

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.383 OF 2022

A.G. Tainak & Ors.

....Applicants

Vs.

The State of Maharashtra & Ors.

....Respondents.

Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants.

Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents No.1 & 2.

Mr. M.D. Lonkar, learned Advocate for the Respondent No.3 to 35.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Ms. Medha Gadgil, Member (A)

DATE : **15.12.2022**

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

O R D E R

1. Suo moto speaking to minutes of the order dated 14.12.2022.

(a) In paragraph 1, instead of Ms. S.P. Manchekar, learned Chief Presenting Officer, it be read as Ms. K.S. Gaikwad, learned Presenting Officer.

(b) In paragraph 2, the word 'maintainability', be read as 'maintainable' and the word 'identical' be read as 'identically'.

(c) In paragraph 3, the word 'staying' be read as 'stay'.

(d) In paragraph 7, the word 'Municipal' be read as 'Principal'.



2. Learned P.O. on instructions from Mr. Sunil Pandhare, Deputy Secretary, Revenue and Forest Department, who is present in the Court, states that 272 candidates were recommended by the M.P.S.C. for the post of RFO, out of which only 223 cleared the physical and medical test and they were sent for training at 7 places. Learned P.O. further pointed out that date of 15.07.2016 was given to first three batches on the basis of seniority.

3. Learned Advocate Mr. Bandiwadekar submits that the applicants are similarly situated candidates however, it is countered by learned Advocate Mr Lonkar that the applicants in Aurangabad matter are from the different batch and thus the final seniority list of 2018 as well as 2019 is not challenged.

4. At this stage, we are considering the administrative hardship faced by the Respondents of our order dated 27.04.2022, by which we have consequently stayed promotions to the cadre from Range Forest Officers to Assistant Conservator of Forest by justifying the order dated 06.02.2022.

5. We have perused the order dated 17.11.2021 passed by the Aurangabad Bench in O.A.No.57/2020 with M.A.No.210/2020, Vrushali B. Tambe Versus The State of Maharashtra & Ors. We are informed that the said judgment holds field as on today. We are not dealing with the issue at this stage whether the applicants and Respondents are similarly situated or not. We assume that prima facie, the applicants are similarly situated. In O.A.No.57/2020 with M.A.No.210/2020, the Aurangabad Bench has not stayed any process of promotions of Range Forest Officers or Assistant

Conservator of Forest. Therefore we vacate the order of stay which was granted by this Tribunal on 27.04.2022. Respondents may proceed with the process of promotions subject to the outcome of this O.A. Promotions to be made as per Rule 9 of Notification dated 05.02.2015 and also as per other seniority Rules.

6. Admit. Place for final hearing on 09.02.2023.

Sd/-

(Medha Gadgil)
Member(A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No.

