

**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: 13.10.2021</p> <p align="center">O.A. No.208 of 2021</p> <p>S.B. KambleApplicant 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. By order dated 05.10.2021 directions were given to Principal Secretary, Agriculture & Animal & Husbandry Department, Mantralaya, Mumbai to file Affidavit. However, today learned P.O. has tendered Affidavit-in-Reply on behalf of Respondent Nos.1 & 2, Affidavit is sworn by Eknath R. Dawale – Secretary, Agriculture Department, Mantralaya, Mumbai though clear directions were given for filing of Affidavit by Principal Secretary.</p> <p>3. Learned P.O. sought permission to accept Affidavit of Secretary stating that hereinafter Affidavit will be filed strictly in terms of the orders of Tribunal and submission is accepted.</p> <p>4. Now turning to the facts, the Applicant was initially appointed as Agriculture Officer in 1992 but he did not pass the examination as contemplated in Agriculture Department State Service Officers (Account Examination) Rules, 1981. Latter he was promoted to the post of Taluka Agriculture Officer in 2009 and exempted from passing examination for the promotional post on attaining 45 years of age. The Applicant stands retired on 30.09.2021. Since his retiral benefits were withheld for non passing of examination he approached the Tribunal by filing this O.A. [P.T.O.]</p>

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	<p>5. When O.A. was taken up for admission it was noticed that the issue in matter is already referred to the committee. On this background directions were given to file Affidavit of Principal Secretary to know the status of the proposal submitted by Commissioner on 25.09.2020.</p> <p>6. In Affidavit filed by learned P.O. it is stated that the Government had taken decision not to grant retiral benefits to the Applicant since he did not pass the examination as contemplated under Rules, 1981. Leaned P.O. has also tendered communication dated 12.10.2021 to that effect.</p> <p>7. In view of above, learned Advocate for the Applicant submits that now he is required to challenge communication dated 12.10.2021 by filing substantive O.A. He therefore sought permission to withdraw O.A. with liberty to file fresh O.A. challenging communication dated 12.10.2021.</p> <p>8. Allowed to withdraw O.A. with liberty to challenge communication dated 12.10.2021 in accordance to law. All contentions are kept open.</p> <p style="text-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 align="center">Date: 13.10.2021</p> <p align="center">O.A. No.291 of 2018</p> <p>V.D. DangatApplicant 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. On request of learned P.O. short time is granted to file Additional Affidavit along with copies of deposition recorded in inquiry.</p> <p>3. S.O. to 22.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">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 align="center">Date: 13.10.2021</p> <p align="center">O.A. No.616 of 2021</p> <p>V.L. GadadaApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri S.T. Chandratre, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Respondent Nos.3 & 4.</p> <p>2. Today Shri S.T. Chandratre learned Advocate has filed Affidavit-in-Reply on behalf of Respondent Nos.3 & 4. It is taken on record.</p> <p>3. S.O. to 27.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">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 : 13.10.2021</p> <p align="center">M. A. No.429 of 2021 in O.A.No.206 of 2019</p> <p>S. C. ShindeApplicant</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. This M.A.429/2021 is filed for amendment and also for addition of Respondent No.3 who was posted in place of the Applicant's place by order dated 07.09.2019. Initially, in place of Applicant after his transfer, Respondent No.2 – Dinesh Kurhade was posted. However, during the pendency of O.A., Respondent No.2 – Dinesh Kurhade is already transferred and in that place, proposed Respondent No.3 – Shri Uddav Kadam is posted.</p> <p>3. Learned Counsel for the Applicant, therefore, seeks permission to challenge the transfer order dated 07.09.2019 in favour of the proposed Respondent No.3 and wants to add certain grounds in support of it.</p> <p>4. It being subsequent development which is taken place during the pendency of O.A. I am inclined to allow amendment.</p> <p>5. Shir Uddhav Kadam be joined as Respondent No.3. Amendment be carried out within a week. After amendment issued notice to added Respondent No.3.</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Issue notice before admission returnable on 16.11.2021 to added Respondent No.3</p> <p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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.</p> <p>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.</p> <p>10. 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>11. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>12. S.O. to 16.11.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Tribunal's orders

