

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.990 OF 2022

Smt. Smita G. Zagade.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

Mr. A.V. Bandiwadekar, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondent No.1.

Mr. M.D. Lonkar, Advocate for Respondent No.2.

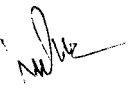
CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 15.02.2023

ORDER

1. The Applicant has challenged the order dated 22.09.2022 issued by Respondent No.1 – Government thereby posting Respondent No.2 ad Additional Commissioner, Pimpri-Chinchwad Municipal Corporation and also challenged another order passed on same day (22.09.2022) whereby appointment of the Applicant as Additional Commissioner, Pimpri-Chinchwad Municipal Corporation was cancelled and she was directed to continue as a Deputy Commissioner, Pimpri-Chinchwad Municipal Corporation.

2. When the matter is taken up for hearing, Shri M.D. Lonkar, learned Advocate for Respondent No.2 has raised the issue of jurisdiction of Single Bench stating that in the impugned orders, the word used is 'appointment', and therefore, it is a dispute pertaining to appointment to a post which pertains to Division Bench.



3. Whereas Shri A.V. Bandiwadekar, learned Advocate for the Applicant submits that though word is used as 'appointment' in the impugned order, in fact, it is posting order which is assigned to Single Bench and by no stretch of imagination, it could be termed as appointment, so as to hear the matter by Division Bench.
4. The perusal of record reveals that while Applicant was working as Chief Officer (Group-A), she was transferred as Assistant Commissioner by Government on 05.01.2018 invoking powers of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act 2005' for brevity). Later, Government by order dated 01.02.2021, she was taken in selection grade and appointed as Deputy Commissioner, Pimpri-Chinchwad Municipal Corporation. Then, Government by order dated 13.09.2022 exercising powers under Section 39-A of Maharashtra Municipal Corporation Act appointed her as Additional Commissioner, Pimpri-Chinchwad Municipal Corporation.
5. However, later suddenly, Government by order dated 22.09.2022 appointed Respondent No.2 as Additional Commissioner, Pimpri-Chinchwad Municipal Corporation and by separate order dated 22.09.2022 cancelled the order dated 13.09.2022 of the Applicant on the post of Additional Commissioner and she was directed to continue on the post of Deputy Commissioner, Pimpri-Chinchwad Municipal Corporation which are challenged in this O.A.
6. Notably, Section 39-A of Maharashtra Municipal Corporation Act empowers the Government to create one or more post of Additional Municipal Commissioner in the Corporation and appoint suitable persons on such posts. In this behalf, reference of G.R. dated 22.02.2022 as well as G.R. dated 01.09.2014 is material whereby certain posts of Commissioners and Additional Commissioners are earmarked depending upon classification of Municipal Commissioner. It is not in

dispute that person in Selection Grade Chief Officer can be posted as Additional Commissioner or Deputy Commissioner in small town like Pimpri-Chinchwad, but in big city like Mumbai, the post of Commissioner is manned by IAS. Thus, in substance, the cadre of Additional Commissioner and Deputy Commissioner is composite one and the persons holding those posts are interchangeable. As such, it is not a case of appointment as we consider in the sense of appointment on promotion or by direct recruitment. It is a case of posting in same cadre as Additional Commissioner or Deputy Commissioner. In other words, it is not a case of dispute of appointment to a post, but it pertains to posting which pertained to subject matter of Single Bench.

7. In view of above, I see no merit in the objection raised by learned Advocate for Respondent No.2 that O.A. pertains to appointment and needs to be heard by Division Bench.

