

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 : 14.09.2023</p> <p style="text-align: center;">M.A. No.579 of 2023 in O.A.No.1163 of 2023</p> <p>O. B. Adake & Ors.Applicants</p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief 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.579 /2023 is allowed. No order as to costs. <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>.....</p> <p>(Debashish Chakrabarty) Member (A)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> </div> </div> <p style="margin-top: 20px;">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 : 14.09.2023</p> <p>O.A. No.1029 of 2023 with O.A.No.1163 of 2023</p> <p>S.S. Pathan O. B. Adake & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Learned Counsel for the Applicants submits that he has served notices to the Respondents. 3. Learned Counsel further submits that Affidavit of Service in O.A.No.1029 /2023 is already filed and today he tendered Affidavit of Service in O.A.No.1163/2023. 4. Learned Counsel for the Applicant submits that he wants to correct the nomenclature of post of the Applicant in the body of O.A. 5. The correction be allowed forthwith. 6. The office objection, if any, are to be removed and court fees to be paid, if not already paid.

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

Tribunal's orders

7. Issue notice before admission returnable on 06.10.2023.

8. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

12. S.O. to 06.10.2023.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

vsm

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: 14.09.2023

O.A. No.1190 of 2023

J.R. DeoreApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondents and Shri V.B. Joshi, learned Advocate for the Respondent No.2.

2. Learned Advocate for the Applicant states that the Applicant is serving in the cadre of 'Tahsildar' and came to be posted by Revenue & Forest Department's Deputation Order of 13.10.2022 to the post of 'Deputy General Manager (Pesticide), M.A.I.D.C., Mumbai' for a period of 'Three Years' under provisions of Section 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 read with Rule, 40 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1981 (hereinafter referred to as 'Rules of 1981' for brevity).

3. Learned Advocate of the Applicant states that first the charge of 'Deputy General Manager (Pesticide), M.A.I.D.C., Mumbai' was withdrawn from the Applicant by Respondent No.2 - 'The Managing Director, M.A.I.D.C.' on 24.07.2023 and subsequently she came to be repatriated from the post of 'Deputy General Manager (Pesticide), M.A.I.D.C., Mumbai' by order dated 31.08.2023 of the Agriculture, Animal Husbandry, Dairy Development & Fisheries Department.

4. Learned Advocate on behalf of Respondent No.2 - 'Managing Director, M.A.I.D.C.' strongly contended that being a 'Government Company' under the 'Company Act, 2013', it cannot be made a party to the proceeding of this

O.A. No.1190/2023. He further states that the Applicant can seek relief against the 'Managing Director, M.A.I.D.C.' only from the 'Hon'ble High Court.' Further, he also mentions that there is established policy to seek services of 'Professional Managers' from outside by publishing 'Newspaper Advertisements' and if required to select the deserving candidates to work on 'Contract Basis.'

5. The O.A. No.1190/2023 involves a 'Government Company' viz M.A.I.D.C. and thus it raises some issues relating implementation of 'Deputation Orders' of 'Government Servants' posted under 'Rules of 1981'. The 'Managing Director, M.A.I.D.C.' is no doubt appointed by State Government and although there is certain degree of autonomy to the 'Managing Director, M.A.I.D.C.' in day to day functioning as per powers under the 'Company Act 2013', the 'Managing Director, M.A.I.D.C.' will remain bound by decisions of the 'Board of Directors' as well as the 'Administrative Orders' of the Agriculture, Animal Husbandry, Dairy Development & Fisheries Department. Incidentally, the Government of India also holds 55% and Government of Maharashtra holds 45% of the 'Paid up Share Capital'. The Agriculture, Animal Husbandry, Dairy Development & Fisheries Department, therefore in the aforesaid context needs to clarify all these issues relating to appointments of 'Managing Director, M.A.I.D.C.' and other 'Officers and Employee's'. Detailed information be furnished as to how many posts other than the Managing Director, M.A.I.D.C. have been filled-up from time to time in the past 10 years and out of these how many were 'Government Servants' working with (i) Government of India and (ii) Government of Maharashtra and how many by 'Professionals Managers'. Also the procedures to be followed in respect of all these appointments as per 'Service Rules' under the 'Memorandum and Article of Association' relating to 'Appointment' and 'Termination' of services of 'Government Servants' and 'Professionals Manager.'

6. Learned P.O. to take instruction from the Agriculture, Animal Husbandry, Dairy Development & Fisheries Department about all these aspects and as to whether the powers of the Tribunal to further hear this O.A. No.1190/2023 in respect of the Applicant can therefore be drawn from the provisions of Section 15(1)(b) of the 'Administrative Tribunal Act, 1985.'