O.A.789/2021

Shri S.R. Naikwadi ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Mrs. A.B. Kololgi, learned Presenting Officer for the Respondents.
2. The Applicant has challenged the suspension order dated 05.04.2021 whereby he is suspended on account of his detention in Police custody for more than 48 hours invoking Rule 4(2) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. In suspension order, his Head Quarter is kept at Kavathe Mahankal and he was asked to mark attendance in the morning at 11.00 a.m. and in the evening at 5.00 p.m. At the time of suspension, the Applicant was serving at City Survey Office, Pimpri-Chinchwad.
3. The learned Advocate for the Applicant submits that since Applicant was serving at Pimpri-Chinchwad at the time of suspension, there was no propriety to keep his Head Quarter in the Office of Deputy Superintendent, Land Records, Kavathe Mahankal, District Sangli, which is far away from Pune and also submits that the direction for attendance in the morning and evening are contrary to law. In this behalf, he placed reliance on Circular dated 19.03.2008 which *inter-alia* provides for keeping Head Quarter at the same place where a Government servant is suspended.
4. The learned Presenting Officer submits that remedial measures about the change of Head Quarter and condition of twice attendance in a day will be taken.
5. Issue notice to Respondents made returnable on 16th November, 2021.

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	<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>7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</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 three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>11. In the meantime, the Respondents shall take necessary remedial measures in terms of Circular dated 19.03.2008 as referred to above in respect of change of Head Quarter.</p> <p>12. S.O. to 16th November, 2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.10.2021</p> <p>(skw)</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: 13.10.2021</p> <p align="center">O.A. No.796 of 2021</p> <p>S.R. SavaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged transfer order dated 20.10.2020 as well as 22.09.2021 in the present O.A.</p> <p>3. The Applicant is serving in the cadre of Naib Tehsildar. By order dated 10.08.2020 he was transferred from Jalgaon to Nashik and by order dated 24.08.2020 he was given posting as Naib Tehsildar, Sanjay Gandhi Yojana Tahasil Office, Nasik. Accordingly he joined there. Later Government by order dated 20.10.2020 transferred Respondent No.3 – Shri. Sudhir Satpute in place of the Applicant but that time no further consequent transfer order of the Applicant was issued. Interestingly Respondent No.3 - Shri. Sudhir Satpute did not joined in place of the Applicant for near about ten months and it is only on 13.08.2021 he joined and the Applicant was asked to hand-over his charge to Respondent No.3 – Shri. Sudhir Satpute. The Applicant was thus left without posting in waiting for no reasons. Thereafter, by order dated 22.09.2021 he was given posting as Naib Tehsildar, Sanjay Gandhi Baglan, Dist. Nashik.</p> <p>4. <i>Prima-facie</i> the course of action adopted by Government is contrary to law since <i>prima-facie</i> there was no reason to shift or transfer the Applicant mid-term and mid-tenure.</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>5. Shri K.R. Jagdale, Learned Advocate for the Applicant however fairly submits that the Applicant has already joined at Baglan. In such situation the question of grant of interim relief to stay impugned transfer order doesn't arise since it will create lot of complications. However, fact remains that <i>prima-facie</i> the Applicant is transferred in contravention of provision of law. Therefore, O.A. deserves to be expedited.</p> <p>6. Learned P.O. is directed to file Affidavit-in-Reply by next date.</p> <p>7. In the mean time, issue notice before admission returnable on 21.10.2021.</p> <p>8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>9. 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>10. 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>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.</p> <p>12. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>13. S.O. to 21.10.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Date: 13.10.2021

O.A. No.641 of 2021

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

1. Heard Shri S.T. Chandratre, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. This O.A. is filed for regularizing period of suspension as well as regularizing period spent out of duty till his retirement.

3. Today learned Advocate for the Applicant has tendered communication dated 22.09.2021 issued by Additional Commissioner of Police, Thane wherein it is stated that in view of acquittal of the Applicant in criminal case by Judgment dated 23.02.2021 the order of compulsory retirement passed on 28.03.2011 is cancelled stating that the Applicant is deemed to have been retired on 31.05.2020 subject to suspension from 28.03.2011. In letter it is further stated that independent orders about initiation of D.E. will be issued.

4. In view of above learned Advocate for the Applicant prayed to sought permission to withdraw this O.A. with liberty to challenge the communication dated 22.09.2021 and also to redress his grievances about pay and allowances for out of duty period as well as period spent in suspension. Liberty as prayed for is granted.

5. Communication dated 22.09.2021 is taken on record and marked by letter 'X' for direction. In view of above O.A. is disposed of with no order as to costs.