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.12.2022</p> <p align="center">O.A. No.26 of 2022 with connected O.As</p> <p>A.K. Pawar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, Shri A.V. Bandiwadekar & Shri M.D. Lonkar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, Smt. Archana B.K., Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In all these Original Applications the Applicants are seeking transfer from one establishment to another establishment.</p> <p>3. Today, learned P.O. has tendered short Affidavit on behalf of Respondent No.4 – The Director General of Police, State of Maharashtra in compliance of the clause 13 of order dated 12.12.2022. It is taken on record.</p> <p>4. In Affidavit it is stated that 546 new recruitee, Police Constable will be available on the establishment of the Commissioner of Police, Mumbai w.e.f. 28.12.2022. This being so, the ground raised by the Commissioner of Police, Mumbai in Affidavit-in-Reply about shortage of manpower may not survive.</p> <p>5. However, availability of enough strength with the Commissioner of Police, Mumbai alone is not enough and the vacancy position with his counterpart namely The Commissioner of Police, Nashik needs to be seen.</p> <p>6. Tribunal by order dated 12.12.2022 had directed the Commissioner of Police, Nashik to submit bifurcation of 13 posts category wise.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Learned P.O. submits that the Affidavit is under preparation and the same will be filed during the course of the day.</p> <p>8. In addition to above, the Commissioner of Police, Nashik should also clarify actual vacancy position category wise after considering availability of new recruitee which he will get w.e.f. 28.12.2022 so that there should be clear vacancy position before the Tribunal while passing final order.</p> <p>9. S.O. to 19.12.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 15.12.2022</p> <p align="center">O.A. No.1242 of 2022</p> <p>D.J. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged suspension order dated 05.03.2020 issued by Respondent No.2 – The Additional Commissioner for Tribal Development, Thane whereby the Applicant was suspended in contemplation of D.E. invoking Rule 4(1) of M.C.S. (Discipline and Appeal) Rules, 1979. The perusal of record reveals that subsequently D.E. was also initiated on 03.03.2021 under Rule 8 of M.C.S. (D & A) Rules, 1979. The charges are of serious nature of outraging modesty of girls.</p> <p>3. Learned Advocate for the Applicant submits that enquiry officer had already submitted his report on 05.01.2022 to the disciplinary authority holding guilty for the charges framed against his client.</p> <p>4. It is really surprising that even if enquiry officer has submitted report on 05.01.2022 and the period of more than 11 months is over till date, Disciplinary authority has not taken further action in D.E. and simply sitting over the matter though it pertains to serious charges. This is totally unacceptable and shows inaction and lapses on the part of Respondent No.2 – The Additional Commissioner for Tribal Development, Thane.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram,
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5. Indeed, since the Applicant has been suspended for contemplation of D.E. only, suspension should not exceed 90 days as held by Hon'ble Supreme Court in *(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India & Anr.)*. In present matter D.E. itself is initiated after about one year from the date of suspension and despite positive report by enquiry officer no further orders are passed which were supposed to be passed by disciplinary authority expeditiously.

6. In view of above, Respondent No.2 – The Additional Commissioner for Tribal Development, Thane is directed to file Affidavit as to why he is sitting over the matter and why no further action is taken in D.E. in accordance to law.

7. Affidavit be filed on Monday.

8. I/C. Registrar is directed to forward the copy of the order to the Secretary, Tribunal Development, Mantralaya, Mumbai for information and necessary action.

9. S.O. to 19.12.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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	<p>Date: 15.12.2022</p> <p align="center">O.A. No.1184 of 2019</p> <p>D.J. SonawaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.A. Parab, learned Advocate holding for Shri P.S. Pathak, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant sought short time to file counter Affidavit.</p> <p>3. S.O. to 06.01.2023.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

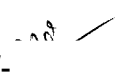
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.12.2022</p> <p>O.A. No.857 of 2021</p> <p>L.P. Gaikwad & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. P.S. Jadhav, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant one week time is granted to file Rejoinder.</p> <p>3. S.O. to 15.12.2022.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.12.2022</p> <p align="center">O.A.No.766 of 2022</p> <p>A. B. NimbalkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The matter is proceeded without reply since Respondents failed to file the same within time granted by the Tribunal. 3. Today, learned P.O. sought permission to file the reply on behalf of the Respondent No.2. 4. In the interest of justice, allowed to file the same. It is taken on record. 5. O.A. be kept for hearing at the stage of admission. 6. S.O. to 04.01.2023. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.12.2022</p> <p align="center">O.A.No.635 of 2022</p> <p>M. B. MahajanApplicant</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.5 to Rejoinder made by the Applicant. It is taken on record.</p> <p>3. Since pleading is complete, the O.A. be kept for final hearing.</p> <p>4. S.O. to 09.01.2023.</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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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.12.2022</p> <p align="center">O.A.No.418 of 2022</p> <p>V. R. Mirajkar & 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 tendered composite affidavit in reply on behalf of the Respondent Nos.1 to 3. It is taken on record.</p> <p>3. Two weeks time is granted to file rejoinder.</p> <p>4. S.O. to 02.01.2023.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 15.12.2022</p> <p align="center">M. A. No.728 of 2022 in O.A.No.841 of 2022</p> <p>The Superintendent of Police, KolhapurApplicant (Ori. Respondent)</p> <p>Versus</p> <p>Shri M.S. S. Mulla ...Respondent (Ori. Applicant)</p> <p>1. Heard Smt. Archana B. K., learned Presenting Officer for the Applicant (Ori. Respondent) and Shri A. V. Bandiwadekar, learned Counsel for the Respondent (Ori. Applicant).</p> <p>2. This M.A. is filed for permission to file affidavit in reply in O.A. Since the O.A. is already proceeded without reply due to failure of Respondent to file the reply within time. The matter pertains to suspension period.</p> <p>3. In the interest of justice, allowed to file the reply. It be taken on record.</p> <p>4. M.A.No.728/2022 is accordingly disposed of with no order as to costs.</p> <p>5. O.A.841/2022 is adjourned to 04.01.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

