

**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><u>14.10.2022</u></p> <p><u>C.A 45/2022 in O.A 65/2020</u></p> <p>Shri S.P Kapdne ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.B Bhosale, learned advocate for the applicant Smt K.S Gaikwad, holding for Shri A.J Chougule, learned P.O for the Respondents'</p> <p>2. Learned P.O submits that the proposal regarding pensionary benefits is sent to the Finance Department for approval on 11.10.2022.</p> <p>3. S.O to 7.11.2022.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/-  (Mridula Bhatkar, J.) Chairperson</p> |

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| | <p><u>14.10.2022</u></p> <p align="center"><u>C.A 60/2022 in O.A 231/2022</u></p> <p>Shri Y.U Bawdekar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri V.P Potbhare, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that there is a communication gap and hence again the same exercise of measurement of height of the applicant will be done before the Medical Board at J.J Hospital, Mumbai.</p> <p>3. We direct the concerned officer of J.J Hospital to take immediate steps to take measurement of height of the applicant. Sufficient time of at least two days is to be given to the concerned Police Station at N.M Joshi Marg and the concerned Police Station should give at least three days' time to the applicant to appear before the Medical Board.</p> <p>4. S.O to 7.11.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

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| | <p><u>14.10.2022</u></p> <p><u>62/2022 in O.A 483/2021</u></p> <p>Sd/- Shri Ashok F. Murde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned PO submits that the office of the Accountant General has sanctioned the proposal on 21.9.2022. However, the Respondent-State has not received the papers from the office of the Accountant General to implement the order.</p> <p>3. S.O to 7.11.2022.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> |

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| | <p align="center"><u>14.10.2022</u></p> <p align="center"><u>O.A 176/2021</u></p> <p>Shri S.C Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Bhagyashree Ranade, holding for Shri S.S Deokar, learned advocate for the applicant and Ms Swati Mancherkar, learned C.P.O for the Respondents.</p> <p>2. Affidavit in reply is not filed yet. The matter will proceed without reply.</p> <p>3. S.O to 25.11.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> |

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| | <p><u>14.10.2022</u></p> <p style="text-align: center;"><u>O.A 620/2021</u></p> <p>Shri H.B Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Interim relief to continue.</p> <p>3. S..O to 25.11.2022.</p> <p>Sd/-  Sd/- </p> <p>(Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</p> |

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FARAD CONTINUATION SHEET No.

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| | <p align="center"><u>O.A. No.447 of 2022</u></p> <p>V.S. Sharma ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri L.S. Deshmukh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 2.12.2022 for final hearing.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 14.10.2022 14.10.2022</p> <p>(sgj)</p> |


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| | <p align="center"><u>O.A. No.413 of 2022</u></p> <p>Kisan Narshi Tadvi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Sandeep Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Not on board. Suo moto taken on board as mentioned by the Ld. Advocate for the Applicant.</p> <p>3. Ld. Advocate for the applicant submits that OA No.413/2022 (Kisan N. Tadvi Vs. State of Maharashtra & Anr.) should have been shown with OA No.329/2022 (Durga P. Deore Vs. State of Maharashtra & Anr.) as both these matters were tagged together by order dated 2.5.2022 passed in OA No.329/2022.</p> <p>4. Ld. Advocate for the applicant submits that both the matters appeared on board on 5.5.2022 and interim relief was rejected in OA No.413/2022 by order dated 5.5.2022. Thereafter the applicant did not appear for main examination on 7.5.2022 and hence now nothing remains in this OA and the same can be disposed off.</p> <p>5. In view of the above, OA No.413/2022 is disposed off accordingly.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 14.10.2022 14.10.2022</p> <p>(sgj)</p> |

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| | <p><u>14.10.2022</u></p> <p><u>C.A 22/2021 in O.A 21/2017</u></p> <p>Smt A.A Pawar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that there is mistake in para 5 in the order dated 10.10.2022, wherein it is stated that "it is obligatory on the part of the State. Learned P.O submits that instead of the word 'State' the word 'M.P.S.C' should be substituted.</p> <p>3. Suo moto correction carried out in para 5 of the order dated 10.10.2022. The word 'State' should be substituted by the word 'M.P.S.C'.</p> <p>4. The affidavit in reply dated 13th October, 2022 of Ms Ashwini M. Joshi, Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, is taken on record.</p> <p>5. The concerned Respondent-Department is hereby directed not to issue the appointment order in favour of Mr Mahesh Deshpande and to follow and obey the order passed by this Tribunal dated 23.3.2021, as the post is still vacant.</p> <p>6. It was the duty of the concerned Respondent-State to inform MPSC that the name of Mr Mahesh Deshpande is to be withdrawn and in his place the name of the present applicant Mrs Ashwini A. Pawar was to be recommended.</p> <p>7. The compliance of the order of this Tribunal is delayed only on account of shuttling of the issue from MPSC to the Respondent-State.</p> <p>8. We expect that the order of this Tribunal will be complied with within two weeks. Last chance is given to the Respondents to comply with the order.</p> <p>9. S.O to 7.11.2022.</p> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>Sd/- ¹⁰⁷ </p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

