

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 13.11.2019.
	<p><b>R.A. Nos.16, 17 &amp; 18 of 2019 with O.A.Nos.340, 343 &amp; 344 of 2018</b></p> <p><b>R. M. Shivsharan &amp; Ors. ....Applicants</b> <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Present R.A. is filed by the Applicants under apprehension that in view of dismissal of their OA Nos.340, 343, 344 and 135 of 2018 decided on 14.06.2019 it will come in the way of Respondent No.1 to amend the G.R. dated 28.06.2011 in terms of proposed amendment suggested by the Committee.</p> <p>3. Original Applications were filed challenging the appointment of Police Patil made by the S.D.O. on the ground that the Applicants had already worked as temporary Police Patil, and therefore, entitled to the post of Police Patil in terms of G.R. dated 28.06.2011 and proposed amendments thereto. Original Applications are dismissed on merit.</p> <p>4. As per G.R. dated 28.06.2011, Clause -4 there must be 13 orders of appointment of total period of two years for regular appointment. The Tribunal has recorded findings of fact that the Applicants though worked on the post of Police Patil temporarily for some period, those are less than 13 in number as required by G.R. dated 28.06.2011, and therefore, they were found not entitled to the benefit of G.R. dated 28.06.2011 on all those posts. The S.D.O. had appointed another person after issuance of advertisement and those were also challenged in the O.A.,</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In O.A., it was pointed out by the learned Counsel that there was move in the Government to modify clause (4) of G.R. dated 28.06.2011. Had these amendments carried out, the Applicants claim would have fallen in G.R. dated 28.06.2011. However, no such final decision was taken by the Government and it was under consideration. Taking note of all these facts, O.As. were dismissed on merit.</p> <p>6. Now, the present R.A. is filed by the Applicants contending that they have apprehension that because of dismissal of O.A., the Government may refuse to amend G.R. 28.06.2011, therefore, by present R.A. directions are sought to the Government to decide the issue of amendment to G.R. 28.06.2011 within stipulated period and also to clarify that the dismissal order should not come in their way.</p> <p>7. True, in prayer clause of O.A., the Applicants have also sought one of the relief of directions to the Respondents to decide the issue of amendment of G.R. dated 28.06.2011 within stipulated period. So far as this aspect is concerned as stated above, Original Applications are decided on merit, and therefore, there was no question of giving any directions for the proposed amendment in G.R. dated 28.06.2011. Needless to mention that relief asked for, and not granted by the Court or Tribunal is deemed to have been rejected. This is settled principle of law. Admittedly, the Applicants have not challenged the judgment rendered by this Tribunal in Original Applications.</p> <p>8. In so far as apprehension of the Applicants that dismissal of O.A. would come in the way of Respondents to take final decision about amendment to G.R. dated 28.06.2011 is concerned, it is misplaced. It is open to Respondent No.1 to take appropriate decision about the proposed amendment to G.R. dated 28.06.2011 on its own merit as it deem fit. No further clarification about the judgment delivered in O.A. is required.</p> <p>9. With this all these Review Applications are disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.1035 of 2019**

Dr. P. B. Thakare & Ors.

)..... Applicants

Versus

State of Maharashtra & Ors.

)... Respondents

Shri M. D. Lonkar, Counsel for the Applicant

Ms S. P. Manchekar, Chief Presenting Officer for the Respondents

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

DATE : 13.11.2019.

**ORDER**

1. Heard Shri M. D. Lonkar, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In the present O.A., the Applicant has challenged the impugned orders dated 26.07.2019 and 24.09.2019 and 11.10.2019 whereby the benefit of AGP of Rs.10,000/- granted to them has been withdrawn. Consequent to it, recovery as well as their current pay is reduced with AGP of Rs.9000/- instead of Rs.10,000/-. The Applicants have sought interim relief to protect their present salary as well as against impugned recovery. The Applicants claim themselves as designated Professor.

