

**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
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15.07.2021

O.A 456/2021

Shri D.S Dahifale ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Mrs Punam Mahajan, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned P.O for the Respondents.

2. Learned counsel is directed to satisfy this Tribunal what is the legal right for the applicant in approaching this Tribunal.

3. At the request of learned counsel for the applicant, matter adjourned to 23.7.2021.

Sd/-

(P.N\Dixit)
Vice-Chairman (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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15.07.2021

O.A 469/2012 with O.A 682/2013 with O.A 879/2015

Dr A.R Tarale & Ors ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants in O.A 469/2012 and Mrs Kranti S. Gaikwad, learned P.O for the Respondents. None present for the applicants in O.A 682/2013 & 879/2015.

2. The report of the Technical Committee formed by the Government has submitted its report. However, the Competent Authority has not taken decision on the said report.

3. The matters are pending since 2012, 213 and 2015 on the file of the Tribunal. It is necessary to dispose of all the matters as the same is pending since long.

4. Learned Counsel Mr J.S Deshmukh for the applicants in O.A 682/2013 and learned counsel Mr N.Y Chavan for the applicants in O.A 879/2015 are directed to remain present on the next date.

5. Learned P.O is directed to come with all the available instructions.

6. S.O to 12.8.2021.

Sd/-

(P.N Dixit)
Vice-Chairman (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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15.07.2021

M.A 224/2021 in O.A 423/2021

Shri Vikas S. Mehta ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.R Joshi, holding for Shri V.V Joshi, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. This Misc Application is filed seeking condonation of delay of 2 years and 10 months.

3. Respondents are directed to file affidavit in reply within four weeks.

4. S.O to 12.8.2021.

Sd/-

(P.N Dixit)
Vice-Chairman (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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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 : 15.07.2021</p> <p align="center">O.A.No.497 of 2020</p> <p>H. P. WaghelaApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri P. K. Rathod, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents 2. Present O.A. is filed for direction to Respondents to grant full pension i.e. pension on the basis of last pay drawn without any deduction on account of recovery of excess payment paid to him. 3. After hearing of learned Counsel for the Applicant as well as learned P.O., it transpires that initially the order dated 27.11.2018 was passed by Kama & Albless Hospital where the Applicant was working for recovery of Rs.5,55,765/- from his retiral benefits because of his failure to pass Marathi Language Examination within stipulated time in terms of Maharashtra Government Servants (Other Than Judicial Department Servants) Marathi Language Examination Rules, 1987. However, the Applicant made complaint with the office of Lokayukta on the ground that recovery from retired employee is not permissible in view of the decision of the Hon'ble Supreme Court in <i>Civil Appeal No.11527/2014 (State of Punjab and others Vs. Rafiq Masih (White Washer))</i>, decided on 18th December, 2014. The Government by order dated 28.06.2019 cancelled the order of recovery of Rs.5,55,765/- as directed by Kama & Albless Hospital on 27.11.2018.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. The grievance of the Applicant in O.A.is that even if the recovery is cancelled by the Government, he is not granted pension as per last pay drawn since the Respondents have revised and refixed his pay.</p> <p>5. During the course of hearing, learned P.O. has tendered the copy of refixation of pay.</p> <p>6. Learned Counsel for the Applicant, therefore, sought to amend the O.A. so as to challenge the order of recovery since there was no such communication of the said order to Applicant till the date of filing of O.A.</p> <p>7. Two weeks time is granted to the Applicant to file M.A. for amendment challenging the order of refixation of pay.</p> <p>8. S.O. to 30.07.2021.</p> <p style="text-align: center;">^ Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member(J)</p>

vsm

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	<p align="center">Date: 15.07.2021</p> <p align="center">O.A. No.454 of 2021</p> <p>L.Y. BhagaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Shri M.D. Lonkar, learned Advocate for the Applicant has sent his leave note. 3. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 4. O.A. is filed for grant of withheld retrial benefits though Applicant stands retired on 30.06.2017. 5. It appears that at the time of retirement one D.E. was pending against the Applicant. Enquiry Officer was appointed but he did not complete the proceeding. He kept it pending for near about three years. Unfortunately he passed away in August 2020. However, thereafter also no further steps were taken by Respondent No.2 for appointment of another Enquiry Officer which shows total negligence and lethargy on the part of concerned, even provisional pension is not granted which again shows utter carelessness and insensitivity of the concerned. 6. It is for the aforesaid reason on previous date i.e. 09.07.2021, Respondent No.2 was directed to depute some responsible Officer to remain present in the Tribunal to appraise the status of D.E. Today, learned P.O. on instructions from Smt. Pratibha Patil, Under Secretary, Urban Development Department, UD-15, submits that after the death of Enquiry Officer no further steps are taken for appointment of another Enquiry Officer and now necessary steps will be taken.