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| | <p><u>14.10.2022</u></p> <p><u>C.A 59/2019 in O.A 1041/2017</u></p> <p>Shri L.B Kadam ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None present for the applicant. Heard Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that Writ Petition No. 2065/2020 is filed by the Respondents before the Hon'ble High Court, challenging the order of this Tribunal.</p> <p>3. In view of the above, matter stands adjourned to 9.12.2022.</p> <p>Sd/- _____ Sd/- </p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p> |

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| | <p><u>14.10.2022</u></p> <p><u>C.A 16/2022 in O.A 223/2020</u></p> <p>Shri D.N Kamble & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, holding for Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned counsel Mr Bandiwadekar submits the chart prepared by the applicants indicating the details which are still not paid. The same is taken on record and copy is given to the learned P.O.</p> <p>3. S.O to 7.11.2022.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</p> |

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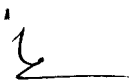
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| | <p>Date : 14.10.2022</p> <p>O.A.No.670 of 2021 with M.A.No.392 of 2021</p> <p>A.S. ChandanwaleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Madhavi Ayyapan i/b. Talekar & Associates, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Adjourned to 09.11.2022 at 10.30 a.m. under the caption Final Hearing (P.H.)</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p> |

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| | <p><u>14.10.2022</u></p> <p><u>C.A 17/2022 in O.A 266/2021</u></p> <p>Smt S.S Paithankar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, holding for Shri A.J Chougule, learned P.O for the Respondents</p> <p>2. Learned counsel for the applicant submits that as per instructions from the applicant regular pension and amount of commuted pension is still not paid to the applicant.</p> <p>3. S.O to 7.11.2022.</p> <p>Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> |

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Tribunal's orders

Date : 14.10.2022

O.A.No.1006 of 2022

R.S. MoraleApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief 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 18.11.2022.

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 seven days or service report on affidavit is not filed three days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.

8. Adjourned to 08.11.2022

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

Date : 14.10.2022

**O.A.No.965 of 2022 with
Caveat Nos.106, 107 and 108 of 2022**

D.J. Patil & OrsApplicants
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief 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 17.10.2022.

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 seven days or service report on affidavit is not filed three days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.

8. Today learned C.P.O. has filed affidavit-in-reply. Taken on record. Copy is served upon learned Advocate.

9. Adjourned to 17.10.2022 under the caption 'For Urgent Admission'.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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| | <p align="center"><u>O.A 737/2021</u></p> <p>Shri S.S Bhamare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None present for the applicant. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Matter is called out. Learned counsel for the applicant and applicant absent.</p> <p>3. Hence, Original; Application stands dismissed.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> |

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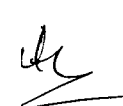
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| | <p>LATER ON : 14.10.2022</p> <p>M.A.No.376 of 2022 in O.A.No.737 of 2021</p> <p>1. Heard Mr. Suresh Dhole, learned Advocate holding for Mr. Pravin Mengane for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate request that the matter is not to be dismissed and the order of dismissal is to be withdrawn. He will comply with the order of service of notice within a week.</p> <p>3. In view of above, order of dismissal is hereby withdrawn and matter is fixed on 20.10.2022 under the caption 'For Dismissal'.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p> |

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| | <p align="center"><u>O.A. No.329 of 2022</u></p> <p>Durga P. Deore ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Sandeep Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. When the matter is called out it is found that as it was missing, the Ld. Advocate for the applicant has reconstructed the matter. However, orders therein are not placed on record and not found in the reconstructed set.</p> <p>3. So far as prayer clause 10(a) of the OA is concerned, as the applicant has filled up the form for main examination and appeared in the same, this grievance mentioned in prayer clause 10(a) is redressed. Ld. Advocate for the applicant submits that latter part of prayer clause 10(a) is allowed. However, his prayer is that the result is to be revised. This is pertaining to the examination prior to 7.5.2022 and that is pertaining to preliminary examination. He submits that he does not press that relief as applicant was allowed to appear for the examination and she did appear. Ld. Advocate submits that however results of the applicant are not disclosed and not communicated to the applicant.</p> <p>4. Ld. Advocate for the applicant pointed out prayer clause 10(b) which reads as follows:</p> <p align="center"><i>“(b) This Hon'ble Tribunal be pleased to direct Respondent No.2 and call for the record as to how many candidates have been called for the OBC sportsperson (Group A) Category.”</i></p> <p>5. We direct the MPSC to produce the record showing candidates who were called for OBC Sportsperson (Group A) category on 7.5.2022.</p> |

