

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.06.2019.</p> <p style="text-align: center;">O.A.No.1019 of 2015</p> <p>J. V. Patil & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicants and their Counsel are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. O.A.No.1019/2015 was disposed of by this Tribunal on 22.08.2017 but the order was challenged by the State in W.P.No.11725/2018 before the Hon'ble High Court which came to be allowed by judgment dated 22.02.2019. The Hon'ble High Court was pleased to set aside the judgment dated 22.08.2017 passed by this Tribunal and remanded the matter with liberty to Original Applicants to implead the Sub Inspectors from other two categories in representative capacity. In view of the direction of Hon'ble High Court, the O.A. needs to be heard and decided within six months.</p> <p>3. In view of the order passed by the Hon'ble High Court, the matter is listed today on board for hearing. However, the Applicants and their Counsel are absent. I think it is appropriate to give one chance to the Applicants.</p> <p>4. In view of above, the matter is adjourned for final hearing on 27.06.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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
Date : 12.06.2019.

M. A. No.168 of 2019 in M. A. 550 of 2018 in M.A.No.498 of
2018 with
O.A.No.863 of 2018

Anita JethwaniApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri C. R. Sadasivan, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. O.A.No.863/2018 has been filed to challenge the order dated 12.06.2017 and for direction to release retiral benefits to the Applicant.
3. O.A.863/2018 was filed along with M.A.No.498/2018 for condonation of delay in filing O.A. However M.A.No.498/2018 as well as O.A.No.863/2018 were dismissed in default for non compliance of conditional order of collecting notices for serving on Respondents. Thereafter, again M.A.No.550/2018 was filed for restoration of M.A.No.498/2018. However, M.A.No.550/2018 was dismissed due to absence of the Applicant and his Counsel. Therefore, the Applicant again filed M.A.No.168/2019 for restoration of M.A.No.550/2018 in M.A.No.498/2018 with O.A. No.863/2018.
4. The Applicant is quite old lady who approached the Tribunal for retiral benefits. As the O.A. has been filed belatedly, she had filed application for condonation of delay which was dismissed for non compliance of condition order.
5. Having gone through the pleadings, in my considered opinion, it would be appropriate to allow M.A.No.168/2019 and M.A.550/2018 and to restore M.A.498/2018 with O.A.No.863/2018 which has been filed for condonation of delay, if the delay is condoned thereafter only appropriate order of issuance of notice will be issued in O.A.863/2018.
6. In view of above, M.A.No.168/2019 and M.A.No.550/2018 stands allowed and disposed of with no order as to costs. M.A.No.498/2018 as well as O.A.No.863/2018 are restored to file.

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

**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
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Date : 12.06.2019.

M. A. No.281 of 2019 in O.A.No.1050 of 2018

The State of Maharashtra & Ors.Applicants
(Ori. Respondents)

Versus

S. B. Ladi ...Respondent (Ori. Applicant)

1. Heard Smt. Archana B. K. holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri M. B. Kadam, learned Counsel for the Respondent (Ori. Applicant).

2. This M.A. No.281/2019 is filed for extension of time to implement the order passed by the Tribunal in O.A.No.1050/2018 on 10.04.2019 whereby the directions were given to grant provisional pension within six weeks from the date of order.

3. Perusal of application reveals that the department has taken steps in pursuance of directions given by the Tribunal and the proposal and has been forwarded to the office of Accountant General on 10.05.2019. Thus, the department seems to have taken certain steps in terms of order passed by this Tribunal.

4. In view of above, four weeks time is granted from today for the compliance of order passed by this Tribunal on 10.04.2019.

5. Misc. Application is accordingly disposed of with no order as to costs.

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

**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
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Date : 12.06.2019.

M. A. No.169 of 2019 in M. A. 549 of 2018 with
O.A.No.918 of 2018

G. SukumaranApplicant

Versus

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

1. Heard Shri C. R. Sadasivan, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. O.A.No.918/2018 has been filed for grant of retirement benefits along with M.A.No.549/2018 for condonation of delay caused in filing of O.A. However, M.A.549/2018 as well as O.A.No.918/2018 were dismissed in default on 27.02.2019 due to absence of the Applicant and his Counsel. Therefore, M.A.No.169/2019 is filed for restoration of M.A.No.549/2018 as well as O.A.No.918/2018.

