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

#### Tribunal's orders

Date: 12.07.2022

#### O.A. No.350 of 2021

Dr. S.A. Trimbake

.....Applicant

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. During the course of hearing, learned Advocate for the Applicant sought to contend that the Applicant had made an Application for grant of leave from time to time supported with medical certificate and they were forwarded to concerned Department for sanction. He further submits that in terms of G.R. dated 01.03.1997 the Applicant was entitled to leave even during the period of Ad-hoc employment which was before his regular appointment through M.P.S.C.
- 3. In O.A. challenge is to the order dated 03.02.2021 whereby absence from 11.01.2003 to 23.09.2003 as well as 23.09.2010 to 03.02.2012 was treated as unauthorized absence and break in service. The Applicant has also challenged one more order dated 08.03.2021 whereby his absence from 14.08.1999 to 07.10.1999 was treated as extra ordinary leave.
- 4. In view of above, learned Advocate for the Applicant sought one week time to place on record copies of Applications made for grant of leave to substantiate that Applicant was not willfully absent.
- 5. By impugned order dated 03.02.2021 there is effect of forfeiture of earlier services rendered by the Applicant which may result into denial of pension.
- 6. Therefore in the interest of justice and to decide the matter appropriately, I am inclined to grant time to file Additional Affidavit along with Annexure etc.
- 7. S.O. to 19.07.2022.

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

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

#### FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 12.07.2022

O.A. No.194 of 2022

S. A. Shinde

.....Applicant

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. Learned P.O. sought time to respond to Affidavit in Rejoinder filed by the Applicant on 06.07.2022.
- 3. The Applicant is retiered from service but dispute remains about quantum retiral benefits since according to the Applicant he is Group 'A' Government servant whereas Respondents contention is that he is Group 'B' Government servant.
- 4. Be that as it may, the issue raised in this O.A. needs to be adjudicated on merit.
- 5. One week time is granted to file counter Affidavit, if any, with specific direction that no further time will be granted.
- Apart as seen from the record, the Tribunal is constrained to take note of the contempt of the order the passed bγ Tribunal on 07.06.2021 O.A.No.279/2020 filed by the same Applicant in which grievance was raised for withholding gratuity due to pendency of D.E. O.A. was allowed with direction to release gratuity within two months from the date of order with further direction to complete the D.E. within four months from the date of order without fail. However, shockingly till date no final order is passed in D.E.

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

#### Tribunal's orders

V

- 7. When specific query is raised to learned P.O., she submits that the proposal is sent to M.P.S.C. on 10.06.2022 and on receipt of communication further orders will be passed.
- 8. It is thus obvious that final order which was to be passed within four months is not passed though the period of one year is over till date.
- 9. Thus *ex-facie* Respondent has no regard to the orders passed by the Tribunal. No M.A. was filed for extension of time by the Respondent. As such, *primafacie* there is contempt of the order passed by the Tribunal on 07.06.2021. It is, therefore, imperative to issue notice to the Respondent as to why *suo-motu* proceedings for contempt of court should not be initiated against the Respondent before Division Bench.
- 10. The Principal Secretary, Food, Civil Supply & Consumer Protection Department, Mumbai should file his affidavit on next date and thereafter further order will be passed in the matter.
- 11. S.O. to 19.07.2022.

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

VSM

Date: 12.07.2022

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

#### FARAD CONTINUATION SHEET No.

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

Date: 12.07.2022

O.A. No.475 of 2022

S.H. Dhanawade & Ors. ......Applicant

Versus

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

- 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
- 2. The Applicants are seeking repatriation to their parent department on completion of near about seven years in Motor Transport Department. They made representations for repatriation but it was not responded. Therefore the Applicants have approached this Tribunal by filing O.A.
- 3. Indeed, the Applicants were required to be repatriated in their original Department in view of policy decision reflected in Circular dated 02.04.2018 which was issued on basis of directions given by this Tribunal in earlier proceeding.
- 4. Thus, there is no denying that the Applicants have completed more than five years in Transport Department and they were required to be repatriated to their original Department. Suffice to say now the Applicants cannot be detained for longer time in Transport Department.
- 5. Learned P.O. tendered letter dated 12.07.2022 issued by office of Respondents stating that the issue of repatriation of the Applicants will be considered in general transfer of 2022.

Office Notes, C	Office Notes, Office Memoranda of Coram,				
Appearan	ce, Tribunal's orders or				
directions	and Registrar's orders				

#### Tribunal's orders

- 6. It is for the Commissioner to make arrangement of substitute Drivers in Motor Transport Department and for that matter the Applicants cannot be retained since they are due for repartition for more than two years.
- 7. In view of above, O.A. is disposed of with direction to the Respondents to relieve the Applicants for joining them to their parent Department within four weeks from today.
- 8. No order as to costs.

