

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 16.05.2019</b></p> <p align="center"><b>O. A. No. 479 of 2019</b></p> <p><b>V.R. Chirmulla</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant prayed for interim stay to the suspension order dated 10.01.2019 on the ground that <i>ex-facie</i> it is illegal as Applicant was not in custody for more than 48 hours, order of deemed suspension with retrospective effect is not permissible in law.</p> <p>3. Per contra learned C.P.O. requested for grant of time to ascertain factual position.</p> <p>4. At this stage unless factual position is ascertained I am not inclined to grant interim relief.</p> <p>5. Issue notice before admission returnable on 04.06.2019.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p>

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

Tribunal's orders

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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
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.
9. 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.
10. In case notice is not collected within three 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.
11. S.O. to 04.06.2019.
12. Steno copy and Hamdast granted.

Sd/-

(A.P. KURHEKAR)  
MEMBER (J)

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 16.05.2019</b></p> <p align="center"><b>O. A. No. 480 of 2019</b></p> <p><b>J.R. Sagre</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. In the present O.A. the Applicant who is wife of deceased employee is seeking direction for retrial benefits. Applicant's Husband died in harness on 22.01.2018. However, his retrial benefit was not released though period of more than one year is over.</li> <li>3. Learned Advocate for the Applicant submitted that leaving aside dispute about absorption and entitlement to regular pension there is no huddle on releasing G.P.F., G.I.S. &amp; Leave Encashment of the deceased in the favour of the Applicant as prayed in para 10 'A' of O.A.</li> <li>4. This submission of learned Advocate for the Applicant is quite acceptable. Learned C.P.O. also fairly conceded that G.P.F., G.I.S. &amp; Leave Encashment required to be released, if not paid.</li> <li>5. In view of the above, Respondents are directed to release amount due for G.P.F., G.I.S. &amp; Leave Encashment. The said amount as per entitlement be paid on or before returnable date, if not paid earlier.</li> </ol>

Office Notes, Office Memoranda of Coram,  
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6. Issue notice before admission returnable on  
25.06.2019.

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 Original Application. 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. 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.

11. In case notice is not collected within three 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.

12. S.O. to 25.06.2019.

13. Steno copy and Hamdast granted.

Sd/-

(A.P. KURHEKAR)  
MEMBER (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 16.05.2019</b></p> <p align="center"><b>O. A. No. 478 of 2019</b></p> <p><b>Dr. A.B. Naik</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Smt. S.A. Naik, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant prayed for interim relief as Applicant is due for retirement on 31.05.2019 on attaining 58 years. She has further pointed out that in view of decision rendered by the Tribunal earlier the Applicant is entitled to the relief claimed and the Respondent be directed to continue the service of the Applicant till further orders.</p> <p>3. In the present matter, the Applicant who is Medical Officer in pay-scale of 15600-39100-G.P.(6600) is seeking benefit of extension of retirement age from 58 to 60 years in view of various Government decisions as well as judgments rendered by this Tribunal in various Original Applications. The view taken by the Tribunal Bench Nagpur giving benefit of extension of age to the Medical Officer in the same pay-scale has been also confirmed by the Hon'ble Court, Nagpur Bench in W.P. No.6757/2017, decided on 05.03.2018.</p> <p>4. As stated above, the issue relating to benefit of extension of retirement age from 58 to 60 years in view of various Government decisions as well as judgments rendered by this Tribunal and confirmed by the Hon'ble High Court has attained finality. The Applicant is Medical Officer in pay-scale of 15600-39100-G.P.(6600).</p>

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5. As such in view of the decision referred to above, the Applicant is prima-facie entitled to extension of age and his service deserves to be continued.
6. The Respondents are, therefore, directed to continue the service of the Applicant till further orders.
7. Issue notice before admission returnable on 14.06.2019.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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 Original Application. Respondents are put to notice that the case would 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. 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. In case notice is not collected within three 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.
13. S.O. to 14.06.2019.
14. Steno copy and Hamdast granted.

Sd/-

(A.P. KURHEKAR)  
MEMBER (J)