3. For the reasons stated in M.A. No.169/2019, it would be appropriate to restore M.A.No.549/2018 as well as O.A.No.918/2018 so that if the delay is condoned, O.A. can be disposed of on merit.

4. In view of above, M.A.No.169/2019 stands allowed and disposed of with no order as to costs. M.A.No.549/2018 as well as O.A.No.918/2018 are restored to file.

Sd/-

(A.P. Kurhekar)
Member(J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.06.2019.</p> <p>M. A. 549 of 2018 In O.A.No.918 of 2018</p> <p>G. SukumaranApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri C. R. Sadasivan, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.2. In view of the order passed in M.A.No.169/2019, M.A. No.549/2018 as well as O.A.918/2018 are restored to file.3. Issue notice before admission returnable on 10.07.2019.4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.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 M.A.. 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.8. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.9. S.O. to 10.07.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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

Tribunal's orders
Date : 12.06.2019.

M. A. 498 of 2018 in O.A.No.863 of 2018

Anita JethwaniApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri C. R. Sadasivan, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. In view of the order passed in M.A.No.168/2019, M.A. No.498/2018 as well as O.A.863/2018 are restored to file.
3. Issue notice before admission returnable on 10.07.2019.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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 M.A.. 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.
8. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. to 10.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

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 <u>O.A. No. 1131 of 2018</u>
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B.D. Chavan ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant is directed to satisfy this Tribunal regarding the period of limitation, as the applicant states that he is out of service since 2012.

3. At the request of Ld. Advocate for the applicant adjourned to 27.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE: 12/6/2019

~~Signature of P.N. Dixit~~
Signature of P.N. Dixit (Vice-Chairman)
Signature of Shri A.J. Chougule (Member)

APPEARANCE

Shri K.R. Jagdale

Advocate for the Applicant
Shri A.J. Chougule
C.P.O./P.O. for the respondents

Adj. To: 27/6/2019 at the request of Ld. Adv. for the app.

Handwritten signature

**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 <u>O.A. No.14 of 2018</u>
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Dr. R.S. Shinge	..Applicant
Vs.	
The State of Maharashtra & Ors.	..Respondents

Heard Shri M.B. Kadam, learned Advocate holding for Shri P.V. Patil, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant seeks two weeks time to file rejoinder.

3. S.O. to 27.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

12/6/2019

P.N. Dixit (V/Ch)

M.B. Kadam Ld. Adv.
holding for Shri P.V. Patil

K.S. Gaikwad

27/6/2019

File

**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 <u>O.A. No.388 of 2018</u>
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P.G. Sawant ..Applicant
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. By consent S.O. to 21.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgl)

DATE: 12/6/2019

~~DATE:~~

~~THE~~

~~BY~~ P.N. Dixit VCA

~~DATE:~~

~~BY~~ S.S. Dere

~~DATE:~~

~~BY~~ S.P. Manchekar

~~DATE:~~

21/6/2019 by consent

[Signature]

**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 <u>O.A. No.422 of 2019</u>
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V.L. Pawar & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Ranjana Todankar, learned Advocate holding for Shri I.S. Deshmukh, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Ld. CPO seeks three weeks time to file reply.
- 3. S.O. to 28.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE: 12/6/2019

By:

P.N. Dixit C.V.C.-19

Ranjana Todankar Ld. Adv.
holding for Shri I.S. Deshmukh
S.P. Manchekar

DATE: 28/6/2019

File

**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 <u>O.A. No.444 of 2019</u>
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A.R. Lembhe & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri R.M. Kolge, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO files reply on behalf of respondent no.2 and the same is taken on record. Ld. Advocate for the applicant states that he does not want to file rejoinder.

3. Admit. To come up for final hearing in due course with liberty to circulate for early hearing.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE: 12/6/2019

P.N. Dixit (Vice-Chairman)

R.M. Kolge

Archana B.K.

