 however that order was challenged by the applicant by filing W.P. No.7624 of 2017 in the Hon'ble High Court and the Hon'ble High Court by order dated 7.7.2017 directed the Tribunal to expedite the OA. In view of this order, Ld. Advocate for the applicant submits that matter is to be expedited.

5. The order is passed in July, 2017 however the matter appears to be not circulated in between and so both the sides to take note that this matter will be taken on priority basis.

6. S.O. to 26.4.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
12.4.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
12.4.2021

(sgj)

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

O.A. No.263 of 2021

A.D. Suryawanshi & Anr. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri V.P. Sangvikar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicants are selected for the post of PSI in the batch of 2017 through LDCE. Ld. Advocate for the applicants submits that applicants are promotees who have passed LDCE in 2017 however the results were declared on 10.2.2021. They seek directions that the applicants be sent for training prior to the batch of 2018 or in the alternative they seek directions that the operation and implementation of the order dated 24.2.2021 issued by the respondents thereby sending the batch of 2018 who are direct recruits for training, should be stayed. Ld. Advocate for the applicants submits that though the order is issued on 24.2.2021 still the batch is not sent and the respondents are likely to send the said batch for training on 26.4.2021.

3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

4. Issue notice before admission returnable on 19.4.2021.

5. 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.

6. 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.

7. 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
12.4.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
12.4.2021

(sgj)

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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
	O.A. No.73 of 2020 N.R. Manaware & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Ld. CPO seeks time to file reply. 3. S.O. to 5.5.2021. Sd/- Sd/- (P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 12.4.2021 12.4.2021 (sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 12.04.2021

O.A.No.124 of 2021

M.V. Ghuge ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. The Applicant has not served the copy of the application to the Respondent No.2.

3. The learned Counsel for the Applicant submits that she will serve respondents within couples of day.

4. The learned C.P.O. for the Respondents seeks time of four weeks to file affidavit-in-reply thereafter. Copy of the affidavit-in-reply to be served on the applicant a week prior to the date of adjournment.

5. Adjourned to 07.06.2021.

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

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 12.04.2021

O.A.No.125 of 2020

A.P. Khaire ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms. Ayesha Keshodwal, learned Advocate i.b. M/S. Talekar & Asso., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Affidavit-in-reply is already filed. Admit.

3. Adjourned to 06.05.2021 for final hearing.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 12.04.2021

M.A.No.149/2021 in O.A.No.236/2021 with O.A.No.236/2021

K. Suryakrishnamurty ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1 Heard Shri Uttam Dubey, learned Advocate a/w Shri Rajaram Kuleriya i/b M/S. Law Counsellors for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The learned Counsel for the applicant submits that pursuant to order dated 05.04.2021 the amendment application is filed and it may be allowed.

3. The learned C.P.O. has no objection. Amendment is allowed. Amendment be carried out forthwith. Copy to be supplied to learned C.P.O. today itself.

4. In view of this M.A.No.149/2021 is disposed off and O.A.No.236/2021 adjourned to 15.04.2021.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 12.04.2021

O.A.No.261 of 2021 with M.A.No.144 of 2021

V.S. Kulkarni & Ors. ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The Applicants challenge the seniority list dated 09.03.2021 as on 01.01.2020 in the cadre of staff nurse on the ground that it is contrary to the provisions of Recruitment Rules of 1964 for the post of Sister / Tutor / Master Tutor. The learned Counsel submits that earlier a provisional list was prepared dated 30.11.2016, as on 01.01.2014. The learned Counsel submits that the said seniority list was prepared consistent with the Recruitment Rules which states that the educational qualification is to be given weightage than the date of joining. Thus the seniority list was prepared in the light of merit-cum-seniority. However, while preparing the present seniority list dated 09.03.2021 the respondents have given go-by to this earlier method and provision. He further points out that the provisional list of 01.01.2020 was prepared and published on 22.12.2020. The applicant no.1 has taken a written objection to this provisional seniority list on 23.12.2020. The learned Counsel submits that without considering the said objection the respondents have published the final seniority list on 09.03.2021. Hence this O.A.

3. The learned Counsel further relied on the affidavit-in-reply dated 16.09.2019 filed by Mr. Shobha Jagdish Kardak, Superintendent of Nursing Services, office of Director of Medical Education and Research, Mumbai in O.A.No.685/2017. He relied on paragraph 7, 8 and 8.1. The said affidavit is taken on record and marked as

[P.T.O.

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

Exhibit-F. At the request of learned Counsel, leave granted to include it as annexure as Exhibit-F.

4. A query was made to learned C.P.O. whether and when the objection dated 23.12.2020 was decided. The learned C.P.O. on instructions from Smt. Bharati V. Paithankar, Superintendent of Nursing Services, submits that the representation dated 23.12.2020 raising objection made by the Applicant No.1 to the respondents, however, that was not decided.

5. In view of these submissions from the learned C.P.O., we keep the seniority list dated 09.03.2021 as on 01.01.2020 in abeyance as no further action is to be taken on the basis of that seniority list till the objection is decided and it is communicated to the applicant no.1.

6. As per the request made by the learned C.P.O. three weeks time is granted for filing affidavit-in-reply.

7. If the objections found worthy of consideration then the Respondents may take appropriate decision in respect of present final seniority list.

8. Adjourned to 05.05.2021. Respondents to file affidavit-in-reply.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk