

**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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O.A.1102/2022

Shri J.A. Pagar ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer is present.

2. The Applicant has sought inter-district transfer on the ground of permanent disability from the establishment of Commissioner of Police to the establishment of Superintendent of Police, Nashik [Rural] and sought interim relief.

3. However, learned P.O. submits that considering physical disability of the Applicant, he is accommodated by giving posting at Kanjurmarg Police Station, which is nearer to his residence. But the Applicant refused it orally when he was called in orderly room.

4. Indeed, Applicant is given posting nearer to his residence and it should have been accepted by the Applicant without prejudice to the contention raised in O.A.

5. Learned Advocate for the Applicant submits that he will take instructions from the Applicant and will appraise the Tribunal about the same by next date.

6. Two weeks' time is granted to file Affidavit-in-reply.

7. This O.A. be tagged with connected O.As.

8. S.O. to 28.11.2022.

Sd/-
(A.P. Kurhekar)
Member-J
14.11.2022

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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DISTRICT

..... Applicant/s

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(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;"><u>O.A.325/2022</u></p> <p>Shri R.N. Chaudhari ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri Anil Jaiswal holding for Shri R.G. Panchal, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer is present.</p> <p>2. On the request of learned Advocate for the Applicant, adjourned for hearing to 28th November, 2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 14.11.2022</p> <p>(skw)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.103/2022</u></p> <p>Shri A.N. Sayyad ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougale, learned Presenting Officer is present.</p> <p>2. When the matter is taken up for hearing, the learned P.O. submits that now there are certain vacancies at Nagpur, Amravati, Nashik, Dhule, Mumbai City, Thane (Rural) and Body Building Department, Pune and if Applicant make representation, it will be considered by PEB appropriately.</p> <p>3. The learned Advocate for the Applicant on instructions from the Applicant who is present before the Tribunal states that his client is also willing to make representation in view of aforesaid vacancies and sought time to make representation.</p> <p>4. In view of above, O.A. is adjourned for two weeks with liberty to the Applicant to make proper representation to Respondent - Director General and Inspector General of Police giving his options and it be decided appropriately within two weeks from the receipt of representation. The decision be communicated to the Applicant.</p> <p>5. S.O. to 05th December, 2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 14.11.2022</p> <p>(skw)</p>

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

Tribunal's orders

O.A.221/2022

Smt. A.V. Gandale

... Applicant

Vs.

The State of Mah. & Ors.

... Respondents

1. Heard Shri A.B. Tajane, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer is present.

2. The Applicant has challenged the communication dated 09.12.2021 issued by Superintending Engineer and President, Maharashtra Jeevan Pradhikaran, Division Pune whereby the request of the Applicant for substitution of name of her son Rahul in her place has been rejected.

3. Applicant's husband Vishwanath Gandale was appointed with Maharashtra Jeevan Pradhikaran and died in harness on 04.09.2012. After the death of her husband, the Applicant applied for compassionate appointment and accordingly, her name was taken in the waiting list. However, on attaining 45 years' of age, her name came to be deleted from waiting list. Later, Applicant made an application to substitute name of her son Rahul in the waiting list, but the said request has been rejected.

4. At the very outset, the learned P.O. raised objection on the point of jurisdiction *inter-alia* contending that employees of Maharashtra Jeevan Pradhikaran being Corporation, it is not amenable to the jurisdiction of this Tribunal in absence of Notification required to be issued by the Government under Section 15(2) of Administrative Tribunals Act, 1985.

5. Indeed, Respondents have not filed Affidavit-in-reply, but now legal plea is raised by the learned P.O.

6. The issue of jurisdiction is legal one and it needs to be determined at the very threshold.

7. In view of above, the learned Advocate for the Applicant is directed to satisfy the Tribunal has jurisdiction to entertain the O.A.

8. S.O. to 15.11.2022 in 2nd Session i.e. at 2.30 p.m.

Sd/-

(A.P. Kurhekar)

Member-J

14.11.2022

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1121 OF 2022

DISTRICT : SATARA

Arya Vijay Pujari

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

Mr. Kranti L.C., along with Mr. Kaustubh Gidh, 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 : **14.11.2022**

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

O R D E R

1. We direct the learned Advocate to add Director General of Training and Special Units as Respondent No.4 in the array of Respondents.

2. Applicant, Transgender aspires to be a Police Constable. Respondent No.1, through Respondent No.3, Police Superintendent Satara has issued advertisement dated 06.11.2022 for the recruitment of Police Constables. Pursuant to the said advertisement the applicant tried to apply online. However, in the said application only two genders i.e. Male and Female are shown and the 3rd gender is not available.

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Therefore, the applicant being transgender could not fill up the said column and resultantly her application is not being accepted. Hence, she has approached this Tribunal.

3. Learned Advocate for the Applicant has based the submissions mainly on the ratio laid down by the Hon'ble Supreme Court in case of ***National Legal Services Authority Versus Union of India and Others reported in (2014) 5 SCC 438***, where the directions are given by the Hon'ble Supreme Court extending reservation to the transgender persons in the Educational Institutions and the Public Employment. Learned Advocate has also relied on the Transgender Persons (Protection of Rights) Act, 2019.

4. Learned C.P.O. for the Respondents with the assistance of Mr. Sumant Bhangre, Secretary, Social Justice and Special Assistance Department has submitted that the Government is still in the process of drafting the policy for the employment given to the transgender in the Public Sector. She submits that the Maharashtra Public Service Commission (M.P.S.C.) has provided option of 3rd gender in their recruitment process and so there online applications are accepted. Learned C.P.O. has submitted that, however, there is not specific decision or policy in respect of recruitment of transgender in the Police Force coming under the Home Department. Basically, there is issue of fixing the identity of transgenders and providing them criteria for physical test and physical standards. She intends to file affidavit-in-reply in detail, especially, on the point of providing reservations to the transgenders when in the State of Maharashtra the vertical reservation as on today is

62% and Horizontal Reservation is provided to the extent of 72% which has already crossed the limit of 50% as laid down by the Hon'ble Supreme Court in the case of ***Indra Sawhney Versus Union Of India and Ors. reported in (1992) Supp (3) SCC 217.*** The Respondents seek time to file affidavit-in-reply. Time granted by four weeks.

5. Applicant has made three major prayers :-

- “(i) Allow Transgender Candidates to assert their gender identity as a Transgender Candidate and apply for the Post of Police Constable as a Transgender Candidate as*
- (ii) Reserve posts for Transgender Persons in the recruitment to the 14956 Posts of Police Constable.*
- (iii) Notify Physical Standards for Transgender Candidates.”*

6. It is the settled position of law and also protection given under Articles 14 and 15 of the Constitution of India that all the citizens are equal before the law and there should not be any discrimination by the State on the basis of sex.

7. We have perused the online application form issued by the Respondent-State through the Director General of Training and Special Units. This form gives only two options i.e. Male and Female, but 3rd option of transgender should be made available to the candidates falling in that category. Applicant who is transgender should not be deprived of the opportunity to apply in this recruitment process and therefore by way of interim relief we direct the Respondents to accept the application form of the Applicant in the category of 3rd option i.e. Transgender. The second point is agitated and the difficulty expressed is what should be the criterion of the physical test and physical standard of such candidates.

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8. At this stage, neither the Central nor the State of Maharashtra has taken any policy decision to resolve this issue and therefore we are of the view that as per the guidelines given in Clause 135.2 of the judgment of **National Legal Services Authority (cited supra)** which reads as below :

"135.2. Transgender persons' right to decide their self identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender."

Thus, the physical standards and the criteria of the physical test is to be decided on the basis of self-identified gender disclosed by the applicant. Accordingly, the Respondents should allow the applicant to apply for the said post.

9. We further direct the State of Maharashtra to create the 3rd option for transgender after the two options of Male and Female in the application form in all the recruitments in Home Department and so also to fix the criteria for physical standards and tests, so that online application can be accepted.

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

11. Issue notice before admission returnable on 19.12.2022.

12. 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.

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13. 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.

14. 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.

15. 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.

16. Adjourned to 19.12.2022.

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

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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.11.2022</p> <p>O.A.No.710 of 2016</p> <p>A.C. SonawaneApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant. Heard Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Applicant working as Senior Grade Clerk in the office of Maharashtra Police Academy, Nashik challenges the decision of Respondents No.2 and 3 not giving exemption to the applicant in Paper 4, Part I and not granting promotion to the applicant to the post of Head Clerk as arbitrary and contrary to the examination Rules 15.04.1971. She prays that she be given exemption by way of amendment. She further prays that Respondent No.3 be directed to recheck Paper 4, Part I from the expert in Finance and Accounts and she be considered for Promotion to the post of Head Clerk.</p> <p>3. Learned P.O. informs that the examination was conducted from 27.09.2021 to 29.09.2021. She appeared for the examination. The result was declared on 26.11.2021 and she was declared as passed. She was promoted to the post of Head Clerk on 02.02.2022. Copy is taken on record and marked as Exhibit-A. Learned P.O. submits that under such circumstances the matter has become infructuous.</p> <p>4. We have considered the relief prayed by the applicant, so also consequent development. Applicant is promoted to the post of Head Clerk in February 2022 and thereafter she has not made any further prayer in O.A. and thus matter has become infructuous.</p> <p>5. We dispose of the O.A. with liberty to the applicant to take legal recourse, if she wants to take. O.A. stands disposed of.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>pk</p>

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	<p style="text-align: center;"><u>14.11.2022</u></p> <p style="text-align: center;"><u>M.A 430/2022 in O.A 704/2022</u></p> <p>Shri N.M Pore ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant states that there is no delay in filing the Original Application as the issue regarding grant of time bound promotion is a continuous cause of action.</p> <p>3. The applicant retired on 30.6.2016 and he has filed representation on 31.3.2018.</p> <p>4. Learned C.P.O opposes the Misc Application seeking to condone the delay.</p> <p>5. In view of the above, Misc Application stands disposed of.</p> <p>6. It appears that the relief claimed in the Original Application is covered by the decision of the Hon'ble Bombay High Court, Aurangabad Bench, dated 21.11.2017 in the case of Mukund S. Daima Vs. State of Maharashtra & Ors.</p> <p>7. Learned P.O is directed to file affidavit in reply.</p> <p>8. O.A 704/2022 to be placed on Board on 21.11.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">Akn</p>

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	<p><u>14.11.2022</u></p> <p style="text-align: center;"><u>O.A 697/2021</u></p> <p>B.P Satpute ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Archana B.K, learned P.O 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 19.12.2022.</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 seven days or service report on affidavit in 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 Applications shall stand dismissed."</p> <p>8. S.O to 19.12.2022.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> </div> </div> <p style="text-align: right; margin-top: 10px;">[P.T.O.]</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><u>14.11.2022</u></p> <p><u>M.A 353/2021 in O.A 697/2021</u></p> <p>B.P Satpute ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant states the present Misc Application is filed seeking to condone delay of one year and seven months. The cause of action arose on 29.1.2019. The proposal regarding grant of time bound promotion was returned to the applicant on 29.1.2019 with a remark that it was rejected. Learned counsel for the applicant states that in view of the Covid-19 Pandemic there is a delay of only 1 year and 7 months.</p> <p>3. Learned P.O states that applicant cannot take shelter of the Covid-19 Pandemic as the cause of action arose in the year 2019.</p> <p>4. In view of the above facts, we condone the delay. Misc Application stands disposed of.</p> <p>Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>14.11.2022</u></p> <p><u>C.A 70/2022 in O.A 646/2022</u></p> <p>Shri Avinash C. Kadam ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned counsel submits that pursuant to the order dated 7.7.2022, the Addl. Chief Secretary, Home Department has heard the applicant on 2.11.2022. However, decision of the same has not been communicated to the applicant.</p> <p>3. We, therefore, direct the Home Department to communicate the decision to the applicant within a week.</p> <p>4. S.O to 21.11.2022.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>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

Date : 14.11.2022

O.A.No.1108 of 2022

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

1. Heard Mr. S.S. Dere, 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 28.11.2022.
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 28.11.2022.

Sd/-
(Medha Gadgil)
Member(A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

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

Date : 14.11.2022

O.A.No.432 of 2016

P.P. LokhandeApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Applicant prays for quashing and setting aside order of removal from the service dated 15.04.2015 passed by the Respondent No.2. He further challenges the order of setting aside charge-sheet dated 08.04.2011 issued by the Respondent No.4 and so also he seeks directions from the Tribunal that appeal dated 06.05.2015 be decided. During the course of time his appeal was decided and further revision against the same was also decided by the Ministry of State (Home), Rural by order dated 03.02.2022.

3. By the said order the State has cancelled his punishment of removal from service and it was reduced to deduction of Rs.2,000/- per month for the period of two years from his pension.

4. Learned Advocate submits that by way of amendment he has challenged the order before the Appellate Authority dated 12.07.2016 and he has produced the revised order which was decided by the Ministry of State on 04.02.2022. This order is marked as Exhibit-A.

