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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

Date: 15.02.2024

O.A. No.191 of 2024

P.B. Wanne

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Ms. Sonali Pawar, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
- 2. Learned Advocate for Applicant states that the Applicant is seeking 'Inter District Transfer' to the establishment of 'Superintendent of Police, Nanded' and had submitted Application on 14.12.2020 for consideration of 'Commissioner of Police, Greater Mumbai'. The 'Superintendent of Police, Nanded' has also consented to accept the Applicant on 'Inter District Transfer'.
- 3. Learned Advocate for Applicant further states that no action has been taken so far by 'Commissioner of Police, Greater Mumbai'.
- 4. Learned Advocate apprehends that the consent given by 'Superintendent of Police, Nanded' may be revoked even if the approval were to be given later on by 'Commissioner of Police, Greater Mumbai'. The Applicant in such eventually will not be able to join on establishment of 'Superintendent of Police, Nanded'.
- 5. The important fact in case of Applicant is that he had applied long back on 14.12.2020 for 'Inter District Transfer' to 'Commissioner of Police, Greater Mumbai'. Hence, 'Superintendent of Police, Nanded' is informed to keep atleast 'One Post' of 'Police Constable' available from those earmarked for 'Inter District Transfer's so that as and when Applicant is relieved by 'Commissioner of Police, Greater Mumbai'

#### Tribunal's orders

he can forthwith join on establishment of 'Superintendent of Police, Nanded'.

- 6. The present O.A. No.191/2024 being about 'Inter District Transfer' be tagged along with O.A. No.26/2022 & Others all of which are about 'Inter District Transfer' of 'Police Constables' who are serving in establishment of 'Commissioner of Police, Greater Mumbai'.
- 7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 8. Issue notice before admission returnable on 05.03.2024.
- 9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 12. In case notice is not collected within <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.
- 13. S.O. to 05.03.2024.

Sd/-

(Debashish Chakrabarty) Member (A)

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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

Date: 15.02.2024

O.A. No.164 of 2024

J.G. Patil

......Applicant

Viersus

The State of Maharashtra & Ors.

.....Respondents.

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

Learned Advocate for Applicant stated that Attachment' dated 31.01.2024 Order of superintendent of Police, Sangli' to assign Applicant New Duty' (नव्याने) कर्तव्य) in 'Control Room' has been issued later bearing 'Outward No. क्र.पशा—८/ पो.अधि. बदली/ २०२४/ १३७४;' while the 'Transfer Order' ated 31.01.2024 to Transfer 'Respondent No.2' from post of 'In Charge' Control Room' to kavathemahankal, Police Station' was issued earlier क्र.पशा-८/पो.अधि. No. 'Outward earing बदली / २०२४/१३७२.

Learned Advocate for Applicant then referred to the 'Minutes of Meeting' of 'P.E.B.' by which other 'Police Inspectors' who had earlier reported to 'Control Room' including the 'Respondent No.2' were all transferred as 'In Charge' of 'Police Stations' by 'Superintendent of Police, Sangli' in exercise of 'Statutory Powers' under 'Section22N(2)' of 'Maharashtra Police Act, 1951'.

Learned Advocate for Applicant emphasized that in respect of Applicant without any formal approval of 'P.E.B.' the 'Superintendent of Police, Sangli' has included a separate paragraph so as to be able to issue 'Order of Attachment' of Applicant to 'Control Room'. The 'Minutes of Meeting' of 'PEB' also do not affirm that 'Statutory Powers' were used by 'Superintendent

#### Tribunal's orders

of Police, Sangli' in accordance with provisions of 'Section 22 N(2) of 'Maharashtra Police Act, 1951'.

- 5. Learned Advocate for Applicant also stated that the 'Special I.G.P, Kolhapur Range' has issued 'Transfer Orders' on 12.01.2024 to move several 'Police Inspectors' including Respondent No.2 from 'Kolhapur District' to 'Sangli District' for implementation of the directions in 'Election Commission of India' letter dated 21.12.2023 on grounds of either being posted in of 'Home District' or completion of tenure of 3 Years in last 4 Years in 'Revenue District'. However, 'Superintendent of Police, Sangli' did not forthwith issue subsequent 'Transfer Orders' of such 'Police Inspector' but instead temporarily placed them in 'Control Room'. The 'Transfers Orders' of such 'Police Inspector' including Respondent No.2 came to be issued belatedly on 31.01.2024 after approval in meeting of 'P.E.B.' held on 31.01.2024.
- 6. Learned P.O. then stated that the 'P.E.B.', held on 31.01.2024 under 'Superintendent of Police, Sangli' had considered the seriousness of the report submitted against Applicant by 'Sub Divisional Police Officer, Jat, District Sangli' which related to intentional delay on part of Applicant before registration of C.R. No.29/2024 under Section 354 of 'I.P.C.' read with 'Section 3' of 'S.C. & S.T. 'Prevention of Atrocity) Act, 1989'.
- 7. Learned Advocate for Applicant thereupon stated that 'Superintendent of Police, Sangli' did not take concurrence from 'Chief Election Officer, Maharashtra State' as required under 'Para 8' of 'Election Commission of India' letter dated 21.12.2023 before shifting of Applicant to 'Control Room' and prior to transfers of all 'Police Inspectors' from Control Room to posts of 'In Charge' of 'Police Stations' by 'Transfer Order' dated 31.01.2024.
- 8. Learned P.O. stated that Respondent No.2 was transferred by 'Special I.G.P, Kolhapur Range' Order dated 12.01.2024 only because Kolhapur District was his 'Home District'. The 'Superintendent of Police, Sangli' had acted promptly in case of Applicant because of the seriousness of offence mentioned in C.R. No.29/2024 which has been also recorded in 'Minutes of Meeting', of 'PEB' held on 31.01.2024.

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#### Tribunal's orders

- The 'Superintendent of Police, Sangli' even though may have been required to act forthwith in respect of report submitted against Applicant by the 'Sub Divisional Police Officer, Jat, District Sangli' however could not have over looked the provisions of law while passing 'Order of Attachment' of Applicant on 31.01.2024 which is 'prima-facie' not as per provisions of Section 22 N(2) of 'Maharashtra Police Act, 1951'. The 'Order of Attachment' dated 31.01.2024 of Applicant to 'Control Room' issued by 'Superintendent of Police, Sangli' is rather cryptic and uses ambiguous words 'पुढील आदेश होईतोपर्यत तात्प्रत्या स्वरूपात नव्याने कर्तव्य (DUTY) नेमण्यात येत आहे'. Besides it appears from 'Order of Attachment' bearing Outward No. क्र.पशा—८/ पो.अधि./ बदली/ २०२४/ १३७४ dated 31.01.2024 was done after 'Respondent No.2' had been transferred as 'In-Charge, of 'Kavathemahankal Police Station' by Transfer Order dated 31.01.2024 bearing Outward No. क्र.पशा—८/ पो.अधि./ बदली/ २०२४/ १३७२ dated 31.01.2024 which also indicates that it was after thought on part of 'Superintendent of Police, Sangli' to shift Applicant from post of 'In-Charge of Kavathemahankal, Police Station' as 'Respondent No.2' had already been brought in earlier as 'In-Charge, of 'Kavathemahankal Police Station'. The use of paraphrase such as 'पुढील आदेश होईतोपर्यत तात्पुरत्या स्वरूपात नव्याने कर्तव्य (DUTY) नेमण्यात येत आहे' does not exhibit any transparency in actions taken by 'Superintendent of Police, Sangli'.
- 10. The 'Order of Attachment' dated 31.01.2024 of 'Superintendent of Police, Sangli' in respect of Applicant therefore does not inspire much confidence as to whether there indeed was any 'Application of Mind' since no reliance has been placed on provisions of laws; unlike when it had been done for transfers of all other 'Police Inspectors' under 'Section 22 N(2)' of 'Maharashtra Police Act, 1951'. Further there seems to be no compliance of directions in 'Para 8' of

