

**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 : 13.07.2023</p> <p style="text-align: center;">O.A.No.89/2016</p> <p>S.S. RakhApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Applicant seeks direction to be given to Respondents to fix the pay of the Applicant notionally on the promoted post of Senior Clerk with arrears of pay w.e.f. 12.07.2006 when the roster point of the category of N.T.(D) was fallen vacant and to promote the Applicant on the post of Senior Clerk with all consequential benefits.</p> <p>3. Learned Advocate relies on the roster referred. He states that the D.P.C. was held on 09.06.2006. Learned Advocate further states that though roster point of N.T. (D) was shown vacant, but Applicant was not considered for promotion in NT(D) category. Applicant submitted representations dated 05.03.2008, 25.02.2010 before Respondent No.3 wherein he pointed out that he is required to be promoted in NT (D) category. Thereafter, he made various representations to the concerned authority. Without considering the representations of the Applicant, the Respondent promoted other employees in June 2009 on the basis of DPC held on 09.06.2008.</p> <p>4. Learned P.O. has relies on the affidavit-in-reply dated 30.06.2023 filed by Mr, Hemant Narayan Gangurde, Superintendent Engineer in the office of Superintendent Engineer, Pune Regional Electrical Inspector Circle, Pune. He has submitted that is necessary to complete three years of service, as for Junior Clerk eligibility for promotion to higher post as Senior Clerk. When the D.P.C was conducted on 09.06.2006, the applicant was not eligible for promotion as he was appointed on 09.01.2004 as Junior Clerk and therefore on 08.01.2007 the Applicant completed 3 years and become eligible for consideration for promotion. He has therefore submitted that the decision of not promoting the applicant in NT(D) Category at the relevant time was correct.</p>

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

Tribunal's orders

5. Per Contra, learned Advocate Mr. Jagdale has pointed out paragraphs 6.8 and 6.35 of this affidavit and submits that there is admission on behalf of Respondents and therefore the relief is to be granted and the matter be allowed.

6. We have gone through the affidavit of Mr, Hemant Narayan Gangurde especially paragraphs 6.8 and 6.35. It is better to reproduce paragraphs 6.8 and 6.35 :

"6.8. It is true to say that, the DPC was held on 09.06.2008 for filling up the Roaster Backlog of Backward Classes. But though the availability of Roaster Point of Senior Clerk for N.T.(D) Category was and available, inadvertently the applicant wasn't considered by the DPC Committee and same point remained continued. Hence the matter of the Applicant was neither rejected nor consider."

"6.35. The promotion of the Applicant is purely on temporary basis and is likely be continued subject to the verification of the Roster Register. It is not a disputed position that, the Roaster point for Senior clerk N.T. (D) category was available since 1997. It is also not a disputed position that the Applicant was due for promotion in the year 2007. But for unknown reason the candidature of the Applicant was not considered by the respective DPC Committees in the year 2006, 2007, 2008 and further."

7. We accept that in the year 2007 no DPC was conducted, however, in paragraph 6.8 it is stated that DPC was conducted on 09.06.2008 for filling up the Roaster Backlog of Backward Classes. Applicant was not considered inadvertently in the DPC of 09.06.2008 and thus he was deprived of the promotion though roster of NT(D) category was available.

8. Under such circumstances, taking into account admission in paragraphs 6.8 and also 6.35 of the affidavit dated 30.06.2023 we hereby allow the O.A. Applicant is already promoted to the post of Senior Clerk on 02.08.2022. Therefore no promotion order is required. However we allow promotion with following order :

ORDER

- (a) Respondents shall give notional date as the date of promotion to the post of Senior Clerk as on 09.06.2008 i.e. date when the D.P.C. was conducted in the year 2008.
- (b) We make it clear that the applicant is not entitled to claim any Salary from this deemed date i.e. 09.06.2008 as the date of promotion of Senior Clerk is only notional for the purpose of his seniority and consequential benefits.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 13.07.2023
	<p style="text-align: center;">M.A.No.441/2023 in O.A.Stamp No.827/2023 (Aurangabad)</p> <p>M.A. Khillare & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents</p> <p>1. Heard Mr. S.S. Dere, learned Advocate holding for Mr. Sandeep Kulkarni, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officers for the Respondents</p> <p>2. M.A. is filed seeking transfer of O.A. Stamp No.827/2023 from M.A.T. Mumbai Bench to Aurangabad Bench under Section 25 of the Administrative Tribunals Act, 1985.</p> <p>3. Learned Advocate Mr. Dere has submitted that out of 9 Applicants, 3 Applicants are within the jurisdiction of Aurangabad Bench and 6 Applicants belong to different Benches of this Tribunal. It is submitted that all the Applicants pray that the matters be allowed to appear before M.A.T. Bench Aurangabad and proceed with the matters which are already filed.</p> <p>4. Learned C.P.O. submits to the order of the Court.</p> <p>5. In view of the submissions made by learned Advocate Mr. Dere., M.A. is allowed.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.07.2023</p> <p>O.A.No.723/2016 with O.A.No.724/2016 with O.A.No.726/2016 with O.A.No.782/2016</p> <p>S.V. Thakurdesai & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The group of O.A. is to be de-tagged. All O.As will be heard separately.</p> <p>3. In O.A.No.723/2016, the Applicant challenges order dated 20.05.2016 passed by Respondent No.1 under which the Applicant is denied promotion to the post of Superintendent/ Public Relation Officer from the post of Accountant.</p> <p>4. In O.A.No.724/2016, learned Advocate Mr, Bandiwadekar has submitted that the Applicant, E.J. Barshinge had given a written application while hearing O.A.No.1064/2016 to O.A.No.1067/2016 with O.A.No.1122/2019 to O.A.No.1124/2019 with O.A.No.1027/2019 with O.A.No.1028/2019 that he did not want to pursue the matter before this Bench. It was turned down in June, 2023. Now, the applicant does not want to pursue the present O.A. also before this Bench. We would like to reproduce the relevant portion of our earlier order dated 13.06.2023 passed in O.A.No.1064/2016 to O.A.No.1067/2016 with O.A.No.1122/2019 to O.A.No.1124/2019 with O.A.No.1027/2019 with O.A.No.1028/2019, E.J. Barshinge & Anr. Versus The State of Maharashtra & Ors. thereby refusing to recuse from the matter.</p> <p>“In the application no specific allegations in respect of bias on the part of the Judges is mentioned. So, we don't find any reason to recuse; except the intention of forum shopping.”</p> <p>5. In view of above, O.A.No.723/2016 and O.A.No.724/2016 adjourned to 14.07.2023 & O.A.No.726/2016 and O.A.No.782/2016 adjourned to 17.07.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. _____ of 20 _____

