

**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: 14.12.2022</p> <p align="center">M.A. No.700 of 2022 in O.A. No.463 of 2022 in O.A. No.767 of 2022</p> <p>R.P. GageApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Deshmukh, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed O.A. for Deemed Date of Promotion w.e.f. 07.04.2008 in the post of Chief Officer Class-1. M.A. No.463/2022 is filed for condonation of delay and thereafter one more M.A. No.700/2022 is filed for amendment in O.A.</p> <p>3. By proposed amendment the Applicant sought to contend that he made representation on 19.10.2022 to the Respondent No.2 – The Commissioner cum Director, Nagar Parishad Administration Directorate, Mumbai. Indeed, this is 2nd round of litigation. In earlier round of litigation i.e. 48/2017 also the Applicant claimed Deemed Date of Promotion w.e.f. 07.04.2008. O.A. was disposed of with direction to the Respondents to take decision within period of one week by order dated 08.09.2017. The said O.A. was filed claiming promotion to the post of Chief Officer, Class-1 as well as for Deemed Date of Promotion w.e.f. 07.04.2008. However, Government by order dated 24.07.2019 issued order of promotion without considering the grievance of Deemed Date of Promotion. It is on this background, these proceedings are again filed for grant of Deemed Date of Promotion w.e.f. 07.04.2008.</p> <p align="right">[P.T.O.]</p>

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

4. Thus what transpires that representation is made recently on 19.10.2022. In first place it is for the Department to take decision about the Deemed Date of Promotion as claimed by the Applicant.

5. In view of above, learned Advocate for the Applicant submit that O.A. and M.A. be disposed of with direction to the Respondents to decide the representation of the Applicant for grant of Deemed Date of Promotion w.e.f. 07.04.2008.

6. Learned P.O. prayed for six months time to decide the representation.

7. Indeed, the competent authority for grant of Deemed Date of Promotion is Government – Respondent No.1 but the representation dated 19.10.2022 is made to the Respondent No.2 – The Commissioner cum Director, Nagar Parishad Administration Directorate.

8. Respondent No.2 – The Commissioner cum Director, Nagar Parishad Administration Directorate is therefore directed to forward representation dated 19.10.2022 to the Government within four weeks from today and on receipt of it Government shall decide it within next two months from the date of receipt of the representation. Decision as the case may be, shall be communicated to the Applicant within a week thereafter. If the Applicant felt aggrieved by the decision she may avail further legal remedy in accordance to the law.

9. No order as to costs.

10. Proceedings disposed of.

Sd/-

(A.P. Kurhekar)
Member (J)

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	<p>Date : 14.12.2022</p> <p align="center">O.A.No. 356 of 2022</p> <p>R.S. Kore thorough legal heirs Smt.S.R. Kore & Shri A. R. KoreApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicants sought permission to file additional affidavit in rejoinder to explain certain issues. 3. In the interest of justice, allowed to file the same. 4. Learned P.O. is at liberty to respond the rejoinder by filing counter affidavit, if necessary on next date and on the same day, the matter will be heard. 5. S.O. to 21.12.2022. <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 : 14.12.2022</p> <p align="center">O.A.No.486 of 2022</p> <p>S. D. TajaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed affidavit with copies of departmental enquiry proceeding and also filed additional affidavit to the amendment made in O.A.</p> <p>3. S.O. to 05.01.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 14.12.2022
	O.A.No.896/2022 S. SupnekarApplicant Versus The State of Maharashtra & Ors.Respondents. 1. Heard Mr. Kaustubh Gidh, learned Advocate holding for Mr. Kranti L.C., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Adjourned to 11.01.2023. Interim relief to be continued till next date. Sd/- (Medha Gadgil) Member (A) Sd/- (Mridula Bhatkar, J.) Chairperson prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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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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Date: 14.12.2022

O.A.No.83/2022

Dr. P.L. PatilApplicant
Versus

The State of Maharashtra & Ors.Respondents.