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

Tribunal's orders

O.A. No.1218 of 2022

A.R. Bhapkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, 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 12.1.2023. 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.

Sd/-

(Medha Gadgil)
Member (A)
15.12.2022

(sgj)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
15.12.2022

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

Tribunal's orders

O.A. No.1217 of 2022

A.R. Bhapkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. Advocate for the applicant seeks interim relief by way of staying the impugned order dated 22.10.2022 by which the charge sheet is served on him. He submits that impugned order dated 22.10.2022 is served on the applicant on 10.11.2022 and no opportunity was given to file reply to the charge sheet and straightway order dated 7.11.2022 was passed appointing Enquiry Officer. He submits that the charges leveled against the applicant have taken place 3 years prior to date of issuance of charge sheet. FIR was registered against the applicant on 29.9.2019. He submits that applicant is going to be promoted and in order to stall his promotion charge sheet is issued against the applicant. Till today no charge in the criminal case is filed and if at all the defence of the applicant is disclosed then prejudice will be caused to the applicant in the criminal case. He submits that charge no.4 is false because no complaints were received against him and nothing is provided to the applicant and there is no preliminary enquiry against the applicant so far as charge no.4 is concerned. Therefore, order dated 22.10.1022 is to be stayed as there is no specific reference directing him to file reply. He further submits that respondents should withdraw the charge sheet otherwise no principles of natural justice will be followed as they have already appointed enquiry officer. Hence, he seeks interim relief.

3. Ld. PO submits that charges in the criminal case and the charges in the DE are different. Ld. PO submits that she needs instructions on this point as to why time for filing reply is not mentioned and why it is not given. Ld. PO seeks time.

4. S.O. to 16.12.2022 at 10.30 a.m.

Sd/-

(Medha Gadgil)
Member (A)
15.12.2022

(sgj)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
15.12.2022

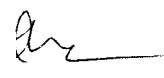
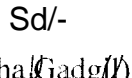
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p align="center"><u>O.A. No.1169 of 2022</u></p> <p>K.V. Devkate ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.V. Shinde, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The committee headed by Dr. Saranikar, Assistant Director, Health Services, Malaria, Pune is directed to hold the meeting on or before 21.12.2022 and verify whether the applicant has the necessary experience of 90 days and send the report to the District Malaria Officer, Thane.</p> <p>3. S.O. to 22.12.2022.</p> <p align="center">Sd/-  Sd/-  (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 15.12.2022 15.12.2022</p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

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DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 15.12.2022

**O.A.No.361 of 2022 with O.A.No.362 of 2022
with
O.A.No.505 of 2022 with O.A.No.506 of 2022
with
O.A.No.108 of 2020 with O.A.No.109 of 2020
with
O.A.No.468 of 2020 with O.A.No.469 of 2020
with
O.A.No.569 of 2022 with O.A.No.570 of 2022**

L.K. Shinde & Ors.Applicants
Vs.
The State of Maharashtra & Ors.Respondents.