Admit.

sgj

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 <u>O.A. No.482 of 2019</u>
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B.M. Yadav ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Applicant is present. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Id. CPO seeks two weeks time to file reply.
- 3. S.O. to 27.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE: 12/6/2019

~~Q.O.~~

~~Signature of Vice-Chairman~~
P.N. Dixit, Vice-Chairman

Signature of Applicant

Signature: App. is present

Signature of Applicant

Signature: S.P. Manchekar
C.P.O. for the Respondents

Adj. To: 27/6/2019

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 <u>O.A. No.85 of 2019</u>
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A.V. More ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Ranjana Todankar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO files reply on behalf of respondents no.1 & 2 and the same is taken on record.

3. Ld. Advocate for the applicant seeks two weeks time to file rejoinder.

4. S.O. to 27.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgl)

DATE 12/6/2019

Q.D.

Signature P.N. Dixit (Vice-Chairman)

Advocate

Signature Ranjana Todankar

Advocate

Signature Archana B.K.

DATE 27/6/2019

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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 <u>O.A. No.62 of 2018</u>
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P.R. Mane ..Applicant
 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 produces communication promoting the applicant and the same is taken on record. In view of the same, the Ld. Advocate for the applicant prays that the OA may be disposed off as infructuous.

3. OA is disposed off as infructuous.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE: 12/6/2019

~~.....~~

~~.....~~
P.N. Dixit CMC-A2

S.S. Dere

S.P. Manchekar

.....

Ag. To: OA is disposed off as infructuous

[Handwritten signature]

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 <u>O.A. No.817 of 2018</u>
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R.V. Khandekar	..Applicant
Vs.	
The State of Maharashtra & Ors.	..Respondents

Heard Smt. Ranjana Todankar, 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 27.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE: 12/6/2019
 SIGNED: P.N. Dixit (V/C-A)
 FOR: Ranjana Todankar
 S.P. Manchekar
 CPO

27/6/2019

File

**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 <u>O.A. No.597 of 2018</u>
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V.B. Panari & Ors.	..Applicants
Vs.	
The State of Maharashtra & Ors.	..Respondents

Heard Shri S.S. Dere, learned Advocate holding for Smt. P.J. Gavhane, learned Advocate for the Applicants, Smt. Archana B.K., learned Presenting Officer for Respondents No.1 to 3 and Shri R.L. Chavan, learned Advocate for Respondents No.4 to 19 & 21 to 24.

2. Ld. Advocate for the applicant assures that copy of substituted OA will be served on the respondents and office of CPO within four weeks.

3. S.O. to 12.7.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

12/6/2019

P.A. Dixit CV/C-A2

S.S. Dere

Archana Bk

Ld. Shri R.L. Chavan Ld. Adv for R. 4

1 to 3.

4 to 19 & 21 to 24.

S.O. to 12/7/2019

[Signature]

**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 <u>O.A. No. 1118 of 2018</u>
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S.G. Wadekar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri S.D. Patil, learned Advocate holding for Shri N.Y. Chavan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- Ld. CPO mentions that instructions are still awaited from the respondents and seeks two weeks time.
- S.O. to 28.6.2019.

Sd/-
(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE 12/6/2019
P.N. DIXIT (Vice-Chairman)
S.D. Patil, Ld. Adv.
holding for Shri N.Y. Chavan
S.P. MANCHEKAR
Presenting Officer for Respondents
Adj. R. 28/6/2019

sgj

**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 <u>O.A. No.407 of 2019</u>
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S.S. Chougule & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. At the request of Ld. CPO adjourned to 8.7.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgj)

DATE: 12/6/2019

By:

~~_____~~
P.N. Dixit (Vice-Chairman)

For Applicant:

U.V. Bhosle

For Respondent:

S.P. Manchekar

Chief Presenting Officer

Adj. to 8/7/2019 at the request of Ld. CPO.

sgj

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 O.A. No.368 of 2019
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A.S. Yadav @ A.S. Pol ..Applicant
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. Id. Advocate for the applicant states that he has approached the MPSC-Respondent No.5 to furnish him addresses of the effected persons by communication dated 1.5.2019. A copy of the same is taken on record. Respondent No.5 is directed to furnish necessary details.

3. S.O. to 21.6.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
12.6.2019

(sgl)

12/6/2019

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

S.S. Dere

S.P. Manchekar

21/6/2019

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

Tribunal's orders

Date : 12.06.2019

O.A.No.229 of 2019

G.A. Kiture & Ors. Applicants
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned C.P.O. for the Respondents.
2. Learned Advocate Shri S.S. Dere proposes to serve copy of the substituted O.A..
3. Amended copy is taken on record. Issue notice before admission returnable on 27.06.2019.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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.. 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.
8. 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.
9. S.O. to 27.06.2019.