3. According to Shri M.D.Lonkar, learned Counsel; the Applicants are entitled to AGP of Rs.10,000/- as per clause (xii) of Para 3 of G.R. dated 10.11.2010. He has further pointed out that consequent to this G.R., letter was issued by the Government on 02.07.2015 whereby Associate Professor on completing three years service were to be treated as designated Professor and entitled to AGP of Rs.10,000/-. The Applicants granted AGP of 10,000/- from year <sup>2011</sup> ~~2012~~ to 2013 and they are receiving the same. However, by order dated 01.02.2018 and 05.02.2018 having realized that they were granted AGP of Rs.10,000/- incorrectly, the re-fixation was ordered and recovery was also sought.

*Manchekar*

4. Learned Counsel for the Applicants submits that as the Applicants are receiving AGP of Rs.10,000/- from 2011 the impugned action of recovery without notice is impermissible. He further submits that Associate Professors are already getting AGP of Rs.9000/-, and therefore, the Applicants cannot be brought down to the level of Associate Professor.

5. Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents has pointed out that G.R. dated 10.11.2009 has not been interpreted and understood by the department correctly. She has pointed out that Clause (xii) of G.R. which entitles Professor of AGP of Rs.10,000/- apply, where Associate Professor having completed requisite qualification, if appointed and designated as Professor then only they entitled to AGP of Rs.10,000/-. She has further pointed out that clause (ii), (vi) and (xi) specifically provides that AGP of Assistant Professor shall be up to 7000, 8000 and 9000. It is further pointed out by learned C.P.O. that as per government letter dated 17.01.2012 it has been clarified by the Government that Associate Professor even if completing three years service they will not be entitled for AGP of Rs.10000/- as stated in G.R. dated 10.11.2010. This mistake was realized while applying 7<sup>th</sup> Pay Commission to the Applicants and therefore, remedial measures are taken.

5. Prima-facie, G.R. dated 10.11.2009 is not interpreted correctly which resulted into grant of AGP of Rs.10000/- to the Applicants. As per clause (xii) of G.R. dated 10.11.2009 there has to be appointment as designated Professor which is not done in the present case. Prima-facie G.R. dated 10.11.2010 was not interpreted correctly and after realizing the mistake, remedial steps are being taken. As such, at this stage it cannot be said that impugned action of down grading AGP of Rs.10000 to 9000/- is totally illegal.

6. I am, therefore, not inclined to grant interim relief to the extent of down grading of AGP.

7. However, in so far as recovery is concerned, as the Applicants have received it from 2011 it cannot be recovered in this manner. Applicants are therefore entitled to protection against recovery till further orders.

8. Issue notice before admission returnable on 03.12.2019.

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

10. 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.

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. 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.

13. 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.

14. S.O. to 03.12.2019.

Sd/-

**(A.P. KURHEKAR)**  
**MEMBER (J)**

(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 : 13.11.2019.</p> <p>M. A. No.481 of 2018 in O.A.No.842 of 2018</p> <p>S. A. Patil .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri D. A. Jogdeo, learned Counsel for the Applicant and Shri A. J. Chougule , learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired from the post of Section Engineer in 2012. However, he is claiming benefit of Notification dated 13.03.2013 which inter-alia states that persons who were appointed during the period 02.04.1981 to 31.12.1996 who have either retired on superannuation or voluntarily retired or left., the above referred post for any reason shall be deem to be regularized under the cadre of Assistant Engineer, Grade-2.</p> <p>3. on the basis of Notification dated 13.03.2013, the Applicant has filed O.A.842/2018 for grant of pay and allowances and retiral benefits for the post of Assistant Engineer, Grade-II. As O.A. is delayed by five years, the Applicant has filed M.A.No.481 of 2018 for condonation of delay.</p>

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

**Tribunal's orders**

4. As the Applicant stands retired in 2012 and Notification relied upon is of 13.03.2013, the Applicant was first required to approach the department to redress his grievance. However, he directly approached this Tribunal.