8. Arguments on the merits of O.A. will be heard tomorrow i.e. 16th February, 2023.

Sd/-

(A.P. KURHEKAR)
Member-J

SKW

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: 15.02.2023</p> <p style="text-align: center;">O.A. No.729 of 2019</p> <p>Dr. S.V. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. This O.A. is filed for direction to the Respondents to grant benefit of 1st Time Bound Promotion. The Applicant stands retired on 31.07.2019 as District Malaria Officer. The perusal of record reveals that the Respondent No.2 – Director of Public Health Department, Pune has forwarded proposal to the Government on 28.02.2019 seeking guidance in the matter of grant of benefit of ACPS but thereafter no further steps were taken in the matter. On this background he has filed the present O.A. 3. At the very outset it is really disgusting to note that Respondent No.2 has already forwarded proposal to Respondent No.1 but Respondent No.1 is simply sitting over the matter though period of more than four years is now over. It shows total inaction and lethargy on the part of Respondent No.1 resulting into not getting proper retiral benefits to the Applicant. 4. All that the Applicant is paid GPF & GIS. He was paid provisional pension upto June 2020 only and thereafter it was stopped. However, according to the learned P.O. provisional pension was paid upto July 2021. Even if accepting that position, fact remains that no provisional pension after August 2021 is paid which ought to have been paid regularly if regular pension was withheld for one or other reasons. 5. Apart, worst part of the matter is that no decision is taken in 2nd D.E. which is already completed by enquiry officer much before retirement of the Applicant. Learned Advocate for the Applicant submits that the Applicant has already given his reply / explanation to the Show Cause

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Notice received from the Government in the matter of D.E. but till date no final order is passed.</p> <p>6. Learned P.O. on instruction admits that no final order is passed in D.E. till date. This again shows total negligence and inaction on the part of Respondent No.1. Government had issued various instructions / G.R. for completion of D.E. within one year but in the present matter Respondent is simply sitting over the matter and seems to be indecisive.</p> <p>7. Suffice to say, <i>ex-facie</i> inaction on the part of Respondent No.1 in not taking decision on the proposal dated 28.02.2019 forwarded by Respondent No.3 – Joint Director, Public Health Services, Pune as well as failure to pass final order in D.E. is obvious from the record.</p> <p>8. Having faced above situation, learned P.O. all that could submit that now Government will take appropriate decision within three weeks.</p> <p>9. In view of above, at this juncture nothing is to be adjudicated and O.A. requires to be disposed of with suitable direction.</p> <p>10. O.A. is disposed of with direction to the Respondents to take decision on the proposal dated 28.02.2019 received from Respondent No.3 - Joint Director, Public Health Services, Pune within a month from today and decision as the case may be shall be communicated to the Applicant.</p> <p>11. Respondent No.1 is further directed to pass final order in D.E. within a month from today in accordance to law and it be communicated to the Applicant.</p> <p>12. Respondent No.1 is further directed to ensure release of remaining retiral benefits to the Applicant within a month after a decision on proposal dated 28.02.2019 as well as final order in D.E. as per his entitlement.</p> <p>13. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 15.02.2023</p> <p align="center">O.A.No.61/2023</p> <p>K.M. DadasApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. L.S. Deshmukh, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. We hereby find that there is overwriting in the report which is produced before us, therefore, we would like to see the original report. Superintendent of JJ Hospital is directed treat this very urgent. It is to be hand delivered from the responsible person of JJ. Hospital in sealed cover envelop.</p> <p>3. Adjourned to 17.02.2023 at 11.00 a.m.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p align="left">prk</p>

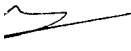
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	<p>Date : 15.02.2023</p> <p align="center">C.A.No.17/2023 in O.A.No.50/2019</p> <p>V.T. JadhavApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.N. Rathod, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. C.A. is filed for implementation of the order dated 02.02.2022.</p> <p>3. Learned P.O. seeks time to file affidavit-in-reply.</p> <p>4. Adjourned to 08.03.2023.</p> <p align="center">Sd/- / Sd/-  (Medha Gaaguli) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p align="left">prk</p>