5. In view of the prayer made by the Applicant nothing remains in this O.A. Hence, O.A. stands disposed of.

Sd/-
(Medha Gadgil)
Member(A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

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	<p>Date : 14.11.2022</p> <p>C.A.No.45 of 2022 in O.A.No.65 of 2020</p> <p>S.P. KapdseApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant. Heard Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. produces copy of noting of Finance Department. Taken on record and marked as Exhibit-A. He submits that now the file is sent to the Law and Judicial Department for opinion by the Finance Department.</p> <p>3. Adjourned to 28.11.2022.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p><u>14.11.2022</u></p> <p style="text-align: center;"><u>O.A 251/2020</u></p> <p>Shri R.R Pol ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwaekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The Respondents are directed to file affidavit in reply by way of last chance.</p> <p>3. S.O to 12.12.2022.</p> <p style="text-align: center;">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p style="text-align: center;">14.11.2022</p> <p style="text-align: center;"><u>O.A 945/2022</u></p> <p>Yogita S. Jagtap ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.D Kango, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O 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 19.12.2022.</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 seven days or service report on affidavit in 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 Applications shall stand dismissed."</p> <p>8. S.O to 19.12.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: right;">[P.T.O.]</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>14.11.2022</u></p> <p><u>O.A 852/2022</u></p> <p>Pallavi L. Barate . . . Applicant Vs. The State of Maharashtra & Ors . . . Respondents</p> <p>1. Heard Ms Pooja Mankoji, holding for Shri S.S Dere, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Admit.</p> <p>3. Place for final hearing on 12.12.2022.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</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><u>14.11.2022</u></p> <p style="text-align: center;"><u>O.A 452/2022</u></p> <p>Shri D.A Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Pooja Mankoji holding for Shri S.S Dere, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Admit. Interim relief to continue till next date.</p> <p>3. Place for final hearing on 5.12.2022.</p> <p style="text-align: center;">Sd/- _____ (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- _____ (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
	<p><u>14.11.2022</u></p> <p><u>O.A 988/2021</u></p> <p>Shri C.S Gaikwad ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Admit. Place for final hearing on 9.12.2022.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>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 align="center"><u>MA.646/2022 in OAs.St. No.1804, 1805 & 1806/2022</u> With <u>MA.647/2022 in OAs.St. No.1781, 1782 & 1783/2022</u></p> <p>Manik J. Bhamare & Ors. Dadabhau D. Belote & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.S. Deshmukh holding for Ms. Suchita Dhongade, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants submits that grievance of the applicants in these two MAs is same. He further submits that on the similar issue, OAs. St. No.1402/2022, 1405/2022, 1408/2022 & 1411/2022 are filed before the Aurangabad Bench of this Tribunal.</p> <p>3. Ld. Advocate for the applicants submits that all the above 6 OAs. are already filed before the Aurangabad Bench. However, some of the applicants are from Pune and Nashik where the territorial jurisdiction of Principal Bench arises. However, issues involved are one and the same and therefore, he has moved these two MAs under Section 25 of the Administrative Tribunals Act, 1985 to club these matters and be heard at Aurangabad Bench.</p> <p>4. In view of the above, the above OAs which are filed at Aurangabad Bench are to be entertained at Aurangabad and no objection to be taken of territorial jurisdiction considering the convenience of the litigants and so also the administrative reasons. Both the MAs are allowed and disposed off accordingly.</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson 14.11.2022</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="781 744 1008 777">Date: 14.11.2022</p> <p data-bbox="1005 819 1292 852">O.A. No.1099 of 2022</p> <p data-bbox="781 899 1516 1012">V.R. InamdarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p data-bbox="781 1092 1516 1218">1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p data-bbox="781 1267 1516 1481">2. The Applicant has filed O.A. to simpliciter direction to decide the representation dated 23.03.2022 for transfer since he has already completed normal tenure and requested for transfer at Yerwada, Satara & Ratnagiri. He wife is serving in Labor Court, Ratnagiri.</p> <p data-bbox="781 1532 1516 1702">3. Learned P.O. on instruction submitted that representation made by the Applicant is under consideration and necessary order would be passed within three days.</p> <p data-bbox="781 1756 1414 1790">4. In view of above, O.A. be kept on Friday.</p> <p data-bbox="781 1846 1130 1880">5. S.O. to 18.11.2022.</p> <p data-bbox="1177 2009 1382 2127" style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p data-bbox="792 2176 837 2197">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: 14.11.2022</p> <p align="center">O.A. No.967 of 2022</p> <p>M.G. SatheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file short Affidavit since the process for grant of Gratuity and Regular Pension is already under process.</p> <p>3. S.O. 28.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</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: 14.11.2022</p> <p>M.A. No.461 of 2022 in O.A. No.554 of 2022</p> <p>Dr. P.P. GaikwadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. to condone delay of 168 days caused in filing O.A. which is filed for benefits of leave and increment on the basis of G.R. dated 11.01.2019 issued by Government in Medical Education and Drugs Department. The Applicant claims the same benefits on the ground on parity.</p> <p>3. In M.A. notices were issued by order 24.08.2012 but no Reply has been filed within the time granted by the Tribunal. Ultimately, on previous dated i.e. 18.10.2022 request made by learned P.O. for time to file Affidavit-in-Reply was rejected and M.A. was adjourned for hearing today.</p> <p>4. However, today again learned P.O. sought time to file Affidavit-in-Reply which is already rejected on previous date and matter is for hearing of M.A. without Reply.</p> <p>5. Since, there is no Affidavit-in-Reply from the Respondents, I am inclined to condone delay so as to decide O.A. on merit.</p> <p>6. In view of above, M.A. No.461/2022 is allowed with no order as costs.</p> <p style="text-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