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

2. Adjourned to 13.01.2023. H.O.B. Interim relief to be continued till next date.

Sd/-

Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

pk

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>C.A. No.49 of 2022 in O.A. No.992 of 2019</u></p> <p>Dr. P.N. Chaudhari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Time is granted to complete the formalities on the part of the applicant.</p> <p>3. S.O. to 12.1.2023.</p> <p align="center">Sd/- (Medha Gadgi) Member (A) 15.12.2022</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 15.12.2022</p> <p>(sgi)</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>C.A. No.16 of 2022 in O.A. No.223 of 2020</u></p> <p>D.N. Kamble & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that DCRG has been paid to the applicant and pension papers have been submitted to the Treasury Office on 7.12.2022.</p> <p>3. S.O. to 12.1.2023.</p> <p align="center">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 15.12.2022 15.12.2022</p> <p>(sgj)</p>

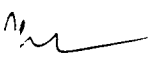
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	<p><u>M.A. No.726 of 2022 in O.A. No.1259 of 2022</u></p> <p>G.R. Shelar & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: center;">Sd/- Sd/- </p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 15.12.2022 15.12.2022</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.1259 of 2022</u></p> <p>G.R. Shelar & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 21.12.2022. The respondents are directed to file reply. Be shown under the caption of '<u>Urgent Admission</u>'.</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. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit 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.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 15.12.2022</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 15.12.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

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	<p><u>15.12.2022</u></p> <p><u>O.A 1074/2022</u></p> <p>M.P Satpute ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri O.M Lonkar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Admit with liberty to file rejoinder if any.</p> <p>3. Place for final hearing on 2.2.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>


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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>15.12.2022</u></p> <p align="center"><u>O.A 1052/2022</u></p> <p>S.H Bobde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. At the request of learned counsel for the applicant, adjourned to 19.1.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>15.12.2022</u></p> <p align="center"><u>O.A 903/2022</u></p> <p>R.J Shaikh ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Ganesh Masurkar holding for Shri C.T Chandratre, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Admit with liberty to file rejoinder if any.</p> <p>3. Place for final hearing on 9.2.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20 _____

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>15.12.2022</u></p> <p align="center"><u>O.A 803/2022</u></p> <p>Rajya Sahakari Group-D Class-VI ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.A Desai with A.S Raktade, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. This matter is taken today by production, though the matter is fixed tomorrow.</p> <p>3. Learned counsel for the applicants prays that by way of interim relief the operation of the G.R dated 7.4.2022 be stayed qua the applicants, who are seven in number, who constitute Rajya Sahakari Group-D, Class-IV Employees Madhyavarti Mahasangh, Kolhapur.</p> <p>4. Learned C.P.O states that affidavit in reply is filed on 18.11.2022.</p> <p>5. Learned counsel for the applicants submit that the applicants are directed to give choice for their posting and they will be shifted and transferred to various places, if the implementation of the G.R dated 7.4.2022 is not stayed qua the applicants.</p> <p>6. At this stage, the request of the learned counsel for the applicants of staying the G.R dated 7.4.2022, qua the applicants cannot be entertained. Unless we go into the legality or illegality of the G.R in depth, we will not be able to consider the prayer for grant of interim relief at this stage.</p> <p>7. Learned counsel for the applicants submits that the prayer for grant of interim relief be kept open as he wants to go through the affidavit in reply and if required will file a rejoinder.</p> <p>8. S.O to 19.1.2022.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 15.12.2022
	<p style="text-align: center;">O.A.No.775/2022 with M.A.No.676/2022 With O.A.No.776/2022 with M.A.No.674/2022 With O.A.No.777/2022 with M.A.No.678/2022 With O.A.No.778/2022 with M.A.No.672/2022 With O.A.No.779/2022 with M.A.No.673/2022 With O.A.No.790/2022 with O.A.No.791/2022 With O.A.No.793/2022 with M.A.No.675/2022 With O.A.No.796/2022 with M.A.No.677/2022 With O.A.No.830/2022</p> <p>V.R. Sarole & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Akash Reddy, learned Advocate i/b Mr. Talekar, learned Counsel for the Applicants in O.A.No.775/2022, O.A.No.776/2022, O.A.No.777/2022, O.A.No.778/2022, O.A.No.779/2022, O.A.No.793/2022 & O.A.No.796/2022, Mr. P. Avhad along with Ms. D. Naval, learned Advocate for the Applicants in O.A.No.790/2022 & O.A.No.791/2022, Ms. Purva Pradhan, learned Advocate holding for Mr. D.B. Khaire, learned Advocate for the Applicant in O.A.No.830/2022, Ms. Amrita Chaware, learned Advocate for Respondent No.4 in O.A.No.777/2022 & O.A.No.793/2022, Mr. S.S. Dere, learned Advocate for the Respondent No.4 in O.A.No.778/2022 & O.A.No.779/2022, Mr. Bhushan A. Bandiwadekar, learned Advocate for the Respondent No.3 & 4 in O.A.No.775/2022 & O.A.No.776/2022 respec. and for Respondents No.4 & 9 in O.A.No.790/2022, and for Respondents No.4 & 5 in O.A.No.791/2022 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. submits that Government has collected the data of 54 candidates who have applied at more than one place, of which data of 15</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>candidates is yet to be procured. Hence, she seeks time to enable the Respondent/ Government to get the details and file affidavit in reply of 54 candidates in order to find out whether any deliberate mischief is committed by the candidates who have applied at more than one place. Candidates who have applied for more than two places were asked to file photocopy of their original application forms. The same may be taken on record and copies be served upon all the concern.</p> <p>3. Learned Advocate Mr. Bandiwadekar submits that his clients are unable to get the original application forms as the link is closed. We direct Mr. Bandiwadekar to file it by tomorrow.</p> <p>4. Learned Advocate Ms. Pradhan submits that in O.A.No.830/2022 out of 5 Respondents, the addresses of 3 Respondents are not available and the other 2 Respondents are not accepting the copy served upon them.</p> <p>5. Matter shall appear tomorrow i.e. on 16.12.2022 for the purpose of filing information. Copies to be served to the other sides. Adjourned to 19.12.2022 at 2.30 for hearing.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