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"> <u>MA No.337/2023 in OA No.971/2019</u> <u>MA No.338/2023 in OA No.973/2019</u> <u>MA No.339/2023 in OA No.1022/2019</u> </p> <p>R.P. Gaikwad M.V. Sontakke D.N. Lone Vs. The State of Maharashtra & Ors.</p> <p align="right">..Applicants ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file reply.</p> <p>3. S.O. to 27.7.2023 by way of last chance.</p> <p align="center"> Sd/- (Medha Gadgil) Member (A) 13.7.2023 (sgj) </p> <p align="center"> Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023 </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 align="center"><u>O.A. No.308 of 2023</u></p> <p>T.S. Bhadne & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that reply will be filed during the course of the day.</p> <p>3. Admit.</p> <p>4. S.O. to 27.7.2023 for final hearing.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 13.7.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.07.2023</p> <p>O.A.No.357/2016</p> <p>C.A. GhodkeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Vijay Singh, learned Advocate holding for Mr. A.A. Desai, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Applicant has filed O.A. seeking directions to the Respondents to promote the applicant to the post of Deputy Superintendent of Police from the post of Police Inspector with continuity of service from 03.05.2013 i.e. the date when he was actually entitled for promotion and also challenges order dated 01.10.2016 thereby asking Respondents to quash and set aside promotional list prepared and also prays that the Respondents be directed to prepare the fresh promotional list.</p> <p>3. Learned P.O., per contra, produced order dated 03.05.2018 issued by the Home Department of Inspector General and Director General of Police. It is specially mentioned that the applicant has not produced any caste certificate and therefore he cannot be promoted to the post of Deputy Superintendent of Police on the basis of reservation policy.</p> <p>4. Adjourned to 18.07.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.07.2023</p> <p>O.A.No.808/2023</p> <p>B.S. ZuteApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Mr. S.S. Dere, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Applicant is working as Police Constable is disabled prays that the order dated 30.09.2023 be quashed and set aside whereby order dated 23.06.2023 passed by the Respondent No.2 rejecting the request of the Applicant for creation of Supernumerary Post and also challenges her transfer order dated 18.04.2023 by which the applicant is transferred from Byculla Jail to Arthur Road Jail. 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 27.07.2023. 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. 8. 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. 9. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed. 10. Adjourned to 27.07.2023. <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

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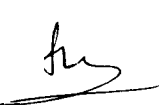
(Advocate)

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 : 13.07.2023</p> <p>O.A.No.981/2021</p> <p>A.V. PawarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Neha Kachi, learned Advocate holding for M/S. Talekar & Assoc. learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Not on board. Taken on board at the request of learned Advocate Ms. Kachi vide circulation dated 13.07.2023.</p> <p>3. At the request of learned Advocate Ms. Kachi matter is preponed by one month and is fixed on 28.07.2023.</p> <p>4. Matter fixed on 28.07.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">pk</p>

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	<p>Date : 13.07.2023</p> <p style="text-align: center;">O.A.No.89/2016</p> <p>S.S. RakhApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Applicant seeks direction to be given to Respondents to fix the pay of the Applicant notionally on the promoted post of Senior Clerk with arrears of pay w.c.f. 12.07.2006 when the roster point of the category of N.T.(D) was fallen vacant and to promote the Applicant on the post of Senior Clerk with all consequential benefits.</p> <p>3. Learned Advocate relies on the roster referred. He states that the D.P.C. was held on 09.06.2006. Learned Advocate further states that though roster point of N.T. (D) was shown vacant, but Applicant was not considered for promotion in NT(D) category. Applicant submitted representations dated 05.03.2008, 25.02.2010 before Respondent No.3 wherein he pointed out that he is required to be promoted in NT (D) category. Thereafter, he made various representations to the concerned authority. Without considering the representations of the Applicant, the Respondent promoted other employees in June 2009 on the basis of DPC held on 09.06.2008.</p> <p>4. Learned P.O. has relies on the affidavit in-reply dated 30.06.2023 filed by Mr, Hemant Narayan Gangurde, Superintendent Engineer in the office of Superintendent Engineer, Pune Regional Electrical Inspector Circle, Pune. He has submitted that is necessary to complete three years of service, as for Junior Clerk eligibility for promotion to higher post as Senior Clerk. When the D.P.C was conducted on 09.06.2006, the applicant was not eligible for promotion as he was appointed on 09.01.2004 as Junior Clerk and therefore on 08.01.2007 the Applicant completed 3 years and become eligible for consideration for promotion. He has therefore submitted that the decision of not promoting the applicant in NT(D) Category at the relevant time was correct.</p>