Date: 14.11.2022

O.A. No.554 of 2022

Dr. P.P. GaikwadApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. This O.A. has been filed along with M.A. No.461/2022 for condonation of delay which is allowed today. O.A. therefore requires to be decided on merit.
3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
4. Issue notice of O.A. to the Respondents before admission returnable on 06.12.2022.
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.
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 Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

9. S.O. to 06.12.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.11.2022</p> <p align="center">O.A.No.479 of 2020</p> <p>K. P. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant has sent leave note. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. In view of the leave note of learned Counsel for the Applicant, the matter is adjourned to 21.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.11.2022</p> <p align="center">O.A.No.424 OF 2020 with O.A. No.398 of 2021 with O.A. No.172 of 2022 with O.A.80/2021 with O.A.81/2021 with O.A.632 of 2021</p> <p>Dr. K. B. Batte & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant in O.A.No.424/2020. Shri U. V. Bhosale, learned Counsel for the Applicant in O.A.No.398/2021, Shri K. R. Jagdale, learned Counsel for the Applicant in O.A.No.172/2022 and Shri J. S. Deshmukh, learned Counsel for the Applicants in O.A.80, 81 and 632/2021 and Smt. Kranti Gaikwad, learned P.O. for the Respondents.</p> <p>2. Learned P.O. submits that W.P. No.2303/2019 (State of Maharashtra V/s Rajesh Gaikwad) is not yet decided and request to await for the decision since similar issue is subjudice before the Hon'ble High Court which is arising from the decision rendered by the Tribunal.</p> <p>3 S.O. to 06.01.2023 with O.A. 1037/2019.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.11.2022</p> <p>O.A. No.305 of 2022 with O.A. No.307 of 2022 with O.A. No.308 of 2022 with O.A. No.412 of 2022</p> <p>M.P. Patil & Ors., G.D. Gaikwad & Ors., G.D. Chaudhari D.K. NarodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. All these O.As are kept along with other Inter District Transfer connected O.As.</p> <p>3. S.O. to 28.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</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: 14.11.2022</p> <p align="center">O.A. No.356 of 2022</p> <p>R.S. Kore through legal heirs Smt. S.R. Kore & Shri A.R. KoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. As per order passed by the Tribunal on 18.10.2022, the Commissioner, State Excise, Mumbai was directed to file afresh Affidavit-in-Reply about the steps taken by him today.</p> <p>3. In the morning session when the matter was called, learned P.O. made the statement that officers are on the way and requested to keep the matter in afternoon session.</p> <p>4. In afternoon session when the matter is taken up again learned P.O. requested that the Officers have not come and sought time. She submits that she had talked to the concerned twice but they are not responding quickly. Hence, I am not inclined to grant further time.</p> <p>5. Learned Advocate for the Applicant today filed Additional Affidavit-in-Rejoinder along with some Annexure. It is taken on record.</p> <p>6. Learned P.O. sought short time to go through it and argue the matter.</p> <p>7. S.O. to 16.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J) [P.T.O.]</p> <p align="center">NMN</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
	<u>O.A.758/2021</u>
	<p>Shri A.B. Suryawanshi ... Applicant Vs.</p> <p>The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Ms. Sonali Chavan holding for Shri U.P., Warunjkar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer is present.</p> <p>2. Today, matter is for filing Additional Affidavit-in-reply to the amendment made in O.A, but the same is not filed.</p> <p>3. O.A. be kept for hearing at the stage of admission to^{on} 9th December, 2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 14.11.2022</p> <p>(skw)</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;"><u>O.A.112/2022</u></p> <p>Shri D.W. Patil ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer is present.</p> <p>2. Today, learned Advocate for the Applicant filed Vakalatnama and requested for short time to argue the matter.</p> <p>3. S.O. to 1st December, 2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 14.11.2022</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.11.2022</p> <p>O.A.No.1120 of 2022</p> <p>M.B. BhaleraoApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned 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 19.12.2022.</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>8. Adjourned to 19.12.2022.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>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>14.11.2022</u></p> <p align="center"><u>C.A 58/2022 in O.A 863/2017</u></p> <p>Smt Chhaya V. Bhosale & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O is granted on weeks' time to find out the position of the matter and file affidavit in reply.</p> <p>3. S.O to 21.11.2022.</p> <p align="right">Sd/-</p> <p align="right">/s/</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p> <p align="left">(Medha Gadgil) Member (A)</p> <p align="left">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
	<p><u>14.11.2022</u></p> <p align="center"><u>C.A 55/2022 in O.A 434/2022</u></p> <p>Shri R.T Kale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.B Kadam, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the order has been complied with on 29.8.2022. Learned counsel for the applicant stated that the order of reinstatement was issued on 12.8.2022, however, it was served on the applicant on 29.8.2022. The applicant joined on 30.9.2022. He claims salary for the intervening period from 12.8.2022 to 29.8.2022.</p> <p>3. In view of the above, we direct that salary for the period 12.8.2022 to 29.8.2022 be paid to the applicant.</p> <p>4. With the above directions, C.A stands disposed of.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (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 Date : 14.11.2022
	<p align="center">O.A.No.1107 of 2022</p> <p>Y.U. ShaikhApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.A. Siddique & Asso., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant seeks that his appeal filed before the Additional Chief Secretary, Home Department is against his dismissal. As per earlier order the said Appeal should have been decided by 30.10.2022.</p> <p>3. In view of the above, Home Department has sought extension of time for deciding the said appeal.</p> <p>4. In view of this, we direct the Additional Chief Secretary, Home Department to take the decision in this matter within the period of two months from today. Matter should be decided by 14.01.2023. In the meanwhile, no action should be taken regarding eviction of the applicant from his official quarter till 24.01.2023.</p> <p>5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>6. Issue notice before admission returnable on 09.01.2023.</p> <p>7. 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 align="right">[PTO.</p>

