

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

Tribunal's orders

Date: 14.07.2020

M.A. No.166 of 2020 in R.A. No.06 of 2020
in O.A. No.563 of 2019

The State of Maharashtra & Ors. (Org. Resp.)....Applicant
Versus
Mohd. Husein H. Kacchi (Org. Appl.)Respondents.

1. Heard Ms. S.P. Manchekar, learned Chief
Presenting Officer for the Applicants (Org. Respondents)
and Shri M.B. Kadam, learned Advocate for the
Respondent (Org. Applicant) is absent.

2. Advocate for the Respondent not present.

3. S.O. to 13.08.2020

Sd/-

(P.N. Dixit)
Vice-Chairman

NMN

[PTO]

Date: 14.07.2020

M.A. No.160 of 2020 in T. A. No.8 of 2018

K.C. Pawar

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.
2. This Application was moved under section 25 of Maharashtra Administrative Tribunal Act, 1985, for the transfer of T.A.8/2018 pending on the file of Aurangabad Bench of the Principal Bench at Mumbai.
3. Heard counsel for the petitioner and C.P.O. the petitioner has challenged the Show Cause Notice issued by the Respondent the identical matters were filed at Mumbai, Maharashtra Administrative Tribunal so also at Nagpur Bench by the colleagues of the petitioners all matters were decided by the Principal Bench at Mumbai, the issue involved in those matters and the present matter is identical and those all matters were decided by the judgment and order dated 10.06.2019 by Mumbai, Principal Bench hence, it is prayed that the matters in hand which is pending at Aurangabad be transferred to Principal Bench.
4. In view of the submission the request of transfer is reasonable and hence the matter T.A.8/2018 is hereby transferred from Aurangabad to Mumbai. Registrar of Aurangabad is directed to send the sealed file along with the litigant who is permitted to serve the order and collect the matter. Hamdast.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Date: 14.07.2020

O. A. No.306 of 2020 with M.A. No.171 of 2020
with
O. A. No.307 of 2020 with M.A. No.172 of 2020

A.B. Gurav & Ors.
P.N. Adsul & Ors.Applicants
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Pertaining both the matters to the transfer and posting of the Police Personnel from Mumbai to Satara, Aurangabad and Pune. In O.A.306/2020 petitioner is transferred from Mumbai to Satara, the orders of transfers were from January 2020. However, they were not relieved. Hence, Satara, Superintendent of Police as the petitioner did not join he cancelled their order by order dated 12.03.2020.
3. In 307/2020 two petitioners are transferred to Pune and Aurangabad respectively their orders have been issued to not relieve and their orders are not being cancelled.
4. Learned Advocate for the Applicant Shri M.D. Lonkar, submits that the Respondents are directed to file reply or make the statement.
5. Learned C.P.O, submits that after taking stock of the situation of Mumbai due to Covid-19 pandemic and assessing the requirement of the Police force she will make the statement.

6. S.O. 04.08.2020

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

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: 14.07.2020</p> <p>O. A. No.267 of 2020</p> <p>B.S. GoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. 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. Learned C.P.O. after obtaining instructions from the officer of Mr. S.B. Kamble (Assistant Conservator of Forest) Sanjay Gandhi National Park (SNGP), Borivali, Mumbai, submits that the officer had been to village Kayari, pursuant to this Tribunal order dated 26.06.2020 village Kayari, Taluka Jawhar, District Palghar to take the photocopy from the Original birth register as the photocopy of the extract of said register dated 20.08.1969 is the birth entry of the petitioner in the birth register as produced by the petitioner in the proceeding. Learned C.P.O. submits that Gram Sevak of village Kayari informed that village Kayari birth register of 1969 is not available and therefore it could not be produced before Mr. S.B. Kamble for inspection. However, Gram Sevak has informed that in the year 2019, Judicial Magistrate, F.C., Jawhar has ordered Gram Panchayat, to record the birth of the Applicant on 15.08.1969 in Criminal Miscellaneous Appeal No. 2019 was filed by the petitioner.</p> <p style="text-align: right;">PTO</p>

3. Thus it is to be clarified by Gram Sevak, Gram Panchayat, Kayari whether the register was maintained in the year 1969 or not and if it was maintained then whether it is not available for which reason. I have the view, therefore Gram Sevak, Gram Panchayat, Kayari is necessary party to this O.A. hence the petitioner is directed to add him as Respondent.

4. Issue notice is to be issued to Gram Sevak, Kayari returnable on 28.07.2020.

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

6. 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.