Sd/-

(A.D. Karanjkar)
Member(J)

prk

Sd/-

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

DATE: 12/6/2019

By: Shri P.N. Dixit CVC-A,
Chairman
A.D. Karanjkar
(Member)

Approved:

Sd/- S.S. Dere

Approved by the Applicant

Sd/- S.P. Manchekar
C.P.O. for the Respondents

Adj. To: Issue notice before
admission returnable 27/6/19.

[Handwritten signature]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date : 12.06.2019.</p> <p align="center">O.A.No.539 of 2019</p> <p>A. M. MoreApplicant Versus 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. Kranti Gaiwkad, learned Presenting Officer for the Respondents. 2. In the present matter, the Applicant has challenged his transfer order dated 07.06.2019 on the ground that it is mid-term and mid-tenure transfer in contravention of Section 4(4)(ii) and 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act, 2005'). 3. Shri A. V. Bandiwadekar, learned Counsel for the Applicant pointed out that the Applicant was transferred as Store Keeper by order dated 31.05.2016 and not completed normal tenure but he has been transferred by order dated 07.06.2019 only to favour the Respondent No.2 who has been posted in the place of Applicant. He is also pointed out that there is no approval of next higher authority as required under Section 4(5) of the Transfer Act, 2005. 4. Per contra, learned P.O. sought to contend that Superintendent Engineer is empowered to transfer the Applicant in terms of notification dated 16.06.2006 and, therefore, with the approval of next higher authority i.e. Chief Engineer, the Applicant has been transferred. 5. Learned P.O. further sought to contend that the Applicant has completed more than 6 years of tenure at Mumbai and, therefore, it can't be termed as mid-tenure transfer. 6. In so far as completion of normal tenure of the Applicant is concerned, it is clear from order dated 31.05.2018 that the Applicant was posted as Store Keeper in the office of Executive Engineer, PWD, Presidency Division, Mumbai. This being the position, it can't be said that he had completed normal tenure as the period has to be reckoned with from ^{from} order dated 31.05.2018. As such, prima-facie, the impugned transfer order is mid-term and mid-tenure transfer.

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

Tribunal's orders

7. As per Section 6 of Transfer Act, 2005 for such mid-term and mid-tenure transfer, there has to be approval of next immediate preceding competent authority as mentioned in the table attached to Section 6 of the Transfer Act. Such powers of approval by next competent transferring authority can't be delegated by issuance of notification dated 16.06.2006 without amendment to the Transfer Act, 2005.
8. In view of above, I am satisfied that prima-facie the impugned transfer order is in contravention of Section 4(4)(2) and 4(5) of Transfer Act, 2005 and deserves to be stayed.
9. For the aforesaid reasons, interim relief is granted to stay the implementation of transfer order dated 07.06.2019.
10. In view of above, if the Applicant is already relieved, he be reinstated on the same post.
11. Hamdast and steno copy is granted.
12. Issue notice before admission returnable on 10.07.2019.
13. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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.. 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.
17. 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.
18. S.O. to 10.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**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
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Date : 12.06.2019.

M. A. No.149 of 2019 in O.A.No.276 of 2019

M. R. HireApplicant

Versus

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

1. Heard Shri C. T. Chandratre, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Today, learned P.O. for the Respondents has filed Affidavit-in-Reply in M.A. It is taken on record.
3. The matter is adjourned for hearing.
4. S.O. to 26.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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 : 12.06.2019.