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

NMN

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

#### FARAD CONTINUATION SHEET No.

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

Date: 12.07.2022

O.A. No.37 of 2017

P. H. Sarang

.....Applicant

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 Counsel for the Applicant has filed Rejoinder. It is taken on record.
- 3. Learned P.O. is directed to produce the copy of deposition of witnesses recorded in D.E. for perusal of the Tribunal and to open the matter on next date without fail.
- 4. S.O. to 19.07.2022.

Sd/-

(A.P. Kurhekar) Member (J)

VSM

M.A./R.A./C.A. No.

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	Date: 12.07.2022	
	M.A. No.393 of 2022 in O.A.	No.638 of 2022
	J.B. Garje Versus The State of Maharashtra & Ors.	ApplicantRespondents.
	<ol> <li>Heard Shri S.D. Butala, lea Applicant and Shri A.J. Chougul Officer for the Respondents.</li> </ol>	
	2. On request of learned P. granted to file Affidavit-in-Reply to	
	3. Since, the Applicant is deprived of Gratuity and Regular O.A. deserves to be disposed of expanding the second s	Pension for 14 years,
	<ol> <li>No further time will be gi</li> <li>Reply and it should be filed on ne</li> </ol>	

Sd/-

(A.P. Kurhekar) Member (J)

NMN

S.O. to 15.07.2022.

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

#### Tribunal's orders

Date: 12.07.2022

#### O.A. No.461 of 2021

R. R. Jadhav

.....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.
- During the course of hearing of the matter, learned P.O. sought to tender minutes of PEB dated 14.01.2021. It is tendered only after the objection has been raised by the learned Counsel for the Applicant for placing of Minutes of PEB on record.
  - 3. The copy of Minutes of PEB sought to be tendered purported to the meeting dated 14.01.2021. Surprisingly, in affidavit in reply it is stated that PEB was held on 06.02.2020. Indeed, the Minutes of PEB were required to be filed along with reply which was filed in August 2021.
  - 4. In view of above, the Minutes of PEB dated 14.01.2021 now shown to the Tribunal cannot be taken on record without proper explanation for not filing the same along with Affidavit in Reply and the wrong date of PEB shown in Affidavit in Reply. It is thus, obvious that Affidavit in Reply has been filed very casually.
  - 5. Since the Minutes of PEB is crucial, in the interest of justice, it needs to be taken on record for appropriate decision of the matter.
  - 6. The Additional Director General of Police, Traffic is, therefore, directed to file Affidavit and to explain the circumstances noted above. It is only after filing of Affidavit and satisfaction of the Tribunal, the Minutes of PEB will be taken on record.
  - 7. Three days' time is granted to take necessary steps.
  - 8. Steno copy is granted to learned P.O.

9. S.O. to 14.07.2022.

Sd/-

(A.P. Kurhekar) Member (J) (G.C.P.) J 2737 (50,000—4-2019)

### IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

M.A./R.A./C.A. No.

of 20

ΙN

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 ord	ers
	Date: 12.07.2022 O.A. No.39	7 of 2021
	N. G. Shaikh	Applicant
	Versus	
	The State of Maharashtra &	OrsRespondents
	<ol> <li>Heard Shri C. T. Cha for the Applicant and Shri Presenting Officer for the Res</li> </ol>	
	<ol> <li>The same issue is investigated by Advocate Smt. Punant be also kept with that O.A.</li> </ol>	olved in connected matte n Mahajan, hence this O.A
	3. S.O. to 26.07.2022.	
	3. S.O. to 26.07.2022.	0.1/

Sd/-

(A.P. Kurhekar) Member (J)

VSM

(G.C.P.) J 2737 (50,000—4-2019)

### IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

M.A./R.A./C.A. No.

of 20

ΙN

Original Application No.

of 20

### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Tribunal's orders Appearance, Tribunal's orders or directions and Registrar's orders Date: 12.07.2022 O.A. No.758 of 2021 A. B. Suryawanshi .....Applicant Versus The State of Maharashtra & Ors. .....Respondents.

- Heard Shri Aditya Kharkar holding for Shri Warunjikar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
- In O.A. prayer was restricted for direction to Respondent No.2 to decide the Applicant's representation dated 03.06.2021 and 04.06.2021. During the pendency of O.A., the Respondent No.2 rejected his representations by order dated 17.01.2022 which is placed on record along with affidavit in reply.
- In view of above, learned Counsel for the Applicant sought time to amend the O.A. so as to challenge communication dated 17.01.2022.
- Two weeks' time is granted to take necessary 4. steps.
- 5. S.O. to 29.07.2022.