1. Herad Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that affidavit-in-reply is already filed.

3. Adjourned to 16.12.2022.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

..... Applicant/s

(Advocate

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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.12.2022</p> <p>M.A.No.283/2022 in O.A.No.652/2015</p> <p>The Settlement Comm & Directorate of Land RecordsApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Mr. Bandiwadekar submits that he is not appearing in this M.A.. Registry is directed to directly serve notice the applicant, through his Legal heirs.</p> <p>3. Adjourned to 11.01.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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(Advocate)

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 14.12.2022
	<p align="center">O.A.No.679/2022 with O.A.No.734/2022</p> <p>S.D. Satpute & Ors.Applicants Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Collector, Thane to ensure that sur-rejoinder of Tahasildar is filed by next date.</p> <p>3. Adjourned to 16.12.2022.</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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..... Applicant/s

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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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Date: 14.12.2022

O.A.No.630/2022

Dr. A.P. Patil & Ors.

.....Applicants

Versus

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. Respondent-State is directed to find out whether the deemed date can be given to the applicant in view of the modified seniority.
3. Adjourned to 11.01.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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..... Applicant/s

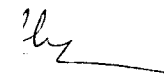
(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date: 14.12.2022</p>
	<p>C.A.No.77 of 2022 in O.A.No.759 of 2022</p> <p>S.D. KulkarniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. U.V. Bhosale, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that proposal regarding interest is sent to the office of Accountant General and also to the Finance Department on 02.12.2022.</p> <p>3. For reporting progress adjourned to 20.12.2022.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p style="text-align: center;"><u>14.12.2022</u></p> <p style="text-align: center;"><u>O.A 1233/2022</u></p> <p>Shri P.U Khatavkar ... Applicant Vs. 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 Ms Swati Manchekar, learned C.P.O 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 11.01.2023. 4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within 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." 8. S.O 11.01.2023. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="font-size: small;">Akn</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> </div> </div>

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Date: 14.12.2022

M.A.No.719/2022 in O.A.No.924/2022

Dr. S.V. NawaleApplicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. P.R. Wankhade, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Misc. Application is moved by learned Advocate for transfer of O.A. from M.A.T., Mumbai to M.A.T. Bench Aurangabad under Section 25 of the Administrative Tribunals Act 1985.

3. Learned Advocate submits that the applicant in the present O.A. is within the territorial jurisdiction of Bombay Bench. The Applicant filed the present M.A. to transfer the O.A. to Aurangabad Bench on the ground that Aurangabad Bench has passed the order in identical matter wherein the similar issue regarding regularization of the Medical officers was decided.

4. Learned C.P.O. submits to the orders of the Tribunal. She pointed out that the State is likely to challenge the order of M.A.T. bench Aurangabad before the Hon'ble High Court, Aurangabad Bench.

5. In view of the submissions of learned Advocate for the Applicant, M.A. is allowed. O.A. be transferred to Aurangabad Bench.

6. M.A. for transfer of O.A. is hereby allowed.

Sd/-

(Mridula Bhatkar, J.)
Chairperson


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	<p>Date : 14.12.2022</p> <p align="center">O.A.No.964 of 2022</p> <p>D.D. ShirsatApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. sought time to file reply on behalf of Finance Department (Resp. No.3) stating that the matter pertains to interpretation of rules and of financial implementation, and therefore, reply of Finance Department is necessary.</p> <p>3. Indeed, already enough time is availed to file reply. Reply on behalf of Respondent No.2 is already filed.</p> <p>4. In the interest of justice, one week time is granted to file reply on behalf of Respondent No.3.</p> <p>5. S.O. to 22.12.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>ysm</p>