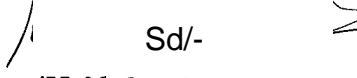
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	<p align="center"><u>15.02.2023</u></p> <p align="center"><u>O.A 1189/2022 with O.A 1233/2022</u></p> <p>Shri P.R Bombarde P.U Khatavkar ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri O.M Lonkar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O is directed to file affidavit in reply by way of last chance.</p> <p>3. S.O to 8.3.2023</p> <p align="center">Sd/- (Medha^UGadgil) Member (A) Akn</p> <p align="center">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>15.02.2023</u></p> <p><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 Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O is directed to file affidavit in reply by way of last chance.</p> <p>3. S.O to 10.3.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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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>15.02.2023</u></p> <p><u>O.A 920 & 921/2022</u></p> <p>Shri B.M Kamble Shri S.R Vajare ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Admit.</p> <p>3. Place for final hearing on 5.4.2023.</p> <p>Sd/- (Medhā Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrár's orders	Tribunal's orders
	<p>Date: 15.02.2023</p> <p align="center">O.A. No.142 of 2023</p> <p>S.A. Pereira & Ors.,Applicant 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. The Applicant has filed present O.A. for direction to the Respondents to take decision on representation dated 30.10.2017 to 17.09.2022 which are forwarded by concerned head of the Office of the Respondent No.1 <i>inter-alia</i> contending that they are entitled to benefit of decision rendered by this Tribunal in O.A. No.1090/2017 decided on 19.11.2018 being similarly situated persons.</p> <p>3. Perusal of record reveals that in similar situation Division Bench in O.A. No.1284/2022 also issued direction to decide similar representation on or before 03.02.2023 as seen from order dated 23.12.2022. As such, decision ought to have been taken on or before 03.02.2023 and it would also apply to present case. Learned P.O. sought short time to take instruction from the Department and apprise the Tribunal about the status of present case as well as order passed by Division Bench in O.A. No.1284/2022 dated 23.12.2022. Learned P.O. is directed to take instructions in afternoon session.</p> <p>LATER ON</p> <p>4. In afternoon session on instruction, learned P.O. submits that there are 39 Applicants in this O.A. and requested for four months time to take decision on the representation made by the Applicants.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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5. The perusal of record reveals that Government had called certain information by letter dated 04.07.2019 and 15.07.2019 from Director Technical Education, Mumbai so as to take further steps in the matter but nothing happened thereafter.

6. The Tribunal has already decided O.A. No.1090/2017 by Judgment dated 19.11.2018 and it is on this basis the Applicants are claiming parity. Some of the Applicants are already retired from services. The order passed in O.A. No.1284/2022 has attained finality and it being so, if the Applicants are similarly situated person they are deserves to be given benefit of the decision rendered in O.A No.1090/2017. However, Government is taking undue time.

7. In view of above, O.A. is disposed of with direction to the Respondent - Government to take further action in the claim raised by the Applicants for giving benefits of their initial temporary services for grant of Time Bound Promotion / ACPS within 10 weeks from today. The decision as the case may be, shall be communicated to the Applicant. If the Applicants felt aggrieved they are at liberty to avail further legal remedy.

8. No order as to costs.

A.P. Kurhekar
Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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	<p style="text-align: center;"><u>O.A.622 of 2020</u></p> <p>Shri M.R. Ahire ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri S.S. Dere, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, learned Advocate for the Applicant has filed Additional Affidavit along with annexure viz. Chart showing Applicant's entitlement for the relief claimed in the O.A. It is taken on record.</p> <p>3. O.A. be kept for final hearing with liberty to Respondents to file Counter Affidavit, if necessary.</p> <p>4. S.O. to 9th March, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 15.02.2023</p> <p>(skw)</p>

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..... Respondent/s

(Presenting Officer.....)