Sd/-

(A.P. Kurhekar) Member (J)

VSM

M.A./R.A./C.A. No.

of 20

ΙN

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: 12.07.2022
	O.A. No.16 of 2022
	A. S. Unavane & OrsApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
	<ol> <li>Today, learned P.O. has filed Sur-Rejoinder on behalf of the Respondent Nos.1 to 4. It is taken on record.</li> </ol>
	3. S.O. to 2 <b>§</b> .07.2022.
	Sd/-
	(A.P. Kurhekar) Member (J)

Original Application No. of 2	DISTRICT Applicant/s
(Advocate	versus
The State of (Presenting Officer	f Maharashtra and others Respondent/s
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	12.07.2022 Tribunal's orders
directions and Registrat	M.A 455/2018 in O.A 649/2018
	P.V Karne & Ors  Vs.  The State of Maharashtra & Ors  1. Heard Shri G.B Solanke, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.  2. Learned counsel for the applicants informs that due to revised merit list published by M.P.S.C, the cause of action does not survive and the Original Application has become infructuous.  3. In view of the above, both the Misc Application and Original Application stand disposed of as infructuous.
	(Medha Gadgif) Member (A)  Akn

### (G.C.P.) J 2735 (50,000—4-2019) IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

IN THE MAHARASHITA	MUMBAI
Original Application No.	of 20 District Applicant/s
(Advocate	)
	versus
The State	e of Maharashtra and others Respondent/s
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or	Tribunal's orders
directions and Registrar's orders	Date: 12.07.2022
	O.A.No.229 of 2017
	S.A. UpadhyeApplicant Vs. The State of Maharashtra & OrsRespondents.
	<ol> <li>Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li> </ol>

- Supervisor Applicant working as Panchayat Samiti, Taluka Shirol, Zilla Parishad, Kolhapur prays that order dated 30.05.2016 issued by Respondent No.1, denying her to appear for the Interview Test holding her ineligible for direct recruitment for the post of Child Development Project Officer, Group-B as she is age barred and also on the ground that she could not produce the certificate that she is the State Government servant, be quashed and set aside.
  - Learned Advocate submits that Applicant though she was working in Zilla Parishad, Kolhapur she is the State Government servant for all legal and practical purpose and therefore she is eligible for age relaxation for 10 years as per Clause 4.2 of the advertisement dated 17.03.2015 and therefore she be allowed to participate in the interview and Respondent No.1 to be directed to forthwith hold the Interview Test of the Applicant.
    - At the outset we would like to note that no interim relief was granted by this Tribunal. In this matter the Applicant seeks permission to appear for interview test for the post of Child Development Project Officer, Group-B pursuant to G.R. dated 17.03.2015. Obviously, as on today the entire process of filling up the vacancies pursuant to the said advertisement is over. We have confirmed this fact from the learned P.O.

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

#### Tribunal's orders

- 5. Learned Advocate for the Applicant submits that the application is not infructuous because if at all the applicant can prove that she is a Government servant and for illegal reasons she was denied opportunity to appear for the examination and also she is entitled to get 10 years of age relaxation then special interview can be held by directions given by this Tribunal.
- 6. Learned Advocate submits that the Applicant is covered by Rule 2(d) Recruitment Rules dated 28.07.2006, which reads as under:

2(d) "Government" means to the Government of Maharashtra.

Further he points out that she is entitled to Rule No.6(b) and (c), which states that 10 years relaxation is given to the candidates already serving in Government.

- 7. Learned Advocate submits that the Applicant working in Zilla Parishad means she is working under the Government so she is entitled for relaxation of 10 years in age. He further relies on Clause 4.2, the general instructions given to the candidates pursuant to the impugned advertisement. He points out the directions given in Clause 1.11 and 1.12 of the said advertisement.
- 8. The submissions made by learned Advocate are not legal hence, rejected.
- 9. O.A. has become infructuous and hence dismissed.

Sd/
(Medha Gadgil)

Member(A)

(Mridula Bhatkar, J.)