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

Tribunal's orders

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

9. 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.

10. 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.

11. Adjourned to 09.01.2023.

Sd/-

Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 14.11.2022

O.A.No.1106 of 2022

P.S. KhatpeApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. S.S. Dere, 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 12.12.2022.

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 12.12.2022.

Sd/-
(Medha Gadgil)
Member(A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

Date : 14.11.2022

O.A.No.1105 of 2022

A.V. GadgeApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. S.S. Dere, 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 12.12.2022.
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 12.12.2022.

Sd/-
(Medha Gadgil)
Member(A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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.1073 of 2022</u></p> <p>Suraj B. Gungewale ..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. The applicant has challenged the order dated 3.10.2022 passed by respondent no.2 holding the applicant disqualified for appointment to the post of Police Constable. The respondent no.2 issued advertisement in August, 2019 for the post of Police Constable for which the applicant has applied under OBC category for Home Guard. He scored 127 marks and was selected from OBC category. However, offence was registered against him in FIR No.319/2015 dated 30.8.2015 under Section 143, 147, 149, 353, 332, 336, 337, 109 r/w 135 of IPC. Due to this prosecution the applicant was held disqualified.</p> <p>3. Ld. Advocate for the applicant submits that applicant was 23 years old when the offence was registered against him in August, 2015. He did not suppress this fact while filling the application form for Police Constable. He submits that there are no specific charges against the applicant. FIR shows the offence was registered against total 62 persons and the applicant was one of them. He, therefore, prays that case of the applicant be considered under GR dated 19.7.2017.</p> <p>4. Ld. PO while assailing the submission of Ld. Advocate, relied on report dated 1.9.2022 of the High Power Committee. She submits that applicant was member of the unlawful assembly which was formed and there was stone pelting on the police and fight took place on account of political enmity between the groups. She submits that rightly applicant is not found eligible to work as Police Constable as it is a matter of law and order involved in the duty.</p>

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

Tribunal's orders

5. All the facts regarding prosecution against the applicant and so also communication of disqualification are not disputed. The case of the applicant stand on the footing of the guidelines mentioned in clause 3 of GR dated 19.7.2017. The said GR is issued explaining the policy of the State pertaining to assessment of the character of candidate who has applied and to be appointed to the post of Police Constable in Home Department. We rely on clause 3.1 where the State has given directions that if there is prosecution against any candidate then FIR & charge-sheet are to be verified by committee so also it is necessary to consider whether the candidate has a direct or indirect and active and passive involvement in the offence. We rely on clause 3.3(अ) where the State has laid down guidelines that if any minor offence is registered and such offence is committed due to young age then that issue can be ignored. Clause 3.3(ब) states that the antecedents of the candidates are also to be considered if at all there is criminal prosecution against him.