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

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	<p>Date : 13.10.2021</p> <p style="text-align: center;">O.A.No.802 of 2021</p> <p>N. B. KolekarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 15.09.2021 to the extent of his posting <i>inter-alia</i> contending that he is entitled to posting on promotion as per his choice and seniority. 3. Issue notice before admission returnable on 28.10.2021. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 9. S.O. to 28.10.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 13.10.2021</p> <p align="center">M. A. No.416 of 2021 in M.A.No.160 of 2021 in O.A.No.313 of 2021</p> <p>P. S. GhareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms V. Y. Agane, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A.No.416/2021 is filed for restoration of M.A.No.160/2021 which was dismissed in default on 08.09.2021.</p> <p>3. Learned Counsel for the Applicant submits that due to personal difficulties she could not remain present, and therefore, requested to restore M.A.</p> <p>4. In the interest of justice, the order of dismissal of M.A.No.416/2021 is recalled and M.A.No.160/2021 is restored.</p> <p>5. M.A.416/2021 is accordingly disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 13.10.2021</p> <p align="center">M.A.No.160 of 2021 in O.A.No. 313 of 2021</p> <p>P. S. GhareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms V. Y. Agane, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. was dismissed in default but it is restored today in view of order passed in M.A.No.416/2021. M.A. for condonation of delay, therefore, be kept for hearing.</p> <p>3. S.O. to 27.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.61 of 2020 with M.A. No.325 of 2021</p> <p>N.D. BhosaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.G. Panchal, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On previous date learned Advocate for the Applicant had filed Affidavit-in-Rejoinder.</p> <p>3. Learned P.O. requested for two weeks time to file Sur-Rejoinder in view of various pleas raised by the Applicant in his Rejoinder.</p> <p>4. S.O. to 22.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>


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	<p>Date : 13.10.2021</p> <p align="center">O.A.No.585 of 2016 (Through Video Conference)</p> <p>R. S. BodakeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Today, the matter is placed before special Division Bench comprising Shri Shree Bhagwan, Hon'ble Vice-Chairman(A) and Shri A. P. Kurhekar, Hon'ble Member (J).</p> <p>2. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting for the Respondents.</p> <p>3. The matter is heard partly and adjourned to 20.10.2021 since learned Counsel for the Applicant wants to produce additional documents.</p> <p>4. S.O. to 20.10.2021 through video conference at 2.30 PM.</p> <p align="center">Sd/- </p> <p>(A.P. Kurhekar) (Shree Bhagwan) Member(J) Vice Chairman (A)</p> <p>vsm</p>

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	<p>Date : 13.10.2021</p> <p align="center">O.A.No. 04 of 2018 (Through Video Confernce)</p> <p>S. M. Jadhav & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Today, the matter is placed before special Division Bench comprising Shri Shree Bhagwan, Hon'ble Vice-Chairman(A) and Shri A. P. Kurhekar, Hon'ble Member (J).</p> <p>2. Heard Shri S. C. Chandratre holding for Shri C. T. Chandratre, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned C.P.O. for the Respondents. None for Respondent Nos.4 to 70.</p> <p>3. Learned Counsel for the Applicants states that the matter is being conducted by Shri C.T. Chandratre but he is hospitalized and requested to adjourn the matter after Diwali vacation.</p> <p>4. S.O. to 24.11.2021.</p> <p align="center">Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p align="center">(Shree Bhagwan) Vice Chairman (A)</p> <p>ysm</p>


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	<p>Date : 13.10.2021</p> <p align="center">M.A. No.369 of 2021 in R.A.14 of 2020 in O.A.No.28 of 2018 with O.A.938 of 2018 (Through Video Conference)</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>D. L. Awate ...Respondent (Ori. Applicant)</p> <p>1. Today, the matter is placed before special Division Bench comprising Shri Shree Bhagwan, Hon'ble Vice-Chairman(A) and Shri A. P. Kurhekar, Hon'ble Member (J).</p> <p>2. Heard Smt. Kranti Gaikwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents). Original Applicant is present in person.</p> <p>3. Original Applicant states that for two years he is kept without posting and opposes grant of time to State.</p> <p>4. Learned P.O. requested for one week time stating that State Government has already filed W.P. before the Hon'ble High Court and the same will be circulated soon.</p> <p>5. S.O. to 20.10.2021</p> <p align="center">Sd/- </p> <p>(A.P. Kurhekar) Member(J) (Shree Bhagwan) Vice Chairman (A)</p> <p>vsm</p>

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	<p>Date : 13.10.2021</p> <p align="center">O.A.No.43 of 2020 (Through Video Conference)</p> <p>H.R. DasApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Today, the matter is placed before special Division Bench comprising Shri Shree Bhagwan, Hon'ble Vice-Chairman(A) and Shri A. P. Kurhekar, Hon'ble Member (J).</p> <p>2. Heard the Applicant in person and Smt. Archana B. K., learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for one week time to file reply on behalf of the Respondent No.1 on the ground that C.P.O. is unwell who is incharge of the matter.</p> <p>3. S.O. to 20.10.2021 through video conference at 2.30 pm.</p> <p align="center">Sd/-</p> <p>(A.P. Kurhekar) (Shree Bhagwan) Member(J) Vice Chairman (A)</p> <p>vsm</p>