O. A. No.524 of 2019

S. G. ParabApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. In the present matter, the Applicant has challenged the impugned transfer order dated 30.05.2019 contending that it is mid-term and mid-tenure transfer in non compliance of Section 22 (N) (2) of the Maharashtra Police Act. Secondly, it being punitive required to be stayed by way of interim relief.
3. Per contra, learned P.O. for the Respondents has pointed out that the Applicant has been transferred in view of default report approved by the Police Establishment Board (PEB) contemplated under Section 22(N) (2) of the Maharashtra Police Act.
4. Learned P.O. has tendered a copy of minutes of PEB which shows that the issue of transfer of the Applicant was discussed and found that while serving in control room, the Applicant had disclosed the phone number of the caller and thereby committed mis-conduct and his integrity found suspicious. It is also noted in the minutes that the Applicant had completed near about 17 years of service in Mumbai. The PEB, therefore, thought it appropriate to transfer him to Dhule from the point of administration of the department.
5. Suffice to say, *prima-facie*, there is compliance of Section 22(N)(2) of the Maharashtra Police Act which provides that in public interest and on account of administrative exigency, PEB can make mid-term transfer of the police personnel.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Reliance placed by the learned Counsel on the judgment of the Hon'ble High Court in W.P.No.8437 of 2017 (The Addl. Chief Secretary, Home Department & Anr. V/s Arun R. Pawar), decided on 05.09.2018 is misplaced. In that case, the transfer order was quashed as minutes did not record the reasons for the transfer of the police personnel. In that case, except the names of the officers, their place of original postings and place of proposed postings, nothing has been mentioned about the reasons for the transfer of the mid-term transfer. It is in that context, the transfer order was quashed.</p> <p>7. Whereas in the present case as discussed above reasons are specifically mentioned in the minutes of PEB</p> <p>8. In view of above, I am not inclined to grant interim relief.</p> <p>9. Issue notice before admission returnable on</p> <p>10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>11. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>12. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>13. 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>14. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>15. S.O. to 26.06.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.06.2019.</p> <p align="center">O.A.No.359, 360, 361, 362, 363, 364, 365, 366 of 2019</p> <p>G. P. Bhagat & Ors.Applicants Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Advocate for the Applicants and Shri A. J. Chougule, Smt. Archana B. K. and Smt. Kranti Gaikwad, learned Presenting Officers for the Respondents.</p> <p>2. In all these matters, the Applicants are transferred on the post of Talathi at different districts and are seeking direction for inter division transfer in terms of G.R. dated 03.06.2011.</p> <p>3. It is pointed out by the learned Counsel for the Applicants that on the representations made by the Applicants necessary compliance was got done and the concerned S.D.O. where the Applicants are seeking transfer have also communicated their NOC for transfer of the Applicants on their establishment. However, as the powers of inter division transfer in terms of G.R. dated 03.06.2011 was with the Government, the matters seem to have been stuck up, as no order has been passed by the Government within reasonable time.</p> <p>4. Today, it is pointed out by the learned P.O. that recently the Government by G.R. dated 15.05.2019 have delegated the powers of inter division transfer to the appointing authority i.e. S.D.O. in the matter of Talathi in view of G.R. dated 15.05.2019. Learned P.O. submitted that now the concerned S.D.O. is required to take necessary steps for inter division transfer and to pass appropriate order. He, therefore, requested to dispose of the O.A. with suitable directions.</p>

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

Tribunal's orders

5. Learned Counsel for the Applicants have apprehension that the Applicants again will be required to obtain fresh NOC from the concerned S.D.O. if the process is stated in terms of G.R. dated 15.05.2019. In so far as his apprehension is concerned, the care can be taken by issuing suitable directions for not initiating process afresh as the process has already completed in terms of G.R. dated 03.06.2011 in the sense of calling NOC from the concerned SDO.

6. In view of above, it would not be necessary to call for NOC again as the formalities are already completed and those are required to be considered and relied upon by the concerned S.D.O. while passing transfer orders.