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| | <p>6. Ld. Advocate for the applicant pointed out prayer clause 10(d) i.e. equitable relief and prays that result of the applicant is to be published and communicated to the applicant. We direct the MPSC to communicate the result to the applicant.</p> <p>7. Ld. CPO at this stage objects to grant of such relief as a part of equitable relief as it is a stand taken by MPSC that applicant has secured less than cut-off marks at the time of preliminary examination. The cut-off for preliminary examination is fixed as 157.125 and the applicant has secured 151 marks from OBC category.</p> <p>8. Ld. CPO informs that in the affidavit in reply they will place the record as per prayer clause 10(b) and also as per order dated 12.4.2022 passed by this Tribunal in the above OA.</p> <p>9. Ld. CPO, on instructions from Smt. Trupti Khopekar, Desk Officer, MPSC, submits that till today the interviews are not scheduled and whenever it is scheduled generally it takes a span of one month to conduct the interview. In view of this if at all the applicant is found eligible she will be called for interview.</p> <p>10. Ld. Advocate for the applicant wants to amend the prayer clause and add one para in OA. Ld. Advocate to file MA for amendment.</p> <p>11. S.O. to 10.11.2022 for filing affidavit.</p> <p style="text-align: center;">Sd/- Sd/- </p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.)</p> <p style="text-align: center;">Member (A) Chairperson</p> <p style="text-align: center;">14.10.2022 14.10.2022</p> <p>(sgj)</p> |

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| | <p>Date : 14.10.2022</p> <p style="text-align: center;">O.A.No.1016 of 2022 to O.A.No.1021 of 2022 with O.A.No.1026 of 2022</p> <p>S.C. BurseApplicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 18.11.2022</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.</p> <p style="text-align: right;">[P.T.O.]</p> |

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| | <p>8. In all these matters the challenge is initiation of Departmental Enquiry and issuance of charge memo issued on 04.04.2022 and 05.05.2022 to all these Applicants who were working as senior clerk in Registration Department of Revenue and Forest Department. These Applicants are charged that they have deviated the circular dated 12.07.2021 whereby documents were registered under RERA of Bombay Tenancy of Agricultural Land. Thus the D.E. is initiated against all these Applicants.</p> <p>9. Learned Advocate Mr. Lonkar submits that the said circular and the relevant provision in Rule 44(1)(i) of the Maharashtra Registration Rules of 1961 were challenged before the Bombay High court at Aurangabad Bench in Writ Petition No.2111 /2022, Govind R. Solpure & Ors. Versus The State of Maharashtra & Ors. and the Bombay High Court at Aurangabad Bench with the order dated 05.05.2022 has held that Rule 44(1)(i) is not applicable to this set of facts, which reads as below :</p> <p style="padding-left: 40px;"><i>(I) Writ petition is allowed in terms of prayer clause 'C'.</i></p> <p style="padding-left: 40px;"><i>(II) Rule 44(1)(i) of the Maharashtra Registration Rules, 1961 is read down and is declared that the same would not be applicable. The registering authority is not required to insist compliance of the conditions imposed under Rule 44(1)(i) while registering the document under section 34 r/w. section 35 of the Registration Act, 1908. The registering authority shall not reject any document on the ground of non compliance of the conditions set out in the impugned circular dated 12.7.2021 or for non compliance of Rule 44(1)(i).</i></p> <p>10. Learned Advocate submits that in view of this order of enquiry against the present Applicants should have been withdrawn. Learned Advocate submits that by way of 2nd relief the applicants seek consideration of their names at the time of DPC and the promotions.</p> <p>11. Five weeks time is granted to learned C.P.O. to file reply. If promotions are given and applicants' names are not considered for promotion and if they are not promoted, then promotions are subject to the outcome of this O.A. and also subject to Revenue Division Cadre allotment Rules. Learned Advocate is directed to serve copies of the O.As to Respondent No.2, Inspector General of Registration, Pune forthwith.</p> <p>12. Adjourned to 18.11.2022.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p style="text-align: left;">prk</p> |

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| | <p align="center"><u>O.A. No.1136 of 2016 with M.A. No.23/2017</u></p> <p>N.A.A. Khan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files affidavit of Shri Anupkumar Yadav, Secretary, Minorities Development Department dated 14.10.2022 and the same is taken on record. Para 2 of the affidavit reads as under:</p> <p align="center"><i>"2. With reference to the said order of the Hon'ble Maharashtra Administrative Tribunal, it is submitted that, up to my knowledge, there is no government-recognized institute in the State of Maharashtra to conduct the examination of Urdu shorthand and Urdu typing."</i></p> <p>3. S.O. to 17.10.2022.</p> <p align="center"> <table border="0"> <tr> <td align="center">Sd/- (Medha Gadgil) Member (A) 14.10.2022</td> <td align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 14.10.2022</td> </tr> </table> </p> <p>(sgj)</p> | Sd/- (Medha Gadgil) Member (A) 14.10.2022 | Sd/- (Mridula Bhatkar, J.) Chairperson 14.10.2022 |
| Sd/- (Medha Gadgil) Member (A) 14.10.2022 | Sd/- (Mridula Bhatkar, J.) Chairperson 14.10.2022 | | |

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| | <p style="text-align: center;"><u>OAs. No.716, 717, 718, 719, 720 & 730 of 2022</u></p> <p>H.G. Sapkal G.A. Deshmukh Y.C. Girange S.A. Bhagat G.S. Hadbe A.P. Khatal ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Not on board. Circulated and taken on board.</p> <p>3. Ld. Advocate for the applicants has filed a Praecipe dated 14.10.2022 for continuation of interim relief in the above matters instead of continuation of interim relief in OA No.808 of 2022 (A.B. Dhende Vs. The State of Maharashtra & Ors.) by order dated 10.10.2022.</p> <p>4. In view of the above, interim relief granted in the above matters on 27.7.2022 to continue.</p> <p>5. S.O. to 7.11.2022.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>14.10.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>14.10.2022</p> </div> </div> |