#### Tribunal's orders

'Election Commission of India' letter dated 21.12.2023 which required 'Superintendent of Police, Sangli' to take prior approval of all transfers of 'Police Inspectors' as 'In-Charge' of 'Police Stations' including of 'Respondent No.2' in place of Applicant to serve on post of 'In-Charge' of 'Kavathemahakal, Police Station'. Hence, the action taken by 'Superintendent of Police, Sangli' cannot be upheld as valid in eyes of law. In view of the reasons recorded above 'Status Qua Ante' is required to be granted in favour of Applicant. Applicant is accordingly permitted to join back on post of 'In-Charge Police Inspector' of 'Kavathemahakal Police Station

Police Inspector' of 'Kavathemahakal, Police Station, District Sangli'. The 'Respondents No.2' if required can be brought back by 'Superintendent of Police, Sangli' to serve in 'Control Room'.

11. S.O. to 29.02.2024.

Sd/-(Debashish Charrabarty) Member (A)

NMN

(G.C.P.) J 2260(B) (50,000-2-2015)

ISpl.- MAT-F-2 E.

# 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

Date: 15.02.2024

O.A. Nos.205 to 207 of 2024

V. Landge V.M. Rajput T.D. Barde

.....Applicants

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Smt. Punam Mahajan, learned Advocate for Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents.
- Learned Advocate for Applicants stated that (i) Applicant in O.A.No.205/2024 who is from cadre of 'Deputy Collector' and working as 'Sub-Divisional Officer' Purandhar, District Pune', (ii) Applicant in O.A.No.206/2024 who is from cadre of 'Tahsildar' and working as 'Tahsildar'; Purandhar, District Pune and (iii) Applicant in O.A.No.207/2024 who is from cadre of 'Deputy Superintendent of Police' and working as 'Sub-Divisional Police Officer, Bhor, District Pune were served with 'Suspension Orders' by (i) Revenue and Forest Department on 09.02.2024 Home Department on 08.02.2024 as per directions given by 'Election Commission of India' letter dated 06.02.2024 to 'Chief Secretary, Government of Maharashtra'.
- 3. Learned Advocate for Applicants then narrated details of the 'Incident of Theft' of 'One Central Unit' of 'EVM' which has resulted in 'Suspension Orders' being served on Applicants. She

#### Tribunal's orders

added that 40 EVM's & VVPAT's which were meant to be used only for Training and Awareness' purposes had been stored in 'Office Building' of Tahsil Office, Saswad, District Pune'.

- 4. Learned Advocate for Applicant produced copy report submitted on 06.02.2024 by 'District Collector and District Election Officer, Pune' to ACS & Chief Electroral Officer, Maharashtra State about this 'Incident' of Theft' of 'One Central Unit' of 'EVM' which mentions in details about 'Security & Safety' arrangements which had been made for storage of 40 EVM's & VVPAT's in 'Office Building' of Tahsil Office, Saswad, District Pune about ongoing 'Police Investigations'.
- Learned Advocate for Applicant then drew to the 'Suspension Orders' which have been issued by (i) 'Revenue and Forest Department' on 09.02.2024 for in O.A.No.205/2024 and Applicants O.A.No.206/2024, Department (ii) Home 08.02.2024 for Applicant in O.A.No.207/2024 to emphasize that they only refer to the directions of the Election Commission of India' 06.02.2024 to 'Chief Secretary, Government of Maharashtra'.
- 6. Learned Advocate for Applicants further referred to the G.A.D. G.R. dated 07.02.2024 which has been issued as per directions of 'Election Commission of India' letter dated 06.02.2024 to constitute an 'Enquiry Committee' of 'High Level Officers' to enquire about the 'Incident of Theft' of 'One Control Unit' of EVM on 04.02.2024 from premises of 'Office Building' of Tahsil Office, Saswad, District Pune'. She mentioned that these 'High Level Officers' consisting of (i) 'Divisional Commissioner Pune' as Chairman and (ii) 'Special I.G.P, Kolhapur

(Spl.- MAT-F-2 E.

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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#### Tribunal's orders

Range' as 'Member' have been directed to submit their 'Enquiry Report' by 12.02.2024.

- 7. Learned Advocate for Applicants based on information received from Applicant in O.A.No.205/2024 also mentioned that post of 'Sub-Divisional Officer, Purandar, District Pune' is not included in 'Notification' under 'Section 22' of the 'Representation of the People's Act, 1951' as 'Assistant Returning Officer' for conduct of 'General Election to Lok Sabha: 2024'.
- 8. Learned Advocate for Applicants further stated that in the context of the G.A.D. G.R. dated 07.02.2024 to constitute Enquiry Committee of 'High Level Officer', she would like to include 'ACS & Chief Electoral Officer, Maharashtra State' as Respondent No.4 in O.A.No.205/2024 with O.A. No.206/2024 with O.A.207/2024.
- 9. Learned P.O. stated that the 'Suspension Orders' were issued by (i) 'Revenue and Forest Department' on 09.02.2024 of Applicants in OA No.205/2024 and OA No.206/2024 and (ii) Home Department on 08.02.2024 of Applicant in OA No.207/2024 as per provisions of 'Rule 4(1)(a)' of 'Maharashtra Civil Services (Discipline & Appeal) Rules, 1979' and have been issued in observance of with the directions given by the 'Election Commission of India' letter dated 06.02.2024 to 'Chief Secretary, Government of Maharashtra'.