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	<p>5. Per Contra, learned Advocate Mr. Jagdale has pointed out paragraphs 6.8 and 6.35 of this affidavit and submits that there is admission on behalf of Respondents and therefore the relief is to be granted and the matter be allowed.</p> <p>6. We have gone through the affidavit of Mr. Hemant Narayan Gangurde especially paragraphs 6.8 and 6.35. It is better to reproduce paragraphs 6.8 and 6.35 :</p> <p>“6.8. It is true to say that, the DPC was held on 09.06.2008 for filling up the Roaster Backlog of Backward Classes. But though the availability of Roaster Point of Senior Clerk for N.T.(D) Category was and available, inadvertently the applicant wasn't considered by the DPC Committee and same point remained continued. Hence the matter of the Applicant was neither rejected nor consider.”</p> <p>“6.35. The promotion of the Applicant is purely on temporary basis and is likely be continued subject to the verification of the Roster Register. It is not a disputed position that, the Roaster point for Senior clerk N.T. (D) category was available since 1997. It is also not a disputed position that the Applicant was due for promotion in the year 2007. But for unknown reason the candidature of the Applicant was not considered by the respective DPC Committees in the year 2006, 2007, 2008 and further.”</p> <p>7. We accept that in the year 2007 no DPC was conducted, however, in paragraph 6.8 it is stated that DPC was conducted on 09.06.2008 for filling up the Roaster Backlog of Backward Classes. Applicant was not considered inadvertently in the DPC of 09.06.2008 and thus he was deprived of the promotion though roster of NT(D) category was available.</p> <p>8. Under such circumstances, taking into account admission in paragraphs 6.8 and also 6.35 of the affidavit dated 30.06.2023 we hereby allow the O.A. Applicant is already promoted to the post of Senior Clerk on 02.08.2022. Therefore no promotion order is required. However we allow promotion with following order :</p> <p style="text-align: center;">ORDER</p> <p>(a) Respondents shall give notional date as the date of promotion to the post of Senior Clerk as on 09.06.2008 i.e. date when the D.P.C. was conducted in the year 2008.</p> <p>(b) We make it clear that the applicant is not entitled to claim any Salary from this deemed date i.e. 09.06.2008 as the date of promotion of Senior Clerk is only notional for the purpose of his seniority and consequential benefits.</p> <p style="text-align: center;">Sd/- Sd/- </p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

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(Presenting Officer.....)

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	<p style="text-align: center;"><u>O.A.393/2022</u></p> <p>Shri S.V. Bairagi ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. On the request of learned P.O, adjourned for final hearing to 22nd August, 2023.</p> <p style="text-align: right;">\n Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</p>

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	<p align="center"><u>O.A.415/2022</u></p> <p>Shri S.S. Kharatmal ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. On the request of learned P.O, adjourned for final hearing to 22nd August, 2023.</p> <p>3. S.O. to 22nd August, 2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.604/2022</u></p> <p>Shri S.R. Nalavade ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri R.M. Kolge, learned Advocate for the Applicant and Smt. A.B. Kololgi holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. The learned P.O. submits that matter is being handled by Smt. Gaikwad, learned P.O. but she has left the Tribunal due to some personal difficulties. Smt. Kololgi, learned P.O. therefore requested for adjournment.</p> <p>3. Adjourned to 23rd August, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</p>

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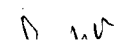
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	<p style="text-align: center;"><u>O.A.31/2020</u> with <u>O.A.22/2021</u> & <u>O.A.765/2020</u></p> <p>Shri D.K. Zote Shri D.M. Bhonde Shri T.P. Rathod ... Applicants Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.</p> <p>2. The learned P.O. submits that these O.As filed at Aurangabad Bench are already disposed of by Aurangabad Bench and M.A.No.164/2022 filed for transfer of O.As is disposed of being infructuous.</p> <p>3. In view of above, these O.As required to be heard on merit.</p> <p>4. Learned P.O. is directed to produce the copies of depositions of the witnesses examined for the perusal of the Tribunal.</p> <p>5. S.O. to 17th July, 2023.</p> <div style="text-align: right; margin-top: 20px;">  Sd/- (A.P. Kurhekar) Member-J 13.07.2023 </div> <p style="margin-top: 20px;">(skw)</p>

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	<p style="text-align: center;"><u>O.A.835/2022</u></p> <p>Shri N.A. Tittal-Chavan ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri R.M. Kolge, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. Shri Kolge, learned Advocate for the Applicant sought time to argue the matter.</p> <p>3. S.O. to 23rd August, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.908/2021</u></p> <p>Shri S.R. Hembade ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, learned P.O. has filed Affidavit-in-sur-rejoinder of Respondent No.2. It is taken on record.</p> <p>3. Adjourned for final hearing to 21st August, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</p>