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| | <p align="center"><u>O.A. No.808 of 2022</u></p> <p>A.B. Dhende ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Not on board. Circulated and taken on board.</p> <p>3. Ld. Advocate for the applicant has filed a Praecipe dated 14.10.2022 for continuation of interim relief in OAs No.716 to 720 and 730/2022 (H.G. Sapkal & Ors. Vs. State of Maharashtra & Ors.) instead of continuation of interim relief in OA No.808 of 2022 (A.B. Dhende Vs. The State of Maharashtra & Ors.) by order dated 10.10.2022.</p> <p>4. In view of the above, the order is corrected accordingly and matter is adjourned to 19.10.2022.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 14.10.2022 14.10.2022</p> <p>(sgj)</p> |

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| | <p style="text-align: center;"><u>O.A. No.1043 of 2021</u></p> <p>A.S. Jaiswal ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In this matter the file of Vigilance of Sales Tax Department is produced. It shows that the name of the applicant is enlisted in the doubtful integrity list on account of pendency of appeals in two criminal cases. One is of trap and second is of disproportionate assets. However, we fail to understand how the procedure of mentioning the name in the doubtful integrity list is observed during the pendency of appeal in the teeth of the ratio laid down in the case of Union of India & Ors. Vs. K.V. Jankiraman & Ors., AIR 1991 SC 2010 : 1991 SCR (3) 790.</p> <p>3. We direct that responsible officer from the Sales Tax Department to remain present on the next date.</p> <p>4. S.O. to 20.10.2022. Sd/- Sd/- _____</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 14.10.2022 14.10.2022</p> <p>(sgj)</p> |

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| | <p align="center"><u>O.A. No.193 of 2022</u></p> <p>B.S. Thakur ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.P. Dalvi, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 9.12.2022 for final hearing.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 14.10.2022 14.10.2022</p> <p>(sgj)</p> |

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| | <p>Date : 14.10.2022</p> <p align="center">M. A. No.603 of 2022 in R.A. No.20 of 2022 in O.A.No.591 of 2021</p> <p>S. A. NashikkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed R.A. to review the order passed by the Tribunal on 12.08.2022 in O.A.No.591/2021</p> <p>3. Since there is a delay of 15 days in filing R.A., M.A. is filed for condonation of delay. Since the delay is of hardly 15 days, in the interest of justice, I inclined to condone the delay caused in filing R.A.</p> <p>3. M.A. is accordingly allowed and disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p>Date: 14.10.2022</p> <p align="center">O.A. No.520 of 2022</p> <p>A.V. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed Affidavit on behalf of Respondent No.3 & 4. It is taken on record. 3. Adjourned for hearing at the stage of admission. 4. S.O. to 09.11.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 14.10.2022</p> <p>O.A. No.422 of 2022</p> <p>K.M. DhanshetiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. When the matter is heard for some time it is noticed that from 22.08.2005 to 18.07.2008 Applicant was under suspension and by order dated 11.02.2013, Deputy Director, Land Record, Pune regularized the period of suspension but strangely in addition to it he directed for 40% additional payment to the Applicant above the subsistence allowance already paid to the Applicant. This is quite un-understandable, when query is raised to learned P.O. all that she stated that the order is there. Indeed, she ought to have clarified as to how 40% additional payment is ordered to be paid for the suspension.</p> <p>3. True, in present O.A. the issue pertains to recovery of Rs.04,02,333/- (Rupees Four Lakh Two Thousand Three Hundred and Thirty Three Only) which was paid to the Applicant by way of increment during the period of suspension though not entitled to it. The Applicant has deposited said amount but now claiming refund of the same <i>inter-alia</i> contending that he was forced to pay. This issue will be dealt with on its own merit.</p> <p>4. In view of above, learned P.O. is directed to call the concerned person from the office of Deputy Director, Land Records to explain the situation.</p> <p>5. O.A. be kept on Monday i.e. on 17.10.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 14.10.2022</p> <p align="center">O.A. No.604 of 2022</p> <p>S.R. NalavadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Additional Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 11.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 14.10.2022</p> <p>O.A. No.569 of 2021</p> <p>M.A. SalveApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Additional Affidavit on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 18.11.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 14.10.2022</p> <p align="center">O.A. No.40 of 2022</p> <p>N.L. PaithankarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for adjournment since matter is handled by Shri A.J. Chougule but due to personal difficulties he is unable to remain preset.</p> <p>3. S.O. to 11.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 14.10.2022</p> <p align="center">O.A. No.916 of 2021</p> <p>A.S. TawareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is relying on the decision rendered by the Tribunal in O.A. No.1105/2016 which is challenged in Writ Petition No.1231/2022 and order passed by the Tribunal is stayed on 02.02.2022. It is for this reasons hearing of the O.A. was adjourned on previous date.</p> <p>3. Today learned P.O. submits that Writ Petition is still subjudice and requested to adjourn the matter.</p> <p>4. S.O. to 14.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p align="center">Date: 14.10.2022</p> <p align="center">O.A. No.350 of 2020</p> <p>Dr. Shaikh M.A.S.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for adjournment since matter is handled by Shri A.J. Chougule but due to personal difficulties he is unable to remain preset.</p> <p>3. S.O. to 07.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.427 of 2021</p> <p>P. B. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri N. S. Satpute, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, the matter is adjourned for final hearing.</p> <p>3. S.O. to 11.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p align="center">Date: 14.10.2022</p> <p align="center">O.A. No.903 of 2016</p> <p>S.B. SasteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. Tribunal has passed detail order on 03.08.2017 keeping this O.A. in sine-die list since Writ Petition No.876/2014 arising from 2nd round of litigation is subjudice.</p> <p>3. Today learned Advocate for the Applicant as well as learned P.O. informed that still Writ Petition is pending and requested to adjourn the matter.</p> <p>4. S.O. 18.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 14.10.2022</p> <p align="center">O.A. No.820 of 2022</p> <p>P.D. PadwalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Today matter is for hearing at the stage of admission. 3. Learned Advocate for the Applicant sought short time to file Rejoinder. 4. O.A. be kept for hearing at the stage of admission with liberty to learned Advocate for the Applicant to file Affidavit-in-Rejoinder in the mean time and copy to other side in advance. 5. S.O. to 11.11.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 14.10.2022</p> <p align="center">O.A. No.731 of 2022</p> <p>P.N. DekhaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Matter is already proceeded without Reply but on request of learned P.O. Affidavit-in-Reply on behalf of Respondent Nos.1 & 2 is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 17.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p align="center">Date: 14.10.2022</p> <p align="center">O.A. No.628 of 2022</p> <p>V.R. KumbharApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 21.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date : 14.10.2022</p> <p style="text-align: center;">R.A. No.20 of 2022 in O.A.No.591 of 2021</p> <p>S. A. NashikkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This R.A. is filed in respect of the order passed by the Tribunal in O.A.No.591/2021 on 12.08.2022. 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 17.11.2022. 3. 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. 4. 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. 5. 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. 6. 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 / Review 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 / Review Application shall stand dismissed. 7. S.O. to 17.11.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> |