#### Tribunal's orders

- 10. The learned PO further stated that 'Election Commission of India letter dated 06.02.2024' addressed to Chief Secretary, Government of Maharashtra has reference to report submitted by ACS & Chief Electoral Officer Maharashtra State on 06.02.2024 which had enclosed the report of 'District Collector & DEO Pune' dated 05.02.2024 about the 'Incident of Theft' of 'One Central Unit' of 'EVM' from premises of 'Office Building' of 'Tahsil Office, Saswad, District Pune'.
- 11. The learned Advocate for Applicant and learned PO for Respondents were heard at length about the legal challenge to 'Suspension Orders' of Applicants under provisions of 'Section 19' of the 'Administrative Tribunals Act 1985'.
- The 'Suspension Orders' issued by 'Revenue 12. and Forest Department' on 09.02.2024 in respect of Applicants in OA No.207/2024 and (ii) Home Department on 08.02.2024 in respect of Applicant in OA No.205/2024 and OA No.206/2024 came to be issued hurriedly, it was of material importance for the 'Cadre Controlling Authorities' of the Applicants to consider the report submitted by District Collector & District Election Officer, Pune to ACS & Chief Electoral Officer, Maharashtra State on 06.02.2024 and the report of 'District Collector & DEO Pune' dated 05.02.2024 which divulged many facts relating to the 'Incident of Theft' of 'One Central Unit' of 'EVM' from amongst 40 EVM's and VVPAT's kept separately in 'Separate Departmental Warehouses' as per instruction in Election Commission of India letter The arrangements made for dated 11.11.2021. 'Safety and Security' of these 40 EVM's and VVPAT's which were stored in 'Separate Departmental Warehouses' to have been commensurate as the 'Separate Departmental Warehouse' was co-located adjacent to the 'Sub Treasury' And 'Sub Jail' in Office

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Tribunal's orders

Building of Tahsil Office, Saswad, District Pune. Further, the 'Enquiry Report' of committee of 'High Level Officers' was also expected to be submitted to 'Additional Chief Secretary' and Chief Electoral Maharashtra State' bv letter 12.02.2024 which is expected to throw further light on about many other aspects which led to the 'Incidence of Theft' of 'One Central Unit' of 'EVM' on intervening night of 04.02.2024. The relevant directions of Election Commission of India which required the 40 EVM's & VVPAT's to be stored in 'Separate Designated Warehouses' under direct charge of (i) Sub-Divisional Officer, (ii) Tahsildar & (iii) Sub-Divisional Police Officer become pertinent to decide about the individual culpability of Applicants. The guidelines of Eelction Commisssion of India which specific mention the protocol for 'Security and Safety' applicable to 'Several Designated Warehouses' as compared to 'FLC Storing Rooms' should have also been referred to by both (i) Revenue & Forest Department and (ii) Home Department. Hence, all these material facts were required to be considered by (i) 'Revenue and Forest Department', (ii) Home Department to establish that there indeed was 'Application of Mind'. Legal Principles laid down by several landmark judgments of (i) 'Hon'ble Supreme Court' and (ii) 'Hon'ble Bombay High Court' in respect of exercise of 'Statutory Powers' to issue 'Suspension Order' should have been referred to as otherwise these would be vulnerable in Judicial Review on grounds such as (i) Unlawful Exercise of Statutory Powers (ii) Arbitrary Exercise of Statutory Powers.

#### Tribunal's orders

- The 'Suspension Orders' issued by (i) 'Revenue 13. and Forest Department' on 09.02.2024, (ii) Home Department on 08.01.2024 have been issued under Rule 4(1)(a) of the Maharashtra Civil Services (Discipline & Appeal) Rules 1979 are cldearly in contemplation of 'Disciplinary Proceedings' against the Applicants. Hence evidently, the action taken against Applicants is of 'Interim Suspension' and not 'Suspension as Punishment' as finely distinguished by Hon'ble Supreme Court of India in RP Kapur vs. Union of India : AIR 1964 SC 787. Hence, taking into consideration the observation of Hon'ble Supreme Court of India both (i) 'Revenue and Forest Department' & (ii) 'Home Department' would be at liberty to review the 'Suspension Orders' of the Applicants as per provisions of Rule 5(e) of the MCS (D & A) Rules 1976' as 'prima-facie', the 'File Noting' indicate that there was no independent 'Application of Mind' by 'Competent Authority' while exercising 'Statutoty Powers' under provisions of Rule 4(1) (a) of 'Maharashtra Civil Services (Discipline & Appeal) Rules, 1979' and 'Suspension Order' of the Applicants it appears came to be mechanically issued based only on the directions of Election Commission of India' letter dated 06.02.2024 to 'Chief Secretary, Government of Maharashtra'.
- 14. The 'Suspension Order' issued hurriedly against Applicants without considering all facts and circumstances relating to 'Incident of Theft' of 'One Control Unit' of 'EVM' from the premises of 'Office Building' of 'Tahsil Office, Saswad, District Pune therefore appears to be 'Stigmatic in Nature' because Applicants have been pronounced guilty even before 'Disciplinary Proceedings' have been initiated under MCS (D & A) Rules 1979 and as highlighted by Hon'ble Supreme Court of India have the effect of being 'Suspension as Punishment'.

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#### Tribunal's orders

- The (i) 'Revenue and Forest Department' and 15. (ii) 'Home Department' as Respondents are expected to convey their stand within 'One Week' from uploading of this order about willingness to review the 'Suspension Orderrs' of Applicants as per provisions of Rule 5(c) of MCS (D & A) Rules 1976. Hence, in the meanwhile the posts on which Applicants were serving, which are not directly connected with conduct of 'General Election: 2024' to Lok Sabha be kept vacant till Affidavits-in-Reply are filed in O.A.No.205/2024 with O.A.206/2024 with O.A.207/2024 respectively by (i) Revenue & Forest Department and (ii) Home Department.
- In the aforesaid context, the issue regarding granting of 'Interim Relief' is kept open.
- Learned Advocate for Applicant on instruction from Applicants states that the Applicants were not given personal hearing and they were asked to give written representation.
- 18. Learned P.O. states that the Applicant could not invoke provisions of 'Section 19' of the 'Administrative Tribunal Act, 1985' before seeking redressal on their grievances in respect of their 'Suspension Order' because of provisions of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

#### Tribunal's orders

- 19. Learned Advocate for Applicant states that based on submission of the proposition of the learned P.O. regarding the maintainability of the O.A., states that on the basis of Judgment of 'Hon'ble Bombay High Court' in 'Writ Petition No.9660/2014 decided on 01.12.2024' it is clearly mention that there is no embargo to entertain the O.A. and as per provision of 'Section 20' of 'Administrative Tribunal Act, 1985'.
- 20. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 21. Issue notice before admission returnable on 22.02.2024.
- 22. 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.
- 23. 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.
- 24. 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.
- 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.
- 26. S.O. to 29.02.2024.

sd/-

(Debashish Chakrabarty) Member (A)

#### Tribunal's orders

Date: 15.02.2024

O.A. No.213 of 2024

Dr. D.B. Bhosale

.....Applicant

Versus

The State of Maharashtra & Ors. .....Re

.....Respondents.