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

8. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

9. Written Affidavit-cum-Reply is to be filed by Gram Sevak.

10. S.O. to 28.07.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

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: 14.07.2020</p> <p>O. A. No.921 of 2018</p> <p>R.M. JadhavApplicant VersusRespondents. The State of Maharashtra & Ors.</p> <p>1. Learned Advocate for the Applicant is absent and Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the petitioner is not present. In this matter the Division Bench of this Tribunal has granted interim relief to the petitioner. However, the said order was stayed by the Hon'ble, High Court, in writ petition No. 13739/2018 on 04.12.2018 and thereafter the said interim stay were confirmed by Hon'ble, High Court, order dated 21.01.2020. It was disposed of with direction that O.A.921/18 be heard. The issue appearing for the examination conducted by the M.P.S.C. issued in respect of giving permission for the interview for the post of Administrative Officer (Animal Husbandry) is involved. Now the matter will appear on 10.09.2020.</p> <p>3. Learned counsel is not present. Parties to take note that if the counsel for the petitioner appear on the date the matter may be heard finally.</p>
NMN	<p>Sd/-</p> <p>(P.N. Dixit) Vice-Chairman</p> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson</p> <p style="text-align: right;"> PIO</p>

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: 14.07.2020</p> <p>O. A. No. 968 of 2019</p> <p>R.C. Pawar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The matter is already admitted by order dated 16.01.2020. It pertains to filling up the vacancy of the post of Senior Intelligence Officer, by way of promotion. According to the 23 petitioners as on today 44 vacancies of the said post are available. Learned C.P.O. submits that she needs some time to take the decision from the department in respect of the proposed amendment in the requirement Rules and also on the point of eligibility criteria of three years.</p> <p>3. S.O. 13.08.2020 for Final Hearing.</p>
NMN	<p>Sd/-</p> <p>(P.N. Dixit) Vice-Chairman</p> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson</p>

Date: 14.07.2020

M.A. No.154 of 2020 in O.A. No.224 of 2020

L.M. Wankhede & Ors.Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.A. Gharte, learned Advocate for the Applicant holding for Shri Shantanu Rakate, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Allowed. The Application for prosecuting together is allowed. For the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid M.A. disposed off accordingly.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman

(Mridula R. Bhatkar, J.)
Chairperson

NMN

[PTO]

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: 14.07.2020</p> <p>O.A. No.224 of 2020</p> <p>L.M. Wankhede & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.A. Gharte, learned Advocate for the Applicant holding for Shri Shantanu Rakate, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. During the lock down period as this Tribunal was not functional the petitioner approached the Hon'ble High Court by filing the WP-ASDB-LD-VC 52/2020. Interim relief was granted by the Hon'ble High Court on 19.05.2020. The said writ petition was disposed off by Hon'ble High Court by the order dated 06.07.2020. With directions that the petitioner can pursue their grievances before the Tribunal as the O.A. 224/2020 was filed on 17.03.2020.</p> <p>3. Learned Counsel for the petitioner submits that said Interim relief granted by the Hon'ble High Court by order dated 19.05.2020 is continued till 22.07.2020 and the same may be continued further till the reply filed by the Respondents.</p> <p>4. Issue notice before admission returnable on 11.08.2020.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p>

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

8. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. 11.08.2020.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="672 798 886 827">Date : 14.07.2020</p> <p data-bbox="883 858 1117 887">Q.A.No.255 of 2020</p> <ol data-bbox="672 953 1333 1336" style="list-style-type: none"><li data-bbox="672 953 1333 1063">1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.<li data-bbox="672 1101 1333 1234">2. Learned P.O. for the Respondents submits that reply will be filed during the course of the day. Statement is accepted. It be taken on record.<li data-bbox="672 1256 1333 1336">3. The matter is admitted and adjourned for final hearing on 21.07.2020. <p data-bbox="1078 1389 1138 1417" style="text-align: right;">Sd/-</p> <p data-bbox="1016 1462 1195 1528" style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p data-bbox="672 1535 716 1557">vsm</p>