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	<p>Date: 13.10.2021</p> <p align="center">O.A. No.542 of 2021</p> <p>S.D. SheteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. O.A. is filed simply for direction to the Respondent No.1 to consider the representation made by the Applicant on 10.12.2020 for transfer from Saswad to Pune.</p> <p>3. The Applicant was posted as Sr. Clerk in the Office of Lift Irrigation Management Sub Division, Saswad w.e.f. 01.01.2019. As such she has not completed normal tenure. She was appointed on compassionate ground initially in 1989.</p> <p>4. As such, since the Applicant was not due for transfer the question of transfer by the Department did not arise. However, she made representation dated 10.12.2020 for request transfer.</p> <p>5. Indeed, there is no such cause of action to the Applicant in eye of law to file such O.A., and therefore, O.A. deserves to be disposed of.</p> <p>6. Respondents may consider her representation as may be permissible in law.</p> <p>7. No order as to costs.</p> <p align="right">Sd/- _____ (A.P. Kurhekar) Member (J) <i>[P.T.O.]</i></p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.626 of 2021</p> <p>G.N. SarodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol 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. Already enough time is granted for filing Affidavit-in-Reply but the same is not filed. 3. Hence I am not inclined to grant further time. 4. O.A. be kept for hearing at the stage of admission after one week. 5. S.O. to 20.10.2021. <p align="right"> ^h Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

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	<p>Date: 13.10.2021</p> <p>O.A. No.601 of 2021</p> <p>M.S. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Advaita M. Lonkar, learned Advocate holding for Shri M.D. Lonkar, 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 for filing Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 20.10.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.583 of 2021</p> <p>R.T. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.G. Panchal, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today matter is for filing Affidavit-in-Reply but the same is not filed.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 17.11.2021.</p> <p align="right"> ^ Sd/- v' (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

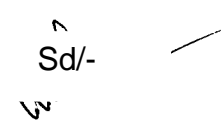
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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.1231 of 2019</p> <p>L.G. Lonkar P.R. Vanjari & OrsApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On previous date learned Advocate for the Applicant had filed Affidavit-in-Rejoinder.</p> <p>3. Learned P.O. sought two weeks time to file Sur-Rejoinder in view of various pleas raised by the Applicant in his Rejoinder.</p> <p>4. S.O. to 25.10.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.687 of 2021</p> <p>D.J. ParmekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.C. Prabhu, 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 for filing Affidavit-in-Reply.</p> <p>3. S.O. to 27.10.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>


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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.673 of 2021</p> <p>S.P. BombeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.T. Chandratre, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents, Shri Gaurav. A. Bandiwadekar, learned Advocate for the Respondent No.3 and Ms. Advaita M. Lonkar, learned Advocate holding Shri M.D. Lonkar, learned Advocate for the Respondent No.4.</p> <p>2. Three weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 15.11.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

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	<p>Date : 13.10.2021</p> <p align="center">O.A.No.757 of 2021</p> <p>A. N. BharmalApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri L. S. Deshmukh, 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., time is granted to file short affidavit and to produce the record.</p> <p>3. S.O. to 20.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 13.10.2021</p> <p align="center">O.A.No.368 of 2021</p> <p>J. R. Chavan ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record. 3. Respondent No.2 though served is absent. 4. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder. 5. S.O. to 25.10.2021. <p align="right">Sd/- ✓ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 13.10.2021</p> <p style="text-align: center;">O.A.No.790 of 2021</p> <p>S. G. GoleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. G. Kudle, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the communication dated 29.06.2018 whereby the Collector has taken the decision as under:-</p> <p style="margin-left: 40px;">“ उपरोक्त विषयान्वये कळविण्यात येते की, संदर्भ क्रमांक १ दिनांक ०९.०६.२०१४ रोजीचे अधिसूचनाव्यये १. तलाठी २. सर्वेक्षक ३.ग्रामसेवक ४. अंगणवाडी पर्यवेक्षक ५.शिक्षक ६.आदिवासी विकास निरीक्षक ७.कृषि सहाय्यक ८.पशूधन सहाय्यक ९.परिवारीका १०. बहूउद्देशिय आरोग्य अधिकारी या संवर्गातील पदे अनुसूचित क्षेत्र असलेल्या जिल्हयामधील अनुसूचित क्षेत्रामधील आवश्यक शैक्षणिक अर्हता असलेल्या स्थानिक अनुसूचित जमातीच्या उमेदवारांमधूनच भरण्यात यावीत. तसेच नमूद केलेल्या सर्व पदांपैकी एकतृतियांश पदे स्थानिक अनुसूचित जमातीतील महिला उमेदवारांमधून भरण्यात यावीत असे अधिसूचनेद्वारे निर्देशित केलेले आहे. तसेच दिनांक ०५.०३.२०१५ रोजीचे शासन निर्णयान्वये तसेच वनरक्षक व कोतवाल या पदाचा उक्त संवर्गात समावेश करणेत आलेला आहे.</p> <p style="margin-left: 40px;">वर नमूद केलेप्रमाणे उक्त शासन निर्णयाचे अनुषंगाने आपल्या आस्थापनेवरील तलाठी या संवर्गाची बिंदूनामावली सहाय्यक आयुक्त (मागास वर्ग कक्ष) कोंकण विभाग, कोंकण भवन, नवी मुंबई यांजकडून मंजूर करून घेण्यात यावी व तसे या कार्यालयास कळविणेत यावे.</p> <p>प्रत :- १. सहाय्यक जिल्हाधिकारी डहाणू विभाग, डहाणू २. उपविभागीय अधिकारी, वाडा विभाग, वाडा ३. तहसिलदार तलासरी</p> <p>२. श्री. सचिन गोळे, तलाठी तहसिल कार्यालय,कार्यालय तलासरी यांना खुल्या प्रवर्गातून नेमणूक झालेली आहे. सबब, उक्त शासन निर्णयानुसार अनुसूचित जमाती प्रवर्गातील तलाठी कर्मचारी यांची बदली करता येते.”</p>