- 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
- 2. Learned Advocate for Applicant states that the Applicant has been transferred from post of 'Deputy Collector, Kal Project, Mangaon, Taluka Mangaon, District Raigad' to the post of 'Deputy Collector Land Acquisition Konkan Railway No.1, District Ratnagiri. The Applicant seeks 'Interim Relief' on the grounds that her transfer has not been effected for implementation of the directions in 'Election Commission of India' letter dated 21.12.2023.
- 3. Learned P.O. on basis of information received from officers presents on behalf of 'Revenue and Forest Department' states that the 'District Collector' and 'District Electoral Officer' had informed them that though the Applicant is not included in the list of officers required to work as 'Assistant Returning Officers' under 'Section 22' of the 'Representation of Peoples Act, 1951'; yet she may be entrusted with some work relating to 'General Elections to Lok Sabha: 2024'.
- 4. The reports of (i) 'Divisional Commissioner Konkan Division' and (ii) 'District Collector, Raigad' to be made available and till such time no 'Deputy Collector' to be transferred in place of the Applicant on post of 'Deputy Collector, Kal Project, Mangaon, Taluka Mangaon, District Raigad' by 'Revenue & Forest Department'. The Applicant is accordingly permitted to continue on her post until further orders and if replacement is to be provided then prior permission be sought by 'Revenue and Forest Department'.
- 5. S.O. to 22.02.2024.

Sd/-(Debashish Chaklabarty) Member (A)

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	Date: 15.02.2024.	
	O.A. No.1407 of 2023	
	Dr. L.G. Bhalshankar Versus	Applicant
	The State of Maharashtra & Ors.	Respondents.
	1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.	
	2. 'Interim Relief' to continue till 'Next Date'.	
	3. S.O. to 26.02.2024.	
		Sd/-
	(Deba	shish Chakrabarty) Member (A)

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

Tribunal's orders

Date: 15.02.2024

O.A. No.1518 of 2023

N.K. Patil

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
- 2. 'Interim Relief' to continue till 'Next Date'.
- 3. S.O. to 27.02.2024.

Sd/-

(Debashish Chakrabarty) Member (A)

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

Tribunal's orders

Date: 15.02.2024

O.A. No.730 of 2023

Dr. R.M. Gangurde

.....Applicant

Versus

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

- 1. Heard Shri P. Bodke-Patil, learned Advocate for the Applicant through Video Conference, Smt. K.S. learned Presenting Officer for Respondents. Shri D.B. Sutar, learned Advocate on behalf of Respondent No.6 is absent.
- 'Interim Relief' to continue till 'Next Date'. 2.
- 3. S.O. to 26.02.2024.

Sd/-

(Debashish Chakrabarty) Member (A)

NMN

#### "Spa. Array 1822 IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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# C15 / 1 2 60018 (50,000 2 2015)

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Tribunal's orders

#### M.A.104/2024 in O.A.208/2024

D.K. Shinde & Ors.

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

- Heard Smt. Punam Mahajan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-

Sd/-

(Debashish Challrabarty) (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

Tribunal's orders

#### O.A.198/2024

S.B. More & Ors.

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

- 1. Heard Shri S.S. Dere, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- 2. Issue notice returnable on 29.02.2024.
- 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would 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. 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 O.A. shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the O.A. shall stand dismissed.
- 7. The service may be done by Hand Delivery/Speed Post/Courier 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. S.O. to 29.02.2024.

Sd/-

(Debashish Chakrabarty) Member-A 15.02.2024 (Mridula Bhatkar, J) Chairperson 15.02.2024

Sd/-

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Tribunal's orders

#### O.A.177/2024

**B.S.** Dhembre Vs. The State of Mah. & Ors. ... Applicant

... Respondents

- Heard Purva Pradhan, learned Advocate for Applicant and Smt. A.B. Kololgi, learned PO for Respondents.
- The learned Advocate for Applicant states that Respondent No.2 - Additional Commissioner of Police, Northern Region, Mumbai had passed order on 20.12.2021 against the Applicant imposing punishment of withholding of 3 increments, against which Applicant preferred an appeal on 15.02.2022 with Respondent No.1 -Additional Chief Secretary of Home Department. Thereafter, learned Advocate for Applicant submitted that no hearing was convened by Additional Chief Secretary Home Department on representation made by Applicant on 05.07.2022. Thereafter, Reply was received by Applicant on 08.07.2022 stating that appeal would be heard.
- In this context, we direct Respondent No.1 - 'Additional Chief Secretary of Home Department' decision expeditiously and appropriate order within a perial of four weeks.
- With these directions, OA stands disposed of with no order as to costs.

Sd/-

Member-A 15.02.2024

(Debashish Chakrabarty) (Mridula Bhatkar, J) Chairperson 15.02.2024

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Tribunal's orders

#### O.A.20/2024

D.V. Chandanshiv Vs. The State of Mah. & Ors. ... Applicant

... Respondents

- Heard Smt. Punam Mahajan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- The learned CPO files reply. It is taken on record.
- Admit with liberty to file Rejoinder.
- S.O. to 14th March, 2024 in 'Urgent Admission' caption.

Sd/-

Sd/-

(Debashish Chakrabarty) / (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

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Tribunal's orders

#### O.A.21/2024

R.J. Kale Vs. The State of Mah. & Ors. ... Applicant

... Respondents

- Heard Smt. Punam Mahajan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- The learned CPO files reply. It is taken on record.
- Admit with liberty to file Rejoinder.
- S.O. to 14th March, 2024 in Urgent Admission' caption.

Sd/-

Sd/-

(Debashish Chakrabarty) (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

### 18ph 1870 - 12 ... IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Tribunal's orders

### O.A.22/2024

N.B. Kale The State of Mah. & Ors. ... Applicant

... Respondents

- Heard Smt. Punam Mahajan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- 2. Admit.
- S.O. to 14th March, 2024.

Sd/-

Sd/-

(Debashish Chakrabarty) Member-A 15.02.2024

(Mridula Bhatkar, J) Chairperson 15.02.2024

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Tribunal's orders

#### O.A.35/2024

M.A. Dongare Vs.

... Applicant

The State of Mah. & Ors.

... Respondents

- Heard Smt. Punam Mahajan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- 2. Admit.
- S.O. to 14th March, 2024.

Sd/-

Sd/-

(Debashish Chakrabarty) (Mridula Bhatkar, of Member-A 15.02.2024

Chairperson 15.02.2024

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Tribunal's orders

#### O.A.820/2023 with O.A.1395/2023

S.K. Doifore & Ors.

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

- 1. Heard Shri S. Katkar, learned Advocate and Shri V.G. Panchal, learned Advocate holding for Shri R.G. Panchal, leanned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO and Smt. A.B. Kololgi, learned PO for Respondents.
- 2. Shri V.G. Panchal, learned Advocate files Affidavit-in-Reply in Rejoinder filed by Respondents. It is taken on record.
- 3. Heard submissions.
- 4. Reserved for orders from today.

Sd/-

Sd/-

(Debashish Chakabarty) / (Mridula Bhatkar, J)
Member-A Chairperson
15.02.2024 15.02.2024

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Tribunal's orders

#### O.A.1560/2023

B.M More & Ors. Vs. The State of Mah. & Ors. ... Applicants

... Respondents

- Heard Shri A.S. Raktade, learned Advocate for Applicants, Smt. K.S. Gaikwad, learned PO for Respondent Nos.1 to 3 and Shri K.R. Jagdale, learned Advocate for Respondent Nos.4 to 6.
- The learned Advocate for Applicants submits that Applicants do not want to proceed further and requested that OA can be disposed of.
- In view of above statement made by learned Advocate for Applicant, OA stands disposed of with no order as to costs.