Date : 14.07.2020

M.A. No.178 of 2020 in O.A.No.247 of 2020

1. Heard Shri A. J. Chougule , learned Presenting Officer for the Applicants (Ori. Respondents) and Shri Bhushan Bandiwadekar, learned Counsel for the Respondent (Ori. Applicant).
2. This Misc. Application has been filed on 09.07.2020 for extension of time for compliance of the order passed by this Tribunal on 23.06.2020. In O.A. No.247/2020, the suspension order dated 30.04.2020 as well as 05.05.2020 has been quashed and set aside. The directions were given to reinstate the Applicant within two weeks with consequential service benefits. Two weeks time came to an end on 07.07.2020.
3. Thus, the application for extension of time is not made within time granted by the Tribunal for compliance. The application, if any, for extension of time ought to be filed within time granted by the Tribunal. Therefore, I am not inclined to extend the time.
4. Furthermore, as per submission by learned P.O. the order dated 30.04.2020 and 05.05.2020 quashed by the Tribunal is under challenge in W.P. before the Hon'ble High Court. If this is so, the Applicant needs to avail the order from the Hon'ble High Court.
5. In view of above, Misc. Application for extension of time is rejected. No order as to costs.
6. Before parting with the order, it is necessary to point out certain omissions on the part of concerned officials who is entrusted to receive the application and to check the same. On receipt of O.A./M.A., the office needs to put endorsement about the date of filing of the matter in Tribunal and then to scrutinize the matter for raising objections, if any. However, in the present case, there is no endorsement on M.A. about the date of filing and objections etc.
7. The Registrar is, therefore, directed to look into the matter and to take explanation of the concerned for omissions noticed above. He further directed to issue circular to all the concerned about the steps required to be taken on filing the matter in Tribunal. Explanation be obtained of the concerned employee within a week and it be placed before the Hon'ble Chairperson for further orders.

Sd/-

(A.P. Kurhekar)
Member(J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p style="text-align: center;">O.A.No.324 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Learned Counsel for the Applicant submits that this Tribunal had already decided O.A.No.239/2020 by order dated 25.06.2020 and the Applicant being similarly situated person they are entitled to the benefit of order passed in O.A.No.239/2020. He has further pointed out that the order passed by this Tribunal in O.A.No.239/2020 has been implemented by the Respondents. 3. Learned Counsel for the Applicants, therefore, requested to dispose of the O.A. with similar direction. 4. Whereas, learned P.O. for the Respondents requested short time to take instructions from the department. 5. As of now, there is no service of O.A. on Respondents. Learned Counsel for the Applicants, therefore, need to serve the notice of O.A. upon the Respondents. 6. Issue notice returnable on 21.07.2020. 7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued. 8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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. 9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 10. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 11. S.O. to 21.07.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p align="center">M.A. No.179 of 2020 in O.A.No.324 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M.A.No.179/2020 is allowed. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p>O.A.No.161 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Learned P.O. for the Respondents submits that Affidavit of Respondent No.1 will be filed during the course of the day and requested for one week's time for filing Affidavit on behalf of the Respondent No.4 in terms of order dated 30.06.2020 whereby show cause notice was issued as to why <i>suo moto</i> contempt proceedings should not be initiated for non-compliance of the order passed by this Tribunal on 25.02.2020. 3. S.O. to 21.07.2020. <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>Vsm</p> <p style="text-align: right;">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p>O.A.No.213 of 2017</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Today, learned C.P.O. has filed Affidavit in-Sur-Rejoinder on behalf of the Respondent No.1. It is taken on record. 3. This matter is Part-Heard and amid hearing additional Affidavits and Sur-Rejoinders are filed. Therefore, the matter needs to be heard afresh. 4. S.O. to 28.07.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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 data-bbox="678 758 899 789">Date : 14.07.2020</p> <p data-bbox="889 820 1127 851">O.A.No.627 of 2019</p> <ol data-bbox="678 946 1336 1395" style="list-style-type: none"><li data-bbox="678 946 1336 1068">1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.<li data-bbox="678 1097 1336 1336">2. Learned P.O. for the Respondents has submitted that the Hon'ble Chief Minister has already approved the modification of posting order of the Applicant and formal order will be issued by the Secretary within a week.<li data-bbox="678 1355 1235 1395">3. S.O. to 21.07.2020 for issuance of order. <p data-bbox="1052 1444 1114 1475">Sd/-</p> <p data-bbox="1003 1517 1187 1588">(A.P. Kurhekar) Member(J)</p> <p data-bbox="662 1579 703 1601">vsm</p>