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	<p>7. In view of above, today itself O.A. can be disposed of with suitable direction. However, today since the Applicant and his Advocate both are absent it would be appropriate to adjourn the matter for two days so that O.A. can be disposed of on hearing the Applicant's Counsel.</p> <p>8. Learned P.O. is directed to take further instructions about the nature of D.E. and steps taken by the Department in this behalf by next date.</p> <p>9. S.O. to 20.07.2021.</p> <p style="text-align: right;">Sd/- _____</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.470 of 2021</u></p> <p>N.A. Ashtekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 12.8.2021.</p> <p>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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. 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.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 15.7.2021</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.273 of 2020</u></p> <p>M.N. Thomke ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks two weeks time for filing affidavit in rejoinder.</p> <p>3. S.O. to 29.7.2021.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 15.7.2021</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.471 of 2021</u></p> <p>A.E. Salunkhe ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 12.8.2021.</p> <p>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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. 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.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 15.7.2021</p> <p>(sgj)</p>

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	<p>Date : 15.07.2021</p> <p style="text-align: center;">O.A.No.594 of 2020</p> <p>N. R. GaykarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, the matter is fixed for hearing at the stage of admission since the Respondents failed to file reply. 3. However, learned P.O. sought permission to tender the reply on behalf of Respondent Nos.1 and 2. 4. In the interest of justice, allowed to file reply. It is taken on record. 5. The matter is adjourned for hearing at the stage of admission. 6. S.O. to 06.08.2021. <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">w (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">Date: 15.07.2021</p> <p align="center">O.A. No.689 of 2020 to O.A. No.693 of 2020</p> <p>A.M. Kharade S.U. Khokale U.G. Kadam G.S. Kaspate V.P. SableApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Advocate holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of the Respondent No.2. It is taken on record.</p> <p>3. S.O. to 17.08.2021.</p> <p align="right">^ Sd/- v^- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date : 15.07.2021</p> <p>O.A.No.419 of 2021</p> <p>A. S. Bhagade & 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. Today, learned P.O. has filed reply on behalf of the Respondent No.2. It is taken on record.</p> <p>3. On request of learned P.O., two weeks time is granted for filing reply on behalf of the Respondent Nos.1 and 3.</p> <p>4. S.O. to 29.07.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 15.07.2021</p> <p>O.A. No.16 of 2020</p> <p>S.A. TalekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of Respondent No.2. It is taken on record.</p> <p>3. Adjourned for Final Hearing.</p> <p>4. S.O. to 10.08.2021.</p> <p style="text-align: right;">^ Sd/- - (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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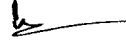
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	<p>Date: 15.07.2021</p> <p align="center">O.A. No.686 of 2019 to O.A. No.690 of 2019 with O.A. No.585 of 2019</p> <p>S.U. Shinde D.K. Sudrik M.J. Palande P.K. Kadekar H.R. More M.M. SakoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.R. Joshi, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate has filed Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission with other connected matter.</p> <p>4. S.O. to 24.08.2021.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.07.2021</p> <p>M.A. No.237 of 2021 in O.A.No.59 of 2021</p> <p>S. M. DongareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms Asawari Ghate holding for Smt. Punam Mahajan, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. This M.A. 237/2021 is filed to delete Para No.6.10 of O.A. and to substitute it by correction in ^{new para} Para No.6.10.  3. In Para No.6.10, the Applicant made a statement that no charge sheet is filed nor any D.E. initiated against the Applicant. 4. Learned Counsel for the Applicant submits that the said averments were made inadvertently and tendered apology for the same. The Applicant wants to correct Para No.6.10 stating that no charge sheet is filed in criminal case but D.E. is initiated by issuance of charge sheet. 5. Thus, the Applicant wants to correct his mistake by placing on record the factual position. 6. Allowed to delete Para No.6.10 and to substitute it with new Para No.6.10. 7. Amendment be carried out within three days. 8. The Applicant is under suspension since 10.01.2019, and therefore, O.A. needs to be heard expeditiously. 19. O.A., therefore, be kept for hearing at the stage of admission with liberty to file additional affidavit to amendment carried out today, if desired. 20. S.O. to 06.08.2021. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.07.2021</p> <p align="center">M.A. No.218 of 2021 in O.A.No.1190 of 2019</p> <p>C. V. NairApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U. V. Bhosale holding for Shri M. D. Lonkar, learned Counsel 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 for fling reply in M.A. 3. S.O. to 29.07.2021. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 15.07.2021</p> <p align="center">O.A. No.453 of 2020</p> <p>A.G. GoteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents for No.1 to 5 and Smt Punam Mahajan, learned Advocate for the Respondent No.6.</p> <p>2. Learned Advocate for the Applicant has filed Additional Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Adjourned to 27.07.2021 for hearing at the stage of admission.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date : 15.07.2021</p> <p align="center">O.A.No.366 of 2020</p> <p>R. V. SolankheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms Asawari Ghate holding for Smt Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondent. It is taken on record. 3. Since pleading is complete, the matter is kept for hearing at the stage of admission with liberty to file Rejoinder, if any. 4. S.O. to 13.08.2021. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.07.2021</p> <p>O.A.No.560 of 2020</p> <p>M. D. Rathod & Anr.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. On request of learned P.O., one week time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 23.07.2021.