Chairperson

Original Application No.	of 20	DISTRICT	•
			Applicant/s
(Advocate	)		
	versus		
The Sta	ate of Maharashtra	and others	
			Respondent/s
(Presenting Officer		)	
	12.07.2022	<u> </u>	
Office Notes, Office Memoranda of Corar Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orders A 128/2021 in O.A 2	12/2021
	Shri V.G Dawa	ari Vs.	Applicant
	The State of M	laharashtra & Ors	Respondents
	applicant and Ms Swati Mar	Shri R.M Kolge, learn Ms Archana B.K, lear Ichekar, learned C.P.O Jone present for Respo	rned P.O holding for for the Respondent
	2. Learne Respondents i	d P.O files affidavit in 1 & 3.	n reply on behalf of
	pensionary be late applicant that a res	d P.O is directed to enefits to be given to to Also the learned P.O ponsible officer from present before this T	he legal heirs of the is directed to inform m the concerned
	4. S.O to Sd/-	19.7, 2022.	Sd/
	(Medha Gadgi Member (A)	ilý (Mri	dula Bhatkar, J.) Chairperson

Original Application No.	of 20		DISTRICT	
			••	Applicant/s
(Advocate	)			
	versu	ds		
The Sta	te of Mahara	ashtra and others		
				Respondent/s
(Presenting Officer		)		
Office Notes, Office Memoranda of Coram Appearance, Tribunal's orders or directions and Registrar's orders	,	Tribun	al's orders	
	12.07.2	2022		
		C.A 22/2022	in O.A 200/202	<u> 21</u>
		de & Ors Vs. te of Maharashtra 8		olicants spondents
		Heard Shri R.M Ko nts and Mrs K.S ( dents.		
	Bagade, Shri Na except I the offic With re P.O sta	Learned P.O submall the dues have ndkumar Mahajan D.C.R.G, for which e of the Treasury agard to Shri Sures tes that the appliry papers to the off	been paid to hi , the all dues hathe bill has been and he will be paid hkumar R. Nala icant has not s	m. In case of ave been paid a submitted to id the same.
	Nalavad	n view of the above e to submit the n wo weeks.		
·		S.O to 26.7.2022.	) Sd/-	. ,
	(Medha Membe			hatkar, J.) person

Original Application No.	of 20	I	DISTRICT
			Applicant/s
(Advocate	•••••	.)	
	ι	versus	
The S	State of Ma	harashtra and others	
			Respondent/s
(Presenting Officer		)	
Office Notes, Office Memoranda of Cor Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's Date : 12.07.2022	s orders
		O.A.No.426 of 2016 v O.A.No.850 of 2021 v S.J. Wayachal (O.A.315/ A.S. Bhosale (O.A.425/2 G.T. Deokar (O.A.426/20	016) 016)
			)
		the Applicants and M Presenting officer for the	s. K.S. Gaikwad, learned Respondents.
		learned Advocate Mr. I	
		Sd/- (Medha Gadgil¶ Member(A)	Sd/- ' (Mridula Bhatkar, J.) Chairperson

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Original Application No.	of 20	Dis	TRICT		
			Applicant/s		
(Advocate	)				
	versus				
The	State of Maharashti	ra and others			
			Respondent/s		
(Presenting Officer		)			
Office Notes, Office Memoranda of C Appearance, Tribunal's orders o directions and Registrar's orde	r	Tribunal's or	rders		
	12.07.2022	<u>.</u>			
		O.A 349/2017			
	Shri K.V Pat	til Vs.	Applicant		
	The State of	vs. Maharashtra & Ors	Respondents		
	applicant ar	1. Heard Shri S.S Dere, learned advocate for the applicant and Mrs K.S Gaikwad, holding for Ms Swati Manchekar, learned C.P.O for the Respondents.			
		ned counsel for the	applicant states that he next date.		
	3. Matt Dismissal'.	er to be removed	from the 'Caption of		
	4. S.O	to 23.8.2022.			
		. 1	-		
	Sd/-	1	_		
	(Medha Gad Member (A		(Mridula Bhatkar, J.) Chairperson		

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Tribunal's orders directions and Registrar's orders Date: 12.07.2022 O.A. No.563 of 2020 with O.A. No.564 of 2020 with O.A. No.565 of 2020 with O.A. No.566 of 2020 M.A. Divekar Z.A. Zadbuke A.A. Jadhav A.A. Talaskar .....Applicant Versus The State of Maharashtra & Ors. .....Respondents. Shri S.D. Joshi, learned Advocate for the Applicant is absent. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.3 & 4 in O.A.563/2020, 566/2020 and also has filed Affidavit-in-Reply on behalf of Respondent Nos.1,3 & 4 in O.A.565/2020. It is taken on record.

> 3. S.O. to 19.07.2022.