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	<p><u>O.As.42, 55 and 64 of 2023</u></p> <p>Shri R.D. Patil Shri V.U. Mhaske Shri M.S. Salunke & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar and Shri S.S. Dere, learned Advocates for the Applicants and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, learned P.O. has filed Affidavit-in-rep., on behalf of Respondent No.2 in O.A.No.42/2023, Affidavit-in-reply on behalf of Respondent No.4 in O.A.No.55/2023 and Affidavit-in-reply on behalf of Respondent No.2 in O.A.No.64/2023. It is taken on record.</p> <p>3. On the request of learned P.O, two weeks' time is granted to file reply on behalf of Commissioner of Police, Mumbai in these matters as well as in other connected matters in which reply not yet filed.</p> <p>4. S.O. to 1st March, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 15.02.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 15.02.2023</p> <p align="center">O.A.No.664/2018</p> <p>A/a P.B. LoharApplicant 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. Applicant prays that M.P.S.C. be directed to provide the list of the affected Open Female candidates to the applicants. Respondents be directed consider the claim of all the selected candidates from NTB female category. Newly added Private Respondents and Respondent No.3 are to be served on or before 17.02.2023, through Respondent No.1 by the office of C.P.O.. We direct Registry to take note of the same.</p> <p>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Issuc notice before admission returnable on 01.03.2023.</p> <p>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.</p> <p>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.</p> <p align="right">[PTO.]</p>

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

8. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original 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.

9. Adjourned to 01.03.2023.

Sd/-

(Medha Gadgil)
Member(A)

pk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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Appearance, Tribunal's orders or
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15.02.2023

O.A 97/2023

Shri R.M Jadhav ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri U.V Bhosle, learned advocate for the applicant and Smt K.S Gaikwad, learned 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 23.03.2023.

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 23.03.2023.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. _____ of 20 _____ DISTRICT
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(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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	<p><u>15.02.2023</u></p> <p><u>M.A 45/2023 in O.A 97/2023</u></p> <p>Shri R.M Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Misc Application is filed seeking condonation of delay of five months in filing the Original Application.</p> <p>3. Learned P.O opposes the Misc Application seeking condonation of delay.</p> <p>4. For the reasons stated in the Misc Application and considering the short period of five months, the Misc Application seeking condonation of delay is allowed.</p> <p>Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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..... 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 15.02.2023
	<p align="center"><u>M.A 720/2022 in O.A 783/2021</u></p> <p>Shri Vaman R. Maule & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Manisha Devkar holding for shri S.M Katkar, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Misc Application is filed seeking early date for hearing the Original Application No. 783/2021.</p> <p>3. Misc Application seeking early hearing is disposed of.</p> <p>4. O.A 783/2021 to be placed for hearing on 10.4.2023. Interim relief to continue till then.</p> <p>Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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.....)