Sd/-

Sd/-

(Debashish Chakrabarty) (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson

15.02.2024

### Spir Nather IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Tribunal's orders

### M.A.336/2023 in R.A.7/2023 in O.A.614/2018

A.B. Katkar Vs.

... Applicant

The State of Mah. & Ors.

... Respondents

- Heard Shri D.V. Sutar, learned Advocate 1. for Applicant and Ms. S.P. Manchekar, learned CPO for Respondents.
- S.O. to 29th February, 2024 for filing Affidavit-in-Reply.

Sd/-

Sd/-

(Debashish Chakrabarty) (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

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Tribunal's orders

#### O.A.77/2024

S.R. Desai & Ors.

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

- 1. Heard Shri N.Y. Chavan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- 2. S.O. to 29th February, 2024.

Sd/-

Sd/-

(Debashish Chakrabarty)

(Mridula Bhatkar, J) Chairperson

15.02.2024

15.02.2024

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## IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAL

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Tribunal's orders

#### O.A.158/2024

S.R. Pujari Vs.

... Applicant

The State of Mah. & Ors.

... Respondents

- Heard Shri Chaitanya Khade, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- We direct the Respondents to maintain 'Status Quo' as on today from 11.45 AM till tomorrow.
- S.O. to 16th February, 2024.

Sd/-

Sd/-

(Debashish Chakrabarty) / (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

### (c) C.D. C. S. SERGE BY CONSORT (2) 20150.

## IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Tribunol's orders

#### O.A.102/2024

P.B. Nagargoje Vs.

... Applicant

The State of Mah. & Ors.

... Respondents

- Heard Shri K.R. Jagdale, learned Advocate for Applicant and Smt. K.S. Gaikwad, learned PO for Respondents.
- S.O. to 14th March, 2024.

Sd/-

(Debashish Chakrabarty) / (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

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Tribunal's orders

### M.A.10/2024 in O.A.06/2024

S.K. More & Ors.

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

- Heard Shri C.T. Chandratre, learned Advocate for Applicants, Ms. S.P. Manchekar, learned CPO for Respondents 1 to 2, Shri U.V. Bhosle, learned Advocate for Respondent No.25 &32 and Shri K.R. Jagdale, learned Advocate for Applicant Nos.4, 5, 13, 15, 22, 26, 27, 29, 30 & 33.
- Shri K.R. Jagdale, learned Advocate seeks time to Affidavit-in-Reply. Time Granted as last chance.
- 3. S.O. to 26th February, 2024.

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(Debashish Challabarty) (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

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Tribunal's orders

#### O.A.787/2023

A.R. Deokar
Vs.
The State of Mah. & Ors.

... Applicant

... Respondents

- 1. Heard Shri D.B. Khaire, learned Advocate for Applicant, Ms. S.P. Manchekar, learned CPO for Respondents 1 and 2 and Shri S.S. Dere, learned Advocate for Respondent Nos.3 & 4.
- 2. S.O. to 12th March, 2024.

Sd/-

Sd/-

(Debashish Chakrabarty) / (Mridula Bhatkar, J)
Member-A Chairperson
15.02.2024 15.02.2024

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Tribunal's orders

#### O.A.239/2023

G.C. Belle Vs. ... Applicant

The State of Mah. & Ors.

... Respondents

- Heard Shri B.A. Bandiwadekar, learned 1. Advocate for Applicant and Ms. S.P. Manchekar, learned CPO for Respondents.
- S.O. to 20th February, 2024.

Sd/-

Sd/-

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(Debashish Chakrabarty) (Mridula Bhatkar, J) Member-A 15.02.2024

Chairperson 15.02.2024

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 vections and Registrar's orders

Tribunal's orders

#### O.A.1226/2023

Dr. A.S. Chandanwale
Vs.
The State of Mah. & Ors.

... Applicant

... Respondents

- 1. Heard Smt. Punam Mahajan, learned Advocate for Applicant, Ms. S.P. Manchekar, learned CPO for Respondent No.1 and Shri M.D. Lonkar, learned Advocate for Respondent No.2.
- 2. S.O. to 20th February, 2024.

Sd/-

Sd/-

(Debashish Chakrabarty) Member-A 15.02.2024 (Mridula Bhatkar, J) Chairperson 15.02.2024

Tribunal's orders

#### O.A.190/2024

M.A. Shaikh Vs. ... Applicant

The State of Mah. & Ors.

... Respondents

- 1. Heard Smt. Punam Mahajan, learned Advocate for Applicant and Smt. A.B. Kololgi, learned PO for Respondents.
- 2. Issue notice returnable on 14.03.2024.
- 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would 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. 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 O.A. shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the O.A. shall stand dismissed.
- 7. The service may be done by Hand Delivery/Speed Post/Courier 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.
- 3. S.O. to 14<sup>th</sup> March, 2024 under the caption of 'Due Admission'.

Sd/-

(Debashish Chakrabarty) Member-A 15.02.2024 (Mridula Bhatkar, J) Chairperson 15.02.2024

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Tribunal's orders

#### O.A.209/2024

K.W. Waghmare
Vs.
The State of Mah. & Ors.

... Applicant

... Respondents

- 1. Heard Shri S. Thombre, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- 2. The Applicant has applied for post of Police Constable in the category of 'Sportsman'. His Certificate issued by '8th Maharashtra State Ice Hockey Championship 2021-2022' was verified and found valid. However, after order of Hon'ble High Court Bench at Aurangabad in Writ Petition No.118/2022 passed on 29.11.2022, reverification of Certificate of Applicant was done and Certificate was found valid. But subsequently order was passed by Additional Police Commissioner, Mira Bhayandar & Vasai-Virar on 19.01.2024 that validity of Certificate has been cancelled on basis of report of reverification done by Deputy Director, Sports and Youth Services, Pune.
- 3. Issue notice returnable on 26.02.2024.
- 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would 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.

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#### Tribunal's orders

- 7. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.
- 8. The service may be done by Hand Delivery/Speed Post/Courier 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. S.O. to 26th February, 2024.

Sd/-

Sd/
(Mridula Bhatkar, J)

(Debashish Chakrabarty) Member-A 15.02.2024

Mridula Bhatkar, J Chairperson 15.02.2024

(skw)

 $\mathrm{GCP} \times \mathrm{J}(22004) \times \mathrm{GO}(000-2)2015)$ 

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Tribunal's orders

#### O.A.216/2024

Dr. S.D. Wagh
Vs.
The State of Mah. & Ors.