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

Tribunal's orders

Date : 14.07.2020

R.A. No.07 of 2020 in O. A. No.805 of 2019

1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 11.08.2020.
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 R.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.
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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 11.08.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p align="center">O.A.No.154 of 2020 with O.A.No.242 of 2020 with O.A.No.243 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. In O.A.No.154/2020, the reply is already filed. No Rejoinder is filed, therefore, this O.A. be kept for hearing at the stage of admission. 3. On request of learned C.P.O., two weeks time is granted in O.A.Nos.242 and 243/2020 for filing reply. 4. S.O. to 28.07.2020. <p align="right">Sd/- (A.P. Kurhekar) Member(j)</p> <p>vsm</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p align="center">O.A.No.229 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The matter pertains to correction in Date of Birth in service record. As per Date of Birth in service record, the Applicant is retiring at the end of August, 2020. 3. Learned Counsel for the Applicant, therefore, requested to expedite the matter without waiting for reply of Respondent No.2. 4. Learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1 and further submits that reply of the Respondent No.2 will be filed during the course of the day. His statement is accepted. The copy of reply be furnished to learned Counsel of the Applicant. 5. As the matter requires immediate decision on merit, O.A. needs to be heard finally at the stage of admission. 6. S.O. to 21.07.2020 for hearing at the stage of admission. <p align="right">Sd/-</p> <p align="right">✓ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p>O.A.No.202 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. In the present O.A., notice was issued on 11.03.2020 but till date no reply is filed. The matter pertains to appointment on compassionate ground. 3. Applicant's father, namely Budhaji Gavit died in harness on 24.04.2009 thereafter the Applicant made an application on 30.06.2009 for appointment on compassionate ground within limitation. He had applied for appointment on compassionate ground on the post of Driver along with driving license. 4. Learned Counsel for the Applicant has pointed out that Respondent No.1 – Superintending Engineer, Irrigation Circle, Thane is the competent authority to take the decision but he unnecessarily forwarded the proposal to the Government. He has further pointed out that in case of others, the Respondent No.1 had already taken the name of heirs in waiting list. 5. Learned P.O. for the Respondents seeks time to file reply. 6. Needless to mention that the very object of providing appointment to the heirs of the deceased employee is to alleviate ^{alleviate} financial difficulties of the distressed family and such application needs to be processed without any delay otherwise very purpose of the scheme would be defeated. 7. The Respondent No.1 seems to be the competent authority to take the decision but failed to take decision at his own. 8. In view of above, learned P.D. is directed to take instructions from the Respondents to explain why the name of the Applicant is not taken in the waiting list, if he is otherwise eligible. 9. S.O. to 28.07.2020. 10. In the meantime, the Respondents are at liberty to take appropriate decision in accordance to rules. <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p>O.A.No.244 of 2020 with O.A.No.245 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned P.O. for the Respondent has filed Affidavit-in-Reply on behalf of Respondent Nos.1 and 2 in both the Original Applications. It is taken on record. 3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder. 4. S.O. to 28.07.2020. <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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 : 14.07.2020</p> <p align="center">O.A.No.233 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. The Applicant has challenged the suspension order dated 14.11.2017. The Applicant was due to retire at the end of May, 2020. This Original Application was filed on 23.03.2020. 3. Learned C.P.O. for the Respondents submits that by order dated 04.05.2019, the Applicant was reinstated in service. She has also tendered the copy of order for perusal. 4. However, learned Counsel for the Applicant submits that there was no service of order of reinstatement on the Applicant, and therefore, he did not join. He further submits that Applicant has already retired at the end of May, 2020. 5. Enough time is granted for filing reply. 6. However, on request of learned C.P.O. one week's time is granted to file reply. 7. S.O. to 21.07.2020. <p 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 _____