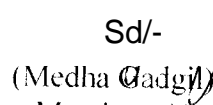
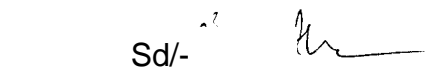
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.1236 of 2022</u></p> <p>R.A. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks leave to add order dated 6.12.2022 passed by respondent no.1 holding that appeal is not maintainable, after the OA is filed and grounds and prayers to that effect.</p> <p>3. Leave granted. Amendment be carried out and amended copy be served in the office of Ld. CPO and all other respondents.</p> <p>4. Applicant challenges order dated 20.1.2022 passed by respondent no.2 discharging him from service. By way of interim relief he prays that order may be stayed and applicant be continued in service.</p> <p>5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>6. Issue notice before admission returnable on 12.1.2023. The respondents are directed to file reply.</p> <p>7. 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.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. 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.</p> <p style="text-align: center;">   </p> <p style="text-align: center;"> Sd/- (Medha Gadgil) Member (A) 15.12.2022 </p> <p style="text-align: center;"> Sd/- (Mridula Bhatkar, J.) Chairperson 15.12.2022 </p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 15.12.2022
	<p>O.A.No.701/2022 with M.A.No.715/2022 with O.A.No.813/2022 with O.A.No.442/2022 with O.A.No.443/2022 with O.A.No.444/2022 with O.A.No.815/2022 with O.A.No.794/2022</p> <p>S.A. Karne & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. V.S. Kadam, learned Advocate for the Applicants in O.A.No.701/2022, 815/2022 & 794/2022 and holding for Mr. P.S. Anerao, learned Advocate for the Applicants in O.A.No.443/2022 & 444/2022, Mr. L.S. Deshmukh, learned Advocate for the Applicants in M.A.No.715/2022, O.A.No.813/2022 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. M.A.No.715/2022 is filed seeking intervention in O.A.No.701/2022. Learned Advocate Mr. Deshmukh submits that these 6 applicants are wait listed candidates who are first 5 candidates in wait list. If the present O.A. is allowed and applicants are allowed to join service, then present applicants in M.A.No.715/2022 are going to be adversely affected and therefore they are interested, necessary and proper party.</p> <p>3. Learned Advocate Mr. Kadam relies on the judgment of Hon'ble High Court dated 13.07.2022 passed in Writ Petition No.2166/2021 with Interim Application No.2900/2022. He submits that by this order one of the candidates from wait list who has tried to file intervention application in W.P.No.2166/2021 was directed to file substantive petition and therefore intervention application in M.A.No.715/2022 is not to be allowed. He further submits that Applicants in M.A.No.715/2022, Applicant No.1 Ms.</p>