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|--|
| | <p>Date : 14.10.2022</p> <p>M. A.No.591 of 2022 in R.A.23 of 2022 in O.A.393 of 2019</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>P. M. Mire & Ors ...Respondents (Ori. Applicants)</p> <ol style="list-style-type: none"> 1. Heard Archana B. K., Presenting Officer for the Applicants (Ori. Respondents) and Shri K. R. Jagdale, learned Counsel for the Respondents (Ori. Applicants). 2. Learned P.O. on behalf of Ori. Respondents have filed R.A.23/2022 along with application for condonation of delay to review the order passed by the Tribunal on 17.1.2020 in O.A.No.393/2019. 3. Shri K. R. Jagdale, learned Counsel for Ori. Applicants has pointed out that there is no adjudication or finding of merit in the order dated 17.01.2020 passed in O.A. No.393/2019, and therefore, the question of review does not survive. 4. Whereas, learned P.O. all that stated that Tribunal may pass appropriate order. Except this nothing is stated. 5. O.A.No.393/2019 was disposed of by the Tribunal on 17.01.2020. Para No.10 of operative order is as under :- <i>"10. For the aforesaid reasons, the respondents are directed to consider taking action as per GR dated 16.10.2012 and providing necessary consequential benefits to the applicants within a period of three months and communicate the decision taken to the applicants within 15 days thereafter. With the above directions, OA is disposed off. No order as to costs."</i> 6. It is thus apparent that all that Tribunal directed to Respondents to consider action in terms of G.R. dated 16.10.2012 and to take further steps in accordance to it within stipulated period. 7. Suffice to say, there is no such finding on merit nor there is any adjudication. This being the position, all that respondents will have to reconsider the issue in terms of G.R. dated 16.10.2012 and to pass appropriate order in accordance to law. The question of review, therefore, does not survive. 8. For the aforesaid reasons, Review Application itself is not maintainable. Hence, R.A. as well M.A. are disposed of being not maintainable. 9. No order as to costs. <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____

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Original Application No. _____ of 20____

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.879 of 2022 with O. A. No.921 of 2021</p> <p>N. S. Naik R. P. MhaskarApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In both the Original Applications, the issue is whether O.A. is maintainable without availing remedy of statutory appeal.</p> <p>3. Learned Counsel for the Applicants sought time to cite certain decisions and requested for adjournment.</p> <p>4. S.O. to 07.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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

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LATER ON IN O.A. No.921/2022

5. Today learned Advocate for Respondent No.3 has filed Affidavit-in-Reply on behalf of C.E.O., Zilla Parishad, Nagpur. It is taken on record.