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 : 14.07.2020</p> <p align="center">O.A.No.254 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The matter pertains to deemed date of appointment. The Applicant has been appointed on the post of Police Constable by order dated 17.06.2017 and accordingly, the Applicant has joined on 01.07.2017. 3. Perusal of O.A. reveals that the selection process was initiated in 2014 but the Applicant was not appointed immediately after selection. He then filed O.A. No.366/2017 before this Tribunal and in terms of decision of this O.A. the appointment order was issued in favour of the Applicant. 4. In the present O.A., now the Applicant is claiming seniority on the basis of selection list of 2014. 5. Thus, prima-facie the matter pertains to dispute about appointment and seniority which pertains to Division Bench. 6. The Registrar is, therefore, directed to examine the matter and place it before appropriate bench. 7. S.O. to 28.07.2020. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p> <p align="right">[P10]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p align="center">O.A.No.235 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Ms S.P. Manchekar , learned Chief Presenting Officer for the Respondents. 2. In the present O.A. interim relief was granted by order dated 12.05.2020. Learned C.P.O. however pointed out that subsequent to the relief granted by this Tribunal, the Applicant made representation to accommodate him at some other post in Pune and accordingly, his request was accepted and posting was given to him. She, therefore, submits that O.A. has become infructuous as the Applicant has already joined on 10.07.2020. 3. Shri A. V. Bandiwadekar, learned Counsel for the Applicant submits that he will take written instructions from the Applicant and thereafter O.A. will be withdrawn. 4. In the present situation, I do not think it necessary to keep the O.A. pending for instructions from the Applicant. 5. The communication tendered by learned C.P.O. is taken on record and marked collectively by letter 'X'. 6. Thus, from perusal of above communication, it is apparent that Applicant has accommodated on some other post in Pune itself and he accordingly joined on the same post. This being the position, the challenges to the transfer order dated 08.05.2020 has become infructuous. 7. Original Application is, therefore, disposed of being infructuous. No order as to cost. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J) [P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.07.2020</p> <p>O.A.No.1058/16, 471/17, 472/17, 473/17, 474/17, 475/17 with 538/17, 540/17, 541/17, 542/17, with 544/2017 with 1154/17, 1155/17, 1156/17, 1157/17 with 1158/17</p> <ol style="list-style-type: none"> 1. Heard Shri C.T. Chandratre, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. This is Part-Heard matter which was adjourned for filing Affidavit-in-Reply on behalf of the Respondent No.1 in view of inconsistent stand taken by it while issuing order dated 25.04.2013 and order dated 27.07.2013. 3. Though enough time is granted, no reply is filed. 4. Today, learned P.O. again seeks time to file reply on behalf of the Respondent No.1. As the reply of Government (Respondent No.1) is necessary, two weeks time is granted as a last chance. 5. S.O. to 28.07.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Date : 14.07.2020

O.A.No.248 of 2020

1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has filed reply on behalf of the Respondent Nos.1 and 2. It is taken on record.

3. In the present O.A., the Tribunal has granted interim relief on 27.05.2020 making it clear that nobody else should be posted as Chief Officer, Chakan Municipal Council. Thereafter by order dated 04.06.2020, interim relief is granted in terms of Clause No.10(a) of O.A. which is as follows :-

"10 (a) : Pending the hearing and final disposal of this O.A., this Hon'ble Tribunal may be pleased to stay the implementation of the impugned order dated 15.05.2020 passed by the Respondent No.1 and accordingly the Petitioner be allowed to continue to work as was before the impugned order of transfer was passed by the Respondent No.1"

4. Shri A.V. Bandiwadekar, learned Counsel for the Applicant however pointed out that despite interim relief granted by the Tribunal ^{Post} by order dated 06.07.2020 has posted one Shri Nanasahab Kamthe in place of the Applicant as Chief Officer, Chakan Municipal Council and by the said order, the Applicant is transferred and relieved stating that her posting orders would be issued separately.

5. Adverting to this aspect, learned Counsel for the Applicant submits that the Respondents have committed contempt of the order passed by this Tribunal.

6. It is really surprising as to how the transfer order dated 06.07.2020 has been issued despite interim relief in favour of the Applicant staying transfer order dated 15.05.2020 *prima-facie* it is contempt of the order passed by this Tribunal.

7. When the query was raised to learned P.O., he requested for two days time to take instructions from the Respondents and to make submission.

8. Hamdast granted.

9. S.O. to 21.07.2020.

Sd/-

(A.P. Kurhekar)

**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 Date : 14.07.2020
	<p align="center">M.A. No.155 of 2020 in O.A.No.134 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. This Misc. Application is filed for restoration of O.A. No.134/2020 which is dismissed in default for not filing of service affidavit within three days before returnable date i.e. 12.03.2020. 3. Learned Counsel for the Applicant submits that due to Covid-19 Pandemic situation, affidavit could not be filed in terms of condition order. He, therefore, requested to restore the O.A.. 4. Notices were served by hand delivery. However, service affidavit was not filed three days before returnable date. 5. Thus, for the reasons stated in application, Original Application is restored to the file. 6. Learned Counsel for the Applicant is directed to file service affidavit during the course of the day in the office. 7. S.O. to 11.08.2020 for reply. <p align="right">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

Date : 14.07.2020

M.A. No.178 of 2020 in O.A.No.247 of 2020

1. Heard Shri A. J. Chougule, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri Bhushan Bandiwadekar, learned Counsel for the Respondent (Ori. Applicant).