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	<p>Date: 14.12.2022</p> <p align="center">O.A. No.641 of 2022</p> <p>T.T. Wangade & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, 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 Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 05.01.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 14.12.2022</p> <p align="center">O.A. No.760 of 2022</p> <p>M.P. PatilApplicant 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. Today learned P.O. has filed Affidavit-in-Sur-Sur-Sur Rejoinder on behalf of the Respondent. It is taken on record.</p> <p>3. S.O. to 22.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 14.12.2022</p> <p align="center">O.A.No.768 of 2022</p> <p>K. C. VartakApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Sachin Salunke, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired on 31.05.2021 but his commutation pension is not yet received. That apart, the Respondents have issued orders for refixation of pay and allowances and recovery is sought.</p> <p>3. During the course of hearing, it transpires that department had forwarded the proposal to the office of A.G. for commutation of pension on 01.01.2022 but till date it is not sanctioned. It appears that office of A.G. is taking its own time unmindful of the fact that Government servant retired on 31.05.2021 and for more than 18 months commutation pension is not paid. Learned P.O. submits that department would depute special messenger/official in the office of A.G. to get commutation sanctioned.</p> <p>4. Steno copy granted.</p> <p>5. S.O. to 22.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p align="right">[P.T.O.]</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.12.2022</p> <p style="text-align: center;">O.A.No.1246 of 2022</p> <p>Pradeep KaleApplicant</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 Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the transfer order dated 09.12.2022 issued by the Respondent No.2- DGP <i>inter-alia</i> contending that it is in contravention of provisions of Maharashtra Police Act and prayed for interim relief.</p> <p>3. Though the Applicant has completed 8 years tenure in Kolhapur range as Police Inspector, he is not transferred in general transfers which were to be done in the month of April or May of every year as per the provisions of Maharashtra Police Act. The Applicant was continued at Solapur (Rural) but now abruptly by order dated 09.12.2022 is transferred to Mumbai. The perusal of order reveals that near about 225 Police Personnel were transferred stating that they have completed their normal tenure. Thus, if the Applicant was due for transfer then on that ground of completion of tenure, transfer could have been done in the month of April or May as provided in Maharashtra Police Act but having not done so, impugned order partakes the character of midterm transfer.</p> <p>4. Learned P.O. sought one day time to take instructions from the Respondents to argue the matter on the point of interim relief.</p> <p>5. S.O. to 15.12.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Member(J)**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	vsm Tribunal's orders
	<p>Date : 14.12.2022</p> <p align="center">O.A.No.1104 of 2022</p> <p>S. V PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel both are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is taken up on today's board in view of circulation praecipe by learned P.O.</p> <p>3. Learned P.O. sought permission to file reply which is not filed within time granted by the Tribunal.</p> <p>4. In the interest of justice, allowed to file reply. It be taken on record.</p> <p>5. O.A. be kept on fixed date i.e. 19.12.2022 for hearing at the stage of admission.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 14.12.2022</p> <p align="center">O.A.No.1128 of 2022</p> <p>R. L. BikkadApplicant</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 Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 & 2. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 23.12.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 14.12.2022</p> <p align="center">O.A. No.500 of 2022</p> <p>P.B. JagtapApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Interim relief to continue till next date.</p> <p>3. Court time over hence matter is adjourned to 16.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 14.12.2022</p> <p align="center">O.A. No.1054 of 2022</p> <p>V.D. SuryawanhiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondent No.1 and Shri U.V. Bhosle, learned Advocate for the Respondent No.2.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. This O.A. be kept along with connected O.A. No.654/2022.</p> <p>4. S.O. to 02.01.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 14.12.2022</p> <p align="center">M.A. No.700 of 2022 in O.A. No.463 of 2022 in O.A. No.767 of 2022</p> <p>R.P. GageApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed O.A. for Deemed Date of Promotion w.e.f. 07.04.2008 in the post of Chief Officer Class-1. M.A. No.463/2022 is filed for condonation of delay and thereafter one more M.A. No.700/2022 is filed for amendment in O.A.</p> <p>3. By proposed amendment the Applicant sought to contend that he made representation on 19.10.2022 to the Respondent No.2 – The Commissioner cum Director, Nagar Parishad Administration Directorate, Mumbai. Indeed, this is 2nd round of litigation. In earlier round of litigation i.e. 48/2017 also the Applicant claimed Deemed Date of Promotion w.e.f. 07.04.2008. O.A. was disposed of with direction to the Respondents to take decision within period of one week by order dated 08.09.2017. The said O.A. was filed claiming promotion to the post of Chief Officer, Class-1 as well as for Deemed Date of Promotion w.e.f. 07.04.2008. However, Government by order dated 24.07.2019 issued order of promotion without considering the grievance of Deemed Date of Promotion. It is on this background, these proceedings are again filed for grant of Deemed Date of Promotion w.e.f. 07.04.2008.</p>

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

Tribunal's orders

4. Thus what transpires that representation is made recently on 19.10.2022. In first place it is for the Department to take decision about the Deemed Date of Promotion as claimed by the Applicant.