6. Adjourned for hearing at the stage of admission.

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

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20____

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p>Date: 14.10.2022</p> <p align="center">O.A. No.961 of 2022</p> <p>J.R. SolankiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has tendered letter dated 14.10.2022 address to her by Dean, Sir J.J. Group of Hospitals and Grant Medical College, Mumbai wherein it is stated that information is being sought from various hospitals in her control to find out vacancy position and subject to vacancy the Applicant will be appointed on compassionate ground.</p> <p>3. Information about vacancies etc. is needs to be placed on record on Affidavit.</p> <p>4. Therefore, three days time is granted to file Affidavit.</p> <p>5. S.O. to 18.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|--|
| | <p><u>14.10.2022</u></p> <p style="text-align: center;"><u>O.A 261/2021</u></p> <p>Shri V.S Kulkarni & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicants have challenged the seniority list dated 9.3.2021 as on 1.1.2020 in the cadre of Staff Nurse contrary to the provisions of Recruitment Rules for the post of Sister Tutor/Master Tutor and the same be quashed and set aside. It is also prayed that the fresh seniority list is to be prepared in the cadre of Staff Nurse on the basis of qualification in conformity with the Recruitment Rules for the post of Sister Tutor/Master Tutor.</p> <p>4. By our order dated 12.4.2021, we have held that the said seniority list is kept in abeyance and no further action is to be taken on the basis of that seniority list till the objection is decided and communicated to the applicant no 1.</p> <p>3. Pursuant to the order of this Tribunal dated 12.4.2021 the Respondents have filed affidavit in reply dated 10th August, 2021 through Shri Gajendra G. Dighavkar, Chief Administrative Officer, Director, Medical Education and Drugs Department, Mantralaya, Mumbai, wherein in para 5 and 5.1 it is stated as under:-</p> <p style="padding-left: 40px;">“5. With reference to paragraph no 6.1, I say and submit that a decision has been already taken to revise the seniority list. The revised list will be prepared according to the date of possessing requisite qualification (B.Sc, Nursing) and eligibility. This revised list will be published as soon as possible objections, if any, are refuted.</p> <p style="padding-left: 40px;">5.1 All the aspect like eligibility, seniority, reservation roster point etc. will be taken in consideration for the promotional posting of Sister Tutor.”</p> <p>4. In view of the above, nothing remains in the Original Application. Original Application stands disposed of with directions that the correct seniority list should be prepared and finalized in accordance with the rules on or before 31.1.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p> |

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p><u>14.10.2022</u></p> <p><u>O.A 672/2022 with O.A 909/2021 and 141/2022</u></p> <p>F.H Shaikh & Ors A.M Chandanshiv V.S Tengale ... Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants in O.A 672/2022, Shri S.S Dere, learned counsel for the applicants in O.A 909/2021 and 141/2022, Ms Swati Manchekar, learned C.P.O for the Respondents no 1 & 2, Shri Biju Joseph i/b KLT Law Associates for Respondent no. 3 and Shri Kiran A. Meher, Law Officer for Director of Municipal Administration, Mumbai.</p> <p>2. Learned counsel for the applicant on instructions from the applicant submits that O.A 909/2021 with O.A 141/2022 are filed before O.A 207/2022 filed by Shri Bandiwadekar, learned counsel for the applicant in the said Original Application. However, these two Original Applications were not heard together when O.A 207/2022 which was not heard on merit.</p> <p>3. Learned counsel Shri Dere and Shri Jagdale for the applicants submit that there are 28 posts of Auditor and Accountant, Class-III from S.C category and 2 posts of Auditor and Accountant, Class-III from open category vacant.</p> <p>4. Learned C.P.O submits on instructions that whatever vacancies are there, the Government has taken decision to advertise these vacancies for appointment in the next advertisement and directions are given for the new recruitment on 22.8.2022. Learned C.P.O states that till today the advertisement is not issued.</p> <p>5. Learned counsel for the applicants submit that they pray that the appointments which are going to be made by issuing the fresh advertisement in future should be subject to the outcome of these Original Applications.</p> <p>6. We are unable to entertain such prayer.</p> <p>7. In view of the above, matter stands adjourned to 18.11.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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 |
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| | <p align="center"><u>14.10.2022</u></p> <p align="center"><u>O.A 325 2018 with O.A 13/2020</u></p> <p>Shri A.M Jadhao Shri R.S Pawar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant in O.A 325/2015, Shri S.S Dere, learned counsel for the applicant in O.A 13/2020, Ms Swati Manchekar, learned C.P.O for Respondent no. 1 and Shri C.T Chandratre, learned counsel for Respondent no. 3.</p> <p>2. We express that very long time is taken by Shri Chandratre, learned counsel for Respondent no. 3 to file reply. He seeks two weeks' time to file reply.</p> <p>3. As the affidavit in reply is not filed by the Respondent-State we presume that they do not want to file reply.</p> <p>4. Matter is fixed on 9.11.2022 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**

ORIGINAL APPLICATION NO.1035 OF 2022

S.A. WaghApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

Mr. Devendra Avhad along with Ms. Ruchika Indalkar & Mr. Darrish Khanzada, learned Advocate for the Applicant.