... Applicant

... Respondents

- 1. Heard Smt. Punam Mahajan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- 2. The learned Advocate for Applicant prays that Respondents be directed to declare the Applicant eligible for being considered for selection to the post of 'Assistant Professor (Biochemistry), Group-B on the basis by counting her experience as 'Tutor'.
- 3 The learned Advocate for **Applicant** submits that in other OA No.160/2024 filed by Applicant, the Applicant has approached this Tribunal with a same grievance of not counting her experience of 'Tutor' for the post of 'Assistant Professor'. Ιt was earlier Advertisement No.254/2023 and now in the present case, Advertisement No.153/2023.
- 4. The learned Advocate for Applicant submits that 'Interviews' are going to be held on 20.02.2024. The learned Advocate for Applicant submits that in earlier OA No.160/2024 with similar issue, the Tribunal has granted 'Interim Relief' and prays that same "Interim Relief' be granted to Applicant.
- 5. We reproduce Paras 8 & 9 of order in OA No.160/2024 dated 06.02.2024.
  - "8. We have gone through the submission of both sides and also the Advertisement and GR. Prima-facie, we are of the view of that as the State Government has changed the nomenclarure from 'Tutor' into 'Senior Resident' the issue whether this GR is made

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

#### Tribunal's orders

applicable to those candidates who had experience I year service and I year prior to GR dated 06.01.2023 and whether they are also covered under this GR as there is a mention of 247 pposts of 'Tutor'. Further it also appears that the post of 'Tutor' which were earlier 247 have been abolished and thus prima-facie we are of the view that Applicant's post was amongst those 247 posts.

- 9. As the interview for the post of Assistant Professor Biochemistry, Government Medical College, Satar is fixed on 07.02.2024, we allow the Applicant to appear for interview. However, her result shall not to be declared by MPSC and it should be kept in 'Sealed Cover'.
- 6. In view of above, OA stands allowed with no order as to costs.

Sd/-(Debashish Chakrabarty) Member-A 15.02.2024

(Mridula Bhatkar, J) Chairperson 15.02.2024

(skw)

O.C.P.) J 2260(B) (50,000) (2,2015)

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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#### O.A.208/2024

D.K. Shinde & Ors. Vs. The State of Mah. & Ors.

... Applicants

... Respondents

- 1. Heard Smt. Punam Mahajan, learned Advocate for Applicants and Ms. S.P. Manchekar, learned CPO for Respondents.
- 2. All Applicants are Senior Residents/Assistant Professors working in various Medical Colleges. They all seek declaration that they are eligible for being considered for selection to the post of 'Assistant Professors', as they have requisite experience required for that post.
- 3. The learned Advocate for Applicants submits that similarly situated Doctors or Assistant Professor have filed number of OAs e.g. OA 876/2022, OA 454/2022, OA 455/2022, etc. before MAT, Bench at Nagpur. In that OAs, 'Pursis' was filed by 'National Medical Commission' by which all Applicants are allowed to appear before 'Interview'.
- 4. The learned CPO confirms fact about 'Pursis' and submits that State Government has allowed the candidates to appear for 'Interview'. It is better to reproduce the statement made in the 'Pursis'.

"Senior Residency of one year has been made mandatory vide notification dated 05.06.2017. However, in the special circumstances in the instant cases where PG qualified candidates were directly appointed to the post of Assistant Professor by the State Government, their experience as Assistant Professor may be counted against the requirement of one-year senior residency."

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- 5. This statement is also required to be made applicable to present Applicants, as they are similarly situated in view of Article 14 of Constitution of India, and therefore, MPSC to allow the Applicants for 'Interview' for the post of Assistant Professors and to conduct 'Interviews' of those Applicants who could not appear or who were not interviewed on account of lack of requisite experience, that is also to be conducted after giving notice to the Applicants.
- 6. Issue notice returnable on 21.03.2024.
- 7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
- 10. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the eaption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.
- 11. The service may be done by Hand Delivery/Speed Post/Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. S.O. to 21st March, 2024

Sd/-

Sd/-

(Debashish Chakrabarty) Member-A 15.02.2024 (Mridula Bhatkar, J) Chairperson 15.02.2024

(skw)

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		O.A. No.1361 of 20	023
	R.N. GaikwadApplic		Applicant
	The	State of Maharashtra & Ors.	Respondents
	Heard Shri R.M. Kolge, learned Advocate Applicant and Smt. K.S. Gaikwad, learned Pre Officer for the Respondents.		
	2.	Ld. PO seeks time file reply.	
	3.	S.O. to 14.3.2024.	
		S	d)—
		Cha	a Bhatkar, J.) airperson 5.2.2024

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			Applicant	
	The	State of Maharashtra & Ors	s.	Respondents
	Heard Shri R.M. Kolge, learned Advocate f Applicant and Smt. K.S. Gaikwad, learned Pres Officer for the Respondents.		Advocate for the arned Presenting	
	2.	Ld. PO seeks time file r	eply.	
	3.	S.O. to 14.3.2024.		
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	(sgi)	(	(Mridula Bh Chairpe 15.2.20	rson
	(sgj)		-	

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	O.A. No.14	49 of 2023	
	S.B. Angule	Applicant	
	Vs. The State of Maharashtra & Or	sRespondents	
	Heard Shri R.M. Kolge, learned Advocate Applicant and Smt. K.S. Gaikwad, learned Pr Officer for the Respondents.		
	2. Ld. PO seeks time to fil	e reply.	
	3. S.O. to 7.3.2024.		
		Sdl	
	(Mridula Bhatkar, J.) Chairperson		

Mridula Bhatkar, J.) Chairperson 15.2.2024

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	O.A. No.1463 o	<u>f 2023</u>	
	P.J. Ingawale Vs.	Applicant	
	The State of Maharashtra & Ors.	Respondents	
	Heard Shri K.R. Jagdale, learned Advocate for Applicant and Smt. Archana B.K., learned Prese Officer for the Respondents.		
	2. Ld. PO submits that reply course of the day.	will be filed during th	
	3. S.O. to 14.3.2024 for filing r	ejoinder.	
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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	S
	O.A. No.1522 of H.S. Narale & Ors.	f 2023 Applicants
	Vs. The State of Maharashtra & Ors.  Heard Shri S.S. Dere, learned Advocate	
	Applicant and Ms. S.P. Manchekar, Officer for the Respondents.  2. S.O. to 6.3.2024 for filing re	
		Sd/-

(Mridula Bhatkar, J.) Chairperson 15.2.2024

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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 order	ibunal's orders	
	O.A. No.1532 o	f 2023	
	K.S. Binnar Vs.	Applicant	
	The State of Maharashtra & OrsRespo		
	Heard Shri B.A. Bandiwadekar, learned Advothe Applicant and Smt. K.S. Gaikwad, learned Pre Officer for the Respondents.		
	2. Ld. PO seeks time to file rep	ly.	
	3. S.O. to 22,2,2024.		
		Sd/-	

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(Mridula Bhatkar, J.) Chairperson 15.2.2024

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	O.A. No.1551 of 2	023	
	A.S. Sadaphule Vs.	Applicant	
	The State of Maharashtra & Ors.	Respondents	
	Heard Shri V.P. Potbhare, lea Applicant and Smt. Archana B.K. Officer for the Respondents.	rned Advocate for the , learned Presenting	
	2. Ld. PO seeks time to file reply.		
	3. S.O. to 29.2.2024.		
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	i .	a Bhatkar, J.)	