5. In view of above, learned Advocate for the Applicant submit that O.A. be disposed of with direction to the Respondents to decide the representation of the Applicant for grant of Deemed Date of Promotion w.e.f. 07.04.2008.

6. Learned P.O. prayed for six months time to decide the representation.

7. Indeed, the competent authority for grant of Deemed Date of Promotion is Government – Respondent No.1 but the representation dated 19.10.2022 is made to the Respondent No.2 – The Commissioner cum Director, Nagar Parishad Administration Directorate.

8. Respondent No.2 – The Commissioner cum Director, Nagar Parishad Administration Directorate is therefore directed to forward representation dated 19.10.2022 to the Government within four weeks from today and on receipt of it Government shall decide it within next two months from the date of receipt of the representation. Decision as the case may be, shall be communicated to the Applicant within a week thereafter. If the Applicant felt aggrieved by the decision she may avail further legal remedy in accordance to the law.

9. No order as to costs.

Sd/-

W
(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. 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
	<p>Date: 14.12.2022</p> <p align="center">M.A. No.705 of 2022 in O.A. No.1114 of 2022</p> <p>R.P. MarekarApplicant 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. This M.A. is filed in pending O.A. No.1114/2022 for condonation of delay of 6 months in respect of one of order of challenge dated 27.02.2020. One more order which is subject matter of O.A. has been challenged well within time. Insofar as order dated 27.02.2020 is concerned it is fallout of the main order. It is in respect of order dated 27.02.2020 there is delay of 6 months to challenge the same. Indeed, it is already challenge in pending O.A.</p> <p>3. Since, delay is of 6 months only and it is fallout of main order, I am inclined to condone delay so as to decide O.A. on merit.</p> <p>4. In view of above, M.A. No.705/2022 for condonation of delay is allowed.</p> <p>5. No order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

**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: 14.12.2022</p> <p align="center">O.A. No.1114 of 2022</p> <p>R.P. MarekarApplicant 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. three weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 10.01.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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 align="center"><u>14.12.2022</u></p> <p align="center"><u>R.A 24/2022 in O.A 676/2021</u></p> <p>B.D Kamble & 450 ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mrs Punam Mahajan, learned advocate for the review applicants, Shri S.S Dere, learned counsel for Respondent no. 27 and Ms Swati Manchekar, learned C.P.O for the Respondent-State.</p> <p>2. Learned counsel for the applicants seek circulation. Circulation granted and matter taken on Board.</p> <p>3. Learned counsel for the applicants submit that by order dated 9.12.2022 in W.P 14908/2022, the Hon'ble High Court directed the applicants to make prayer before the Tribunal to convert the review application (R.A 24/2022) to an Original Application.</p> <p>4. In view of the above permission granted to convert the Review Application to Original Application by substituting the Review Application.</p> <p>5. S.O to 16.12.2022.</p> <p align="right">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil/ Member (A) Akn</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</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><u>14.12.2022</u></p> <p><u>M.A 711/2022 in M.A 710/2022 in O.A 1226/2022</u></p> <p>Shri S.P Khanvilkar & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Pradeep Dubey, learned advocate for the applicants, Ms Swati Manchekar, learned C.P.O for the Respondents no 1 to 5 and Shri S.S Dere learned counsel for Respondents no 6 to 89.</p> <p>2. Learned counsel for the applicant files affidavit segregating 200 applicants in the category of (i) unreserved category, (ii) reserved, but selected in open category, (iii) reserved but selected in reserved category, however, eligible in open merit without reservation and (iv) selected purely on reservation but they are eligible because of their seniority.</p> <p>3. Learned C.P.O states that affidavit in reply regarding placing the quantifiable data before the Hon'ble Supreme Court will be filed during the course of the day.</p> <p>4. S.O to 15.12.2022.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p>(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	<p style="text-align: right;">Tribunal's orders</p> <p>Date: 14.12.2022</p> <p style="text-align: center;">M.A.No.282/2022 in O.A.No.853/2021 with O.A.No.537/2021</p> <p>S.B. SonwaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Pramod Yadav holding for Mr. R.G. Panchale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. M.A. is filed seeking for early hearing in O.A.</p> <p>3. Learned C.P.O. submits that copy of amended O.A. has not been served to the office of C.P.O.</p> <p>4. Learned Advocate is directed to serve the amended copy to all the concerned during the course of the day.</p> <p>5. In view that the contents in M.A. and O.A. are similar, M.A. stands disposed of and O.A. adjourned to Adjoined to 11.01.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>
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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 14.12.2022</p> <p>M.A.No.638 of 2018 in O.A.No.887 of 2018</p> <p>J.R. BankapureApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the instance of learned Advocate adjourned to 11.01.2022.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(^uMedha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others
..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 14.12.2022
	<p>M.A.No.638 of 2018 in O.A.No.887 of 2018</p> <p>J.R. BankapureApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the instance of learned Advocate adjourned to 11.01.2022.</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
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Date: 14.12.2022

