

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

Tribunal's orders

Date : 13.04.2022

O.A.No.21 of 2022

M. V. Bhure

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The Applicant has challenged order dated 30.09.2021 whereby he was given different assignment in the same office in M.P.S.C. He contends to be suffering from 60% physical disability due to low vision. He made representation on 31.12.2021 for change of table contending that he is not able to work on that table due to visual disability.
3. Yesterday, when the matter was taken up for hearing it was noticed that M.P.S.C. passed order dated 21.01.2022 to give suitable work to the Applicant considering his visual disability. Learned P.O. ^{W & R} therefore directed to produce the nature of work/ duty list assigned to the Applicant to see whether it is commensurate with his disability.
4. Today, learned P.O. has tendered order dated 12.04.2022 issued by MPSC giving details of nature of duty and assignment of work to be discharged by the Applicant as Assistant Section officer. It is taken on record and marked by letter 'X'. Thus it appears that light duty work is given to the Applicant considering his visual disability.
5. The Applicant in person is also present in the Tribunal.
6. Learned Counsel for the Applicant states that duty list dated 12.04.2022 produced today is acceptable to the Applicant.
7. I also asked the Applicant about duty list assigned to him. He said he is satisfied with it.
8. In view of above, Original Application is disposed of since grievance of the Applicant does not survive.
9. No order as to costs.

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: 13.04.2022</p> <p>M.A. No.93 of 2022 in O.A. No.07 of 2022</p> <p>V.S. HankareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwdekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for condonation of delay of one month caused in filing O.A. for grant of interest. The Applicant stands retired on 31.08.2009 but his retiral benefits were not paid due to pendency of D.E. which was culminated into order of reduction of 3% pension for one year by order dated 25.09.2017. Thereafter, Gratuity and Commutation of pension was paid to the Applicant on 24.05.2018 and 28.06.2018 belatedly. The Applicant made representation dated 16.08.2018, 11.01.2019 and so on for grant of interest but those are not responded. Hence, this M.A. for grant of interest on belated payment.</p> <p>3. Thus, Gratuity and Commutation of pension was paid in the month of May and June of 2018. The Applicant had made representation on 16.08.2018 thereafter O.A. ought to have been filed within one year and six months from the date of representation, in terms of Section 21 of The Administrative Tribunal Act, 1985. However, thereafter due to COVID-19 surge and Pandemic situation the Applicant could not approach the Tribunal.</p> <p>4. I am therefore inclined to grant condonation of delay for above stated reasons.</p> <p>5. M.A. is allowed with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2022</p> <p>M.A. No.94 of 2022 in O.A. No.08 of 2022</p> <p>N.B. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwdekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for condonation of delay of one month caused in filing O.A. for grant of interest. The Applicant stands retired on 31.05.2010 but his retiral benefits were not paid due to pendency of D.E. which was culminated into order of reduction of 3% pension for one year by order dated 25.09.2017. Thereafter, Gratuity and Commutation of pension was paid to the Applicant on 18.05.2018 belatedly. The Applicant made representation dated 16.08.2018, 11.01.2019 and so on for grant of interest but those are not responded. Hence, this M.A. for grant of interest on belated payment.</p> <p>3. Thus, Gratuity and Commutation of pension was paid in the month of May and June of 2018. The Applicant had made representation on 16.08.2018 thereafter O.A. ought to have been filed within one year and six months from the date of representation, in terms of Section 21 of The Administrative Tribunal Act, 1985. However, thereafter due to COVID-19 surge and Pandemic situation the Applicant could not approach the Tribunal.</p> <p>4. I am therefore inclined to grant condonation of delay for above stated reasons.</p> <p>5. M.A. is allowed with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.04.2022</p> <p>M.A. No.95 of 2022 in O.A. No.09 of 2022</p> <p>V.V. JagtapApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwdekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for condonation of delay of one month caused in filing O.A. for grant of interest. The Applicant stands retired on 31.06.2010 but his retiral benefits were not paid due to pendency of D.E. which was culminated into order of reduction of 3% pension for one year by order dated 25.09.2017. Thereafter, Gratuity and Commutation of pension was paid to the Applicant on 27.08.2018 belatedly. The Applicant made representation dated 20.10.2018, 22.10.2018 and so on for grant of interest but those are not responded. Hence, this M.A. for grant of interest on belated payment.</p> <p>3. Thus, Gratuity and Commutation of pension was paid in the month of May and June of 2018. The Applicant had made representation on 20.10.2018 thereafter O.A. ought to have been filed within one year and six months from the date of representation, in terms of Section 21 of The Administrative Tribunal Act, 1985. However, thereafter due to COVID-19 surge and Pandemic situation the Applicant could not approach the Tribunal.</p> <p>4. I am therefore inclined to grant condonation of delay for above stated reasons.</p> <p>5. M.A. is allowed with no order as to costs.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2022</p> <p align="center">O.A. No.07 of 2022 with O.A. No.08 of 2022 with O.A. No.09 of 2022</p> <p>V.S. Hankare N.B. Patil V.V. JagtapApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwdekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. These O.As are filed along with the Application for condonation of delay, which are allowed today.</p> <p>3. In view of above, O.As are taken up for admission today.</p> <p>4. Since, Respondents are already served with proceeding of M.A., notices in O.A. are dispensed with.</p> <p>5. On request of learned P.O. four weeks time is granted to file Reply to O.A.</p> <p>6. S.O. to 07.06.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p>Date: 13.04.2022</p> <p align="center">O.A. No.777 of 2021 with O.A. No.792 of 2021 with O.A. No.793 of 2021</p> <p>Y.B. Akolkar S.R. Patil P.B. BhangareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri J.P. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 06.06.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