15.02.2023

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>M.A 283/2022 in O.A 652/2015</u>
	<p>The Settlement Commissioner & Director of Land Records ... Applicants (Ori Respondents)</p> <p style="text-align: center;">Vs.</p> <p>S.K Nikalje ... Respondent (Ori Applicant)</p> <p>1. Heard Shri A.J Chougule, learned P.O for the Applicants (Ori Respondents). None present for the Respondent (Ori Applicant).</p> <p>2. Misc Application filed by the Respondents seeking extension of time to comply with the order of the Tribunal has become infructuous and is disposed of.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p style="text-align: center;">Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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**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 : 15.02.2023</p> <p align="center">O.A.No.1209/2016</p> <p>R.D. BarveApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Jadhav, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that the G.R. dated 03.03.2020 and 14.06.2022 are to be considered.</p> <p>3. Adjourned to 17.02.2023. HOB.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>15.02.2023</u></p> <p>M.A 689/2022 in O.A 755/2022 with M.A 457/2022 in O.A 755/2022 with M.A 571/2022 in O.A 755/2022</p> <p>Shri S.S Kakade ... Applicant (Ori Res.no. 2)</p> <p>In the matter of Shri D.J Patil & Ors ...Ori Applicants Vs The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned counsel for the applicant, (Ori Respondent no. 2) in M.A 689/2022, Shri U.V Bhosle, learned counsel for the Original Applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel Mr Chandratre for the applicant (Ori Respondent No. 2) submits on the point of maintainability of the Original Application that none of the applicants is going to be affect due to the promotion given to the applicant (Ori Respondent no. 2). Thus, the application is not maintainable on the ground of locus.</p> <p>3. Learned counsel Mr Chandratre submits that M.A 571/2022 is already dismissed and wrongly shown on the Board today.</p> <p>4. Learned counsel Mr Bhosle states that applicant no. 4, Shrii A.R Manwatkar in O.A 755/2022 is at present working as Deputy Controller, in the office of Legal Metrology and his next promotion is to the post of Joint Director, Legal Metrology, that is the post, which is officiated by applicant (Respondent no. 2). If the order of promotion of Respondent no. 2 is set aside, then the applicant no. 4 is to going to be benefited.</p> <p>5. Learned counsel Mr Chandratre for Respondent no. 2, by way of reply submits that there are 11 Officers in the seniority list between Respondent no. and Applicant no. 4. He further submits that the present application is filed through ulterior motive.</p> <p>6. We find that none of the applicants is going to be promoted in place of Respondent no. 2. Hence, we are of the view that the application is not maintainable on the ground of locus.</p> <p>7. We allow the Misc Application No. 689/2022 and dismiss the Original Application No. 755/2022.</p> <p>8. As the Original Application No. 755/2022 is dismissed, M.A 457/2022 in O.A 755/2022 seeking condonation of delay is also dismissed.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) 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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.02.2023</p> <p>O.A.No.234/2018</p> <p>P.R. Wagh & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. R. Todankar, learned Advocate for the Applicants.</p> <p>2. In view that learned Chief Presenting Officer Ms. S.P. Manchekar is absent, adjourned to 01.03.2023. HOB.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member(A)</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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


**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 : 15.02.2023</p> <p align="center">O.A.No.433 of 2022 with O.A.No.844 of 2021</p> <p>C. S. LokhandeApplicant</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 Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed additional reply on behalf of the Respondent No.1 with annexures. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, three weeks time is granted to file Rejoinder, if any.</p> <p>4. S.O. to 08.03.2023.</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

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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>Date : 15.02.2023</p> <p align="center">O.A.No.951 of 2021</p> <p>S. Y. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. B. Pawar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Sur-Sur-Rejoinder is under preparation and same will be filed during the course of the day. The statement is accepted. It be taken on record. The copy be served to other side.</p> <p>3. S.O. to 24.02.2023.</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 : 15.02.2023</p> <p align="center">M. A. No.69 of 2023 in O. A. No. 773 of 2021 with O.A.No.840 of 2021</p> <p>Dr. S. G. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The O.A. is filed for deemed date of promotion w.e.f. 29.06.2006 on the post of Associate Professor. Indeed, the Applicant was given ad-hoc promotion from time to time. However, according to Applicant, she was eligible for promotion from 29.06.2006 itself but given ad-hoc promotion with certain breaks. As such, in effect the Applicant is claiming promotion retrospectively and this cannot said O.A. of deemed date of promotion.</p> <p>3. The Registrar is therefore directed to examine the matter as to whether O.A. pertains to Single Bench or Division Bench and it be listed accordingly.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.02.2023</p> <p>O.A. No.193 of 2023</p> <p>J.R. ChavanApplicant 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. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant sought Deemed Date of Promotion on the post of Deputy R.T.O. w.e.f. 26.08.2015 as against actual date of Promotion i.e. 08.01.2021. 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 15.03.2023. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 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 15.03.2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 15.02.2023</p> <p align="center">O.A. No.198 of 2023</p> <p>B.N. GiteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. S.N. Vaidya, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged communication dated 08.02.2023 whereby 2nd benefit of ACPS was cancelled resulting into recovery of excess payment of Rs.3,23,232/- (Three Lakhs Twenty Three Thousand Two Hundred and Thirty Two Only). He is due to retire on 30.06.2024 from the post of Head Clerk (Group 'C').</p> <p>3. Learned Advocate for the Applicant submits that her challenge is restricted to the recovery only and not to the refixation of pay and allowances. She placed reliance on the decision of Hon'ble Supreme Court in (2015) 4 SCC 334 (State of Punjab and others Vs. Rafiq Masih (White Washer)).</p> <p>4. Learned P.O. sought short time to take instruction from the Department. Till then there ^{shall} be no recovery. will</p> <p>5. S.O. to 24.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="left">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 15.02.2023