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	<p>T.G. Warke is placed at serial no.4 in the wait list and Applicant No.2, Ms. A.A. Kshirsagar is placed at serial No.3 in the wait list. He further submits that learned Advocate Mr. Deshmukh has filed O.A.No.813/2022 seeking similar relief.</p> <p>4. Learned C.P.O. submits to the orders of the Tribunal.</p> <p>5. In view of the relief claimed in O.A. and M.A. it appears that the applicants in M.A. will be adversely affected if the O.A. is allowed and therefore being interested and necessary party to avoid multiplicity and complexity of the similar litigation and as it is pointed out by learned Advocate Mr. Deshmukh the same is also inter related the original applicants are directed to add applicants in M.A. as private respondents in O.A.</p> <p>6. Learned Advocate Mr. Deshmukh submits that he does not want to file reply or take further time to file reply as the matter is partly heard.</p> <p>7. Learned C.P.O. informs that in O.A.No.443 /2022 and O.A.No.444/2022, Applicants Mr. A.Y. Gaikwad and Mr. P.M. Warale are given appointments and therefore these two matters have become infructuous. Learned C.P.O. produces copy of the said orders.</p> <p>8. Learned Advocate Mr. Kadam submits that he has been instructed by learned Advocate Mr. Anerao that the applicants have received the orders and hence matters can be disposed of.</p> <p>9. In view of the above, O.A.No.443/2022 and O.A.No.444/2022 stands disposed of.</p> <p>10. Adjourned to 16.12.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">/</p> <p>(Medha Gadgil) Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 15.12.2022</p> <p align="center">O.A. No.1146 of 2022</p> <p>R.G. MamooApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 22.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 15.12.2022</p> <p align="center">O.A. No.1132 of 2022</p> <p>S.K. SonawaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 05.01.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 15.12.2022</p> <p align="center">O.A. No.1136 of 2022 with O.A. No.1137 of 2022</p> <p>Dr. A.A. Upadhyay Dr. P.A. MeshramApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Advocate holding for Shri V.P. Potbhare, learned Advocate for the Applicant, Smt. Anita Kolpekar, learned Advocate holding for Shri A.S. Gaikwad, learned Advocate for the Respondent No.4 in O.A. No.1136/22 & No.5 in O.A. No. 1137/2022 and. Shri A.J. Chougule, learned Presenting Officer for the Respondents</p> <p>2. On request of learned Respondents two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 06.01.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.12.2022</p> <p align="center">O.A. No.1180 of 2022</p> <p>Dr. A.M. ZendeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Tribunal by order dated 24.11.2022 directed Respondent No.1 to consider the representation dated 11.10.2022 by today and to apprise the Tribunal about the decision.</p> <p>3. Learned P.O. on instruction submits that file is under process and decision will be taken soon.</p> <p>4. One week time is granted to take decision on the representation dated 11.10.2022.</p> <p>5. S.O. to 22.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 15.12.2022</p> <p>O.A. No.1209 of 2022</p> <p>J.V. LilkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply is under preparation and the same will filed on Monday.</p> <p>3. S.O. to 19.12.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 15.12.2022</p> <p>O.A. No.1065 of 2022</p> <p>N.R. DodakeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 04.01.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.12.2022</p> <p>O.A. No.1071 of 2022</p> <p>V.S. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 05.01.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 15.12.2022</p> <p align="center">O.A. No.1243 of 2022</p> <p>U.H. BhosaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged suspension order dated 10.03.2021 whereby he is placed under suspension invoking Rule 4(2) of M.C.S. Rules, 1979 by way of Deemed suspension in view of his detention in Police custody for more than 48 hours.</p> <p>3. The Applicant is subject to prolong suspension.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 12.01.2023.</p> <p>6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. [P.T.O.]</p>

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	<p>9. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / 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.</p> <p>10. S.O. to 12.01.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>