Date: 13.04.2022

O.A. No.238 of 2022 with O.A. No.239 of 2022

D.K. ChoudhariApplicant
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 Applicant in both O.As. is same person namely Shri D.K. Choudhari who retired on 28.02.2022. At the time of retirement two Departmental Enquires (D.E.) were pending, and therefore his retiral benefits were withheld. Therefore, he has filed these two O.As for direction to release retiral benefits and for further direction to decide two D.Es expeditiously. Infact, one O.A. could have sufficed the purpose.
3. The subsequent development took place during the pendency of O.A. is that disciplinary authority has passed order on 22.03.2022 in both D.Es and punishment of deduction of Rs.1,000/- (Rupees One Thousand Only) per month pension permanently is imposed in each D.E. As such, ^{now} ~~no~~ D.E. is culminated into final order.
4. Learned P.O. has tendered copies of punishment orders dated 22.03.2022. It is taken on record.
5. In view of above, nothing survives in this O.A. except direction to the Respondents to release the Applicant's retiral benefits as per his entitlement expeditiously subject to punishment imposed in D.Es.
6. In view of above, both these O.As are disposed of with direction to release retiral benefits of the Applicant as per his entitlement within four weeks from today in the light of punishment already imposed ^{on} ~~on~~ the Applicant.

2. 10 10/4

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2022</p> <p align="center">O.A. No.1134 of 2017</p> <p>M.L. PendumApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed short Affidavit-in-Reply on behalf of the Respondent. It is taken on record.</p> <p>3. Arguments heard, <i>privately</i>.</p> <p>4. S.O. to 18.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.04.2022</p> <p align="center">O.A.No. 424 of 2020</p> <p>Dr. K. B. BatteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This is Part-Heard matter but on request of learned Counsel for the Applicant as well as learned P.O. adjourned to cite certain judgments rendered by the Tribunal earlier.</p> <p>3. S.O. to 20.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.04.2022</p> <p align="center">O.A.No.179 of 2021</p> <p>R. A. MaratheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Shri A. J. Chougule, learned P.O. submits that the matter is being conducted by Smt. Archana B.K. but she is unable to remain present for a week due to demise of father.</p> <p>3. S.O. to 02.05.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.04.2022</p> <p align="center">O.A.No. 31 of 2020 with O.A.No.22 of 2021 with O.A.No.765 of 2020</p> <p>D. K. Zote & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that there was joint enquiry conducted against 36 delinquents and after conclusion of it, the Government issued punishment orders and Original Applications are filed by some of the delinquents at Mumbai, Nagpur and Aurangabad Bench. The Government had filed M.A. No.164/2022 for transfer of O.A. which are pending before Nagpur and Aurangabad Bench to Mumbai, Principal Bench from the point of convenience and appreciation of evidence. In M.A. notices are issued. He, therefore, requested to adjourn this matter awaiting the decision in M.A.No.164/2022.</p> <p>3. S.O. to 05.05.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.04.2022</p> <p align="center">O.A.No.983 of 2021</p> <p>P. G. KokitkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel both are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, the matter is adjourned to 07.06.2022 to give one opportunity.</p> <p>3. S.O. to 07.06.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.04.2022</p> <p align="center">O.A.No.928 of 2019 With O.A.No.937 of 2019</p> <p>S. A. DhamaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Smt. Kranti Gaikwad, learned P.O. submits that the matter is being conducted by Smt. Archana B.K. but she is unable to remain present for a week due to demise of father.</p> <p>3. S.O. to 19.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.04.2022</p> <p align="center">O.A.No.752 of 2020</p> <p>S. A. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Deven Jogdeo, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Shri A. J. Chougule, learned P.O. submits that the matter is being conducted by Smt. Archana B.K. but she is unable to remain present for a week due to demise of father.</p> <p>3. S.O. to 02.05.2022.</p> <p align="right">Sd/- WVV (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