O.A. No.101 of 2023

A.M. DeshmukhApplicant
 Versus
 The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.
3. S.O. to 01.03.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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

Tribunal's orders

Date: 15.02.2023

O.A. No.162 of 2023

Dr. S.A.PanchbhaiApplicant
Versus
The State of Maharashtra & Ors.Respondents.

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

2. The Applicant has filed present O.A. for direction to the Respondents to treat Suspension period from 26.02.2016 to 29.04.2017 as duty period.

3. The Applicant was suspended by order dated 26.02.2016 in contemplation of D.E. Later Government by order dated 29.04.2017 reinstated the Applicant in service subject to decision in D.E. D.E. was also completed and Government by order dated 18.02.2022 exonerated the Applicant from all charges. Thereafter the Applicant made representation on 02.03.2022 to treat Suspension period from 26.02.2016 to 29.04.2017 as duty period for all purposes. However, till date no decision is taken.

4. Indeed, in view of clean chit in D.E. appropriate order about regularization of Suspension period ought to have been passed much earlier but no further action is taken due to total inaction and lethargy on the part of Respondent No.1.

5. In view of above, O.A. is disposed of with direction to Respondent No.1 to pass appropriate order on representation dated 02.03.2022 made by the Applicant within one month from today and the decision as the case may be shall be communicated to the Applicant.

6. O.A. stands disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.02.2023</p> <p>M. A. No.108 of 2023 in O.A.No.674 of 2022 with O.A. No.1054 of 2022</p> <p>V. D. SuryawanshiApplicant</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. Indeed, the Tribunal has decided O.A.No.674/2022 with O.A. No.1054/2022 by detailed judgment dated 16.01.2023^{by V.D.} the transfer order dated 25.05.2022 challenged in O.A.No.674/2022 was quashed and set aside. Whereas, O.A.No.1054/2022 was partly allowed and suspension of the Applicant was revoked with directions to the Respondents to reinstate the Applicant as Assistant Registrar, Maval within two weeks from the date of order.</p> <p>3. Now, by present M.A., the Applicant wants Tribunal to add something more in the operative order as under:-</p> <p>"Failing which the Petitioner is permitted to join the post in view of he being already working in the said post prior to suspension, in the light of the interim order of stay to the order of transfer dated 25.05.2022."</p> <p>Since the Tribunal has decided both the Original Applications on merit and passed specific order, there is no question of adding something now by this M.A. If the Respondents are^{have} not complied the order, the remedy is to file contempt proceeding.</p> <p>4. Misc. Application is thus totally untenable and dismissed with no order as to costs.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.02.2023</p> <p>O.A. No.196 of 2023</p> <p>J.M. DevkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Heard Shri N.N Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.2. The Applicant has challenged communication dated 08.09.2022 issued by S.D.O., Islampur whereby his resignation from the post of Police Patil is accepted.3. Perusal of record reveals that the Applicant tendered resignation on 28.04.2022 and also deposited honorarium ^{of one month}. However, the Applicant contend that on 06.09.2022 he gave notice to withdraw resignation, and therefore impugned order dated 08.09.2022 sanctioning resignation is illegal.4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.5. Issue notice before admission returnable on 15.03.2023.6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

Tribunal's orders

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

9. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous 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.