5. In view of controversy raised by the Applicant, it would be appropriate to direct him to first approach the department by filing appropriate representation to redress his grievance and let the department pass appropriate orders.

6. In view of above, M.A. and O.A. are disposed of with directions as follows :-

- (A) The Applicant shall make representation to the Respondent within a month from today to redress his grievance about applicability of Notification dated 13.03.2013 to him.
- (B) If the representation is made within one month then it shall be decided by the Respondents within three months thereafter and the decision shall be communicated to the Applicant within two weeks thereafter.
- (C) If the Applicant felt aggrieved by the decision, he may take further recourse of law.
- (D) No order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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><u>M.A. No.595 of 2019 in O.A. No.1060 of 2019</u></p> <p>R.M. Gaikwad &amp; Ors. ..Applicants  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, Ld. Advocate for the Applicants and Ms. S.P. Manchekar, Ld. CPO for the Respondents.</p> <p>2. By this MA, the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and 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.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurkhekar)  Member (J)  13.11.2019</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Shree Bhagwan)  Vice-Chairman  13.11.2019</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 style="text-align: center;"><u>M.A. No.538 of 2019 in O.A. No.432 of 2019</u></p> <p>K.L. Chavan &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 to 5, Shri S.S. Dere, learned Advocate for Respondent-original applicant.</p> <p>2. In view of withdrawal of the above OA, nothing survives in the MA and the same stands disposed off as such.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurkhekar) Member (J) 13.11.2019</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Shree Bhagwan) Vice-Chairman 13.11.2019</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.432 of 2019</u></p> <p>P.L. Patil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 to 5, Shri S.S. Deokar, learned Advocate for Respondents No.15, 29 &amp; 31 and Dr. Gunrantan Sadavarte, learned Advocate for Respondents No.19, 23, 27, 28, 30, 32, 34, 35 &amp; 36.</p> <p>2. Id. Advocate for the applicant has produced a letter dated 6.11.2019 from the applicant requesting to withdraw the above OA. The said letter is taken on record and marked 'X' for identification.</p> <p>3. In view of the above, the OA is allowed to be withdrawn and disposed off as such. Interim relief granted on 26.4.2019 stands vacated.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(A.P. Kurkhekar) (Shree Bhagwan) Member (J) Vice-Chairman 13.11.2019 13.11.2019</p> <p>(sgj)</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 style="text-align: center;"><u>O.A. No.544 of 2018</u></p> <p>V.B. Shende ..Applicant  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 &amp; 2, Shri A.V. Bandiwadekar, learned Advocate for Respondent No.3 and Shri S.S. Dere, learned Advocate for Respondent No.4.</p> <p>2. Ld. CPO has filed additional reply on behalf of respondent no.1 as per order dated 17.9.2019 and the same is taken on record. Ld. Advocate for the applicant desires time to study the reply.</p> <p>3. S.O. to 3.12.2019.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurkhekar)  Member (J)  13.11.2019</p> <p>(sgj)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Shree Bhagwan)  Vice-Chairman  13.11.2019</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.432 of 2019</u></p> <p>P.L. Patil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 to 5, Shri S.S. Deokar, learned Advocate for Respondents No.15, 29 &amp; 31 and Dr. Gunranta Sadavarte, learned Advocate for Respondents No.19, 23, 27, 28, 30, 32, 34, 35 &amp; 36.</p> <p>2. Ld. Advocate for the applicant has produced a letter dated 6.11.2019 from the applicant requesting to withdraw the above OA. The said letter is taken on record and marked 'X' for identification.</p> <p>3. In view of the above, the OA is allowed to be withdrawn and disposed off as such. Interim relief granted on 26.4.2019 stands vacated.</p> <p align="center">Sd/- V (A.P. Kurkhekar) Member (J) 13.11.2019 (sgj)</p> <p align="center">Sd/- (Shree Bhagwan) Vice-Chairman 13.11.2019</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 style="text-align: center;"><u>O.A. No.124 of 2019</u></p> <p>S.S. Solanki ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The matter may be placed before regular Division.</p> <p>3. S.O. to 11.12.2019.</p> <p style="text-align: center;">Sd/-</p> <p>(A.P. Kurkhekar) Member (J) 13.11.2019</p> <p>(sgj)</p> <p style="text-align: center;">Sd/-</p> <p>(Shree Bhagwan) Vice-Chairman 13.11.2019</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 style="text-align: center;"><u>O.A. No.543 of 2017</u></p> <p>P.A. Pafil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant states that he is relying on the judgment of Nagpur Bench of Hon'ble High Court in Sachin Dhavale &amp; Ors. Vs. State of Maharashtra.</p> <p>3. Ld. PO is given last chance to file reply.</p> <p>4. S.O. to 20.11.2019 before regular Division Bench.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(A.P. Kurkhekar) (Shree Bhagwan) Member (J) Vice-Chairman 13.11.2019 13.11.2019</p> <p>(sgj)</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 Corom, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.250 of 2019</u></p> <p>G.G. Kamble &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicants and Shri A.J. Chougule, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that he has already filed reply. Ld. PO is directed to supply copy to the other side.</p> <p>3. S.O. to 5.12.2019.</p> <p style="text-align: center;">Sd/- /</p> <p style="text-align: center;">(A.P. Kurkhekar) Member (J) 13.11.2019</p> <p>(sgj)</p> <p style="text-align: center;">Sd/- /</p> <p style="text-align: center;">(Shree Bhagwan) Vice-Chairman 13.11.2019</p>