> > Sd/-Sd/-(Medha Gadeil) (Mridula R. Bhatkar, J.) Member (A) Chairperson

NMN

Original Application No.	of 20	Dis	STRICT
			Applicant/s
Advocate	)		
	versus		
The St	ate of Maharasl	ntra and others	
			Respondent/s
(Presenting Officer		)	•
(Fresenting Officer			
Office Notes, Office Memoranda of Cora Appearance, Tribunal's orders or directions and Registrar's orders	m,	Tribunal's o	orders
	Date	: 12.07.2022	
	0.	A.No.325 of 2018 wi	th O.A.No.13 of 2020
	A.M. R.S.	Jadhao (O.A.325/201 Pawar (O.A.13/2020) Vs.	8) Applicants
	The S		% OrsRespondents.
	1.	Heard Mr. M.D. Lor	nkar, learned Advocate for
			325/2018, Mr. S.S. Dere,
			Applicant in O.A.No.13
	1		nt in O.A.No.325/2018,
	<b>I</b>		earned Chief Presenting
	<b>I</b>		lents, Mr. D.B. Khaire, for Mr. C.T. Chandratre,
	learn		Respondents No.3 in
		No.13/2020.	Respondence
		,	
	2.		ubmits that Respondent
			wish to file affidavit-in-
	reply		
	3.	Adjourned to 26.0	07.2022. H.O.B. at 12.30
	p.m.		
		Sd/-	Sd/- >
		dha Gadgil) Iember(A)	(Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20	DISTRICT			
		Applicant/s			
(Advocate	)				
	110	rsus			
m, c					
The S	state of Man	arashtra and others			
		Respondent/s			
(Presenting Officer	••••	)			
Office Notes, Office Memoranda of Cor Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orders			
, , , , , , , , , , , , , , , , , , , ,		Date: 12.07.2022			
	ļ	O.A.No.862 of 2016			
		A.J. Telvekar & OrsApplicants Vs.			
	,	The State of Maharashtra & OrsRespondents.			
		1. Heard Mr. M.D. Lonkar, learned Advocate for			
		the Applicants, Mr. A.J. Chougule, learned			
	i	Presenting officer for the Respondents, Mr. D.B.			
		Khaire, learned Advocate for Respondent No.1 and			
	i	Mr. S.S. Dere, learned Advocate for Respondent No.101.			
		2. Learned Advocate Mr. S.S. Dere appearing			
	1	or Respondent No.101 seeks time to file short			
		affidavit-in-reply.			
		3. Time granted. Adjourned to 02.08.2022.			
		Sd/- Sd/-			
		(Medha Gadgil) (Mridula Bhatkar, J.)  Member(A) Chairperson			

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

#### Tribunal's orders

#### 12.07.2022

### M.A 246/2022 in O.A 13/2019 with C.A 20/22 in O.A 13/2019

R.N Joshi

... Applicant

Vs.

The State of Maharashtra & Ors .

... Respondents

- 1. Heard Ms V.C Dambre, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.
- 2. Learned P.O submits that the order of this Tribunal dated 7.2.2019 to regularize the period of suspension from 12.4.1996 to 8.3.2018 has been complied and order has been issued on 1.7.2019. Further the Superintending Engineer, Thane Irrigation Circle has also taken decision about pay fixation of the applicant on 1.2.2020.
- 3. Learned counsel for the applicant submits that the applicant has grievance about the pay fixation which was done by order dated 1.2.2020 as the amount of Rs. 24,62,717/- has been illegally deducted by the Respondents. She further submits that the applicant was due for promotion and while regularizing the period of suspension mentioned in the order of this Tribunal, the Respondents should have given him promotion also. So the regularization of the said period is not done properly.
- 4. We have perused the order dated 7.2.2019 passed by the Tribunal, especially para 7. From the perusal of the record, it is clear that the Respondents have complied with the order of this Tribunal.
- 5. If the applicant is having any grievance in respect of deduction of the amount of Rs. 24,62,717/-as mentioned in the order dated 1.2.2020 or not giving him promotion, it is a different cause of action and it cannot be covered under the order dated 7.2.2019, for which contempt is filed.
- 6. Under such circumstances, as the order of the Tribunal dated 7.2.2019 has been complied with, C.A 20/2022 stands disposed of and Misc Application No. 246/2022 does not survive.

Sd/-

Sd/-

(Medha Gadgil) Member (A)

(Mridula Bhatkar, J.) Chairperson

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riginal Application No.	of 20 District
	Applican
dvocate	)
ivocate	
	versus
The Sta	te of Maharashtra and others
	Responden
	-
resenting Officer	)
Office Notes, Office Memoranda of Coran Appearance, Tribunal's orders or directions and Registrar's orders	, Tribunal's orders
	12.07.2022
	C.A 47/2021 in O.A 280/2017 with O.A 241/2019
	V.V Punathil Applicant
	Vs. The State of Maharashtra & Ors Respondents
	1. None present for the applicant. Heard Marchana B.K, learned P.O for the Respondents.
	2. Learned P.O submits that pursuant to ord dated 5.7.2022 of this Tribunal, para 36 of the judgment has been incorporated in the proposal sent the office of the Accountant General and the office from the Department went to the office of the Accountant General for follow up. However, they had informed that the matter is still under actic consideration.
	3. Learned P.O further submits that Writ Petitic No. 11268/2022 has been filed before the Hon'ble Hig Court in O.A 280/2017 and the same is still pending.
	4. In view of the above, matter adjourned 26.7.2022.
	Sd/- Sd/
	(Medha Gadgil) (Mridula Bhatkar, J.)  Member (A) Chairperson