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	<p>Date : 13.04.2022</p> <p align="center">O.A.No.316 of 2021</p> <p>Dr. R. B. NirmaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U,. V. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., short time is granted to file reply on behalf of the Respondent No.1 in terms of order passed by this Tribunal on 08.04.2022.</p> <p>3. S.O. to 19.04.2022 as Part-Heard.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.04.2022</p> <p align="center">O.A.No.717 of 2021</p> <p>S. A. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant sought permission to file Rejoinder.</p> <p>3. In the interest of justice, allowed to take it on record.</p> <p>4. S.O. to 21.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2022</p> <p align="center">M.A. No.168 of 2022 in O.A. No.260 of 2021</p> <p>M.M. MahaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for direction to the Respondents to repost the Applicant on the same post on which he was serving at the time of suspension. The Applicant was suspended by order dated 27.03.2021 in contemplation of D.E. He had challenged suspension order by filing O.A. No.260/2021, in terms of D.E. initiated against the Applicant, it was closed by giving clean chit to the Applicant since, charges leveled against the Applicant held not proved. In the mean time, the Applicant was reinstated in service and was given posting as Forester, Social Forestry, Mahad, District – Raigad. At the time of suspension he was serving as Forester, Malad Forest, Tulsi Range, Sanjay Gandhi National Park, Borivali, Mumbai.</p> <p>3. In view of above, O.A. No.260/2021 was disposed of with direction to the Respondents to pass appropriate orders about pay and allowances of the suspension period. Thereafter, disciplinary authority has passed order and granted pay and allowances of the suspension period.</p> <p>4. The Applicant then made representation dated 22.03.2022 for reinstatement on the same post on which he was working at the time of suspension. Since, representation was not responded, this M.A. is filed.</p>

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	<p>5. Learned P.O. submits that file is under consideration and necessary order will be passed.</p> <p>6. Till date enough time is availed, and therefore I am not inclined to give further time. Respondents are directed to pass appropriate order on the representation made by the Applicant on 22.03.2022 within a week from today and it shall be communicated to the Applicant.</p> <p>7. M.A. is disposed of with no order as to costs.</p> <p style="text-align: center;">^ Sd/- v</p> <p style="text-align: center;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 13.04.2022</p> <p align="center">O.A. No.274 of 2022</p> <p>V.R. GosaviApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. was disposed of by order dated 29.03.2022. Suspension order dated 11.03.2022 issued by Respondent - Divisional Commissioner, Kokan Division is quashed and set aside for the reasons mentioned in the order, and further direction were given in Para 10 of the order dated 29.03.2022, which is as under:-</p> <p align="center">"10. The Respondent is directed to reinstate the Applicant in service and thereafter he is at liberty to take further remedial measures for suspension if advised in accordance to law."</p> <p>3. Today matter is taken on board for speaking to the minutes by learned Advocate for the Applicant raising grievance that though period of near about 15 days is over, Divisional Commissioner, Kokan Division has not implemented the order on the ground that there is no time limit mentioned in the order for compliance of Para 10 of the order.</p> <p>4. Whereas, learned P.O. on instruction submits that Divisional Commissioner, Kokan Division forwarded the proposal to the Government and orders are awaited.</p>