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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 style="text-align: center;"><u>O.A.957/2021</u></p> <p>Shri V.G. Mekale ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. On the request of learned Advocate for the Applicant, adjourned for final hearing to 21st August, 2023.</p> <p>3. S.O. to 21st August, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</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 style="text-align: center;"><u>O.A.647/2021</u></p> <p>Shri J.U. Shenoy ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. On the request of learned Advocate for the Applicant, adjourned for final hearing to 18th August 2023.</p> <p>3. S.O. to 18th August, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</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 style="text-align: center;"><u>O.A.36 & 37/2021 with O.A.231/2021</u></p> <p>Shri T.B. Naik ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. A.B. Kololgi holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that O.A.36/2021 pertains to Time Bound Promotion, O.A.37/2021 pertains to appointment and O.A.231/2021 pertains to challenge to the order whereby Applicant was posted on supernumerary post. Thus, O.As.37/2021 and 231/2021 pertains to Division Bench. O.A.36/2021 only pertains to Single Bench subject matter.</p> <p>3. It appears that while transferring O.A.36/2021 to Single Bench, the Office wrongly transferred O.A.Nos.37/2021 and 231/2021 though it does not pertain to Single Bench.</p> <p>4. In view of above, O.A.36/2021 only needs to be retained for hearing on merit by Single Bench and remaining O.As are required to be placed before appropriate Division Bench.</p> <p>5. Office is directed to list O.As.37/2021 and 231/2021 before Division Bench. Those O.As are removed from the Board of Single Bench.</p> <p>6. As far as O.A.36/2021 is concerned, learned P.O. submits that matter is being handled by Smt. Gaikwad, learned P.O. but she has left the Tribunal due to some personal difficulties. Smt. Kololgi, learned P.O. therefore requested for adjournment.</p> <p>7. S.O. to 9th August, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.07.2023</p> <p>(skw)</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 : 13.07.2023</p> <p>O.A.No.662/2023</p> <p>V.P. MhasalApplicants Vs. The State of Maharashtra & Ors.Respondents</p> <p>1. Heard Ms. K.S. Gaikwad, learned Chief Presenting Officers for the Respondents. Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. K.R. Jagdale, learned Advocate appearing for Respondent no.2 are absent.</p> <p>2. Mr. Milind Holankar representative of Mr. Vijaykumar Pandurang Mhasal is present and he submits on instructions that the Applicant has filed application on 12.07.2023 requesting to allow him to withdraw O.A.No.662/2023.</p> <p>3. Allowed to withdraw. Interim Relief granted by order dated 14.06.2023 stands vacated.</p> <p>4. O.A. stands disposed of as withdrawn.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.1043 of 2021</u></p> <p>A.S. Jaiswal ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that order of promotion in favour of the applicant to the post of Joint Commissioner, State Tax is issued on 21.6.2023 from the select list of 2022-23.</p> <p>3. Ld. Advocate for the applicant submits that applicant is acquitted by order dated 31.1.2019 and appeal is pending before the Hon'ble High Court. He submits that this Tribunal by order dated 18.1.2021 in OA No.573 of 2019 filed by the applicant has directed that the case of the applicant is to be considered for promotion to the rank of Joint Commissioner of State Tax, if he is found fit otherwise. Subsequently the department has considered the issue and after clearing the file from Hon'ble Dy. Chief Minister he is given promotion on 21.6.2023 from the select list of 2022-23.</p> <p>4. Ld. Advocate for the applicant submits that applicant is retiring in January, 2024. His name is kept in sealed cover in the meeting held on 23.4.2018 for the select list of 2017-18 and therefore he prays that the sealed cover is required to be opened and depending upon the report therein if found in favour of the applicant then consequential benefits are to be given to the applicant.</p> <p>5. Ld. CPO submits that this procedure is followed.</p> <p>6. In view of the above, we direct the respondents-competent authority to open the sealed cover within one week and take decision within six weeks pursuant to report in the sealed cover which may be required to take further steps regarding consequential benefits, if found fit and communicate the decision to the applicant within one week thereafter. OA disposed off accordingly.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 13.7.2023 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023</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 align="center"><u>O.A. No.751 of 2023</u></p> <p>I.V. Basle ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar holding for Shri S. Sakhare, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In the above matter next date of 21.7.2023 is already mentioned on today's board.</p> <p>3. Shri K.R. Jagdale, learned Advocate submits that he will be filing Vakalatnama and reply on behalf of private respondent during the course of the day and requests that the matter may be preponed to 14.7.2023.</p> <p>4. Ld. Advocate has not yet filed Vakalatnama. Under these circumstances the date cannot be changed.</p> <p>5. S.O. to 21.7.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 13.7.2023</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023</p> <p>(sgj)</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 align="center"><u>O.A. No.817 of 2023</u></p> <p>Somanath B. Gore ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.B. Khot, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondent No.1 & 2 and Shri Nikhil Vijay Adkine, learned Advocate for Respondent No.3.</p> <p>2. Adjourned to tomorrow, in order to ascertain whether there is any policy of the Government or power is vested with the MPSC to relax the minimum age limit (25 years) of the candidates to appear for the post of Assistant (Legal), Law & Judiciary Department.</p> <p>3. Ld. CPO to produce the Recruitment Rules and the rules, policy, GR or corrigendum related to age relaxation.</p> <p>4. S.O. to 14.7.2023 under the caption of 'Urgent Admission' at 10.30 a.m.</p> <p align="center"> <table border="0"> <tr> <td align="center">Sd/- (Medha Gadgil) Member (A) 13.7.2023</td> <td align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023</td> </tr> </table> </p> <p>(sgj)</p>	Sd/- (Medha Gadgil) Member (A) 13.7.2023	Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023
Sd/- (Medha Gadgil) Member (A) 13.7.2023	Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023		

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.376 of 2023</u></p> <p>Dr. A.S. Kudale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In the above matter next date of 22.9.2023 is already mentioned on today's board.</p> <p>3. At the request of Ld. Advocate for the applicant adjourned to 25.7.2023. Parties to take note.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 13.7.2023</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 13.7.2023</p> <p>(sgj)</p>

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.822 of 2023

S. G. Teji

)...Applicant

Versus

The State of Maharashtra & Ors.

) ...Respondents.

Shri A.V.Bandiwadekar, Counsel for the Applicant

Shri A. J. Chougule, Presenting Officer for the Respondents.

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 13.07.2023

ORDER

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule., learned Presenting Officer for the Respondents.
2. The Applicant has challenged the transfer order dated 06.07.2023 whereby he is transferred from the post of Deputy Secretary (Technical), Maharashtra State, Board of Technical Education Regional Officer, Mumbai to the post of Head of the Department, Mechanical Engineering, Government Polytechnic, Dhule inter-alia contending that he is transferred mid-term and mid-tenure in contravention of provisions 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 has pointed out that Applicant was posted as Deputy Secretary (Technical), Maharashtra State Board Technical Regional Office, Mumbai by order dated 09.08.2021 and has not completed normal tenure of three years. He, therefore submits that there was no such administrative exigency or special case to transfer him. He has further pointed out that in impugned order dated 06.07.2023, no such reason is mentioned and transfer is shown simply on the administrative ground. He, therefore, sought interim relief to stay the transfer order.

4. Per contra, Shri A. J. Chougale, learned P.O. opposes interim relief and tendered the file for perusal of Tribunal. The perusal of file reveals that the matter was placed before the Civil Services Board for transfer of the Applicant on the ground of Applicant's inefficiency, non-performance and not taking remedial measures despite issuance of memo from time to time. There appear certain lapses in the examination attributable to the Applicant and on that ground the CSB recommended the transfer and it is approved by the Hon'ble Chief Minister being competent authority for such mid-term and mid-tenure transfer.

5. Thus, there is compliance of requirement of Section 4(5) of 'Transfer Act, 2005'.
^{Whether}
~~Whether~~ the reasons shown for transfer could satisfy the test of 'administrative exigency' is the matter to be looked into on merit. At this stage, there is compliance of Section 4(5) of 'Transfer Act, 2005'.

6. In view of above, I am not inclined to grant interim relief as prayed for.

7. Learned Counsel for the Applicant further raised issue of consideration of his request to transfer his client at Mumbai in Government Polytechnic College. He has pointed out that one Shri Durgesh Chavan who was at Government Polytechnic, Karad was transferred to Government Polytechnic, Mumbai by order dated 31.05.2023 but

later transfer order was cancelled by the Government dated 30.06.2023 by transferring him to Government Polytechnic, Miraj. Thus, the post at Government Polytechnic, Mumbai being vacant, the Applicant has made representation on 07.07.2023 requesting to consider his family difficulties and posting at Government Polytechnic, Mumbai. Insofar as this issue is concerned, learned P.O. submits that department will look into it positively.