**C.A.No.20 of 2021 in O.A.No.55 of 2018 with
O.A.No.56 of 2018**

A.T. ManeApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. In view that Writ Petition challenging the order of M.A.T. is pending before Hon'ble High Court, adjourned to 08.02.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>14.12.2022</u></p> <p align="center"><u>O.A 1169/2022</u></p> <p>Shri K.A Devkate ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.V Shinde, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Dr Suresh Dhekle, District Malaria Officer, Pune, is directed to remain present before this Tribunal tomorrow at 11.00.</p> <p>3. S.O to 15.12.2022.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/-</p> <p align="center">(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 Date: 14.12.2022
	O.A.No.383/2022
	<p>A.G. Tainak & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Mr. M.D. Lonkar, learned Advocate for the Respondents No.1 to 15.</p> <p>2. Learned Advocate Mr. Lonkar submits that O.A. is not maintainability on the ground that the present applicants are not identical placed as Applicants in O.A.57/2020 with M.A.No.210/2020 (Aurangabad Bench) and in O.A.862/2019 with C.A.No.13/2020 (Nagpur Bench).</p> <p>3. Learned Advocate Mr. Lonkar has prayed that the order 27.04.2022 staying the promotions of the cadre of Assistant Conservator of Forest (ACF be quashed and set aside. He submits that the order of staying was granted on misconception which is placed before the Tribunal that the case of the applicants is squarely covered by the judgment and order of the Tribunal's order dated 17.11.2021 passed by the Aurangabad Bench in O.A.No.57/2020 with M.A.No.210/2020 Vrushali B. Tambe Versus The State of Maharashtra & Ors. Learned Advocate Mr. Lonkar submits that the present applicants are the RFO's from the batch of the year 2014. However, the Applicants in O.A. filed at Aurangabad Bench are from the batch of 2012. He further submits that the order dated 06.02.2020 passed by the Nagpur Bench of this Tribunal in O.A.862/2019 with C.A.No.13/2020 was challenged before the Hon'ble High Court, Nagpur Bench. The Hon'ble High Court, Nagpur Bench by order dated 25.09.2020 in Writ Petition No.2328/2020 has quashed and set aside paragraph 3 of the order dated 06.02.2020 wherein Applicants where RFO's from the batch of the year 2008.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. Learned Advocate Mr. Lonkar submits that the seniority list dated 13.02.2019 was prepared as on 01.01.2018. However, it is not challenged and therefore the applicants have chosen short-cut to get the relief in their favour. He submits that unless the challenge is given to that final seniority list of 13.02.2019 the order of stay should not have been passed. He further submits that the Department has followed the Rule 9 of the impugned Rules of the year 2015 of the promotions while fixing seniority of 2014 batch. Rule 9 reads as under</p> <p style="padding-left: 40px;"><i>"9. The interse-seniority of the Range Forest Officer appointed by nomination shall be determined by adding the marks obtained by the candidates on the basis of merit in the Limited Competitive Examination held by the Commission and the marks obtained by the candidates in the final examination held at the training course."</i></p> <p>5. Learned Advocate Mr. Lonkar submits that there are two set of Rules,</p> <p style="padding-left: 40px;">(i) Notification dated 05.02.2015 of the Revenue and Forest Department & (ii) Maharashtra Civil Services (Regulation of Seniority) Rules 1982.</p> <p>6. Learned Advocate Mr. Lonkar there should be harmonious interpretation while fixing seniority of the batch of 2014.</p> <p>7. Learned C.P.O. submits that the seniority list is prepared by the Municipal Chief Conservator of Forest, Nagpur. We call upon the Municipal Chief Conservator of Forest, Nagpur to answer whether Rule 9 of Rules dated 05.02.2015 is followed while preparing interse seniority of the RFO appointed by nomination of the batch of 2014.</p> <p>8. Officer of the level of Joint Secretary from the office of Forest Department to remain present tomorrow.</p> <p>9. Adjourned to 15.12.2022. Hamdast.