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3. Thus, it is only communication from the Collector to other departments. All that at the end of communication there is a note that the Applicant is appointed from open category, and therefore, as per Government Resolution dated 09.06.2014, the post of Talathi, Gramsevak etc. are required to fill in from scheduled tribe category.

4. Whereas in O.A., the Applicant comes with a case that he is working as Talathi at Talasari since 2014 and requested for transfer at Wada Sub Division on the ground of personal difficulties. However, in impugned transfer order there is no such reference of his rejection of representation, if any, made by the Applicant.

5. Apart, communication dated 29.06.2018 is challenged after the period of limitation. O.A. ought to have been filed within one year from cause of action i.e. from 29.06.2018. But it is filed on 08.10.2021. This being the position, O.A. is barred by limitation. Learned Counsel for the Applicant also concedes this legal position. He seeks liberty to make representation.

6. No application is made for condonation of delay.

7. In view of above, O.A. is liable to be dismissed. The Applicant is at liberty to make representation for his transfer and, if any such representation is made, the Respondent No.3-Collector shall decide it in accordance to law.

8. Here, perusal of record further reveals that though the point of limitation is involved, the office has not made any scrutiny from the point of limitation. On the contrary, the office made note "Scrutiny is done and no objection found" which is apparently incorrect. The concerned Assistant Registrar apparently did not apply the mind nor scrutinized the O.A. properly but blindly made endorsement that scrutiny is done and no objection is found.

9. The Registrar is, therefore, directed to call explanation of concerned Assistant Registrar for negligence and lapses on her part and it be placed before the Hon'ble Chairperson for further orders.

Sd/-

(A.P. Kurhekar)
Member(J)

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	<p>Date : 13.10.2021</p> <p align="center">M.A.No.392 of 2021 in O.A.No.670 of 2021</p> <p>Dr. S.D. Nanandkar (M.A.392/2021) A.S. Chandanwale (O.A.670/2021)Applicants</p> <p align="center">Vs.</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. M.A.No.392/2021 for intervention was earlier on board on 08.10.2021 along with O.A. No.670/2021.</p> <p>2. We first directed learned Advocate Mr. Krishna Agarwal to argue his case as to why he is opposing the M.A. for intervention. He was heard on 08.10.2021, however noting to that effect is not seen in the record. Therefore, we now put it on record.</p> <p>3. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant in M.A. No.392/2021, Mr. Krishna Agarwal i/b. M/S. Talekar Asso. learned Advocate for the Applicant in O.A.No.670/2021 and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>4. Today, learned Advocate Mr. Bandiwadekar argued the matter.</p> <p>5. For hearing in M.A. and O.A. Adjourned to 14.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Meeta Gadgil) (Mridula Bhatkar, J.) Member(J) Chairperson</p> <p align="center">prk</p> <p align="right">[P.T.O.]</p>