8. The Respondents shall consider it at the earliest and apprise the Tribunal on next date so that if grievance is redressed, the O.A. could be disposed of.
9. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
10. Issue notice before admission returnable on 27.07.2023.
11. 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.
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.
13. 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.
14. In case notice is not collected within seven days or service report on affidavit is 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 Application shall stand dismissed.

15. S.O. to 27.07.2023.

Sd/-

(A. P. KURHEKAR)
MEMBER (J)

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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 style="text-align: center;">Date : 13.07.2023</p> <p style="text-align: center;">O.A.No.835 of 2023</p> <p style="text-align: center;">N. V. DeshmukhApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. At the very outset, it is very disgusting to note the affairs of the administration at Government level particularly in the matter of transfer of the Applicant. The Applicant is holding the post of Sub Divisional Police Officer /Deputy Superintendent of Police and he is left in abeyance without any posting and pay and allowances from 28.03.2023. 3. The Applicant was serving as Sub Divisional Police Officer, Dahiwadi, Dist. Satara. The Government by order dated 25.03.2023 abruptly transferred him with very cryptic order stating that his posting order at some other place will be issued independently. He was kept in compulsory waiting and no such posting orders were issued. Belatedly, the Government by order dated 22.05.2023 issued transfer orders of 119 police officials including Applicant transferring him to Nagpur. However, within two days the said order was abruptly cancelled by Government by order dated 24.05.2023 without assigning any reason. This indicates totally arbitrary functioning of the department at the behest of certain politicians as prima-facie spelled out from the record. The Applicant seems to have made to suffer because of legal action taken by him against certain politicians while serving at Dahiwadi inviting displeasure of one section of politicians. 4. Material to note that in Para No.6.19 on oath, the Applicant states that he received telephonic message from the Under Secretary, office of the Hon'ble Deputy Chief Minister to give options for his posting and in pursuance of it

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>by communication dated 16.06.2023, he gave options of Tuljapur, Dist. Dharashiv, Deulgaon Raja Subdivision, Dist. Buldhana and Sawantwadi Subdivision, Dist. Sindhudurg. However, nothing happened thereafter.</p> <p>5. It is on the above background, the Applicant is constrained to file this O.A.</p> <p>6. Shri M. D. Lonkar, learned Counsel for the Applicant submits that his client was always ready and willing to accept the places where he was transferred but his transfer order of Nagpur was cancelled within two days without assigning any reasons. He further raised grievance of non-payment of pay and allowances for nearabout 4 months since he was relieved from Dahiwadi, Dist. Satara on 28.03.2023 and claimed interest.</p> <p>7. In 1st place, while transferring the Applicant by order dated 25.03.2023 that time itself Government ought to have given other positing to the Applicant so that his services could have been utilized. However, he left in abeyance for nearabout 3 to 4 months.</p> <p>8. All that learned P.O. submits that file is under process for issuance of appropriate posting to the Applicant and necessary orders will be issued till 18.07.2023.</p> <p>9. In view of above, the matter is adjourned to 18.07.2023 for issuance of appropriate posting orders taking into consideration his options. However, at the same time, it is made clear that Respondents will have to release pay and allowances of the Applicant from 28.03.2023 with interest at the rate 9% per annum since he is unnecessarily kept in abeyance without any fault on his part.</p> <p>10. The Respondent No.1 should take note of the aforesaid observations and to ensure that no such police personnels shout be kept in abeyance for such a long period otherwise it is the loss of tax payers money which could be taken care of while passing transfer orders.</p> <p>11. Steno copy granted.</p> <p>12. S.O. to 18.07.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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: 13.07.2023</p> <p>M.A. No.232 of 2023 in O.A. No.369 of 2023</p> <p>S.D. Kirkire & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.B. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p align="center">O.A. No.834 of 2023</p> <p>P.S. KuchekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant challenged suspension order dated 24.05.2023 whereby he is been suspended in contemplation of Departmental Enquiry (DE). At the time of incident Applicant was serving as Food Safety Officer at Solapur but while suspending him his Headquarter is changed and kept at Mumbai. 3. Learned Advocate for the Applicant sought interim relief to continue Headquarter at Solapur in view of Circular dated 19.03.2008 issued by G.A.D. 4. As per Circular dated 19.03.2008, Headquarter should be at the place of posting where the Government servant was posted at the time of last posting and it is only in case of request of the Government Servant, Headquarter can be changed. 5. In present case, there is no such request to change Headquarter and no fruitful purpose could be served by changing Headquarter. On the contrary, in case of change of Head Quarter, Government will have to pay additional allowances towards TA and DA. 6. The Tribunal has come across several such incidence of change of Headquarter despite applicability of Circular dated 19.03.2008 as well as various order passed by the Tribunal in this behalf in past. Suffice to say order of change of headquarter from Solapur to Mumbai is totally arbitrary and the Applicant's Headquarter need to be kept at Solapur itself.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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7. In view of above, by way of interim relief it is directed that Headquarter of the Applicant should be continued at Solapur.

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

9. Issue notice before admission returnable on 10.08.2023.

10. 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.

11. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

12. 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.

13. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications 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.

14. S.O. to 10.08.2023.

A. P.
Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISC APPLICATION NO.233 OF 2023
IN
ORIGINAL APPLICATION NO.369 OF 2023**

DISTRICT: PUNE

Shri Kirkire S. Dinkarrao & Ors.

).. **Applicants**

Versus

State of Maharashtra & Anr.

) ..**Respondents**

Shri S.B. Gaikwad, learned Advocate for the Applicant.

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

CORAM : A.P. KURHEKAR, MEMBER (J)

DATE : 13.07.2023.

ORDER

1. Heard Shri S.B. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. This M.A. is filed to condone delay caused in filing O.A. No.369/2023. In all 23 Applicants have claimed benefit of notional increment due on 1st July of concerned year. The Applicants retired in the period from 2011 to 2022 and their retirement date is 30th June of the concerned year. The Applicants therefore claim benefit of next increment due on 1st July of concerned year on the ground that they have already rendered one year complete service but deprived of increment due on 1st July of the concerned year. In recommendation of 6th Pay Commission for State Government employees 1st July of every year is fixed as the date of increment for uniformity. However, it has resulted in depriving of benefit of increment to the employee who retired on 30.06.2023. Taking note of this anomaly, Tribunal, Hon'ble High Court as well as Hon'ble Supreme Court has passed various orders

giving the benefit of increment due on 1st July to those who retired one day earlier i.e. 30.06.2023 of the concerned year.