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.07.2021</p> <p align="center">O.A.No.639 of 2020</p> <p>S. H. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant, Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent 1 and 2 and Shri U. V. Bhosale, learned Counsel for the Respondent No.3.</p> <p>2. Today, the matter is for filing Rejoinder but the same is not filed.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 13.08.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">Date : 15.07.2021</p> <p align="center">O.A.No.171 of 2021</p> <p>R. S. GaikwadApplicant</p> <p align="center">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, learned P.O. has tendered the order issued by Respondent No.2 – Director General of Police dated 06.07.2021 whereby seniority is granted w.e.f. 01.07.2005 instead of 10.12.2007. The order is taken on record and marked by letter 'X'. Learned P.O., therefore, submits that grievance of the Applicant stands redressed.</p> <p>3. The Applicant is claiming so many reliefs as seen from prayer clause and one of the reliefs pertains to grant of seniority from 2005.</p> <p>4. Since, today the Applicant and his Counsel are absent, the matter is adjourned for hearing at the stage of admission.</p> <p>5. S.O. to 24.08.2021.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 15.07.2021</p> <p align="center">O.A.No.254 of 2021</p> <p>S. B. GavitApplicant</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 Ms N. G. Gohad, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondents. It is taken on record. 3. On request of learned Counsel for the Applicant, three weeks time is granted for filing Rejoinder. 4. S.O. to 05.08.2021. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.07.2021</p> <p align="center">O.A.No.262 of 2021</p> <p>M. R. KasareApplicant</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., three weeks time is granted for filing reply by way of last chance. It be kept with connected O.A. 455/2021.</p> <p>3. S.O. to 05.08.2021.</p> <p align="right">Sd/-</p> <p align="right">(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 : 15.07.2021</p> <p>O.A.No.234 of 2021</p> <p>V. E. MhatreApplicant</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. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 22.07.2021.</p> <p>Sd/-</p> <p>(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 : 15.07.2021</p> <p style="text-align: center;">O.A.No.332 of 2021</p> <p>R. T. ChavanApplicant</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 Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant stands retired on 31.07.2019 and initially provisional Pension was granted but same was not paid from 01.02.2020. 3. On previous date i.e. 01.07.2021 learned P.O. on instructions made a statement that the department will release provisional pension. 4. Today, learned Counsel for the Applicant again made grievance that despite commitment, provisional pension is not released. Thus, the Applicant seems not getting even provisional pension for more than 16 months which is really disturbing. The Respondents seem to have no regard to the orders passed by the Tribunal. None is present from the Respondent's Establishment to apprise the Tribunal why provisional pension is not released despite the order passed by the Tribunal. 5. Apart in O.A. also no reply is filed. 6. Learned P.O. requested for grant of time to file reply. 7. Two weeks time is granted for filing reply to O.A. with specific direction that if provisional pension is not released by next date, the Tribunal will initiate <i>suo moto</i> contempt proceeding against the Respondents. 8. S.O. to 29.07.2021. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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	<p>Date : 15.07.2021</p> <p align="center">O.A.No.376 of 2021</p> <p>A. M. NatekarApplicant</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., three weeks time is granted for filing reply.</p> <p>3. S.O. to 05.08.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.07.2021</p> <p align="center">O.A.No.425 of 2021</p> <p>K. R. PiseApplicant</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 Applicant has challenged the order dated 21.01.2021 whereby his suspension period has been treated as leave period though his suspension period is held not justified. The order is passed under the name of Governor of State of Maharashtra. 3. The Applicant has filed the O.A. without filing an appeal against the said order. 4. The order of determining the period of suspension or treatment to the period of suspension are appealable in view of Rule 17(V)(f) of The Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. 5. Learned Counsel for the Applicant, however submits that since the order is passed by the Governor it is not appealable as specifically provided under Rule 16(I) of The Maharashtra Civil Services (Discipline & Appeal) Rules 1979. He has further pointed out that no appellate forum is provided under the Rules where the order is passed by the Governor. 6. In view of above, the question is whether the O.A. is maintainable without filing the appeal. 7. Keeping issue of maintainability of O.A. open, issue notice before admission returnable on 12.08.2021. [P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>9. 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.</p> <p>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.</p> <p>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.</p> <p>12. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>13. S.O. to 12.08.2021.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 15.07.2021</p> <p style="text-align: center;">O.A.No.432 of 2021</p> <p>C. S. GaikwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri C. T. Chandratre , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has filed the present O.A. for direction to Respondents to release his retiral dues which seems to have been withheld on account of D.E. 3. Perusal of O.A. reveals that D.E. initiated against the Applicant has been already concluded by order dated 19.03.2021 thereby imposing punishment of 15% permanent deduction from monthly pension. As such, in view of this order, the Respondents ought to have released retiral benefits of the Applicant. However, the same are not released. The Applicant stands retired on 31.05.2015. 4. As such, now there seems to be no hurdle to release the retiral benefits of the Applicant in view of the order of punishment dated 19.03.2021 5. Shri Rajendra Mahamuni, Asstt. Administrative Officer, Divisional Joint Director of Agriculture, Thane is present and submits that now there is no D.E. pending against the Applicant. 6. Learned P.O. on instructions submits that the Applicant has not filled in necessary papers, and therefore, file is not finally processed.