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

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Ms. Medha Gadgil (Member) (A)

DATE : **14.10.2022**

PER : **Justice Mridula Bhatkar (Chairperson)**

O R D E R

1. At the request of learned Advocate matter is taken on board today itself. He has mentioned today morning and was given circulation today itself. He submits that he has served today morning after 10.30 a.m. to Respondents, M.P.S.C. and UDD.

2. Learned Advocate submits that the applicant wants to appear for the interview of Deputy Director, Urban Development and Maharashtra Town Planning and Valuation Service, Group-A. Advertisement was published on 21.01.2022. Applicant has applied on 07.10.2022. M.P.S.C. published list of non eligible candidates and the name of the applicant is appearing at serial no.22. The reason given in column of



remarks is that the applicant does not hold requisite educational qualification.

3. Learned Advocate points out that as per the advertisement Clause 8.1, Applicant holds the educational qualification mentioned in ^{Sub clause n} ~~category~~ _m

(2). Learned Advocate submits that as per Clause 8.1 of the said advertisement, four categories are given for the requisite educational qualification. Applicant falls in category No.2 of these qualifications. She has done her B.Arch from Savitribai Phule University, Pune and Post Graduation in Masters of Architecture (M.Arch) from the School of Planning and Architecture, New Delhi. Applicant also has the qualification of specialization in Architectural conservation. He points out that this particular specialization falls in the stream of 'Urban Design' as mentioned in category 2 of Claus 8.1 of the said advertisement.

4. Learned C.P.O. while opposing this application on instructions from Ms. D. Kirtane, Desk Officer, M.P.S.C. submits that the experts have disqualified her because she does not have the requisite qualification in the field of Planning. She further submits that the applicant is holding master's degree, hence she will fall in category 1 of Clause 8.1 of the said advertisement and not in category 2 of Clause 8.1. Hence she is expected to produce the Post Graduation Diploma Certificate in Urban from the School of Planning and Architecture, New Delhi.

5. Learned Advocate for the Applicant produces the copy of the screenshot and the courses offered by the School of Planning and

Architecture, New Delhi which discloses that no Diploma course is available in the said school but it only has Degrees. It only has courses of undergraduate degree and postgraduate degree.

6. It appears from the submissions of both the parties and if at all the School of Planning and Architecture, New Delhi is not holding the diploma course then there is contradiction in the advertisement and in the factual and reality. However it can be cleared and considered after giving time to the Respondent to file affidavit-in-reply.

7. At this stage, considering the educational qualification and the facts unfolded before us, we are in view that, prima facie, the applicant has made out the case for grant of interim relief. Applicant is allowed to appear for the interview of Deputy Director, Urban Development and Maharashtra Town Planning and Valuation Service, Group-A which is going to be held today. Respondent-M.P.S.C. is hereby directed to allow the Applicant to appear for the interview today. Desk Officer, Ms. Kirtane from the office of M.P.S.C. who is present here in the Tribunal is directed to communicate immediately to the concerned Committee to hold her interview today itself immediately even though other interviews are over till now.