10. S.O. to 15.03.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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>15.02.2023</u></p> <p align="center"><u>O.A 568 with O.A 344, 327 & 1259/2022</u></p> <p>Shri K.N Dombale & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre and Shri B.A Bandiwadekar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O files affidavit in reply in O.A 1259/2022.</p> <p>3. All the above matters are ready. It will be taken up on 15.3.2023 for hearing.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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>15.02.2023</u></p> <p>O.A 834, 837, 878, 881, 882, 900/2022 with O.A 860/2022, 936/2022, 1086/2022</p> <p>Dr V.N Waghmare & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, with Shri M.V Thorat, Shri Karan Gajra holding for Shri A.A Desai, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. In all these matters, we direct the Respondents to declare the results of the examination till Friday, i.e., 17.2.2023, so that the applicants will come to know whether they are in the race or out of the race.</p> <p>3. S.O to 23.2.2023.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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 : 15.02.2023</p> <p align="center">O.A.No.476/2018</p> <p>Dr. V.P. Sonone & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicants. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicants prays that they should be considered for the post of Psychiatrists Maharashtra Medical and Health Services, Group-A, pursuant to the Advertisement No.30/2017 and also prays that the letter dated 25.05.2018 issued by the Respondent No.2 in respect of the rejection of the candidature of the applicants be quashed and set aside.</p> <p>3. Learned P.O. submits that affidavit in reply is filed on 09.10.2018 pursuant to order dated 27.01.2023.</p> <p>4. Matter called out. Learned Advocate Mr. V.B. Wagh not present. Matter will be called out again at 2.30 pm today. If none is present, matter will be dismissed.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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>LATER ON AT 2.30 p.m.</p> <p>Date : 15.02.2023</p> <p>O.A.No.476/2018</p> <ol style="list-style-type: none">1. Matter called out again.2. In view that none appeared for the Applicant O.A. stands dismissed. <p>Sd/-</p> <p>(Medha Gadgil) Member(A)</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 15.02.2023</p> <p align="center">M.A.No.94/2023 in O.A.No.171/2023</p> <p>S.A. Rasankar & Ors.Applicants 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. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 15.02.2023</p> <p align="center">C.A.No.10/2023 in O.A.No.367/2022</p> <p>P.B. UmraniApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Applicant in person and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has submitted that Respondents find problem in compliance of the order of this Tribunal dated 20.07.2022 as certain facts are noticed by the Department at the time of hearing of this Contempt. He has submitted on instructions that it is necessary for the Department to file Review Application and the said R.A. will be filed before the same Court within one week.</p> <p>3. Adjourned to 01.03.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 15.02.2023</p> <p align="center">C.A.No.6/2023 in O.A.No.373/2021 with M.A.No.104/2022</p> <p>A.K. JadhavApplicants 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. Principal Secretary to file affidavit as to why order was not issued within one week as directed by the Tribunal in order dated 22.11.2022.</p> <p>3. Adjourned to 22.02.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- ↓ (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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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>15.02.2023</u></p> <p align="center"><u>O.A 1057/2021</u></p> <p>Shri R.A Bhaijan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Admit with liberty to file affidavit in reply.</p> <p>3. Place for final hearing on 15.3.2023.</p> <p>Sd/- _____ (Medha Gadgil) Member (A) Akn</p> <p>Sd/- _____ (Mridula Bhatkar, J.) Chairperson</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 : 15.02.2023</p> <p align="center">O.A.No.164/2023</p> <p>M.P. BagulApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Purva Pradhan, learned Advocate holding for Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicant seeks appointment by challenging recommendation dated 26.12.2022 qua Respondent No.3 as the recommendation is illegal and also seeks that he be recommended and appointed in the category of ST (General) for the post of Scientific Officer (Cyber crime, Tape Authentication and Speaker Identification).</p> <p>3. Learned Advocate presses for ex parte interim relief without serving Respondent no.3. Ex parte ad interim relief cannot be granted as serving notice on Respondent No.3 is important. Moreover, the applicant has challenged the recommendation dated 26.12.2022 i.e. after two months. The ground on which learned Advocate wants to argue is regarding submission of fraudulent experience certificate by Respondent No.3.</p> <p>4. We keep the issue of interim relief open, but we are of the view that there is no urgency as on today.</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 22.02.2023.</p> <p align="right">[P.T.O.]</p>

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

5. Application ~~Tribunal's orders~~ 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 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.