2. This Misc. Application has been filed on 09.07.2020 for extension of time for compliance of the order passed by this Tribunal on 23.06.2020. In O.A. No.247/2020, the suspension order dated 30.04.2020 as well as 05.05.2020 has been quashed and set aside. The directions were given to reinstate the Applicant within two weeks with consequential service benefits. Two weeks time came to an end on 07.07.2020.

3. Thus, the application for extension of time is not made within time granted by the Tribunal for compliance. The application, if any, for extension of time ought to be filed within time granted by the Tribunal. Therefore, I am not inclined to extend the time.

4. Furthermore, as per submission by learned P.O. the order dated 30.04.2020 and 05.05.2020 quashed by the Tribunal is under challenge in W.P. before the Hon'ble High Court. If this is so, the Applicant needs to avail the order from the Hon'ble High Court.

5. In view of above, Misc. Application for extension of time is rejected. No order as to costs.

6. Before parting with the order, it is necessary to point out certain omissions on the part of concerned officials who is entrusted to receive the application and to check the same. On receipt of O.A./M.A., the office needs to put endorsement about the date of filing of the matter in Tribunal and then to scrutinize the matter for raising objections, if any. However, in the present case, there is no endorsement on M.A. about the date of filing and objections etc.

7. The Registrar is, therefore, directed to look into the matter and to take explanation of the concerned for omissions noticed above. He further directed to issue circular to all the concerned about the steps required to be taken on filing the matter in Tribunal. Explanation be obtained of the concerned employee within a week and it be placed before the Hon'ble Chairperson for further orders.

Sd/-

(A.P. Kurhekar)
Member(J)

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MHRA ADMINISTRATIVE TRIBUNAL MUMBAI

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CONTINUATION SHEET No.

es, Office Memoranda of Coram,
arance, Tribunal's orders or
ions and Registrar's orders

Tribunal's orders

Date: 14.07.2020

O. A. No.317 of 2020

m S. M. Kedar

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Learned Advocate for the Applicant submits that he is instructed by the Applicant to withdraw the matter.
3. Allowed to withdraw.

u
Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

NMN

Date: 14.07.2020

O. A. No.300 of 2020

R.G. Lande

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri R.S. Apte, Learned Sr. Counsel with Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The petitioner challenged the order dated 22.08.20250 of his transfer from the post of Joint Director, Finance, Maharashtra Education Counsel, Mumbai at present to the post of Deputy Commissioner, Dairy Development and Financial Advisor. Learned Advocate for the Applicant Shri A.V. Bandiwadekar, submits that the Respondents have given him inspection of the file No. 37/20 (1) of the Finance Department.
3. However, though Finance Department is parent Department the petitioner was working and posted in Primary Education Department and proposal of his transfer was initiated from the School Department therefore the transfer file No. 164/2019 of the Finance Department, wherein the proposal sent by the Primary School Education Department was submitted and ruttud.
4. He submits that after perusal of the said file No. 164/2019 he will require to amend the O.A. to meet his pleading, he seeks time.
5. Learned Sr. Counsel for the Respondent Shri Apte, submits that the Respondent have brought the file No.164/2019 today and is no available to the counsel of the petitioner to take inspection.

6. Learned Advocate for the Applicant, Shri Bandiwadekar submits that the petitioner has made application for the photocopy to the relevant page of this transfer file No. 164/2019 then 37/20(1) and 37/20(2).

7. With a view to curtail delay the petitioner is allowed to take the photocopy of the relevant page from the transfer file and note sheet of the file mentioned above. From the court premises the officer of the Respondent shall accompany and under the supervision of Sheristadar copies can be taken by the petitioner.

8. Learned Advocate for the Applicant seeks two weeks time to amend the petition. Time as prayed is granted. Amended copies of the petition to be served to the Respondent two days earlier.

9. S.O. to 04.08.2020.

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

NMN

Date: 14.07.2020

O. A. No.278 of 2020

V.V. Bhadange

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. This O.A. pertains to the suspension of the petitioner. He had challenged the suspension order dated 07.01.2020 passed by the Respondent pursuant to the registration of the offences under the Prevention of Corruption Act, 1988 at C.R. No. 1360/2019 at Sangola, Police Station. He submits that the 90 days of suspension was come to an end on 07.04.2020.

3. Issue notice before admission returnable on 04.08.2020.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 04.08.2020.

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