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	<p>5. Indeed, it is Divisional Commissioner, Kokan Division who passed order which is totally bad in law, and therefore it is quashed and set aside with liberty to take further remedial measures after reinstating the Applicant. It being so, the order is passed by the Tribunal on 29.03.2022 ought to have been implemented without any delay.</p> <p>6. In view of above, time is granted for compliance of Para 10 of the order dated 29.03.2022 till 19.04.2022.</p> <p>7. Learned P.O. is directed to communicate this order to Divisional Commissioner, Kokan Division immediately.</p> <p>8. Steno copy granted.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 13.04.2022</p> <p align="center">O.A.No.66 of 2022</p> <p>A. E. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This matter is arising from mid-term and mid-tenure displacement of the Applicant from his post only to accommodate Respondent No.2 Shri Nagorao S. Chavan. The Applicant was posted as Medical Officer, Hospital Training Centre, Nashik on 01.10.2020 and was entitled for three years tenure. However, the Government by order dated 21.01.2022 posted Respondent No.2 in place of the Applicant which has effect of displacement of the Applicant from the present post. No further consequent order of posting of Applicant has been issued. Therefore, the Applicant has filed this O.A. and having found that he is displaced illegally. The Tribunal has granted interim relief by staying the operation of order dated 21.01.2022 and notices were issued to the Respondents. Till date, no reply is filed by the Respondents.</p> <p>3. Learned P.O. on telephonic instructions from Shri Chandrakant Wade, Under Secretary, Public Health Department, Mantralaya, Mumbai states that Government has realized the mistake and now file is moved for giving different posting to Respondent No.2 meaning thereby the Applicant is now retained on the present post. Learned P.O., therefore, requested to dispose of the O.A.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. Learned Counsel for the Applicant submits that interim relief granted by the Tribunal be made absolute in view of the statement made by learned P.O.</p> <p>5. Thus, what transpires that only to favour Respondent No.2, the Government has passed order dated 21.01.2022 and it is nothing but abuse of power.</p> <p>6. However, since now the Government is withdrawing impugned order dated 21.01.2022, the present O.A. is required to be disposed of.</p> <p>7. In view of above, interim relief granted by this Tribunal on 27.01.2022 is made absolute and O.A.is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 13.04.2022</p> <p align="center">O.A. No.194 of 2021 with O.A. No.287 of 2020</p> <p>Dr. A.S. Bendre Dr. P.N. KakadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri N.Y. Ukey, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that matter is being handled by learned C.P.O. but she is unable to remain present due to her mother's illness and requested for adjournment.</p> <p>3. S.O. to 20.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.04.2022</p> <p align="center">O.A. No.188 of 2022</p> <p>S.P. KalgutkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.P. Kalgutkar, Applicant-in-person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 27.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.04.2022</p> <p align="center">O.A. No.131 of 2022</p> <p>P.P. MahajanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 3. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply. 4. S.O. to 22.04.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.04.2022</p> <p align="center">M.A. No.121 of 2022 in O.A. No.95 of 2021</p> <p>G.N. DongarkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. sought permission to file Affidavit-in-Reply in M.A on behalf of Respondent No.1.</p> <p>3. Allowed to file the same and it is taken on record.</p> <p>4. S.O. to 28.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.04.2022</p> <p align="center">M.A. No.76 of 2022 in O.A. No.1050 of 2021</p> <p>S.M. PadwalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.V. Thorat, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply to M.A.</p> <p>3. S.O. to 27.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2022</p> <p align="center">R.A. No.01 of 2022 in O.A. No.328 of 2021</p> <p>P.A. BodekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply to R.A. as last chance.</p> <p>3. S.O. to 22.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2022</p> <p>M.A. No.228 of 2022 in O.A. No.310 of 2022</p> <p>S.S. ThakurApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. Savita Suryawanshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. M.A. is filed to condone the delay of 03 years, 04 Months and 25 days caused in filing O.A. No.310/2022 challenging order dated 06.11.2017 thereby treating the absence as Extra Ordinary Leave without pay. 3. Issue notice in M.A. before admission returnable on 04.05.2022. 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 Miscellaneous Application. 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 7 days before returnable date, Miscellaneous Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 9. S.O. to 04.05.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center"><u>M.A. No.36 of 2022 in O.A. No.65 of 2022</u></p> <p>P.P. Bhosale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that respondent no.1 does not wish to file reply.</p> <p>3. Ld. Advocate for the applicant seeks time to file rejoinder.</p> <p>4. S.O. to 9.6.2022.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 13.4.2022</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.203 of 2021</u></p> <p>M.R. Chavan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Reply and rejoinder are filed.</p> <p>3. Admit.</p> <p>4. S.O. to 16.6.2022 for final hearing.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 13.4.2022</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.848 of 2021</u></p> <p>M.D. Chopde & 4 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO produces copy of letter dated 6.4.2022 issued by the Joint Secretary, Home Department and the same is taken on record.</p> <p>3. S.O. to 21.4.2022.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 13.4.2022</p> <p>(sgj)</p>