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

Tribunal's orders

O.A. No.1060 of 2019

R.M. Gaikwad & Ors. .Applicants  
Vs.  
The State of Maharashtra & Ors. .Respondents

Heard Shri Gunratan Sadavarte, Ld. Advocate for the Applicant and Ms. S.P. Manchekar, Ld. CPO for the Respondents.

2. Issue notice returnable on 11.12.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.
7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. Ld. Advocate for the applicant has annexed GR dated 11.7.2019 at Exh. D page 95 of OA which is stayed till 5.12.2019 by the Hon'ble High Court in W.P. St. No.26596 of 2019 by order dated 8.11.2019. Ld. Advocate for the applicant tenders copy of order dt.8.11.2019.
9. OA will be heard after outcome of the W.P.

Sd/-

(A.P. Kurkhekar)  
Member (J)  
13.11.2019

Sd/-

(Shree Bhagwan)  
Vice-Chairman  
13.11.2019

(sgj)



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

Tribunal's orders

O.A. No.1038 of 2019

A.N. Bhalchandra ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, Ld. Advocate for the Applicant and Ms. S.P. Manchekar, Ld. CPO for the Respondents.

2. Issue notice returnable on 4.12.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.
7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

Sd/-

(A.P. Kurkhekar)  
Member (J)  
13.11.2019

(sgl)

Sd/-

(Shree Bhagwan)  
Vice-Chairman  
13.11.2019

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

Tribunal's orders

O.A. No.1056 of 2019

G.A. Agale ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, Ld. Advocate for the Applicant and Shri A.J. Chougule, Ld. PO for the Respondents.

2. Issue notice returnable on 4.12.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.
7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

Sd/-

(A.P. Kurkhekar)  
Member (J)  
13.11.2019

(sg)