7. For the reasons stated above, all these Original Applications are disposed of by following directions.

ORDER

- (A) Applications are partly allowed.
- (B) The Respondent is directed to send the proposals received from the concerned districts in respect of inter division transfers of the Applicants to Collector in which district, the Applicants are seeking inter division transfer so that those are decided in terms of recent G.R. dated 15.05.2019 whereby the powers of inter division transfer are delegated to appointing authority.
- (C) It is again made clear that there will be no need to call for fresh NOC from the concerned S.D.O. as those formalities are already completed.
- (D) Appropriate orders upon representations made by the Applicants for inter division transfer be passed within three months from today.
- (E) All these Original Applications are disposed of accordingly with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.06.2019.</p> <p align="center">O.A.No.537 of 2019</p> <p>S. P. PatilApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. In the present matter, the Applicant has challenged the order of recovery of Rs.4,19,667/- from the pension and gratuity after his retirement. The amount paid towards grant of benefit of time bound promotion seems to have been objected and sought to be recovered by impugned order dated 04.04.2019. The Applicant stands retired on 31.07.2018 but till date has not received retiral benefits. On the contrary, by impugned order dated 04.04.2019, sum of Rs.4.,19,667/- sought to be recovered from the pension and gratuity which is prima-facie not permissible in view of the judgment of Hon'ble Supreme Court in <i>Civil Appeal Na.11527/2014 (State of Punjab and others Vs. Rafiq Masih (White Washer), decided on 18th December, 2014</i> and, therefore, impugned order deserves to be stayed.</p> <p>3. In view of above, by way of interim relief recovery of Rs.4,19,667/- by order dated 04.04.2019 is stayed till further orders.</p> <p>4. Hamdast and steno copy is granted.</p>

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

Tribunal's orders

5. Issue notice before admission returnable on 10.07.2019.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. 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 10.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 11.06.2019.</p> <p style="text-align: center;">O.A.No.518 of 2019</p> <p>S. M. SonawaneApplicant</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 Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. In the present O.A. the Applicant has challenged the transfer order dated 31.05.2019 on the ground of competency of the transferring authority as well as for non compliance of provision of Section 4(4) (2) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act, 2005'.) 3. The matter was taken up for considering interim relief yesterday. However, on the request of learned P.O., it was adjourned for today for producing the record. 4. When the matter was taken up at 11.30 am, on the request of learned P.O. it was adjourned for half an hour for producing the record. 5. However, when the matter was again called out no record is produced. 6. The Applicant was not due for transfer but by order dated 31.05.2019, he has been transferred.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. In impugned order dated 31.05.2019, no reason much less special case or any administrative exigency is made out. The Applicant seems to have been transferred at the place of Shri Ganesh Chalake but no reason for disturbing the Applicant is forthcoming. The impugned transfer order, prima-facie, seems not in consonance with the Transfer Act, 2005. The impugned transfer order, therefore, deserves to be stayed.</p> <p>8. In view of above, interim relief in terms of prayer clause 10(a) is granted.</p> <p>9. Hamdast and steno copy is allowed.</p> <p>10. Issue notice before admission returnable on 09.07.2019.</p> <p>11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>12. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>13. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>14. 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>15. 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>16. S.O. to 09.07.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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

Tribunal's orders

Date : 12.06.2019.

O. A. No.532 of 2019

V. Y. Darekar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri S. T. Bhosale, learned Advocate for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 10.07.2019.
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 10.07.2019.

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 : 12.06.2019.

O. A. No.545 of 2019

W. H. Suryawanshi

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 26.06.2019.
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 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.
8. S.O. to 26.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

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

Tribunal's orders

Date : 12.06.2019.

O. A. No.534 of 2019

G. R. Wani

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri C. T. Chandratre, learned Advocate for the Applicants and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 10.07.2019.

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 10.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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
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Date : 12.06.2019.

O.A.No.397 of 2019

K. J. Kuwar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

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

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

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

4. S.O. to 26.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

**(A.P. Kurhekar) Applicant/s
Member(J)**

(Advocate vsm)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 12.06.2019.

O.A.No.491 of 2018

S. B. Gone

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. The Applicant and his Counsel are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. The matter is for hearing at the stage of admission, however, the Applicant and his Counsel both are absent.
3. Original Application is, therefore, dismissed in default.

Sd/-

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

vsm

**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
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Date : 12.06.2019.

O.A.No.1135 of 2018

F. B. Mulla

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri R. M. Kolge , learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

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

3. In the present O.A., the challenge is to the order of minor punishment.

4. As the pleadings are complete, O.A. is admitted and fixed for final hearing.

5. S.O. to 26.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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
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Date : 12.06.2019.