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	<p><u>13.10.2021</u></p> <p align="center"><u>M.A 338/2021 in O.A 60/2021</u></p> <p>V.T Surve & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Vidya Kamble, learned advocate for the applicants and Mrs Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Misc Application seeking condonation of delay in filing the Original Application is allowed.</p> <p align="center">Sd/- Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.525 of 2021</p> <p>S.S. RajadhyakshaApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, 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. one week time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 20.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.490 of 2021</p> <p>G.K. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.3. It is taken on record. No Reply of behalf of Respondent Nos.1 & 2. 3. On request of learned Advocate for the Applicant two weeks time is granted for filing Affidavit-in-Rejoinder. 4. S.O. to 27.10.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.467 of 2021</p> <p>A.A. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Enough time is granted but the Affidavit-in-Reply is not filed. 3. I am therefore not inclined to grant further time. 4. O.A. be kept for hearing at the stage of admission without Reply. 5. S.O. to 16.11.2021. <p align="right"> ^N Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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	<p align="center">Date: 13.10.2021</p> <p align="center">O.A. No.462 of 2021</p> <p>R.M. KashelkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, 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 Affidavit-in-Reply on behalf of Respondent No.1 & 2. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Affidavit-in-Rejoinder.</p> <p>4. S.O. to 27.10.2021.</p> <p align="right">Sd/- ✓ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.10.2021</p> <p align="center">O.A. No.405 of 2021</p> <p>A.P. AndhereApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that during the course of the day he is filing Affidavit-in-Reply on behalf of the Respondent No.2. Statement is accepted. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant one week time is granted for filing Affidavit-in-Reply on behalf of the Respondent No.1 & 3 by way of last chance.</p> <p>4. S.O. to 20.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 13.10.2021</p> <p style="text-align: center;">M. A. No.422 of 2021 in O.A.No. 234 of 2021</p> <p>V. E. MhatreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. M.A.422/2021 is filed for amendment to O.A. thereby incorporating certain additional grounds to challenge the suspension order. 3. I am, therefore, inclined to allow amendment application to the extent of incorporating additional grounds and prayer clause. 4. Insofar as the addition of party is concerned, the proposed Respondent No.2-State of Maharashtra is not at all necessary party and in present O.A. since suspension order is passed by the Collector who is Respondent in the matter. Therefore, the question of joining Government does not survive. 5. In view of above, amendment be carried out within a week. 6. Two weeks time is granted to learned P.O. to file reply to the amendment made in O.A. 7. S.O. to 27.10.2021. <p style="text-align: right; margin-right: 20px;">Sd/-</p> <p style="text-align: right; margin-right: 20px;">(A.P. Kurhekar) Member(J)</p> <p style="margin-top: 20px;">vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.10.2021</p> <p style="text-align: center;">O.A.No.567 of 2021</p> <p>A. R. Patil ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. M. Karade, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the communication dated 23.03.2021 whereby the Government rejected the claim of the Applicant for appointment on compassionate ground stating that his father deceased Rangrao was Jr. Engineer following in Group B (non gazetted), therefore, the scheme for appointment on compassionate ground is not applicable to the family of deceased since it was applicable only to Group-C & D employees. 3. However, today learned Counsel for the Applicant has pointed out that the Government has recently issued G.R. dated 27.09.2021 thereby extending the scheme for appointment on compassionate ground to Group-A & B also, and therefore, he wants to make fresh representation/application on the basis of new G.R. dated 27.09.2021. He, therefore, prayed for withdrawal of O.A. with liberty to file fresh application for appointment on compassionate ground in terms of G.R. dated 27.09.2021. 4. Allowed to withdraw O.A. with liberty to Applicant to make application afresh on the basis of recent G.R. dated 27.09.2021. 5. If the Applicant felt aggrieved by the decision on his fresh application, he may avail further legal remedy. 6. O.A. is accordingly disposed of with no order as to costs. <p style="text-align: right;">Sd/-</p> <p style="text-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 : 13.10.2021</p> <p align="center">M.A.No.160 of 2021 in O.A.No. 313 of 2021</p> <p>P. S. GhareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms V. Y. Agane, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. was dismissed in default but it is restored today in view of order passed in M.A.No.416/2021. M.A. for condonation of delay, therefore, be kept for hearing.</p> <p>3. S.O. to 27.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 13.10.2021</p> <p align="center">M. A. No.226 of 2019 in O.A.No.761 of 2018</p> <p>M. G. Kadam ...Applicant Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. G. Panchal, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for condonation of delay caused in filing O.A. No.761/2018.</p> <p>3. The Applicant was suspended by order dated 26.11.2012 on account of registration of criminal offence against him. However, later by order dated 30.03.2013, he was reinstated in service subject to decision in criminal case or departmental enquiry. After reinstatement in service, the Applicant stands retired on 31.03.2013 on attaining the age of superannuation. After retirement, he made representation on 16.10.2017 requesting to release retiral benefits as well as to take decision on the treatment to the suspension period. However, it was not responded, and therefore, the Applicant again made representation on 13.11.2017 and 15.01.2018 but in vain.</p> <p>4. Ultimately, the Applicant has filed present O.A. claiming relief that the suspension period from 26.11.2012 to 30.03.2013 should be treated as duty period.</p> <p>5. M.A. was filed under misconception ^{by} on counting delay from the date of retirement. Here, the issue in O.A. is about treatment to the suspension period, ^{though} the Applicant has made representation, it was not responded. Indeed, since the criminal case is pending that seems to be the ground for not taking decision about the ^{suspension} suspension period.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Be that as it may, in view of representation made by the Applicant on 16.10.2017, the Respondent No.2 – Commissioner of Police ought to have passed appropriate order which is not passed, and therefore, O.A. is filed.</p> <p>7. In view of above, M.A. and O.A. are required to be disposed of with appropriate direction.</p> <p>8. Accordingly, M.A. and O.A. are disposed of with direction to Respondent No.2 – Commissioner of Police to take appropriate decision on the representation made by the Applicant on 16.10.2017 about regularization /treatment to his suspension period within two months from today and the decision as the case may be, shall be communicated to the Applicant in accordance to law.</p> <p>9. No order as to costs.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p><u>13.10.2021</u></p> <p><u>O.A 649/2021</u></p> <p>Smt Varsha P. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that the private Respondents 4 to 20 are already served and affidavit in service is filed. However, he submitted that the private Respondents are not appearing.</p> <p>3. S.O to 3.12.2021.</p> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>13.10.2021</u></p> <p style="text-align: center;"><u>O.A 323/2014</u></p> <p>Maharashtra Government Polytechnic Teachers (Gazetted Varg-I) Welfare Association ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that All India Council for Technical Education, (AICTE), who is party Respondent no. 3, has not filed affidavit in reply till today. He further states that Respondent no. 3 is already served.</p> <p>3. Last chance is granted to Respondent no. 3 to file affidavit in reply. If affidavit in reply is not filed before the next date, the matter will proceed without affidavit in reply.</p> <p>4. S.O to 29.11.2021.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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MUMBAI**