6. We, after going through the report of the committee, are of the opinion that the committee has not properly looked into and verified the details of the offence which is allegedly committed by the applicant. The offence is of the nature of unlawful assembly, minor hurt and disturbing law and order. However, the offence is committed by mob and applicant was one of the members of the mob. 62 persons were arrested pursuant to FIR. No specific role is attributed. Under such circumstances, we are of the view that in view of the guidelines given in the GR so also the role and nature of participation of the applicant, who was 23 years old in 2015 ought to have been taken into account by the High Power Committee. We are of the view that these guidelines are not adhered to by the committee and hence, we passed the following order.

7. The Original Application is allowed and impugned communication/order dated 3.10.2022 is quashed and set aside. One post of Police Constable is kept vacant by interim order dated 21.10.2022 passed by this Tribunal and, therefore, applicant be considered and appointed to that post within fifteen days. No order as to costs.

Sd/-
(Meha Gadgil)
Member (A)
14.11.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
14.11.2022

(sgj)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.11.2022</p> <p style="text-align: center;">O.A. No.1089 of 2022</p> <p>N.V. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S.S. Dere, 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 28.11.2022. 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 <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 28.11.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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

Date: 14.11.2022

O.A. No.1088 of 2022 with O.A. No.1090 of 2022 with
O.A. No.1096 of 2022 with O.A. No.1125 of 2022

S.C. KolekarApplicant
R.C. SonvalkarApplicant
K.V. KashidApplicant
D.D. Gandhale & Ors.Applicant
Versus	
The State of Maharashtra & Ors.Respondents.

1. Heard Shri S.S. Dere, learned Advocate for the Applicant in O.A. No.1088/22, 1090/22 & 1096/22, Shri M.D. Lonkar, learned Advocate for the Applicant in O.A. No.1125/22 and Shri A.J. Chougule, Smt. K.S. Gaikwad 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. In all these four O.As. filed today notices be issued before admission returnable on 28.11.2022.

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 / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

8. S.O. to 28.11.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 14.11.2022</p> <p>M.A. No.645 of 2022 in O.A. No.1125 of 2022</p> <p>D.D. Gandhale & Ors.Applicant 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. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 14.11.2022</p> <p align="center">O.A. No.26 of 2022 with connected O.As.</p> <p>A.K. Pawar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, Shri A.V. Bandiwadekar & Shri M.D. Lonkar, learned Advocates for the Applicants, and Smt. K.S. Gaikwad along with Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today O.As from Sr. No.1 to 23 ^{of 2022} are for hearing. ^</p> <p>3. Today again fresh 4 O.As are filed (O.A. No.1088, 1090, 1096, 1125/2022) for Inter District Transfer from the establishment of the Commissioner of Police, Mumbai to other district.</p> <p>4. All O.As pertain to Inter District Transfer.</p> <p>5. Learned P.O. submits that she want to file one composite Affidavit-in-Reply afresh for all matters. Though indeed initially Affidavit-in-Reply is filed in some matters.</p> <p>6. Learned Advocate for the Applicants have pointed out that further development is that recently recruitment process for Police Constable is under taken throughout Maharashtra and therefore the ground raised about lack of man power is untenable.</p> <p>7. Learned P.O. submits that recruitment process will take at least one year but in any case she wants to file composite Affidavit-in-Reply so that all these O.As could be heard and decided together. Short time is granted to file composite Affidavit-in-Reply on behalf of the Commissioner of Police, Mumbai.</p>

[P.T.O.]

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

Tribunal's orders

8. Insofar as O.As. filed today are concerned, in O.A. No.1088 & 1090/2022 the Applicants are seeking Transfer from the Commissioner of Police, Mumbai to the Superintendent of Police, Pune (Rural). Whereas, in O.A. No.1096/2022 the Applicant is seeking Transfer from the Commissioner of Police, Mumbai to the Superintendent of Police, Satara.