O.A.No.241 of 2019 with O.A. No.280 of 2017

V. V. PunathilApplicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent. It is taken on record.
3. The Applicant has also filed O.A.No.280/2017 challenging recovery wherein pleadings are complete. Whereas, in present O.A.241/2019, challenge is to the order dated 02.02.2019 whereby original pension of the Applicant has been withheld on the ground of registration of FIR.
4. Both the matters need to be disposed of together.
5. Both Original Applications be kept for hearing at the stage of admission.
6. 5.O. to 03.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____ Applicant/s

(Advocate)

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

vsm

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.06.2019.</p> <p align="center">M. A. No.268 of 2019 in O.A.No.486 of 2017</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>A. S. Gitay ...Respondent (Ori. Applicant)</p> <p>1. Heard Shri A. J. Chougule, learned P.O. for the Applicants (Ori. Respondents) and Shri A. V. Bandiwadekar, learned Counsel for the Respondent (Or. Applicant)</p> <p>2. In O.A. No.486 of 2017, the order was passed on 27.02.2019 whereby quashing the impugned communications dated 03.01.2017 and 06.04.2017, the Applicant was held entitled to deemed date of promotion and compliance was to be made within two months from the date of order.</p> <p>3. Present M.A. No.268/2019 is for extension of four weeks time for compliance of the order passed by this Tribunal. Shri A. J. Chougule, learned P.O. for the Respondents submitted that the file is processed in terms of order passed by this Tribunal and placed before the Hon'ble Chief Minister for approval. He, therefore, submitted that it will be complied with soon.</p> <p>4. One week's time is granted to the Respondent State to comply the order passed by this Tribunal in O.A.No.468/2017.</p> <p>5. In view of above, Misc. Application No.268/2019 is disposed of with no order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(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

Date : 12.06.2019.

O.A.No.531 of 2019

A. M. Naikwadi

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

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

2. In the present matter, the Applicant has challenged his transfer order dated 28.05.2019 on the ground that he was not given posting as per choice given by him in terms of G.R. for regular transfer and has been subjected to discrimination.

3. Perusal of impugned order reveals that he has been transferred on non-executive post because of initiation of D.E. which pertains to the period from July, 2011 to June 2014. Whereas, at the time of transfer, the Applicant was serving at Sangali.

4. It is pointed out by the learned Counsel that though the D.E. has been initiated against Shri Mali he was favoured by giving posting of his choice at Sangali.

5. As such, the ground of discrimination and refusal to give posting as per choice in terms of G.R. dated 09.04.2018 are raised.

6. In view of above, learned P.O. is directed to satisfy the Tribunal how different treatment is given to the Applicant and also to see whether the Applicant can be accommodated as per the choice given by him which are presently vacant.

7. Hamdast and steno copy is allowed.

8. S.O. to 17.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

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versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.06.2019.</p> <p align="center">O.A.No.1174 of 2017</p> <p>B. T. SakapalApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Advocate for the Applicant and Shri A. J. Chogule, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the Applicant who was appointed on the post of Kotwal is seeking pensionery benefits.</p> <p>3. The Respondents resisted the application contending that the post of Kotwal is not entitled for the pensionery benefits as only honorarium was paid for the post of Kotwal and it is not civil post.</p> <p>4. When the objection was raised about maintainability of the O.A., the learned Counsel for the Applicant fairly concedes that he has no case for grant of pension. He, therefore, prayed to withdraw the O.A.</p> <p>5. Allowed to withdraw the O.A.</p> <p>6. In view of above, O.A. is disposed of with no order as to costs.</p> <p align="right">Sd/- _____</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 12.06.2019.

O. A. No. 252 of 2019

K. D. ShahApplicant

Versus

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

1. The Applicant and his Counsel are absent. Heard Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent Nos.1 and 2. It is taken on record.

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

4. S.O. to 03.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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 <u>O.A. No. 52 of 2019</u>
<p>DATE: 12/6/2019</p> <p>Mr. Justice (Chairman)</p> <p>Mr. Justice (Member) A v/c-A</p> <p>APPEARANCE:</p> <p>Shri/Smt.: S.S. Dere</p> <p>Advocate for the Applicant</p> <p>Shri/Smt.: S.P. Manchekar</p> <p>Advocate for the Respondents</p> <p>Adj. to: 13/6/2019</p> <p style="text-align: right;"><i>File</i></p>	<p>P.V. Shelke Patil & Ors. ..Applicants</p> <p>Vs.</p> <p>The State of Maharashtra & Ors. ...Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. Advocate for the applicants adjourned to 13.6.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(P.N. Dixit) Vice-Chairman (A) 12.6.2019</p> <p>(sgl)</p>