3. Indeed, subsequent development is that taking note of the various decision of Hon'ble High Court and Hon'ble Supreme Court the Government of Maharashtra, Finance Department issued G.R. on 28.06.2023 accepting the directions of the Hon'ble High Court in Writ Petition No.1821/2023 decided on 16.02.2023 which is as under:-

"We, therefore, find it appropriate to order as under:-

[a] We direct the Chief Secretary of the State of Maharashtra and Principal Secretary (Finance Department), State of Maharashtra, to issue appropriate directions to all the concerned departments to appeal to such candidates, who fall in such category having retired on 30th June of the particular years and who have earned the annual increment on account of performing work for 12 months ending on 30th June, to tender their applications to the concerned Authorities.

[b] After such applications are received, the concerned authorities would grant the reliefs as are being granted by the various High Courts by restricting the arrears of payments to 3 years preceding the dates of the applications or preceding the date of actual retirement as per actuals, whichever is less. With these guidelines, the concerned authorities shall not reject a single application if it fits into the parameters of the judgments delivered by this Court.

[c] In the alternative, let the concerned authorities suo-moto dig out such cases and after scrutinizing the same as regards their entitlement, proceed to grant the benefits as per the judgments of this court, within 120 days.

[d] While undertaking the above exercise, the gratuity/pay fixation/pension will be re-calculated, so as to be paid to the candidates with arrears as directed above.

मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांनी दिलेले उपरोक्त आदेश विचारात घेउन सर्व विभागांना खालीलप्रमाणे कळविण्यात येत आहे.

जे राज्य शासकीय कर्मचारी दि.३० जून रोजी सेवानिवृत्त झाले आहेत व ज्यांनी मागील १२ महिन्यांची अर्हताकारी सेवा केलेली आहे अशा सर्व सेवानिवृत्त कर्मचा-यांना दि.०१ जुलै रोजीची काल्पनिक notional वेतनावाढ विचारात घेऊन, त्यांचे सेवानिवृत्तीवेतन सुधारीत करण्यासाठी संबंधित कार्यालयांकडे अर्ज करण्याबाबत सर्व संबंधित सेवानिवृत्तांना आवाहन करण्याबाबत, सर्व मंत्रालयीन प्रशासकीय विभागांनी त्यांच्या अधिनस्त कार्यालयातील विभागप्रमुखांना कळवावे.

त्यानंतर याप्रमाणे अर्ज प्राप्त झाल्यानंतर, संबंधित कार्यालयांनी वर नमूद केलेल्या मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांच्या उपरोक्त आदेशात नमूद केल्यानुसार संबंधितांना सुधारीत सेवानिवृत्तीविषयक लाभ अनुज्ञेय करावेत. तसेच सदर लाभ सुधारीत करण्यात आल्यानंतर त्यांनी अर्ज दाखल केलेल्या दिनांकाच्या मागील ३ वर्षांची थकबाकी अथवा त्यांच्या सेवानिवृत्तीचा दिनांक या पैकी जे कमी असेल तितकी

थकबाकी देण्यात यावी. मा. उच्च न्यायालयाने दिलेल्या मार्गदर्शक तत्वांची पूर्तता करित असलेल्या कोणत्याही सेवानिवृत्ताचा अर्ज फेटाळण्यात येऊ नये.

तसेच संबंधित कार्यालयात त्यांच्याकडे उपलब्ध असलेल्या माहितीच्या आधारे अशा प्रकरणांचा त्यांच्या स्तरावरच तपासणी करून निपटारा करावा.

उपरोक्त प्रमाणे कार्यवाही केल्यानंतर मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांनी त्यांच्या दिनांक १६.०२.२०२३ रोजी च्या आदेशातील परिच्छेद क्रमांक ९ मध्ये नमूद केले आहे की, This notional inclusion of the annual increment would be considered for re-calculating their pension, gratuity, earned leave, commutation of pension benefits etc. तरी त्याप्रमाणे अर्जदारास लाभ अनुज्ञेय करण्यात यावे.”

4. In view of above, this M.A. and O.A. deserves to be allowed with direction to the Respondents to take further necessary steps in terms of G.R. dated 28.06.2023 in stipulated period.
5. Respondents are directed to take necessary steps in terms of G.R. dated 28.06.2023 and to render consequential monetary benefits entitled to the Applicant as per their entitlement within two months from today.
6. M.A. and O.A. is accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

Place: Mumbai
Date: 13.07.2023
Dictation taken by: N.M. Naik.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.1205 of 2022 (Division Bench is not available)</p> <p>A.M. SapkalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V. Singh, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Interim relief to continue till next date</p> <p>3. S.O. to 11.08.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</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 align="center">Date: 13.07.2023</p> <p align="center">O.A. No.833 of 2023</p> <p>A.Y. IlagerApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant challenged suspension order dated 28.06.2023 whereby he is been suspended in contemplation of Departmental Enquiry (DE). At the time of incident Applicant was serving as Food Safety Officer at Pune but while suspending him his Headquarter is changed and kept at Mumbai. 3. Learned Advocate for the Applicant sought interim relief to continue Headquarter at Pune in view of Circular dated 19.03.2008 issued by G.A.D. 4. As per Circular dated 19.03.2008, Headquarter should be at the place of posting where the Government servant was posted at the time of last posting and it is only in case of request of the Government Servant, Headquarter can be changed. 5. In present case, there is no such request to change Headquarter and no fruitful purpose could be served by changing Headquarter. On the contrary, in case of change of Head Quarter, Government will have to pay additional allowances towards TA and DA. 6. The Tribunal has come across several such incidence of change of Headquarter despite applicability of Circular dated 19.03.2008 as well as various order passed by the Tribunal in this behalf in past. Sufficient to say order of change of headquarter from Pune to Mumbai is totally arbitrary and the Applicant's Headquarter need to be kept at Pune itself.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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7. In view of above, by way of interim relief it is directed that Headquarter of the Applicant should be continued at Pune.