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		ders
	G.D.	O.A. No.157	
	S.R.	Garud Vs.	Applicant
	The	State of Maharashtra & Ors.	
	Appl Offic	Heard Shri R.G. Pancha icant and Smt. K.S. Ga eer for the Respondents.	al, learned Advocate for thaikwad, learned Presentin
	2.	Ld. PO seeks time to file	reply.
	3.	S.O. to 28.3.2024.	
	(sgj)	1)	Sd 1— Mridula Bhatkar, J.) Chairperson 15.2.2024

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orde	Tribunal's orders	
		O.A. No.1580	of 2023	
	The Appl	Jadhav Vs. State of Maharashtra & Ors. Heard Shri K.R. Jagdale, licant and Ms. S.P. Manchekarter for the Respondents. Ld. CPO seeks time to file S.O. to 14.3.2024.	ApplicantRespondents learned Advocate for the r, learned Chief Presenting	
	(sgj)	(Mr	Sd /— ridula Bhatkar, J.) Chairperson 15.2.2024	

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	O.A. No.1608 of 2023		
	J.A. Rajput Vs. The State of Maharashtra & Ors.  Heard Shri U.V. Bhosle, learned Advocate for th Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.  Ld. PO seeks time to file reply.  3. S.O. to 21.3.2024.		
·	(Mridula Bhatkar, J.) Chairperson 15.2.2024		

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	O.A. No.440-455 of 2023	
	A.V. Kanake & Ors. Vs.	Applicants
	The State of Maharashtra & Ors.	Respondents
	Heard Shri V.A. Nagrani, learned Advocate fo Applicants and Smt. Archana B.K., learned Prese Officer for the Respondents.	
	2. S.O. to 29.2.2024.	
	(Mric	Sd) — Iula Bhatkar, J.) Chairperson 15.2.2024

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#### Tribunal's orders

MA No.106/2024 in OA No.619/2023 with CA No.43/2023 in OA No.32/2023

R.D. Pardhi & Ors.

A.D. Nagrude & Ors.

.. Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Smt. Punam Mahajan, learned Advocate for applicants in MA, Shri B.A. Bandiwadekar, learned Advocate for the Applicants in CA and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

- 2. The District Collector, Pune is directed to appear before this Tribunal tomorrow with the details as to how many posts of Awal Karkun in Collector office, Pune are available and whether any requisition is made to the higher authority about filling up of the posts.
- 3. Smt. Punam Mahajan, Ld. Advocate for the applicants in MA has filed the MA for amendment. Shri B.A. Bandiwadekar, opposes the MA for amendment as they are repetition of averments.
- 4. However, in all fairness I am of the view that as the amendment is within limitation it is to be allowed to adjudicate the point at once. Amendment is allowed. Amendment be carried out on or before 21.2.2024 and amended copy be served on all the parties. MA disposed off accordingly.
- 5. CA adjourned to 16.2.2024. Interim relief to continue.

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(Mridula Bhatkar, J.) Chairperson 15.2.2024

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Tribunal's orders

C.A. No.9 of 2024 in O.A. No.689 of 2023

D.R. Gujrathi

.. Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

- 2. Ld. PO informs that applicant is reinstated in service on 6.2.2024 as per decision of the review committee dated 6.2.2024 and now he is required to be given posting by Collector. We are informed that till today the order of review committee is not reached from the office of Divisional Commissioner, Konkan Division, Navi Mumbai to the office of District Collector Alibaug, District Raigad. We want to know the distance between both the offices when the Government of Maharashtra is using the e-services.
- 3. Shri Yogesh Patilba Mhase, District Collector Alibaug, District Raigad and Shri Mahindra P. Kalyankar, Divisional Commissioner, Konkan Division, Navi Mumbai are directed to communicate this information why the order of Commissioner has not reached the office of Collector and why the applicant is not given the posting.
- 4. S.O. to 16.2.2024.

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(Mridula Bhatkar, J.) Chairperson 15.2.2024

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	C.A. No.111 of 2023 in MA.492/2023 in OA.67/2021  S.B. Titar (Datir)Applicant Vs. The State of Maharashtra & OrsRespondents  Heard Shri B.A. Bandiwadekar, learned Advocate fo the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.  2. Ld. PO submits that file will be submitted today fo approval of the Hon'ble Minister of Medical Education.  3. S.O. to 20.2.2024.	
	(Mridula Bhatkar, J.) Chairperson 15.2.2024	

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	C.A. No.4 of 2024 in O.A. No	.893 of 2022	
	N.S. Khandare	Applicant	
	Vs. The State of Maharashtra & Ors.	Respondents	
	Heard Shri B.A. Bandiwadekar, the Applicant and Shri A.J. Chougule Officer for the Respondents.	learned Advocate for e, learned Presenting	
	2. S.O. to 16.2.2024.		
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	Chai	Bhatkar, J.) irperson 2.2024	
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	R.A. No.13 of 2023 in O.A. N	Jo.512 of 2022	
	H.B. Yelde Vs.	Applicant	
	The State of Maharashtra & Ors.	Respondents	
	Heard Shri S.B. Thorat, learn Applicant and Smt. K.S. Gaikwad Officer for the Respondents.	ned Advocate for the I, learned Presenting	
	2. Ld. PO seeks time to file reply.		
	3. S.O. to 29.2.2024.		
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(Mridula Bhatkar, J.) Chairperson 15.2.2024

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	M.A. No.595 of 2023 in O.A. 1	No.385 of 2022 (DB)	
	C.B. Talwar & 5 Ors.	Interveners	
	S.K. Hankare & 9 Ors. Vs.	Applicants	
	The State of Maharashtra & Ors.	Respondents	
	Heard Shri C.T. Chandratre, learned Advocate for the Interveners, Smt. Punam Mahajan, Ld. Advocate for the applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.  2. The Collector, Solapur is directed to file affidave Manisha Anna Kumbhar, Resident Dy. Collector, Solaphas filed affidavit dated 7.2.2024. However, she has no stated whether office of Collector, Solapur has strict followed GR dated 22.7.2019 which is mandatory. We direct the Collector, Solapur to file affidavit to that effect and if it is not followed, then why?.		
	3. S.O. to 5.3.2024. Interim rel	ief, if any, to continue.	
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	i	dula Bhatkar, J.)	

Chairperson 15.2.2024

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	M.A. No.769 of 2023 in O.A. No.1543 of 2023		
	S.A. Tamboli Vs.	Applicant	
	The State of Maharashtra & Ors.	Respondents	
	Heard Shri B.A. Bandiwadekar, learned Advocate the Applicant and Smt. Archana B.K., learned Presenti Officer for the Respondents.  2. MA is filed for condoning the delay of one year a two months in filing the OA. Ld. Advocate for the applica state that impugned order of punishment was passed 18.1.2021 and appeal was preferred on 31.3.2021 and the decision was expected within six months i.e. up 30.9.2021. However, the appeal is pending and not y decided. The applicant has filed OA on 11.12.2023 at therefore there is delay.		
	3. Ld. PO has filed reply opposin	g the MA.	
	4. There are reasons to justify the is condoned in the facts and circumstathe interest of justice. MA disposed of	nces of the case and i	

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(Mridula Bhatkar, J.) Chairperson 15.2.2024

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Appearance, Tribunal's orders or					
directions and Registrar's orders					

#### Tribunal's orders

#### O.A. No.1543 of 2023

S.A. Tamboli

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

- 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
- 3. Issue notice before admission returnable on 21.3.2024. The respondents are directed to file reply.
- 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules. 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.