Original Application No.	of 20	DISTRICT
		Applicant/s
Advocate	)	<b>s</b>
	versus	
	The State of Maharashtra an	nd others
		Respondent/s
(Presenting Officer		
Office Notes, Office Memoranda Appearance, Tribunal's ord directions and Registrar's	lers or	Tribunal's orders
	12.07.2022	
	C.A	39/2019 in O.A 216/2016
	A.P Charate	Applicant
	V: The State of Mah	
		esent for the applicant. Heard Mrs K.S d P.O for the Respondents.
	been filed before is still pending that the appli	P.O submits that W.P 7879/2019 has the Hon'ble Bombay High Court which and the applicant has made statement cant will not pursue the contempting the pendency of the matter before the urt.
	3. In view 20.9.2022.	of the above matter adjourned to
	Sd/-	Sd/-
	(Medha Gadgii) Member (A)	) (Mridula Bhatkar, J.) Chairperson

Original Application No.	of 20	Districт Applicant/s		
(Advocate	)	•		
	versus			
The Sta	te of Maharashtra and o	thers		
		Respondent/s		
(Presenting Officer	)			
Office Notes, Office Memoranda of Coram Appearance, Tribunal's orders or directions and Registrar's orders		ribunal's orders		
	12.07.2022			
	C.A 39/2	2022 in O.A 802/2021		
	Shri N.B Kolekar	Applicant		
	Vs. The State of Mahara	shtra & Ors Respondents		
		S.S Dere, learned advocate for the rchana B.K, learned P.O for the		
	1	nsel for the applicant submits that .2022 is yet to be complied with.		
	the Tribunal has grant make representation	nsel for the applicant submits that iven directions to the applicant to n giving option of Kolhapur and hould consider the same in general 2.		
	4. Learned P.O submits that the general transhave been postponed upto 30.6.2022. She fur submits that there is no decision about the general transfers after 30.6.2022 and hence the case of applicant cannot be considered at this stage. How as and when the general transfers take place, the of the applicant will be considered.			
	directions to the representation of ap of 2022. If at all the	oplicant during the general transfers ne representation of the applicant is e general transfers of 2022, then the no moto contempt		
	Sd/-	Sd/-		
	(Medha Gadgil)  Member (A)	√ (Mridula Bhatkar, J.) Chairperson		

M.A./R.A./C.A. No.

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	Date: 12.07.2022		
	O.A. No.313 of 2022		
	S. B. MulaniApplicant		
	Versus		
	The State of Maharashtra & OrsRespondents.		
	<ol> <li>Heard Shri U. V. Bhosale, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> </ol>		
	<ol> <li>Enough chances are granted to file reply but the same is not filed.</li> </ol>		
	3. Hence, I am not inclined to grant further time to file reply.		
	4. O.A. be kept for hearing at the stage of admission with liberty to file reply in the meantime with copy to other side.		
	5. S.O. to 01.08.2022.		
	Sd/-		
	(A.P. Kurhekar)		

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Member (J)

Original Application No.	of 20		DISTRICT	
				Applicant/s
(Advocate	)			
	vers	us		
The St		ashtra and othe	rs	
The Soc	acc of Mana	dollar did out		Respondent/s
(Descenting Officer		)	•••	reespondent
(Presenting Officer		)		
Office Notes, Office Memoranda of Corar Appearance, Tribunal's orders or	n,	Trib	unal's orders	
directions and Registrar's orders	Da	te: 12.07,2022		
		O.A.	No.656 of 2017	,
	R.V	/. Kendre		Applicant
	The	Vs. State of Mahara	shtra & Ors	.Respondents.
	Ga	Heard Mr. rned Advocate fo ikwad, learned spondents.	Bhushan A. or the Applican Presenting O	t and Ms. K.S.
	con	post of Police		
	app of v	Learned P.O. er dated 02.11.2 pointed as Police of which is taken on or identification.	Constable on 02.	Applicant was
	4. infr	In view of th uctuous, O.A. sta <b>Sd/-</b>	e fact that matt ands disposed of.	
		edba Gadgil) Member(A)		la Bhatkar, J.) irperson

M.A./R.A./C.A. No.