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

9. Issue notice before admission returnable on 10.08.2023.

10. 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.

11. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

12. 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.

13. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications 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.

14. S.O. to 10.08.2023.

Sd/-

V

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p align="center">O.A. No.1121 of 2022 with M.A. No.244 of 2023 in O.A. No.401 of 2023 (Division Bench is not available)</p> <p>A.V. Pujari V.B. KashidApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Karnti L.C., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Perusal of record reveals that enough chances are availed to file Affidavit-in-Reply but the same is not filed. Indeed, when matter went to Hon'ble High Court against interim relief granted by the Tribunal, Hon'ble High Court by order dated 09.12.2022 disposed of Writ Petition giving direction to the Tribunal to decide the O.A. on its own merit as early as possible. Though the period of more than six months is over no Reply is filed so as to decide the matter on its own merit.</p> <p>3. In view of above, matter needs to be heard expeditiously and shall proceed without Affidavit-in-Reply.</p> <p>4. It be kept for Final Hearing.</p> <p>5. S.O. to 31.07.2023.</p> <p align="right">Sd/- <i>[Signature]</i> (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</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

LATER ON

6. In afternoon session, learned P.O. sought permission to tender Affidavit-in-Reply on behalf of Respondent No.1 and undertake to serve the copy of Reply to learned Advocate for the Applicant since he has already left the Tribunal in the morning session.

7. In the interest of justice, Affidavit-in-Reply filed by Respondent No.1 is taken on record.

8. O.A. is already adjourned to 31.07.2023 for hearing. It be kept accordingly for hearing.

Sd/-

Sd/-

(A.P. Kurhekar)
Member (J)

NMN


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 13.07.2023</p> <p align="center">O.A. No.351 of 2023</p> <p>S.P. AdivarekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri P.L. Rathod, learned Advocate for the Applicant and Shri A.J. Chougule, 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 03.08.2023.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Date : 13.07.2023

O.A.No. 152 of 2023

M. T. KadamApplicant

Versus

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

1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Learned Counsel for the Applicant sought adjournment in the matter.
3. S.O. to 01.08.2023.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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
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Date : 13.07.2023

O.A.No.631 of 2018

R. M. Pandhare & Ors.Applicants

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. Learned P.O. submits that today only the matter is entrusted to him by learned C.P.O. and sought time to prepare the brief.

3. S.O. to 11.08.2023.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 13.07.2023

C.A. No.64 of 2023 in O.A. No.623 of 2023
(Division Bench is not available)

Dr. V.N. Dekate & Ors.Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri V.Singh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Today since Division Bench is not available C.A. is adjourned and ^{be} kept before Division Bench in next week.
3. S.O. to 18.07.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20 _____

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 13.07.2023

O.A.No.471 of 2023

P. R. KachveApplicant

Versus

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

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

2. When the matter is taken up for hearing, learned P.O. has raised the issue of limitation stating that Applicant's claim for compassionate appointment by way of substitution was already rejected by communication dated 02.08.2016 but O.A. was filed on 29.03.2019 without filing application for condonation of delay.

3. The perusal of record reveals that O.A. was filed at Aurangabad Bench but it was transferred here in view of the order passed in M.A.No.440/2022.

4. Learned Counsel for the Applicant sought two weeks' time to file M.A. for condonation of delay.

5. S.O. to 27.07.2023.

^
Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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: 13.07.2023</p> <p align="center">M.A. No.449 of 2023 in O.A. No.800 of 2023</p> <p>The Maharashtra State Food Officers Welfare Assoc., Applicant 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. This M.A. is filed for permission to file O.A. ^{through} through Association namely Maharashtra State Food Officers Welfare Association as provided under Rule, 5(b) of Maharashtra Administrative Tribunal (Procedure) Rules, 1988. Allowed to file O.A. to redress the grievances of its Members.</p> <p>3. M.A. is accordingly disposed with no order as costs.</p> <p 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
	<p>Date: 13.07.2023</p> <p style="text-align: center;">O.A. No.800 of 2023</p> <p>The Maharashtra State Food Officers Welfare Assoc.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged communication dated 29.05.2023 issued by Respondent No.2 – The Commissioner, Food And Drugs Department thereby cancelling the benefit of Time Bound Promotions granted to the Members of the Association as mentioned in impugned order. 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 10.08.2023. 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications 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 10.08.2023. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Date: **13.07.2023**

O.A. No.825 of 2023

**S.M. Sarangdhar & Ors.,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 matter is for consideration of interim relief in O.A.
3. The Applicant has challenged order dated 28.06.2023. The Tribunal has granted status qua by order dated 12.07.2023 and matter was adjourned today for hearing on interim relief.
4. Today learned P.O. again sought two weeks time for hearing as well as for filing Affidavit-in-Reply in O.A.
5. S.O. to 27.07.2023.

Sd/-

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

NMN

**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.As.840 & 841/2023</u>
	<p>Smt. M.S. Jamble Shri A.S. Gorane ... Applicants Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri U.V. Bhosle, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.</p> <p>2. The Applicants have challenged the transfer orders dated 11.07.2023 whereby they are transferred from Malad to Head Office in Rationing Department <i>inter-alia</i> contending that they are transferred without following the provisions of law.</p> <p>2. Admittedly, Applicants have not completed normal tenure of 3 years at their present posting as Rationing Inspector at Malad and Jambhori Maidan respectively. However, Government by order dated 11.07.2023 transferred them to Head Office viz. Controller of Rationing, Mumbai on vacant post.</p> <p>3. The perusal of file reveals that the transfer of the Applicant was not placed before Civil Service Board for its recommendation and the transfer orders are issued by the Department which are in contravention of the directions given by Hon'ble Supreme Court in (2013) 15 SCC 732 (T.S.R. Subramanian and Ors. Vs. Union of India & Ors.). This Tribunal has repeatedly held that for legal and valid transfer, it should be vetted by CSB as mandated by Hon'ble Supreme Court and not doing so amounts to breach of directions rendering transfer order <i>prima-facie</i> unsustainable in law.</p> <p>4. In view of above, because of absence of recommendation of CSB, the transfers are liable to be stayed.</p> <p>5. Interim relief as prayed for in Prayer Clause 10(a) is granted.</p>

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

Tribunal's orders

6. Issue notices to the Respondents made returnable on 10.08.2023.

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

8. 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.