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(Mridula Bhatkar, J.) Chairperson 15.2.2024

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	M.A. No.54 of 2024 in O.A.	. No.73 of 2019	
	V.R. RathodAp		
	The State of Maharashtra & Ors.	Respondents	
	Heard Shri B.A. Bandiwadekar, learned Advocate f the Applicant and Smt. K.S. Gaikwad, learned Presentin Officer for the Respondents.		
	2. This MA is filed for fixing early date of hearin the OA.		
	3. We cannot hear the matter out of turn as we a taking the matters of the year 2017. The post of Member (is vacant. MA disposed off accordingly.		
	4. OA adjourned to 28.3.2024.		
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	(Mride	ala Bhatkar, J.) hairperson	

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directions and Registrar's orders				

#### Tribunal's orders

M.A. No.98 of 2024 in O.A. No.245 of 2017

R.R. Rathod

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

- 2. Applicant has filed this MA for recalling the order of dismissal dated 17.6.2022 and for restoration of the above OA. Applicant is also praying for condoning the delay in filing the present MA. Ld. Advocate for the applicant states that the name of the Ld. Advocate for the applicant remained to be shown in the Court record. In view of this he was totally unaware of order dated 17.6.2022 and was unable to remain present on 8.6.2022 and 17.6.2022. He states that this has happened due to oversight. However, when the Tribunal declared that matters of 2017 will be given preference, he realized that this matter is not shown in the said list and then he filed the present MA.
- 3. Ld. PO submits to the order of the Court.
- 4. In the facts and circumstances of the case and for the reasons mentioned in the MA the delay is condoned. MA for recalling the order of dismissal is allowed and the OA is restored to file.
- 5. OA is adjourned to 5.3.2024.

(Mridula Bhatkar, J.) Chairperson

15.2.2024

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		O.A. No.908 of 2	019
	A.K.	. Gogavle & Ors.	Applicants
	Vs. The State of Maharashtra & Ors.		Respondents
	Heard Ms. S.P. Manchekar, learned Chief Presen Officer for the Respondents. Ld. Advocate for the applies absent.		earned Chief Presenting vocate for the applicant
	2.	Ld. CPO seeks time to file rep	oly.
	3.	S.O. to 7.3.2024.	
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	(sgj)	C	ıla Bhatkar, J.) hairperson 5.2.2024

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orders	
	The	O.A. No.340 of 2  O.A. No.340	ApplicantRespondents ar, learned Advocate for vad, learned Presenting
	4.	S.O. to 21.3.2024 for final hea	ring.
	(sgj)	(Mridu Ch	ala Bhatkar, J.) nairperson 5.2.2024

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orders		
		O.A. No.422 of 20	023	
	Prav	een A. Waidande Vs.	Applicant	
	The	Vs. State of Maharashtra & Ors.	Respondents	
	Heard Shri R.M. Kolge, learned Advocate for Applicant and Ms. S.P. Manchekar, learned Chief Presenti Officer for the Respondents.		ned Advocate for th arned Chief Presenting	
	2.	Ld. CPO seeks time to file repl	у.	
	3.	S.O. to 14.3.2024.		
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		Ch	la Bhatkar, J.) airperson 5.2.2024	
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	O.A. No.961 of 20	23
	V.V. Pashte Vs.	Applicant
	The State of Maharashtra & Ors.	Respondents
	Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenti Officer for the Respondents.  2. Ld. Advocate for the applicant seeks time to for rejoinder.	
	3. S.O. to 14.3.2024.	
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	Cha	a Bhatkar, J.) airperson .2.2024
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	O.A. No.671 of 2023  S.K. Sase & Ors.  Vs.  The State of Maharashtra & Ors.  Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.  Ld. PO files reply dated 7.2.2024 of respondent no. 1 to 3.  S.O. to 28.2.2024.
	(Mridula Bhatkar, J.) Chairperson 15.2.2024

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	O.A. No.799 of 2023  R.S. Londhe Vs. The State of Maharashtra & Ors.  Heard Shri M.B. Kadam, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.  2. Ld. PO on information submits that pension is started by the department and an amount of Rs.25,41,949/- has been deposited in the account of the applicant on 14.2.2024.  3. S.O. to 21,3,2024.	
	Selection 21.3.2024.  Selection Signature (Mridula Bhatkar, J.)  Chairperson  15.2.2024	

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Appearance, Tribunal's orders or Tribunal's orders	
	O.As. No.972, 973 & 974 of 2023  D.E. Sonune Y.D. Bodamwad S.D. Ramod Vs. The State of Maharashtra & Ors. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.  2. Applicants and their advocate are absent.  3. Ld. PO seeks time to file reply.  4. S.O. to 14.3.2024.	
	(Mridula Bhatkar, J.) Chairperson 15.2.2024	

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	O.A. No.1006 of 2023		<u>f 2023</u>
	S.B.	Yewale & Ors. Vs.	Applicants
	The	State of Maharashtra & Ors.	Respondents
	Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenti Officer for the Respondents.  2. Ld. CPO seeks time to file reply.		
			eply.
	3.	S.O. to 4.4.2024.	
	(Mridula Bhatkar, J.) Chairperson 15.2.2024		

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	O.A. No.1114 of 2023	
	Y.B. Kadam Vs.	Applicant
	The State of Maharashtra & On	rsRespondents
	Heard Shri K.R. Jagdale, learned Advocate for t Applicant and Smt. K.S. Gaikwad, learned Presentin Officer for the Respondents.	
	2. Ld. PO seeks time to fil	le reply.
	3. S.O. to 7.3.2024.	
		(Mridula Bhatkar, J.) Chairperson 15.2.2024

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	O.A. No.1166 of 2	2023
	S.D. Chougule Vs.	Applicant
	The State of Maharashtra & Ors.	Respondents
	Heard Shri R.B. Khot, learned Advocate for Applicant and Smt. K.S. Gaikwad, learned Present Officer for the Respondents.	
	2. Ld. PO seeks time to file reply	/.
	3. S.O. to 7.3.2024.	
	(Mridu	Sd
		nairperson 5.2.2024

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	O.A. No.132	23 of 2023
	S.N. Patil Vs.	Applicant
	The State of Maharashtra & Ors	
	Heard Shri L.S. Deshmukh, learned Advocate for Applicant and Ms. S.P. Manchekar, learned Chief Present Officer for the Respondents.	
	2. Ld. CPO seeks time file i	eply.
	3. S.O. to 7.3.2024.	
		Sd/— Mridula Bhatkar, J.) Chairperson 15.2.2024