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	<p align="center"><u>13.10.2021</u></p> <p align="center"><u>O.A 428/2021</u></p> <p>Shri S.A Kamble ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2, Learned counsel for the applicant seeks two weeks' time to file affidavit in rejoinder.</p> <p>3. S.O to 29.10.2021.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center"><u>13.10.2021</u></p> <p align="center"><u>O.A 145/2021</u></p> <p>Shri N.P Chaudhari & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O on instructions from Mr. Khushal. R Potdar, Head Clerk in the office of Director General of Police, M.S, Mumbai, that the meeting of the D.P.C will be held to consider the case of the applicants for promotion and for that they request for four weeks' time.</p> <p>3. Four weeks' time is granted to the Respondents to take decision in the matter with liberty to file affidavit in reply.</p> <p>4. S.O to 16.11.2021.</p> <p align="right">Sd/-</p> <p align="right">Sd/-</p> <p>Medha Gadgil Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.10.2021</p> <p>O.A.No.408 of 2021</p> <p>Dr. K.N. DeoreApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant's interim relief in O.A.No.408/2021 was earlier rejected by us by order dated 09.07.2021 as he had no legal right because he was appointed on adhoc basis. The Applicant has requested for interim stay for appointment of another candidate as ad-hoc Assistant Professor (CTVS) and the State be restrained from discontinuing the services of the Applicant as Assistant Professor (CTVS) by appointing another candidate as ad-hoc Assistant Professor (CTVS). He submits that he has again prayed for interim stay because he has been given fresh appointment order for 120 days on ad-hoc basis from 18.09.2021. He further submits that though he is a medical officer working in the said Department since 2006, he is often given break after 120 days. Now, he seeks regularization in his service as Assistant Professor (CTVS) in medical college with the Respondent-State.</p> <p>3. After hearing these facts, we made query to the learned P.O. that whether the Respondent-State has sent the request to M.P.S.C. for regularizing his appointment as Assistant Professor (CTVS) medical college. Respondent is directed to produce the copy of the same before on the next date. Affidavit-in-reply is to be filed by next date</p> <p>4. Adjourned to 27.10.2021.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member(J)</p> <p style="text-align: center;">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>M.A.181/2020 in R.A.8/2020 in O.A.399/2018</u></p> <p>P.V. Korpale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Anand Awasarmol, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant has filed RA against the order dated 14.1.2020 passed by this Tribunal in OA No.399 of 2018. The RA is filed on 18.3.2021. There is delay of 31 days in filing RA. Hence, this MA for condonation of delay.</p> <p>3. In support of his contention he has submitted Doctor's certificate dated 11.2.2020 at page 20 of MA, wherein it is stated that applicant was suffering from 'Pyrexia of unknown origin' and was advised complete rest from 11.2.2020 to 14.3.2020.</p> <p>4. Ld. PO opposes condonation of delay and relies on the order dated 25.4.2017 passed by the Nagpur Bench of this Tribunal in CA No.470 of 2016 in RA St. No.1887 of 2016 in OA No.492 of 2015 (Umashankar P. Buruje Vs. State of Maharashtra & Ors.) and prays that this MA for condonation of delay may be dismissed.</p> <p>5. In the matter of Nagpur Bench there is delay of six months and four days and this matter is distinguishable from the present case as in the present case there is delay of only 31 days and more over medical certificate is also annexed to the MA.</p> <p>6. As the reasons given for condoning the delay are satisfactory, we condone the delay. MA is allowed and the delay is condoned.</p> <p>7. RA is adjourned to 8.12.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 13.10.2021 13.10.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A. No.427 of 2021 in O.A. No.804 of 2021