9. 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.

10. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.

11. 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.

12. S.O. to 10th August, 2023.

Sd/-

(A.P. Kurhekar)
Member-J
13.07.2023

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. of 20

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.505 of 2023</p> <p>A.K. UgalmugaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Ganesh Masurkar, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply is under preparation and the same will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 04.08.2023.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.654 of 2023</p> <p>A.K. BhosleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 20.07.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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: 13.07.2023</p> <p>O.A. No.656 of 2023</p> <p>D.S. ShelarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 20.07.2023.</p> <p>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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.704 of 2023 with O.A. No.705 of 2023</p> <p>B.G. Bhintade M.N. AtreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.B Gaikwad, 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. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 27.07.2023.</p> <p>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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.23 of 2023</p> <p>G.M. ShaktiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V. Hegde, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that matter is Part Heard by learned Administrative Member and needs to be heard by same Bench.</p> <p>3. S.O. to 28.07.2023.</p> <p>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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.137 of 2023</p> <p>S.T. GhusarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that matter is Part Heard by learned Administrative Member and requested to keep the matter before same Bench.</p> <p>3. S.O. to 17.07.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 13.07.2023

O.A. No.746 of 2022
(Division Bench is not available)

K.S. KaraleApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Applicant in person is present.
2. Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Smt. Punam Mahajan, learned Advocate for the Respondent No.4 is present.
3. Matter is ripe for Final Hearing since Affidavit-in-Reply is already filed.
4. Applicant in person is present and requested for adjournment to engage another Advocate.
5. S.O. to 21.08.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="792 749 1016 779">Date: 13.07.2023</p> <p data-bbox="873 825 1438 899">C.A. No.06 of 2020 in O.A. No.1044 of 2017 (Division Bench is not available)</p> <p data-bbox="792 945 1520 1059">H.G. ChopadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol data-bbox="792 1141 1520 1709" style="list-style-type: none">1. Applicant and his Advocate both are absent.2. Advocate for the Applicant has sent his leave note.3. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.4. The perusal of record reveals that the Government has filed Writ Petition against the order passed by the Tribunal and it is subjudice.5. S.O. to 11.08.2023. <p data-bbox="1230 1735 1292 1765">Sd/-</p> <p data-bbox="1230 1798 1260 1824">v"</p> <p data-bbox="1166 1849 1370 1923">(A.P. Kurhekar) Member (J)</p> <p data-bbox="781 1956 824 1982">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
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Date: 13.07.2023

M.A. No.390 of 2023 in O.A. No.1257 of 2022 with
M.A. No.391 of 2023 in O.A. No.1258 of 2022

S.S. Pawar & Ors.,
S.D. Walunj & 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 & Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned P.O. submits that Affidavit-in-Sur Rejoinder is under preparation and the same will be filed during the course of the day. Statement is accepted. It be taken on record.

3. In pending O.A. No.1257/2022, M.A. No.390/2023 & O.A. No.1258/2022, M.A. No.391/2023 are filed for interim relief.

4. M.As are filed on 14.06.2023 and today it is taken for admission.

5. Learned P.O. sought two days time to file Affidavit-in-Reply to M.A.

6. S.O. to 17.07.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 13.07.2023

O.A. No.313 of 2023 with O.A. No.314 of 2023

G.R. Borkar

A.A. Waghmare

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad & Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Perusal of record reveals that pleading is already complete.

3. Today, learned P.O. has filed Affidavit-in-Sur Rejoinder in O.A. No.314/2023. It is taken on record.

4. O.A. be kept for Final Hearing.

5. S.O. to 03.08.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 13.07.2023

O.A. No.404 of 2023

L.T. RathodApplicant
 Versus
 The State of Maharashtra & Ors.Respondents.

1. Heard Shri P.L. Rathod, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply by way of last chance.
3. S.O. to 20.07.2023.

Sd/-

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

NMN

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

Tribunal's orders

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="776 751 998 784">Date: 13.07.2023</p> <p data-bbox="865 828 1421 904">C.A. No.65 of 2023 in O.A. No.301 of 2023 (Division Bench is not available)</p> <p data-bbox="776 947 1502 1057">P.L. TambeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol data-bbox="776 1141 1502 1490" style="list-style-type: none">1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.2. Today, since Division Bench is not available adjourned for admission.3. S.O. to 20.07.2023. <p data-bbox="1161 1523 1364 1694" style="text-align: right;">Sd/- /'''' (A.P. Kurhekar) Member (J)</p> <p data-bbox="776 1727 820 1758">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.241 of 2022 (Division Bench is not available)</p> <p>S.S. BansodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that Affidavit-in-Reply is under preparation and same will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Since pleading is complete, O.A. be kept for Final Hearing.</p> <p>4. S.O. 18.08.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.07.2023</p> <p>O.A. No.1203 of 2022 (Division Bench is not available)</p> <p>N.N. MukhyadalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Applicant and his Advocate both are absent.2. Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents is present.3. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.4. S.O. to 28.07.2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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: 13.07.2023</p> <p align="center">M.A. No.105 of 2020 in O.A. No.145 of 2020 with M.A. No.106 of 2020 in O.A. No.146 of 2020 with M.A. No.107 of 2020 in O.A. No.147 of 2020</p> <p>P.B. Ghag K.R. Sutar S.D. SukateApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Applicant and his Advocate both are absent. Shri V.V. Joshi, Learned Advocate for the Applicant has sent his leave note. Smt. Archana B.K. and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents are present. In view of leave note, <i>divulge</i>. S.O. to 28.08.2023. <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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: 13.07.2023</p> <p>C.A. No.59 of 2019 in O.A. No.1041 of 2017 with O.A. No.1042 of 2017 (Division Bench is not available)</p> <p>L.B. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Applicant and his Advocate both are absent.2. Advocate for the Applicant has sent his leave note.3. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.4. The perusal of record reveals that the Government has filed Writ Petition against the order passed by the Tribunal and it is subjudice.5. S.O. to 11.08.2023. <p style="text-align: right;">Sd/- √ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>