9. Adjourned to 22.02.2023. To be shown under the caption 'Urgent Admission'

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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FARAD CONTINUATION SHEET No.

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	<p>Date : 15.02.2023</p> <p align="center">O.A.No.171/2023</p> <p>S.A. Rasankar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. All the applicants are working as Awal Karkoon and have put in 12 to 13 years of service. All the applicants have received notice dated 20.12.2022 that on account of revised seniority list the applicants are going to be reverted. Thereafter, Applicants have submitted their replies.</p> <p>3. Learned P.O. seeks time to file reply.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 22.02.2023.</p> <p>6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original 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>10. Adjourned to 22.02.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>pk</p>

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	<p>Date : 15.02.2023</p> <p align="center">O.A.No.1156 of 2022 with O.A.No.1157 of 2022</p> <p>D. V. Suradkar ...Applicant</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 Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The pleading in O.A.No.1156/2022 is complete and it is ripe for final hearing. However, in O.A.No.1157/2022, the reply is not yet file. 3. On request of learned P.O., one week time is granted to file reply in O.A.No.1156/2022 by way of last chance. 4. S.O. to 22.02.2023. <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 : 15.02.2023</p> <p align="center">O. A. No. 1278 of 2023</p> <p>P. S. Salvi ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt.Pooja Mankoji holding for Shri S. Lavte, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply.</p> <p>3. S.O. to 02.03.2023.</p> <p align="right"> ↗ Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.02.2023</p> <p align="center">O.A.No.1304 of 2022</p> <p>D. S. RasamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply by way of last chance.</p> <p>3. S.O. to 22.02.2023.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date : 15.02.2023</p> <p align="center">O.A.No.48 of 2023</p> <p>K. A. ShindeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard the Applicant in person and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply.</p> <p>3. S.O. to 23.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.02.2023</p> <p align="center">O.A.No.67 of 2023</p> <p>S. B. JavirApplicant</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 Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of Respondent. It is taken on record.</p> <p>3. The O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 02.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.02.2023</p> <p align="center">O. A. No.116 of 2023</p> <p>T. R. Kamble & 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 and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted either to file reply or to take remedial measure in view of the order passed by the Tribunal in O.A.No.155/2020 decided with other Original Applications on 18.03.2021.</p> <p>3. S.O. to 23.02.2023.</p> <p align="right">Sd/- ~ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.02.2023</p> <p align="center">O.A. No.151 of 2023 with M.A. No.109 of 2023 with O.A. No.155 of 2023</p> <p>H.C. Dasade & Ors., N.B. WaghelaApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.M. Kakade, learned Advocate for the Applicant in O.A.151/2023, Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A.153/2023 and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. was on yesterday's board and kept on today's board for admission with direction to learned P.O. to take instruction as to why the Applicants name was not included in the list for transfer from SRPF to District Police Force. Today, on instruction learned P.O. submits that the concerned District Head/Railway Police Head ^{H.O.} have not given sufficient number of post, and therefore Applicants name were not included in the list. According to him, the persons whose names are included in the list are senior to the Applicant. He requested two weeks time to file Affidavit-in-Reply.</p> <p>3. S.O. to 01.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p>

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	<p>Date: 15.02.2023</p> <p align="center">M.A. No.683 of 2019 in O.A. No.621 of 2018</p> <p>V.K. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Rahul B. Khot, holding for Shri N.Y. Chavan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Matter is taken on today's board by circulation but Advocate Shri R.B. Khot holding for Advocate Shri N.Y. Chavan requested for short adjournment.</p> <p>3. The perusal of record reveals that the matter was before Division Bench and along with other matters transferred to Single Bench recently. Today for the first time it is listed before this Bench in view of circulation of praecipe.</p> <p>4. S.O. to 16.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>