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#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	Date: 12.07.2022		
	M.A. No.407 of 2022 in O.A. No.756 of 2020		
	The State of Maharashtra & Ors. (Org. Resps.)Appl. Versus M.R. Sawant & Ors. (Org. Appl.)Resps.		
	1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Applicants (Org. Respondents) and None for the Respondent (Org. Applicant).		
	<ol><li>Learned C.P.O. seeks two weeks time. Time as prayed is granted by two weeks.</li></ol>		
	3. M.A. is accordingly disposed of.		
	1 1		
	Sd/-		

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Chairperson

Original Application No.	of 20	DISTRICT
		Applicant/s
Advocate	•••••	)
		versus
The Sta	te of Ma	aharashtra 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: 12.07.2022
		O.A.No.1136 of 2016 with M.A.No.23 of 2017
		N.A. Khan (O.A.1136/2016) W.A. Ansari (M.A.23/2017)Applicants Vs.
	İ	The State of Maharashtra & OrsRespondents.
		1. Heard Mr. M.D. Lonkar, learned Advocate for
		the Applicant in O.A.No.1136/2016 and Ms.
		Archana B.K. learned Presenting Officer for the Respondents.
		2. At the request of learned P.O. matter
		adjourned to 26.07.2022 for filing affidavit-in-reply.
		Sd/- Sd/-
		(Medha GadgN) (Mridula Bhatkar, J.) Member(A) Chairperson

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

#### Tribunal's orders

Date: 12.07.2022

#### O.A.No.597 of 2022

S.B. Ingole

....Applicant

Vs.

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

- 1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 2. Learned C.P.O. tenders copy of letter dated 11.07.2022 received from the office of Under Secretary, G.A.D. addressed to the office of C.P.O. wherein the G.A.D. has requested for three months time to decide the representation as there are more than 100 objections like the objection raised by the present Applicant. Taken on record and marked as Exhibit-A.
- 3. We grant three months to decide representation of the two applicants. In the meanwhile G.A.D. is directed to keep two posts of Deputy Secretary vacant till representation is decided.
- 4. Learned C.P.O. submits that no junior of the present Applicant is promoted till today.
- 5. In view of the above, O.A. stands disposed of.

Sd/-

(Medha Gadgil) Member(A)

(Mridula Bhatkar, J.) Chairperson

Sd/-

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

#### Tribunal's orders

#### 12.07.2022

#### O.A 656/2022

Smt Geeta Anand Pethe

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

- 1. Heard Shri C.T Chandratre, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.
- 2. Learned counsel for the applicant challenges the impugned letter dated 17.9.2021 issued by Respondent no. 2, and after examining its legality and validity, the Hon'ble Tribunal be pleased to hold and declare that the said letter has been issued without application of mind and be further pleased to direct Respondent no. 2 to issue the necessary order of exemption under Rule No. 5, Section 3 of Appendix-1 of MPW Manual.
- 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 23.8.2022. .
- 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served 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 in not filed **three** days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption **'for Dismissal'** and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."

9. S.O to 23.8.2022.

Sd/-

(Medha) Gadgil) Member (A) (Mridula Bhatkar, J.) Chairperson

M.A./R.A./C.A. No.

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### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	Date: 12.07.2022 O.A. No.1209 of 2019		
	S.A. PatilApplicant Versus The State of Maharashtra & OrsRespondents.		
	1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.		
	2. Admit, with liberty to file Affidavit-in-Rejoinder.		
	3. S.O. to 06.09.2022.		
	Sd/-		
	(Medha Gadgil) (Mridula R. Bhatkar, J.)		

Member (A)

Chairperson

 $M.A./R.A./C.A.\ No.$ 

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### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	Date: 12.07.2	022	
		O.A. No.348	3 of 2022
	K.J. Chhoriya Versus		Applicant
	The State of N	/Jaharashtra & C	rsRespondents.
	for the Applica		vadekar, learned Advocate Manchekar, learned Chief oondents.
	2. Learne Reply.	d C.P.O. submi	ts that she want to file
	3. Matter	is fixed after on	e week.
	4. S.O. to	19.07.2022.	
	Ş	Sd/-	Sd/-
		a Gadgil) nber (A)	(Mridula R. Bhatkar, J.) Chairperson

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M.A./R.A./C.A. No.

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### FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 12.07.2022

O.A. No.875 of 2021

R.R. Kamble

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri R.R. Kamble, Applicant-in-Person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
- 2. Learned P.O. has file Affidavit-in-Reply on behalf of Respondent No.3. It is taken on record.
- 3. Learned P.O. submits that D.E. is complete and punishment order is issued on 21.06.2022. Affidavit-in-Reply dated 05.07.2022 is filed through Shri Sachin H. Kedar, In-charge Manager, Government Photozinco Press and Book Depot, Pune. Learned P.O. further submits that in view of this nothing remains in this O.A., the Applicant will have to pursue the remedy of appeal against the order of disciplinary authority.
- 4. The Applicant in person is present and the procedure is explained to him in the open Court. The matter has become infructuous, hence disposed of.