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. O.A. therefore, deserves to be disposed of with suitable directions since the Applicant is already deprived of his retiral benefits though stands retired in 2015.</p> <p>8. O.A. is disposed of with direction to the Respondents particularly Respondent Nos.2 and 4 to complete the process of finalisation of pension and other retiral benefits of the Applicant in consonance with the order of punishment dated 19.03.2021 and shall release all his retiral benefits to which he is entitled in law within two months from today.</p> <p>9. The Applicant is also directed to remain present in the concerned office to fill in necessary forms so as to finalize his pension papers.</p> <p>10. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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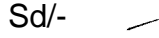
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.07.2021</p> <p align="center">M. A. No.58 & 59 of 2021 in O.A.No. 05 of 2020</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>Shri D. R. Wadkute ...Respondent (Ori. Applicant)</p> <p>1. Heard Smt. Archana B. K., learned Presenting Officer for the Applicants (Ori. Respondents) and Ms Asawari Ghate holding for Smt. Punam Mahajan, learned Counsel for the Respondent (Ori. Applicant)</p> <p>2. M.A.Nos.58 & 59/2021 are filed for condonation of delay and for extension of time to implement the order passed by this Tribunal in O.A.No.5/2020 .</p> <p>3. Today, learned Counsel for the Ori. Applicant has filed joint Affidavit-in-Rely to M.A.Nos.58 & 59/2021 as well as also filed reply to Rejoinder. It is taken on record and it be tagged in M.A.No.58/2021.</p> <p>4. S.O. to 27.07.2021.</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 : 15.07.2021</p> <p style="text-align: center;">O.A.No.455 of 2021</p> <p>M. R. KasaneApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent and Shri U. V. Bhosale holding for Shri M.D. Lonkar, learned Counsel for Respondent No.2. 2. The Applicant has challenged the transfer order dated 23.04.2021 issued by the Respondent No.1 – The District Collector, Thane mainly on the ground of competency of Respondent No.1 to transfer the Applicant amongst other grounds. 3. Issue notice before admission returnable on 05.08.2021. 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. 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. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 9. S.O. to 05.08.2021. <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.07.2021</p> <p style="text-align: center;">O.A.No.463 of 2021</p> <p>D. D. SonuneApplicant</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 Smt. N. G. Gohad, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 12.08.2021. 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. 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. 7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 12.08.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>ysm</p>