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<p align="center"><i>sgj</i></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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</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 align="right">Sd/- (Medha Gadgil) Member (A) 13.4.2022</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.332 of 2022</u></p> <p>Dr. S.B. Ghogare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks interim relief in the matter of admission to Post Graduate Course as an in service candidate subject to outcome of proposed Departmental Enquiry (DE) proceedings. He points out that applicant has appeared for NEET Examination 2021 dated 11.9.2021. The results of the examination were declared on 28.9.2021. The applicant has secured 300 marks and is therefore eligible to apply for the Post Graduation Admission Course. The cutoff marks for Open Category is 302. However, the same came to be revised as 247 as per revised result dated 12.3.2022. The applicant has not been called for counseling on the ground that DE has been proposed and he is therefore not eligible as per clause 4.5 of GR dated 19.3.2019.</p> <p>3. Ld. Advocate for the applicant relies on the following judgments of the Hon'ble Bombay High Court, Bench at Aurangabad:</p> <p style="margin-left: 40px;">(i) <i>Dr. Rohan A. Thorat Vs. The State of Maharashtra, W.P. No.4671 of 2014 decided on 17.3.2015.</i></p> <p style="margin-left: 40px;">(ii) <i>Dr. Satish D. Gadade Vs. The State of Maharashtra & Ors., W.P. No.1106 of 2014 decided on 20.2.2014.</i></p> <p>4. In the above judgments the Hon'ble High Court has given permission to in service candidates to get admission in Post Graduate Course as in service candidate, subject to outcome of DE.</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>ng</p>	<p>5. Ld. Advocate has also relied on the order dated 10.2.2022 passed by this Tribunal in OA No.81 of 2022 (Dr. S.M. Gaikwad Vs. State of Maharashtra) under which the issue of proposed DE was raised by the respondents therein and the OA came to be disposed off in terms of directions issued therein.</p> <p>6. Ld. PO opposed grant of interim relief but accepts that DE is proposed and not commenced.</p> <p>7. In view of the facts of the case and in view of the ratio laid down by the Hon'ble High Court in the above judgments, we grant interim relief in terms of prayer clause 10(a) and (c) of the OA to the applicant. Applicant is allowed to appear for the counseling/admission.</p> <p>8. This will be subject to outcome of the proposed DE, if any.</p> <p>9. In view of the fact that interim relief, as prayed for is granted, the same is made subject to the outcome of this OA. Prayer clause 10(a) and (c) reads as under:</p> <p style="padding-left: 40px;">"10(a) Pending the hearing and final disposal of this OA, this Hon'ble Tribunal may be pleased to allow the applicant to participate in all counseling/admission process for the NEET-PG 2021-22 as in-service Medical Officer subject to outcome of the proposed Departmental Proceedings.</p> <p style="padding-left: 40px;">(c) Pending the hearing and final disposal of this OA, this Hon'ble Tribunal may be pleased to direct the respondents to grant in favour of the applicant "NOC" for admission to Post Graduate Medical (CPS Diploma /NBE Diploma / NBE Degree / PG Degree Diploma Courses) the NEET-PG 2021-2022 subject to outcome of the proposed Departmental Enquiry."</p> <p>10. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>11. Issue notice before admission returnable on 26.4.2022. The respondents are directed to file reply.</p>

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	<p>Date: 13.04.2022</p> <p align="center">O.A. No.333 of 2022</p> <p>S.N. GaikwadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired on the post of Superintendent of Prison on 30.04.2021 but till date his retiral benefits are not paid. Hence, present O.A. is filed for direction to the Respondents to release retiral benefits and also challenged communication dated 18.01.2022 whereby no-due certificate is issued subject to contemplated D.E.</p> <p>3. Perusal of record reveals that on the date of retirement neither there was initiation of D.E. nor criminal prosecution against the Applicant. It appears that, primarily enquiry was conducted and D.E. was contemplated but facts remains that no charge-sheet is served upon the Applicant till date. Thus, <i>prima-facie</i> withholding of retiral benefits appears illegal and O.A. therefore deserves to be disposed of expeditiously.</p> <p>4. Learned P.O. is directed to take instructions from Respondent as to why retiral benefits are withheld and to explain it by next date.</p> <p>5. In the mean time, Issue notice before admission returnable on 27.04.2022.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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.</p> <p>10. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>11. S.O. to 27.04.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>