7. S.O. to 04.10.2023.


(Debashish Chakrabarty)
Member (A)

**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>M.A. No.425 of 2023 in O.A. No.644 of 2023</u></p> <p>S.S. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad and Shri A.J. Chougule, learned Presenting Officers for the Respondents.</p> <p>2. MA is for condoning the delay of one year. Ld. Advocate for the applicant submits that the applicant has been suspended and therefore there is continuous cause of action and the delay may be condoned.</p> <p>3. Ld. PO submits that the applicant has been dismissed on 14.7.2023. Hence, the suspension no longer survives and the MA may be dismissed.</p> <p>4. However, in the facts and circumstances of the case and in the interest of justice the delay is condoned. MA is allowed accordingly.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 14.9.2023</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.644 of 2023</u></p> <p>S.S. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad and Shri A.J. Chougule, learned Presenting Officers for the Respondents.</p> <p>2. Reply and rejoinder are filed.</p> <p>3. Admit.</p> <p>4. S.O. to 21.9.2023 for final hearing.</p> <p style="text-align: right;">Sd/- (Medha/Gadgil) Member (A) 14.9.2023</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>M.A. No.409 of 2023 in O.A. No.635 of 2023</u></p> <p>S.V. Rathod ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officers for the Respondents.</p> <p>2. Ld. PO seeks time to file reply.</p> <p>3. S.O. to 21.9.2023 by way of last chance.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 14.9.2023</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 : 14.09.2023</p> <p align="center">O.A.No.1174 of 2023</p> <p>D. S. PadviApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. In this O.A., the Applicant is working as Office Superintendent in the office of District Industries Centre, Sindhudurg challenging orders dated 11.07.2023 of D.E. passed by the Respondent under Rule 8 of the M.C.S. (Discipline & Appeal) Rules, 1979 and also challenges charge sheet dated 31.12.2019 for initiating enquiry under Rule 10 of the M.C. S. (Discipline & Appeal) Rules, 1979. 3. Learned Counsel for the Applicant submits that charge sheet dated 31.12.2019 was served on 19.01.2022 and thereafter on 11.07.2023, the Enquiry Officer was appointed. 4. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 5. Issue notice before admission returnable on 12.10.2023. 6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

10. S.O. to 12.10.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

vsm

**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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 14.09.2023 Tribunal's orders O.A.No.1166 of 2023</p>
	<p>S. D. ChouguleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. In this O.A., the Applicant is working as an Inspector in State Excise Department in the Sangli District prays for cancellation of D.E. pending against him and also seeks declaration that he is entitled to all consequential service benefits including the benefit of promotion from 24.05.2018. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 12.10.2023. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

9. S.O. to 12.10.2023.

Sd/-


(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.09.2023</p> <p align="center">M.A. No.563 of 2023 in O.A.No.1018/2023</p> <p>T. J. PardhiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. R. Kapadia, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. This M.A. is filed to condone the delay of 47 days caused in filing O.A. 3. Learned Advocate for the Applicant seeks directions to upgrade the category of the Applicant from Vanmajur to Driver i.e. from 'D' to 'C' in his employment. Learned Advocate further submits that the cause of action arose on 05.01.2023 when the Hon'ble High Court in W.P. No.15892/2021 has directed the Applicant to approach this Tribunal 4. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 5. Issue notice before admission returnable on 12.10.2023. 6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>9. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.</p> <p>10. S.O. to 12.10.2023.</p> <p>Sd/- (Debashish Chakrabarty) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

NMN

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: 14.09.2023</p> <p align="center">O.A. No.1044 of 2023 to O.A. No.1050 of 2023</p> <p>V.R. Khamkar K.S. Dhotre N.N. Karande S.D. Gunjal H.A. Shelke M.P. Mhaske S.S. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Ganesh Masurkar, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Archana B.K., Smt. K.S. Gaikwad and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. states that she has received information but she needs some more time to file 'Affidavit-in-Reply'. Time as prayed is granted to learned P.O.</p> <p>3. S.O. to 06.10.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.09.2023</p> <p align="center">O.A. No.1061 of 2023</p> <p>V.S. JorkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. presents letter written to learned C.P.O. by D.C.P., Headquarter in the office of Commissioners of Police, Pune by which they have conveyed that the appointment of the Applicant on 'Supernumerary Post' as shown in the 'Annexure A' of the DPC Meeting is now cancelled by Office Order dated 05.09.2023 and the Applicant is posted to his 'Original Post' of 'Head Constable' and that on 04.09.2023 advice has been sought again from 'D.G.P., Maharashtra State' about his eligibility for promotion to the Post of Police Sub Inspector.'</p> <p>3. Learned P.O. also seeks some more time to file short 'Affidavit-in-Reply' stating by which time 'Consequential Service Benefits', 'Pay and Allowances', 'Promotion' etc. are expected to be granted to the Applicant.</p> <p>4. S.O. to 25.09.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</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: 14.09.2023</p> <p align="center">O.A. No.706 of 2023</p> <p>P.D. GadhaveApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has today filed letter on behalf of Respondents dated 13.09.2023 giving further information about the 'C.S.B.' meeting held on 23.05.2023 alongwith the 'Minutes of Meeting'. The 'Minutes of Meeting' of 'C.S.B.' however do not reveal an 'Specific Reasons' as to whether the recommendations of postings by 'CSB' were done after considering the 'Choice of Postings' submitted by the 'Circle Officers'. Out of 31 Circle Officers, how many instances choice of posting were considered by CSB. This information relates to the 'Interim Relief' granted on 07.07.2023 by which the post of 'Circle Officer, Panchgani, Mahabaleshwar' is kept vacant by the Respondents.</p> <p>3. Learned P.O. is granted Two Weeks time to come out with detail information from Respondent about the consideration by 'CSB' of 'Choice of Postings' submitted by the 31 Circle Officers.</p> <p>4. S.O. to 04.10.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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