Sd/-

(Shree Bhagwan)  
Vice-Chairman  
13.11.2019

**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 style="text-align: center;"><u>O.A. No.1064 of 2019</u></p> <p>S.S. Panajkar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Amol Jagtap, learned Advocate holding for Shri A.A. Desai, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant has challenged the order dated 27.8.2018 of dismissal (page 61 of OA). Ld. Advocate for the applicant relies on the order dated 26.9.2019 passed by this Tribunal in OA No.661 of 2018 filed earlier by the present applicant (page 67 of OA). Liberty was given to file fresh OA however, procedure has to be followed. Hence, Ld. Advocate for the applicant is directed to file application for condonation of delay.</p> <p>3. S.O. to 5.12.2019.</p> <p style="text-align: center;">Sd/- (A.P. Kurkhekar) Member (J) 13.11.2019 (sgj)</p> <p style="text-align: center;">Sd/- (Shree Bhagwan) Vice-Chairman 13.11.2019</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.11.2019.</p> <p style="text-align: center;">O. A. No.1075 of 2019</p> <p>S. P. Jadhav .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. In the present O.A., the challenge is to the impugned order dated 10.09.2018 which inter-alia states that PI, Motor Transport Department, Sangali was orally directed by Superintendent of Police, Sangali to depute the Applicant who was serving in the office of SDPO, Miraj city to Motor Transport Department, Sangali. Indeed, deputation on oral directions is incomprehensible in law. As such, prima-facie, the order dated 10.0.2018 seems not legal.</li> <li>3. Issue notice before admission returnable on 27.11.2019 to the Respondent No.1 i.e. Police inspector , Motor Transport Department as well as Respondent No.2 and 3 also.</li> <li>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>9. S.O. to 27.11.2019.</li> </ol> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar)</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 : 13.11.2019.</p> <p>M. A. No.601 of 2019 in O. A. No.1075 of 2019</p> <p>S. P. Jadhav .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; 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 is an application for condonation of delay of two months challenging the impugned order dated 10.09.2018 which inter-alia states that as per oral directions by the Superintendent of Police, Sangali, the Applicant was deputed from Miraj to Sangali.</p> <p>3. For the reasons stated in the M.A., delay is condoned. M.A. is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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 : 13.11.2019.</p> <p>O.A.No.888 of 2019</p> <p>G. D. Gite .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Enough chances are granted to file reply but no reply is filed. Prima-facie, posting given o the Applicant is in contravention of Cadre Allotment Rules. The Applicant was allotted Konkan-2 but he is posted at Solapur by order dated 13.09.2019 which has been passed during the pendency of this O.A. Indeed, in order dated 13.09.2019 also it is stated that his division given as Konkan-2 is maintained as it is. If this is so then the Applicant was required to <sup>be</sup> reposted in Konkan-2.</p> <p>3. On the request of learned P.O., the matter is adjourned to 15.09.2019 for hearing at the stage of admission. He is at liberty to file reply but no further time will be given.</p> <p>4. S.O. to 15.09.2019.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</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 : 13.11.2019.</p> <p>O.A.No.718 of 2019</p> <p>D. R. Pawar .....Applicant</p> <p><b>Versus</b></p> <p>The State of Maharashtra &amp; 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 Original Application pertains to treatment to suspension period. Reply is already filed.</p> <p>3. The matter is adjourned for hearing at the stage of admission with liberty to the Applicant to file Rejoinder on or before next date.</p> <p>4. S.O. to 04.12.2019.</p> <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</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 style="text-align: center;"><u>O.A. No.723 of 2017</u></p> <p>K.T. Sonone ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A.R. Joshi, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant has produced letter dated 4.11.2019 signed by the applicant requesting to withdraw the above OA with liberty to file fresh OA, if required. The said letter is taken on record and marked 'X' for identification.</p> <p>3. In view of the above, OA is allowed to be withdrawn with liberty to file fresh OA as may be permissible in law.</p> <p style="text-align: center;">Sd/- Sd/- (A.P. Kurkhekar) (Shree Bhagwan) Member (J) Vice-Chairman 13.11.2019 13.11.2019</p> <p>(sgj)</p> <p style="text-align: center;"><u>O.A. No.1038 of 2019</u></p>