8. Hamdast. Adjourned to 11.11.2022. Unauthenticated copy of order is hereby provided to the concerned.

Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | <p>Date: 14.10.2022</p> <p>M.A. No.190 of 2022 in O.A. No.880 of 2021 with M.A. No.191 of 2022 in O.A. No.881 of 2021 with M.A. No.197 of 2022 in O.A. No.882 of 2021 with O.A. No.883 of 2021 with M.A. No.192 of 2022 in O.A. No.884 of 2021 with M.A. No.195 of 2022 in O.A. No.885 of 2021 with M.A. No.194 of 2022 in O.A. No.886 of 2021 with O.A. No.887 of 2021 with M.A. No.196 of 2022 in O.A. No.888 of 2021 with O.A. No.889 of 2021 with M.A. No.193 of 2022 in O.A. No.917 of 2021</p> <p>D.B. Mane & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. Archana B. K. holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that the matter is being handled by Shri Chougule, learned P.O. but today he is unable to remain present and requested for adjournment.</p> <p>3. S.O. to 07.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>VSM</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.417 of 2022</p> <p>R. P. Gage ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Sonali Pawar holding for Shri V. Sangvikar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted to file reply but the same is not filed. Hence, I am not inclined to grant further time.</p> <p>3. O.A. be kept for final hearing without reply.</p> <p>4. S.O. to 18.11.022.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.923 of 2022</p> <p>S. Y. Baviskar & Anr.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply as a last chance.</p> <p>3. S.O to 09.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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|---|---|
| | <p>Date : 14.10.2022</p> <p align="center">O.A.No. 553 of 2022</p> <p>Dr. R. R. Patil ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K. holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Today again learned P.O. requested for grant of time to file reply.</p> <p>3. Enough time is granted. Hence, I am not inclined to grant further time.</p> <p>4. O.A. be kept for hearing without reply.</p> <p>5. S.O. to 15.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.584 of 2022</p> <p>P. L. Baswant & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is for filing Rejoinder but the same is not filed.</p> <p>3. Since, pleading is complete, O.A. be kept for final hearing.</p> <p>4. S.O. to 18.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.162 of 2022 with O.A. No.163 of 2022</p> <p>M. A. Inamdar D. Y. Ghadage & Ors,Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam holding for Shri D. W. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is for filing Rejoinder but the same is not filed.</p> <p>3. Since, the pleading is complete, O.A. be kept for final hearing.</p> <p>4. S.O. to 18.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |
| | [P.T.O.] |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date : 14.10.2022</p> <p align="center">M. A. No.437 of 2022 in O.A.No.727 of 2022</p> <p>S. R. Shaikh MunnirApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer holding for Ms S. P. Manchekar, learned C.P.O. for the for the Respondents.</p> <p>2. Enough time is granted for filing reply in M.A. but the same is not filed. Hence, I am not inclined to grant further time.</p> <p>3. M. A. be kept for hearing without reply.</p> <p>4. S.O. to 16.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date : 14.10.2022</p> <p align="center">M. A .No.592 of 2022 in O.A.No.1007 of 2022</p> <p>Deepak D. Kumbhar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel both are absent. Learned Counsel Shri K.B. Jadhav has sent leave note. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In view of leave note of learned Counsel for the Applicant, the matter is adjourned for admission hearing.</p> <p>3 S.O. to 19.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.1025 of 2022</p> <p>A. D. GangawaneApplicant</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 Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Though in prayer clause the Applicant is seeking deemed date for the post of PSI, the office has listed the matter before this bench under the assumption that matter is for deemed date of promotion but it is not so.</p> <p>3. Indeed, the issue pertains to date of appointment to the post of PSI in batch 104 instead of batch 107. Thus, basically it relates to appointment and not deemed date of promotion. Therefore, the matter is required to be placed before the Division Bench.</p> <p>4. Learned Counsel for the Applicant also fairly concedes that matter pertains to Division Bench and will take necessary steps to supply 2nd set for listing the matter before Division Bench.</p> <p>5. The Registrar is directed to take necessary steps.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p>Date : 14.10.2022</p> <p align="center">M A. No.463 of 2022 in O.A.No.767 of 2022</p> <p>R. P. GageApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Sonali Pawar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks' time is granted for filing reply to M.A.by way of last chance.</p> <p>3. S.O. to 18.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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3. Hence, the matter should proceed further and be

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of 20____ kept for for final hearing.

FARAD CONTINUATION SHEET No.

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| <p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p> | <p style="text-align: right;">(A.P. Kurhekar) Tribunal's orders Member(J)</p> <p>vsm</p> |
| | <p>Date : 14.10.2022</p> <p style="text-align: center;">O.A.No.1032 of 2022</p> <p>S. P. Chavan ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri D. B. Khaire, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is challenging communication dated 26.08.2008 issued by the Respondents whereby request of the Applicant for compassionate appointment has been rejected. The said communication ought to have been challenged within one year that is up to 26.08.2009 but this O.A. is filed on 13.10.2022 which ex-facie hopelessly barred by limitation. No M.A. is filed for condonation of delay.</p> <p>3. The office has already raised objection but it is not complied.</p> <p>4. At this juncture, learned Counsel for the Applicant sought one week time to file M.A. for condonation of delay.</p> <p>5. If M.A. is filed within 7 days then this O.A. be listed with M.A. for further orders.</p> <p>6. If M.A. is not filed within 7 days, the O.A. would stands dismissed without reference to the Tribunal.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> <p style="text-align: right;">[P.T.O.]</p> |

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.1179 of 2019</p> <p>C. P. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is for filing counter affidavit, but the same is not filed.</p> <p>3. Hence, the matter should proceed further and be kept for final hearing.</p> <p>4. S.O. to 07.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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|---|--|
| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.1184 of 2019</p> <p>D. J. SonawaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant in person is present. He stated that his Advocate is busy in another court.</p> <p>2. Smt. Archana B. K., learned Presenting Officer for the Respondents submits that matter is being handled by Shri A. J. Chougule, learned P.O. but due to personal difficulty he is unable to remain present and requested for adjournment.</p> <p>3. The matter is adjourned for hearing.</p> <p>4. S.O. to 09.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|--|
| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.910 of 2022</p> <p>S. G. YewaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record. 3. The matter is adjourned for hearing at the stage of admission. 4. S.O. to 18.10.2022. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.840 of 2022</p> <p>U. S. Chavan ...Applicant</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 Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged suspension order dated 04.10.2021 whereby he is suspended invoking Rule 4(1)(c) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.</p> <p>3. Today, learned Counsel for the Applicant however stated that by order dated 11.10.2022 issued by Respondent, the Applicant is already reinstated in service and posted at Buldhana. He, therefore, submits that O.A. be disposed of.</p> <p>4. In view of above, O.A. is disposed of with no order as to costs.</p> <p align="right">Sd/- v* (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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|---|---|
| | <p>Date : 14.10.2022</p> <p align="center">O.A.No.879 of 2022 with O. A. No.921 of 2021</p> <p>N. S. Naik R. P. MhaskarApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In both the Original Applications, the issue is whether O.A. is maintainable without availing remedy of statutory appeal.</p> <p>3. Learned Counsel for the Applicants sought time to cite certain decisions and requested for adjournment.</p> <p>4. S.O. to 07.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |