

Date : 16.06.2020

M.A.No.164 of 2020 in O.A.No.236 of 2020

D.H. Patil

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri Arvind V. Bandiwadekar, learned Advocate for the Respondent No.2.

2. This M.A. is filed in O.A.No.236/2020 wherein there was challenge to transfer order dated 04.05.2020. The Tribunal declined to grant interim relief in favour of the Applicant and notice was issued to the Respondents on 12.05.2020 and the matter was adjourned to 09.06.2020 for return of notices. However, on 09.06.2020 the matter was not displayed on board, that date directions were given to trace the matter and to list it today. However, office is unable to trace the record of O.A. which was to be placed before the Tribunal along with this M.A.. Learned Advocate Shri M.D. Lonkar has filed O.A. for grant of interim relief to transfer order dated 04.05.2020 on the ground that the Collector, Kolhapur has forwarded proposal to the Government for retention of the Applicant at Ichalkaranji. Transfer order dated 04.05.2020 was issued after approval of the competent authority i.e. Hon'ble Chief Minister. It seems latter the Collector by order dated 13.05.2020 has send proposal for retention of Applicant at Ichalkaranji.

3. Admittedly, the Applicant has been relieved and joined in the office of Directorate of Municipal Administration, Mumbai.

4. Learned C.P.O. Ms. S.P. Manchekar, seeks time to take instructions from the Government on the proposal forwarded by the Collector.

5. Learned Advocate Shri Arvind V. Bandiwadekar for Respondent No.2 also seeks time to file reply to M.A.. Two weeks time is granted for filing reply in M.A. as well as O.A. Office to trace the record of O.A.No.236/2020 and shall place before Tribunal on 30.06.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

M.A.No.143 of 2020 in O.A.No.189 of 2020

S.A. Warang

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This is application made for condonation of delay of 20 days for filing O.A., wherein applicant had challenged order dated 20.12.2018. By order dated 20.12.2018, Applicant was granted 50% pay and allowance for out of service period. Initially, the Applicant was dismissed from service but in Appeal it was modified by imposing minor punishment of withholding of two increments without cumulative effect.

3. Applicant has also challenged order of minor punishment by filing Review which is pending before the competent authority. As there is short delay of 20 days in filing O.A., I am inclined to condone the same, for the reasons stated in the Application.

5. In view of the above, M.A.No.143/2020 is allowed. No order as to costs.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.189 of 2020

S.A. Warang

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. In view of the order passed in M.A.No.143/2020 delay is condoned.
3. Issue notice before admission returnable on 14.07.2020.
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. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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 six 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. In view of present COVID-19 pandemic situation private notice is allowed.
9. S.O. to 14.07.2020.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.152 of 2020

D.M. Dore

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

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

2. The Tribunal by order dated 09.03.2020 directed the Additional Chief Secretary, Revenue and Forest Department, Mantralaya to look into the matter and fix responsibilities for the lapse on the part of concerned. However, no affidavit-in-reply is filed in terms of compliance of order dated 09.03.2020.

3. Two weeks time is granted for filing affidavit on the request of learned P.O. with specific instructions that no further time will be granted as the matter can be disposed off without further delay on next date.

4. S.O. to 23.06.2020.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.154 of 2020

H.G. Holmukhe **...Applicant**
Versus
The State of Maharashtra & Ors. **...Respondents**

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Today learned C.P.O. for the Respondents has filed affidavit on behalf of Respondent No.1. It is taken on record.
3. Two weeks time is granted to learned Advocate for the Applicant for filing affidavit-in-rejoinder, if any.
4. S.O. to 30.06.2020.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.207 of 2020

**A.L. Rikibe & Ors.
Versus**

...Applicants

The State of Maharashtra & Ors.

...Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents on instructions from Shri Vaychal Sir, Head Clerk, Motor Transport Division and Miss Pallavi Sonawane, Law Officer, Motor Transport Department, made statement that the Respondents are relieving the Applicants on 15.07.2020, in view of completion of 5 years period in Motor Transport Department.

3. The present O.A. is filed for limited relief for direction to the Respondent to relieve the Applicants.

4. In view of the fair statement made by learned P.O. that Applicants would be relieved on 15.07.2020, present O.A. desires to be disposed off.

5. In view of the statement made by learned P.O., the grievances raised by the Applicants are to be relieved by 15.07.2020, hence O.A. is disposed off. No order as to costs.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.210 of 2020

S.T. Khandekar **...Applicant**
Versus
The State of Maharashtra & Ors. **...Respondents**

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Applicant has challenged the suspension order dated 13.02.2020, whereby he was kept under suspension in contemplation of Departmental Enquiry.
3. Learned Advocate for the Applicant has pointed out that no D.E. is initiated within the period of 90 days, in terms of G.R. dated 01.07.2017, which stipulates initiation of D.E. within 90 days from the date of suspension.
4. In view of G.R. dated 09.07.2019, if D.E. is not initiated within 90 days, employee is entitled for reinstatement in service.
5. In view of the above, O.A. can be disposed off at the stage of admission by giving suitable directions.
6. However, learned P.O. seeks one week time to take instructions.
7. S.O. to 23.06.2020.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.247 of 2020

P.B. Godambe **...Applicant**
Versus
The State of Maharashtra & Ors. **...Respondents**

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri Gavnekar, learned Advocate for Respondent No.1.
2. Today, learned Advocate Shri Gavnekar for Respondent No.1 as well as learned P.O. Shri A.J. Chougule for the Respondent has filed affidavit-in-reply. The same are taken on record.
3. On request of learned P.O. one week time is granted for hearing.
4. Adjourned to 23.06.2020.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.213 of 2020

A.S. Gitay

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Today learned Advocate for the Applicant has filed reply to the Additional Affidavit (page 545 to 552) on behalf of Respondent No.1. It is taken on record.
3. Adjourned to 30.06.2020.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

Date : 16.06.2020

O.A.No.417 of 2019

M.I.A. Shaikh **...Applicant**
Versus
The State of Maharashtra & Ors. **...Respondents**

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Learned Advocate for the Applicant has filed rejoinder to the affidavit-in-reply of Respondent No.1 and 2. It is taken on record.
3. Adjourned to 30.06.2020 for hearing at the stage of admission for being part heard matter.

Sd/-
(A.P. Kurhekar)
Member(J)

prk

16.06.2020

O.A 440/2019

Shri R.B Fulpagare ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.B Talekar, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents,
2. Admit. S.O to 14.7.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn

16.06.2020

O.A 549/2019

Shri M.B Desai ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents,

2. Admit. S.O to 14.7.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn

16.06.2020

O.A 829/2019

Shri A.P Ghadge ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.M Deshmukh, learned advocate for the applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents,
2. S.O to 16.7.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn

16.06.2020

O.A 935/2019

Shri H.Y Shewale & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicants and Shri A.J Chougule, learned Presenting Officer for the Respondents no 1 to 3 and Shri M.B Bharaswadkar and Shri P.L Gawas learned advocate for Intervenor.

2. S.O to 30.6.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn

16.06.2020

O.A 81/2020

Shri Y.M Pimple ... Applicant
Vs.
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. Admit. S.O to 14.7.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn

16.06.2020

O.A 1186/2019 & 1187/2019

Shri R.R Mulani & Others
Shri S.B Chikhale ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Affidavit in reply filed. Admit. S.O to 14.7.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn

16.06.2020

O.A 186/2020

Shri A.H Shaikh ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms Nidhi Sharma, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents,
2. S.O to 16.7.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn

16.06.2020

O.A 218/2020

Shri K.B Vaidya ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Mahesh Thorat, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents,
2. S.O to 16.7.2020.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(Mridula R. Bhatkar, J.)
Chairman

Akn