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л& Sd/-

(Medha Gadgil) Member (A)

Sd/-

(Mridula R. Bhatkar, J.) Chairperson

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|Spl.- MAT-F-2 E.

## IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

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Original Application No.

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### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
·	Date: 12.07.2022	
	M.A. No.380 of 2022 in O.A. No.27 of 2021	
·	Y.G. LawandeApplica Versus	ant
	The State of Maharashtra & OrsRespond	dents.
	<ol> <li>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenti Officer for the Respondents.</li> <li>In this M.A. learned Advocate for the Applications seeks copy of the Recruitment Rules notified 29.10.1959 and amended on 10.11.1959.</li> <li>Learned P.O. hands over copy of the set.</li> </ol>	
	4. M.A. is accordingly disposed of.	
	5. S.O. to 19.07.2022 for O.A., H.O.B.	
	Sd/-	<b>i</b> .
	(Medha Gadgil) (Mridula R. Bhatka Member (A) Chairperson	
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M.A./R.A./C.A. No.

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Original Application No.

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#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	Date: 12.07.2022	
	M. A. No.18 of 2019 in O.A. No.53 of 2019	
	S. R. Shinde & Ors.	Applicant
	Versus	
	The State of Maharashtra & Ors.	Respondents
	1. The Applicant and his Cou Archana B. K., learned Present Respondents is present.	nsel are absent. Smt ting Officer for the
	<ol> <li>Learned P.O. requested for short time to fi reply stating that for long time the matter is in the office undated.</li> <li>In the interest of justice, one week time granted as a most last chance.</li> </ol>	

Sd/-

(A.P. Kurhekar) Member (J)

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S.O. to 19.07.2022.

M.A./R.A./C.A. No.

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Original Application No.

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#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	<del></del>
	Date: 12.07.2022	
	M. A. No.99 of 2022 in O.A. No.164 of 2022	
	D. R. KheratkarApplica	nt
	Versus The State of Maharashtra & OrsRespond	ent
	<ol> <li>Heard Shri A. V. Bandiwadekar, lead Advocate for the Applicant and Smt. Kranti Gaik learned Presenting Officer for the Respondents.</li> </ol>	
	<ol> <li>Learned Counsel for the Applicant submits         Affidavit in Rejoinder will be filed during the cours</li></ol>	se o
	<ul><li>3. M. A. be kept for hearing.</li><li>4. S.O. to 27.07.2022.</li></ul>	

Sd/-

(A.P. Kurhekar) Member (J)

VSM

M.A./R.A./C.A. No.

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Original Application No.

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#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
·	Date: 12.07.2022	
	O.A. No. 269 of 2022	
	M. G. Jadhav Versus	Applicant
	The State of Maharashtra & Ors.	Respondents
	<ol> <li>Heard Shri S. B. Patil, lea Applicant and Shri A. J. Chougu Officer for the Respondents.</li> <li>On request of learned P.O granted for filing reply by way of lands.</li> <li>S.O. to 26.07.2022.</li> </ol>	le, learned Presenting D., two weeks' time is
		Sd/-

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(A.P. Kurhekar) Member (J)

M.A./R.A./C.A. No.

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Original Application No.

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#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	Date: 12.07.2022	
	O.A. No.:	388 of 2022
	L. S. Lahane	Applicant
	Versus	, , , , , , ,
	The State of Maharashtra 8	CorsRespondents
	<ol> <li>The Applicant and his Counsel are absent. She A. J. Chougule, learned Presenting Officer for the Respondents is present.</li> <li>On request of learned P.O., one week time is granted to file reply by way of last chance.</li> </ol>	
	3. S.O. to 19.07.2022.	
		Sd/-
		(A.P. Kurhekar) Member (J)
	VSM	

M.A./R.A./C.A. No.

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#### FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's or	ders		
·	Date: 12.07.2022			
	O.A. No.445 of 2022		O.A. No.445 of 2022	45 of 2022
	P. M. Karne	Applicant		
	Versus			
	The State of Maharashtra &	OrsRespondents		
	<ol> <li>The Applicant and h</li> <li>A. J. Chougule, learned F</li> <li>Respondents is present.</li> </ol>	is Counsel are absent. Shri Presenting Officer for the		
	2. On request of learned P.O., one week time			
	granted to file reply by way o			
	3. S.O. to 19.07.2022.			
		Sd/-		

(A.P. Kurhekar) Member (J)

VSM