**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Applicatio: No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.937 of 2017
	<p>A.H. Gawale &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The above matter was finally heard on 18.9.2019 and closed for orders. Consequent to the order dated 18.9.2019 passed in the above OA, the Ld. Counsel have filed the following documents:</p> <p>(i) Order dated 22.8.2019 passed by this Tribunal in OA No.403 of 2017.</p> <p>(ii) Order dated 12.9.2018 passed by this Tribunal in OA No.606 of 2017.</p> <p>(iii) Table I &amp; II.</p> <p>(iv) Letter dated 24.7.1992 from by GAD to Collector, Mumbai.</p> <p>(v) Index from Ld. PO for taking documents on record.</p> <p>3. The above documents are taken on record and the matter is placed for rehearing on 14.11.2019.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(A.P. Kurkhekar) <span style="float: right;">(Shr�ee Bhagwan)</span> Member (J) <span style="float: right;">Vice-Chairman</span> 13.11.2019 <span style="float: right;">13.11.2019</span></p> <p>(sgj)</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 : 13.11.2019.</p> <p>O.A.No.986 of 2019</p> <p>M. D. Karande .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned C.P.O. has filed Affidavit-in-Reply on behalf of the Respondent Nos.1 and 2. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 27.11.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 13.11.2019.</p> <p>O.A.No.1014 of 2018</p> <p>D. G. Wagh .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; 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. In the present O.A. very short point is whether the Applicant is entitled for pay and allowances for the period he was out of service because of non joining despite issuance of transfer order and giving particular posting to him.</p> <p>3. The issue is very short and the Respondents have not filed reply though enough time is already granted.</p> <p>4. The matter be kept for hearing at the stage of admission. If the Respondents desire to file reply, they may file in the meantime.</p> <p>5. S.O. to 18.11.2019.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 13.11.2019.</b></p> <p><b>M.A. No.574 of 2019 in O. A. No.1032 of 2019</b></p> <p><b>R. S. Kamble</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"><li>1. Heard Shri S. B. Rohile, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.</li><li>2. Issue notice before admission returnable on 04.12.2019.</li><li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li><li>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li><li>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</li><li>6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li><li>7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</li><li>8. S.O. to 04.12.2019.</li></ol> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

..... 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><b>Date : 13.11.2019.</b></p> <p style="text-align: right;"><b>O.A.No.1072 of 2019</b></p> <p><b>K. B. Kolekar</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"><li>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li><li>2. In the present O.A., the Applicant is seeking implementation of orders passed by the Hon'ble Minister which seems to have been flouted by the Respondent No.3 i.e. District Collector, Sangali.</li><li>3. By order dated 23.10.2018, the Hon'ble Minister quashed the suspension as well as D.E. and directed the Collector, Sangali to reinstate the Applicant on the post of Circle Officer at Islampur, Dist. Sangali. However, the Respondent No.3 i.e. Collector was reluctant to implement the order passed by the Government. Therefore, he made reference by letter dated 05.11.2018 addressed to Principal Secretary for modification of order dated 23.10.2018 and proposed to reposting at Kadegaon. However, the Hon'ble Minister rejected the said proposal in view of the subsequent order passed by him in appeal no.2018 on 20.08.2019. The Hon'ble Minister confirmed his earlier order and again issued direction for implementation of the order passed on 23.10.2018 for reinstatement of the Applicant at Islampur, Dist. Sangali. Thereafter, also the Applicant has made various representations to the Collector but those were simply ignored.</li><li>4. Resultantly, the Applicant is still out of service for more than one year for no fault on his part.</li></ol>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. It is thus obvious that Respondent No.3 not only flouted the order passed by the Government but attempt is made to circumvent it by inappropriate manner which is totally impermissible. In view of the order passed by the Government, the Collector was bound to give reinstatement to the Applicant at Islampur. There is a loss of service and pay and allowances of near about one year for which Collector, Sangali only prima-facie seems responsible.</p> <p>6. In view of above, issue notice before admission returnable on 20.11.2019 to the District Collector, Sangali as to why the order passed by the Government is not implemented till date and as to why further orders for responsibility of pay and allowances loss by the Applicant should not be saddle upon him. If Collector, Sangali failed to submit suitable sufficient explanation on next date necessary orders would follow.</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 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>12. S.O. to 20.11.2019.</p> <p>13. Hamdast granted.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar)</p>