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 14.12.2022</p> <p align="center">O.A. No.1235 of 2022</p> <p>G.V. BellaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The subject matter of O.A. pertains to retention of lien by Government servant. By impugned order 07.07.2022 his request to retain and reappointment on his earlier post has been rejected.</p> <p>3. Learned P.O. submits that subject of O.A. pertains of Division Bench.</p> <p>4. The subject of lien and reappointment does not fall under the subjects allotted to the Single Bench as per office order dated 28.05.2021.</p> <p>5. I/C. Registrar is therefore directed to examine the matter and list it before appropriate Bench.</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: 14.12.2022</p> <p align="center">O.A. No.950 of 2022</p> <p>S.G. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.P. Sabban, 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 by way of most last chance.</p> <p>3. This O.A. was to be kept along with O.A. No.924/2022 but the said O.A. is not forthcoming on today's board. The said O.A. be also kept with this O.A. on next date.</p> <p>4. S.O. to 03.01.2023.</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: 14.12.2022</p> <p style="text-align: center;">M.A. No.670 of 2022 in O.A. No.1167 of 2022</p> <p>P.J. MahaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for condonation of delay of six months to challenge the order of refixation of pay and recovery dated 25.02.2020.</p> <p>3. Learned Advocate for the Applicant has pointed out that limitation of one year to ^{challenge} order dated 25.02.2020 expired during the period of COVID-19 Pandemic situation and in reference to the order of Hon'ble Supreme Court in Suo Moto Writ Petition (Civil) No.03/2020 dated 10.01.2022 prayed to condone the delay.</p> <p>4. In connected O.A. No.1113/2022 also there is challenge for order dated 25.02.2020 by another employee of the same department and delay has been condoned. On similar line delay of six months caused in filing O.A. No.1167/2022 is also required to be condoned.</p> <p>5. M.A. is allowed with no order as costs.</p> <p style="text-align: right;">Sd/- <small>v</small> (A.P. Kurhekar) Member (J)</p> <p style="text-align: left;">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: 14.12.2022</p> <p align="center">O.A. No.1167 of 2022</p> <p>P.J. MahaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. This O.A. is filed along with M.A. No.670/2022 for condonation of delay. M.A. is allowed today. 3. O.A. needs to be decided on merit. 4. Three weeks time is granted to learned P.O. to file Affidavit-in-Reply in both the O.As i.e. O.A. No.1113/2022 & O.A. No.1167/2022. 5. S.O. to 03.01.2023. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**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: 14.12.2022</p> <p align="center">O.A. No.746 of 2021</p> <p>K.D. Baraf & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. On previous date one week was granted to file counter Affidavit. However, learned P.O. today sought time. 3. O.A. be kept for Final Hearing with liberty to learned P.O. to file counter Affidavit before three days of the next date of hearing with copy to other side so that matter is not adjourned on next date. 4. S.O. to 05.01.2023. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**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: 14.12.2022</p> <p align="center">O.A. No.951 of 2021</p> <p>S.Y. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.B. Pawar, 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. one week time is granted as last chance to file counter Affidavit on the point of rent free accommodation.</p> <p>3. S.O. to 21.12.2022.</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>Date: 14.12.2022 O.A. No.1240 of 2022 with O.A. No.1241 of 2022</p> <p>R.V. Indulkar V.P. PendurkarApplicant 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. The Applicant has challenged communication dated 29.08.2022 whereby the Applicants^{Applicant's} pay has been revised and recovery sought after retirement. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 19.12.2022. 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 <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. 9. This O.A. be kept along with connected O.A. 10. S.O. to 19.12.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>