9. In O.A. No.1088/2022 and O.A. No.1090/2022 the Superintendent of Police, Pune (Rural) by communication dated 29.06.2022 & 30.05.2022 issued NOC for absorption subject to reporting on his establishment on or before next recruitment process.

10. Similarly in O.A. No.1096/2022, the Superintendent of Police, Satara by communication dated 29.06.2022 has given his consent for absorption on his establishment.

11. Whereas in O.A. No.1125/2022 also the Superintendent of Police, Pune (Rural) by communication dated 29.06.2022 has given consent subject to rider that the consent constable should report on duty before initiation of fresh recruitment process.

12. In view of above, learned Advocate for the Applicant apprehend that validity of NOC would expire by the time of decision of O.As and therefore to back interest of the Applicant they sought interim relief to keep their NOC validated.

13. The apprehension of learned Advocate for the Applicant appears reasonable, therefore by way of interim relief Respondents are directed not to withdraw NOC given by them and the post on which they were to be absorbed to be kept vacant till the decision of O.As.

14. Today in O.A. No.696/2022 learned Advocate for the Applicant has filed Affidavit of the Applicant. It is taken on record.

15. S.O. to 28.11.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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: 14.11.2022</p> <p align="center">O.A. No.1013 of 2022</p> <p>T.H. DhekaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply will be filed during the course of order. Statement is accepted. It be taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Reply.</p> <p>4. S.O. to 30.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.11.2022</p> <p align="center">M.A. No.623 of 2022 in O.A. No.30 of 2022</p> <p>D.V. WadhelApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. This M.A. is filed for amendment and to challenge order dated 10.01.2022 & 30.05.2022. O.A. was filed on 13.01.2022 seeking direction for the transfer of the Quarter and challenging order dated 07.01.2022. Now by way of amendment the Applicant sought to challenge order dated 10.01.2022 & 30.05.2022 which according to the Applicant was not served upon him and it was not challenged in O.A. 3. Proposed amendment appears necessary for adjudication of the issue involved in the matter. 4. In view of above, amendment is allowed. 5. Amendment be carried out within three days. 6. Three weeks time is grated to file Affidavit-in-Reply to the amendment to be made in O.A. 7. S.O. to 05.12.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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: 14.11.2022</p> <p>M.A. No.228 of 2022 in O.A. No.310 of 2022</p> <p>S.S. ThakurApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms Savita Suryawanshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant adjourned for hearing of M.A.</p> <p>3. S.O. to 22.11.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.11.2022</p> <p>R.A. No.19 of 2022 in O.A. No.956 of 2021</p> <p>V.A. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply in R.A. by way of last chance.</p> <p>3. S.O. to 28.11.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.11.2022</p> <p align="center">M.A. No.621 of 2022 in O.A. No.179 of 2021</p> <p>The State of Maharashtra & Ors. (Org. Resps.)....Appl. Versus R.A. Marathe (Org. Appl.)Resps.</p> <p>1. Heard Smt. Archana B.K., learned Presenting Officer for the Applicants (Org. Respondents) and Shri A.V. Bandiwadekar, learned Advocate for the Respondent (Org. Applicant).</p> <p>2. This is 2nd M.A. for extension of time to comply the order passed by the Tribunal in O.A.179/2021 dated 29.08.2022</p> <p>3. In M.A. No.179/2021 by order dated 29.08.2022 Tribunal allowed partly and following order has been passed:-</p> <p align="center"><u>“ORDER</u></p> <p>(A) The Original Application is allowed partly. (B) The legality of suspension order dated 23.01.2021 is upheld. (C) The Applicant is held entitled to full pay and allowances on the expiration of 90 days' period of suspension and monetary benefits be accordingly paid to him within a month from today. (D) Respondent is further directed to ensure completion of DE including passing of final order therein within three months from today. (E) The decision, as the case may be, shall be communicated to the Applicant. (F) No order as to costs.”</p> <p>4. The present extension is sought for compliance of Clause 'C' of the order about the payment of pay and allowance on the expiration of 90 days period of suspension, this is 2nd extension Application.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Earlier Respondent have filed M.A. No. 572/2022 for extension of time which was allowed by the Tribunal by order dated 04.10.2022 and four weeks was granted for the compliance of the order. Now again this 2nd M.A. is filed for extension of time.</p> <p>6. Thus initially one month time was granted and thereafter again one month time was granted. Despite this position, there is no compliance for the order passed by the Tribunal. Suffice to say, enough time is granted but the order is not complied.</p> <p>7. In view of above, I am not inclined to grant further time. M.A. is dismissed with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>