Tribunal's orders

MA No.164/2023 in OA No.294/2023,
MA No.166/2023 in OA No.295/2023,
MA No.168/2023 in OA No.296/2023

D.M. Kote & Ors.

P.K. Ingale & Ors.

M.B. Jadhav & Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicants submits that MAs are for condoning the delay of 4 years and 6 months. The applicants are seeking benefit of ACPS. They rely on the judgment and order dated 28.4.2016 passed by the Hon'ble High Court in W.P. No.9051 of 2013 & Other W.Ps. in which it was held that temporary services are required to be considered from initial date of appointment for the purpose of calculating ACPS. They were working on various posts in Commissionerate of Agriculture. He refers to GR dated 11.8.2016 issued by Law & Judiciary Department. The applicants preferred representation dated 10.10.2016 through their Association which is still pending and not denied by the respondents. He submits that there is continuous cause of action. He relies on the judgment of the Hon'ble Supreme Court in Union of India-Vs. Tarsem Singh 2008(8) SCC 648. He prays that delay may be condoned.

3. Ld. PO submits that mere filing of representation is not sufficient to condone the delay. He submits that no satisfactory explanation is given for condoning the delay.

4. However, in the interest of justice and in view of the judgment of the Hon'ble Supreme Court in Tarsem Singh (supra), the delay is condoned. MAs are allowed accordingly.

Sd/-

(Medha Gadgil)

Member (A)

14.9.2023

(sgj)

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

Tribunal's orders

O.A. No.296 of 2023

M.B. Jadhav & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 12.10.2023. The respondents are directed to file reply.
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. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "**For Dismissal**" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)

Member (A)

14.9.2023

(sgl)

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

Tribunal's orders

O.A. No.295 of 2023

P.K. Ingale & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

^ Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 12.10.2023. The respondents are directed to file reply.

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. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

Sd/-

(Medha Gadgil)
Member (A)
14.9.2023

(sgj)

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

Tribunal's orders

O.A. No.294 of 2023

D.M. Kote & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 12.10.2023. The respondents are directed to file reply.

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. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

Sd/-

(Medha Gadgil)

Member (A)

14.9.2023

(sgj)

**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.385 of 2023</u></p> <p>A.M. Bhoite ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply.</p> <p>3. Admit.</p> <p>4. S.O. to 5.10.2023 for final hearing.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 14.9.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.145 of 2023 in O.A. No.200 of 2023</u></p> <p>D.S. Chikkhale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file reply.</p> <p>3. S.O. to 21.9.2023 by way of last chance. If rely is not filed matter will be proceeded without reply.</p> <p style="text-align: right;">Sd/- (Medhã Gadgil) Member (A) 14.9.2023</p> <p>(sgj)</p>

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

O.A. No.192 of 2023

D.V. Sawant

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri A.S. Dhannawat, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 6.10.2023. The respondents are directed to file reply.

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. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

Sd/-

(Medha Gadgil)

Member (A)

14.9.2023

(sgj)

**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="846 826 1437 860"><u>M.A. No.107 of 2023 in O.A. No.192 of 2023</u></p> <p data-bbox="751 901 1469 935">D.V. Sawant ..Applicant</p> <p data-bbox="846 940 889 973">Vs.</p> <p data-bbox="751 976 1502 1009">The State of Maharashtra & Ors. ..Respondents</p> <p data-bbox="751 1051 1534 1159">Heard Shri A.S. Dhannawat, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p data-bbox="751 1200 1534 1599">2. This MA is filed for condoning the delay of 985 days in filing the OA from the date of retirement i.e. 31.5.2019. Ld. Advocate for the applicant submits that the delay is not on account of his negligence but for various reasons including the reason of COVID-19 Pandemic. He submits that the applicant is a heart patient. He relies on the order dated 10.1.2022 passed by the Hon'ble Supreme Court in SMW (C) No.3/2020. Ld. Advocate submits that applicant has submitted Form No.3 on 29.11.2018 and wrongly mentioned his date of appointment as 14.6.1988 instead of 1.12.1980. Ld. Advocate prays that delay may be condoned.</p> <p data-bbox="751 1640 1534 1749">3. Ld. PO submits that mistake has been committed by the applicant because of the wrong filling up of the date in his form. Hence, delay may not be condoned.</p> <p data-bbox="751 1790 1534 1934">4. Considered the submission of both the sides. Admittedly the applicant has made mistake in filling up of the form. However, it may be inadvertent error. Hence, the delay is condoned. MA allowed accordingly.</p> <p data-bbox="1222 1998 1430 2148" style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 14.9.2023</p> <p data-bbox="751 2153 803 2187">(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.1000 of 2023</u></p> <p>D.M. Pujari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Arcchana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks leave to amend the OA and challenge the order dated 4.9.2023.</p> <p>3. Leave granted. Amendment be carried out and amended copy be served on all concerned.</p> <p>4. The respondents to disburse the leave encashment of the applicant.</p> <p>5. S.O. to 3.10.2023.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 14.9.2023</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 : 14.09.2023</p> <p>O.A.No.667/2022</p> <p>R.H. Patil & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. has submitted the reply will be filed during the course of the day. It be taken on record and copy be served upon the concerned.</p> <p>3. Adjourned to 05.10.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**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 : 14.09.2023</p> <p>O.A.No.612/2023</p> <p>A.S. Khade & Ors.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.A. Jadhavar, learned Counsel holding for Mr. R.V. Shinde, learned Counsel for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Adjourned to 12.10.2023. Interim relief, if any, to be continued till next date.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;">Date : 14.09.2023</p> <p style="text-align: center;">O.A.No.968/2023</p> <p>S.N. Borse & Ors..Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. has submitted the affidavit-in-reply dated 14.09.2023 on behalf of Respondent No.2, through Mr. Vijay S. Rane, Senior Deputy Assistant to the Director General of Police. It be taken on record and copy be served upon the concerned. In the said affidavit it is stated that the concerned officer wants three weeks for issuing posting order of Police Inspector in SPU.</p> <p>3. Time granted. Adjourned to 06.10.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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 : 14.09.2023</p> <p>O.A.No.972/2023 with O.A.No.973/2023 with O.A.No.974/2023</p> <p>D.E. Sonune & Ors.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Shreyas Deshpande a/w. Mr. M.A. Golegaonkar, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Matter though adjourned to 19.10.2023 taken up at the request of learned Advocate Mr. Deshpande.</p> <p>3. Learned Advocate Mr. Deshpande seeks interim relief.</p> <p>4. Adjourned to 15.09.2023 for hearing on interim relief.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**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 : 14.09.2023</p> <p>O.A.No.420/2023</p> <p>D.M. BhamrayApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. seeks time as the Hon'ble Minister was out of station and will be available from today onwards.</p> <p>3. Time granted. Adjourned to 18.09.2023. Matter be shown under the same caption "Due Admission".</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</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 : 14.09.2023</p> <p>O.A.No.1203/2022</p> <p>N.N. MukhyadalApplicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Mr. S.P. Baraswade, learned Counsel for the Applicants is absent.</p> <p>3. At the request of learned C.P.O. adjourned to 15.09.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>prk</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N _____

Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Notes, Office Memoranda of Coram, appearance, Tribunal's orders or decisions and Registrar's orders	Tribunal's orders
	<p>Date : 14.09.2023</p> <p align="center">M. A. No.589 of 2023 in O.A.No.1184 of 2023</p> <p>D. S. Mengane & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. Dongare, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.</p> <p>5. M. A. No.589/2023 is allowed. No order as to costs.</p> <p align="center">Sd/- (Debashish Chakrabarty) Member (A) vsm</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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

Tribunal's orders

O.A. No.1077 of 2016
(OA.785/15 Nagpur)

D.C. Girase ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Ms. Neha Kachi i/b. Talekar & Associates, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. This matter was heard partly on 12.9.2023. Ld. Advocate for the applicant Ms. Neha Kachi prayed for time as Shri S.B. Talekar, learned Advocate for the applicant was not available before this Tribunal and it was informed that he was before the Hon'ble High Court. So matter was opened with some brief facts. However, with a view to accommodate Shri Talekar, Ld. Advocate the matter was fixed today and kept First on Board at the request of Ms. Neha Kachi, Ld. Advocate.

3. Today when the matter is called out Shri S.B. Talekar, Ld. Advocate for the applicant is not present. Ms. Kachi, Ld. Advocate submits that she needs half an hour time to argue the matter as the papers are with her senior Shri Talekar, Ld. Advocate.

4. It is difficult for us to give half an hour as we have accommodated Shri Talekar, Ld. Advocate earlier and placed the matter First on Board. On query it is informed by the office of the Tribunal that the board was published yesterday i.e. on 13.9.2023 at 12.00 noon. Hence, Shri Talekar was aware of the time well in advance.

5. At the request of Ms. Neha Kachi, Ld. Advocate the matter is adjourned to 22.9.2023. FOB.

Sd/-

(Medha Gadgil)
Member (A)
14.9.2023

(sgj)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
14.9.2023

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W/C.A. No.

of 20

IN

Application No.

of 20

FARAD CONTINUATION SHEET NO.

Notes, Office Memoranda of Coram,
appearance, Tribunal's orders or
objections and Registrar's orders

Tribunal's orders

Date : 14.09.2023

O.A.No.1184 of 2023

D. S. Mengane

....Applicant

Versus

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

1. Heard Shri M. Y. Dongare, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. In this O.A., the Applicants have challenged communication dated 08.06.2023 issued by Respondent Nos.1 and 2 and further prays that letter 24.03.2023 is to be confirmed. The Applicants who are working as District Extension Officers have participated in the recruitment process for the post of 'Deputy Education Officer' which was initiated in the year 2017.
3. Learned P.O. pointed out that the recruitment process for the post of 'Deputy Education Officer' is over and the interviews were scheduled lastly on 24.07.2023. Hence, learned P.O. submits that application is infructuous. Further, she pointed out that Applicants were not called for interview and, therefore, Applicants do not have locus.
4. Learned P.O. pointed out that Applicants are challenging the eligibility of Deputy Development Officers. Thus, Applicants are required to make all the candidates who appeared in interview as party Respondents, because if the O.A. is allowed, they are going to be affected.

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

Tribunal's orders

5. Learned Counsel for the Applicant is directed to satisfy the Tribunal how this application is maintainable.
6. At request of learned Counsel for the Applicant, the matter is adjourned to 15.09.2023.
7. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
8. Issue notice before admission returnable on 15.09.2023.
9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
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.
11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
12. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.
13. S.O. to 15.09.2023

Sd/-

(Debashish Chakrabarty)
Member (A)

vsm

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

A/C.A. No.

of 20

IN

Application No.

of 20

FARAD CONTINUATION SHEET NO.

Notes, Office Memoranda of Coram,
appearance, Tribunal's orders or
objections and Registrar's orders

Tribunal's orders

Date : 14.09.2023

O.A.No.1180 of 2023

Reshma A. Talole

....Applicant

Versus

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

1. Heard Shri A. U. Patil, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. In this O.A., the Applicant is aspiring selection and appointment to the post of Assistant Commissioner (Drugs), Food & Drugs Administrative Service, Group-A. She has cleared the examination, however, M.P.S.C. by letter dated 25.08.2023 declaring the Applicant not eligible for the post as she does not have requisite experience of five years.
3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
4. Issue notice before admission returnable on 18.09.2023.
5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

Tribunal's orders

7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

9. S.O. to 18.09.2023.

10. The M.P.S.C. should remain present on 18.09.2023.

11. This matter as per request of learned Counsel for the Applicant is tagged with O.A. Nos.1133/2023 and 1134/2023.

12. S.O. to 18.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**


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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.09.2023</p> <p align="center">M.A. No.588 of 2023 in O.A. No.1182 of 2023</p> <p>N.D. KedariApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.M. Kakade, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicants by M.A. No.588 of 2023 in O.A. No.1182 of 2023 are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in this M.A. No.588 of 2023, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite Court Fees, if not already paid. M.A. No.588 of 2023 is accordingly disposed off.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.09.2023</p> <p>O.A. No.1182 of 2023</p> <p>N.D. KedariApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S.M. Kakade, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 3. Issue notice before admission returnable on 06.10.2023. 4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 8. S.O. to 06.10.2023. <p style="text-align: right;">Sd/-  (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 14.09.2023</p> <p align="center">O.A. No.1132 of 2023</p> <p>K.N. KhanekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.B. Gaikwad, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits letter written by the Commissioner of Social Welfare, Pune to the Secretary, Department of Social Justice and Special Assistance dated 24.08.2023 seeking appropriate directions and Orders about the request for the Transfer of the Applicant to Pune.</p> <p>3. Learned P.O. seeks two weeks time to file 'Affidavit-in-Reply' on behalf of the Respondents.</p> <p>4. Time as prayed is granted.</p> <p>5. S.O. to 26.09.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.914 of 2016</u></p> <p>A.A. Desale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale holding for Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Pursuant to order dated 11.9.2023 Ld. PO submits that present respondents viz. Thane Municipal Corporation and Finance Department are not aware about the status of Local Bodies whether they are autonomous as the same fall under the Urban Development Department. Therefore Ld. PO submits that she is unable to make a statement whether Local Bodies are autonomous.</p> <p>3. Hence, we suo motu make Urban Development Department as party Respondent No.4 in the above OA. They are directed to remain present on 15.9.2023.</p> <p>4. S.O. to 15.9.2023 at 10.30 a.m. Part Heard.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 14.9.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 14.9.2023</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.1204 of 2016</u></p> <p>Y.R. Angle & Ors. ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale holding for Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that she needs time to file affidavit of Higher and Technical Education on the point of Equivalence.</p> <p>3. S.O. to 18.9.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 14.9.2023 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 14.9.2023</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.401 of 2023</u></p> <p>A.J. Bavaskar ..Applicant Vs. The State of Maharashtra & 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. Ld. CPO submits that yesterday Ld. Advocate for the applicant has filed a bulky affidavit in rejoinder. Therefore, she needs one weeks time to go through it.</p> <p>3. S.O. to 5.10.2023 for final hearing. Part heard.</p> <p style="text-align: center;">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 14.9.2023 14.9.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.452 of 2022</u></p> <p>D.A. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that respondent no.5 is served on 7.9.2023 through Speed Post and she seeks leave to file affidavit of service.</p> <p>3. S.O. to 21.9.2023.</p> <p style="text-align: center;">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 14.9.2023 14.9.2023</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 : 14.09.2023</p> <p>O.A.No.225/2022</p> <p>N.V. Jadhav & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.2. Ms. Punam Mahajan, learned Counsel for the Applicants has filed leave note.3. Admit. Place for final hearing.4. Adjourned to 05.10.2023. <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 14.09.2023</p> <p>O.A.No.1140/2023</p> <p>N.B. Bramhane & OrsApplicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Matter though adjourned to 18.10.2023 is taken up at the request of learned Counsel.</p> <p>3. Learned C.P.O. has submitted the reply will be filed during the course of the day. It be taken on record and copy be served upon the concerned.</p> <p>4. At the request of learned Advocate O.A. is preponed and adjourned to 21.09.2023. To be tagged along with O.A.No.1020/2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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 align="center">Date : 14.09.2023</p> <p align="center">O.A.No.908/2019</p> <p>A.K. Gogavle & OrsApplicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Mr. M.M. Deshmukh, learned Counsel for the Applicants is absent.</p> <p>3. Learned C.P.O. seeks time to file reply.</p> <p>4. Time granted. Adjourned to 29.09.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 14.09.2023</p> <p>O.A.No.1020/2023</p> <p>M.M. ParkarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Counsel for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Counsel has submitted that rejoinder is filed.</p> <p>3. At the request of learned Counsel Adjourned to 21.09.2023. To be tagged along with O.A.No.1140/2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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 : 14.09.2023</p> <p style="text-align: center;">O.A.No.1121/2022 with M.A.No.244/2023 in O.A.No.401/2023 with O.A.No.928/2023</p> <p>A.V. Pujari & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Kranti L.C. a/w. Mr. K. Gidh, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. During the course of arguments, we raise the following question :</p> <p style="padding-left: 40px;">What is the legislative intent of providing horizontal reservations for PAP, orphans and females as these reservations are not provided by the Central Government.</p> <p>3. We find that the Principal Secretary, Social Justice, Mr. Sumant Bhangе's presence will be useful for the assistance of the Tribunal. Mr. Sumant Bhangе is requested to come tomorrow at 10.30 a.m.</p> <p>4. Adjourned to 15.09.2023. P.H</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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 align="center"><u>14.09.2023</u></p> <p align="center"><u>O.A 491/2013 (Aurangabad Bench)</u></p> <p align="center"><u>Through Video Conference</u></p> <p>Shri D.T Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.D Joshi, learned advocate for the applicant and Ms M.S Patni, learned P.O for the Respondents.</p> <p>2. Pursuant to our order dated 13.09.2023, the officers from the office of the Divisional Joint Director, Nasik and the Treasury Office are present. The learned counsel for the applicant wants to argue the matter and make detail submissions. However, due to paucity of time, we adjourn the matter on 12.10.2023.</p> <p>3. S.O to 12.10.2023 for hearing.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</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: 14.09.2023</p> <p align="center">O.A. No.733 of 2023 with M.A. No.483 of 2023</p> <p>V.J. Mane S.A. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant in O.A. No.733/23 & Shri M.D. Lonkar, learned Advocate for the Applicant in M.A. No.483/23 and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. 'Interim Relief' to continue till next date.</p> <p>3. S.O. to 20.09.2023 (H.O.B.).</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.09.2023</p> <p align="center">O.A. No.698 of 2022 with O.A. No.306 of 2022 with O.A. No.1089 of 2022</p> <p>B.P. Chavan & Anrs., M.P. Rao & Ors. N.V. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar and Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, Smt. Archana B.K. & Smt. K.S. Gaikwad, learned Presenting Officers for the Respondents.</p> <p>2. Learned P.O. again referred to the 'Affidavit-in-Reply' filed on behalf of the Commissioner of Police, Nashik on 18.07.2022 and specifically to the contents of 'Para 4' in which it has been stated that decision has been taken to reject all applications for 'Inter District Transfers' to establishment of Commissioner of Police, Nashik. The Commissioner of Police Nashik by letter dated 06.05.2022 addressed to all (i) Commissioners of Police and (ii) Superintendents of Police has stated that all Vacant Posts of 'Police Constables' which will arise due to 'Promotions', 'Deaths', 'Retirements' and 'Inter District Transfers' will henceforth be filled only by way of 'Direct Recruitment' of 'Police Constables' and therefore no action should be taken by all (i) Commissioners of Police and (ii) Superintendents of Police to relieve any 'Police Constable' to join the establishment of Commissioner of Police, Nashik on 'Inter District Transfer.'</p> <p>3. Learned P.O. is informed that the letter written by Commissioner of Police, Nashik on 06.05.2022 to all (i) Commissioner of Police and (ii) Superintendent of Police repudiates the 'Policy Guidelines' for 'Inter District Transfer' provided in Maharashtra State Police</p>

[P.T.O.]

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

Tribunal's orders

Force Police Constables to Assistant Police Inspector (Except SRPF) Establishment Transfer Rules published by Home Department G.R. dated 28.11.2017^{which} clearly mentions that subject to specified Terms & Conditions upto 5% of these posts can be filled up by way of 'Inter District Transfers'. The Commissioner of Police, Nasik therefore should have taken the advice from the (i) Additional Chief Secretary (Home), Home Department- Respondent No.1 and (ii) Director General of Police Maharashtra State - Respondent No.2 in O.A. No.306 of 2022 and O.A. No.1089 of 2022 before unilaterally arriving at the decision to fill-up all the 'Vacant Posts' of 'Police Constable' only through 'Direct Recruitment'; thereby foreclosing all other streams for filling up 'Vacant Posts' of 'Police Constables' such as by way of 'Compassionate Appointments', and 'Inter District Transfers'.

4. Learned P.O. is therefore directed to forthwith bring this to the knowledge of the (i) 'Additional Chief Secretary (Home), Home Department and (ii) Director General of Police, Maharashtra State that the decision of Commissioner of Police, Nashik taken unilaterally to direct all (i) Commissioners of Police and (ii) Superintendents of Police is violative of not only the policy guidelines issued by the Home Department's, G.R. dated 28.11.2017 but challenges provisions of law under 'Section 7' of the 'Maharashtra State, SRPF Act, 1951'^{and} but even appears to be an act of insubordination of the 'Power and Authority' vested with the 'State Government' under 'Section 4' of the 'Mumbai Police Act', 1951. Needless, to say such 'State of Affairs' cannot be permitted to continue and appropriate remedial actions is expected to be taken forthwith to prevent recurrence of such decisions being taken unilaterally by any (i) Commissioner of Police and (ii) Superintendent of Police. The (i) Additional Chief Secretary, Home Department, and (ii) Director General of Police, Maharashtra State are also informed to take regular review of the large pendency of cases of 'Inter District Transfer' which are filed under 'Section 19' of the 'Administrative Tribunal Act, 1985'.

5. S.O. to 21.09.2023.

Sd/-
(Debashish Chakrabarty)
Member (A)

**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 : 14.09.2023</p> <p align="center">M. A. No.586 of 2023 in O.A.No.727 of 2023</p> <p>M. A. KhillareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, application under Section 25 is placed before this Tribunal.</p> <p>3. Learned Counsel for the Applicant submits that the Hon'ble High Court Bench at Aurangabad in W.P. No.5232/2023 by order dated 28th June, 2023 has directed the Tribunal as follows :- <i>"However, the Administrative Tribunal shall decide the petitioners Original Application as expeditiously as possible and in any case within four months."</i></p> <p>4. Thus as per the order of the Hon'ble High Court in W.P. No.5232/2023, the Original Application should be decided on or before 27.10.2023.</p> <p>5. Learned Counsel for the Applicant states that in terms of the directions of the Hon'ble High Court referred above, it is necessary to place the O.A.No.727/2023 before the Principal Bench of this Tribunal at Mumbai since the Division Bench at M. A. T. Aurangabad Bench is not available and hence, needs transfer.</p> <p>6. It is necessary to place on record that the Division Bench at Aurangabad was not available from 16.06.2023 till 11.08.2023 on account of serious illness of Hon'ble Member (Administrative). The Hon'ble Member (A) retired on 11.08.2023. Thus, the Division Bench is not available at M.A. T. Aurangabad Bench since last one month. However, the Hon'ble High Court of Bombay in W. P. (ST) No.93759 of 2020 with I.A.(ST) No.96680 of 2020, dated 02.08.2023 has taken note of this situation and has passed following order:-</p>

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

Tribunal's orders

"11. Concern has been raised that on account of the vacancies in the office of the Members of the Tribunal, the Division Benches of Tribunal at Nagpur and Aurangabad are not functioning and such matters which are cognizable by the Division Benches of the Tribunal are transferred to Mumbai in case of urgency, however, the video conferencing facility is not available which prevents the litigants to seek redressal of their grievances."

7. Under such situation, I keep this application for transfer in abeyance till 11.10.2023. If, the Member (Administrative) is appointed then this matter can be heard on priority basis by the bench which will be available at Aurangabad itself and if the Division Bench will not be available, learned Counsel may press the application under Section 25 before this Tribunal.

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

9. Issue notice before admission returnable on 12.10.2023.

5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the ~~Original~~/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the ~~Original~~ / Miscellaneous Application shall stand dismissed.

9. S.O. to 12.10.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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: 14.09.2023

O.A. No.818 of 2023

Dr. D.A. Shengal

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned P.O. seeks some more time because Agriculture, Animal Husbandry, Dairy Development & Fisheries Department as per directions of the Tribunal referred the matter for clarification about status of G.A.D. Circular dated 11.07.2000.

3. Learned Advocate for the Applicant stated that there have been several instances in the past where the Agriculture, Animal Husbandry, Dairy Development & Fisheries Department has given choice of posting to L.D.O's who had worked in the 'Tribal and Naxalite Areas' as per G.A.D. Circular dated 11.07.2000. The Order dated 31.05.2018 of the Agriculture, Animal Husbandry, Dairy Development & Fisheries Department placed on record includes one such of name at Sr. No.96 who was given choice of posting because he had worked in 'Tribal and Naxalite Areas'.

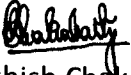
Office Notes, Office Memoranda of Command,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

4. Learned Advocate for the Applicant further stated that by order dated 10.04.2018; the Aurangabad Bench of Tribunal in O.A. No.22 of 2018 had given directions to consider the representations of Applicants therein as per G.A.D. Circular dated 11.07.2000. So also in O.A. No.818,824,825,826,827 of 2017 similar directions had been given to consider the representations of Applicants therein as per G.A.D. G.R. of 06.08.2002 which eventually deals with consideration to be given choice of postings made by Government Servants who have worked in 'Tribal & Naxalite Areas'.

5. Learned P.O. therefore to inform the Agriculture, Animal Husbandry, Dairy Development & Fisheries Department that there have been implementation of the choice of postings made by L.D.O's in the past as well as about the Orders passed by the Tribunal in the context of G.A.D. Circular dated 11.07.2000. Further if the contents of its 'Affidavit-in-Reply' dated 21.08.2023 wherein it has been stated that request of Applicant is 'Out of Place' in the context of G.A.D. Circular dated 11.07.2000 needs to be withdrawn ~~and~~ ^{then} fresh affirmation will be made by the 'Agriculture, Animal Husbandry, Dairy Development & Fisheries Department.

6. S.O. to 05.10.2023.


(Debashish Chakrabarty)
Member (A)

NMN

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

Tribunal's orders

Date: 14.09.2023

O.A. No.1187 of 2023

S.R. Kharat

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

2. Learned Advocate for the Applicant states that the Applicant has been transferred from the post of 'Police Constable' at 'A.P.M.C.' to Police Headquarter's in the establishment of 'Navi Mumbai Police Commissioner' vide Order dated 15.10.2022. The grounds cited are 'Public Interest' and 'Administrative Exigencies' and the Transfer Order have been passed invoking provisions of 'Section 22 N(1)' and 'Section 22 N(2)' of 'Maharashtra Police Act, 1951'. The Applicants transfer is categorized as 'Default Transfer' (कासुरीवरून बदली). The provisions of 'Section 22 N(1)' and 'Section 22 N(2)' of 'Maharashtra Police Act, 1951' has been referred to by the 'Navi Mumbai Police Commissioner' and therefore it is necessary to understand as to what is to be understood by the nomenclature of 'Default Transfer' (कासुरीवरून बदली). Further, if such 'Default Transfer' (कासुरीवरून बदली) of 'Police Constables' are to be effected invariably by posting them to 'Police HQ' and if so, as per which order of the office of DGP, Maharashtra State on the Home Department.

3. Learned P.O. seeks 'Two Weeks' time to file 'Affidavit-in-Reply' regarding information about nomenclature of 'Default Transfer' (कासुरीवरून बदली) in the context of provisions under 'Section 22 N(1)' and 'Section 22N(2)' of the Mumbai Police Act, 1951. Also if postings of 'Police Constables' are to be necessary made to only 'Police HQ' then which 'Sanctioned Post' were to be kept in reserve at 'Police Headquarters' in the establishment of 'Navi Mumbai Police Commissioner' as to enable such 'Police Constables' to draw their 'Salary and Allowances'.

4. S.O. to 03.10.2023.



**(Debashish Chakrabarty)
Member (A)**