S.P. Kale & 28 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, 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.

Sd/-
(Medha Gadgil)
Member (A)
13.10.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
13.10.2021

(sgj)

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

Tribunal's orders

O.A. No.804 of 2021

S.P. Kale & 28 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. The applicants seek deemed date of appointment as 2.5.2016 in the post of Chief Officer Group-B on the basis of revised recommendation of MPSC dated 28.4.2016 and all consequential benefits.

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 2.12.2021. The respondents are directed to file reply.

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(Medha Gadgil)
Member (A)
13.10.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
13.10.2021

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

Tribunal's orders

Date : 13.10.2021

M.A.No.338 of 2021 in O.A.No.60 of 2021

V.T. Surve & Ors.Applicants
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Vidya Kamble, learned Advocate holding for Mr. K.K. Sonawane, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The Applicant has filed M.A.No.338/2021 for condonation of delay in filing O.A. However, since issue is not *res integra*. In view of the judgment dated 29.08.2017 in O.A.No.740, 741 & 1197/2016. and Government Resolution dated 29.09.2003 especially clause No.2 the benefits are to be extended from the date of issue of the G.R.

3. The learned P.O. is directed to call the officers from the Water Resources Department at 2.15 p.m. today.

4. The learned Advocate refers to the two letters of representations, wherein the names of the applicants are shown as eligible as per the G.R. dated 2008. Further the applicants have made many representations two of which dated 26.12.2019 and 10.08.2020 are annexed requesting for release of arrears from the year 2003 to 2008.

5. The learned P.O. submits that she will take instructions from the Department that why these applications remained unanswered and why the case of the applicants are not been considered as per the order of the Tribunal.

6. Officers of the Water Resources Department are directed to remain present today at 2.15.

7. Adjourned at 2.15 today.

Sd/-

Sd/-

(Medha Gadgil)
Member(J)

(Mridula Bhatkar, J.)
Chairperson

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

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	<p align="center"><u>C.A. No.45 of 2019 in O.A. No.651 of 2018</u></p> <p>R.V. Somane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant and Advocate both are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that MPSC has filed W.P. No.9845 of 2019 in the Hon'ble High Court challenging the judgment and order dated 20.2.2019 and the Hon'ble High Court has stayed the order of the Tribunal on 5.11.2019.</p> <p>3. In view of the above, the matter is adjourned to 1.12.2021.</p> <p align="center"> <table border="0"> <tr> <td align="center">Sd/- (Medha Gadgil) Member (A) 13.10.2021 (sgj)</td> <td align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 13.10.2021</td> </tr> </table> </p>	Sd/- (Medha Gadgil) Member (A) 13.10.2021 (sgj)	Sd/- (Mridula R. Bhatkar, J.) Chairperson 13.10.2021
Sd/- (Medha Gadgil) Member (A) 13.10.2021 (sgj)	Sd/- (Mridula R. Bhatkar, J.) Chairperson 13.10.2021		

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	<p align="center"><u>C.A. No.38 of 2019 in O.A. No.634 of 2017</u></p> <p>S.D. Sutar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant and Advocate both are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Ld. PO states that respondents have filed W.P. No.8243 of 2019 in the Hon'ble High Court challenging the order dated 4.10.2018 passed by this Tribunal in the above OA. In the said writ petition the original applicants have mentioned that they will not press the CA.</p> <p>3. S.O. to 23.12.2021.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 13.10.2021 13.10.2021</p> <p>(sgj)</p>