IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 1335 OF 2024

DISTRICT : PUNE

Shri Mahesh J. Awatade) ...**Applicant**

Versus

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

Shri A.V Bandiwadekar, learned counsel for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondent No.1.

Smt. Punam Mahajan, learned counsel for Respondent No. 2.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 16.10.2024

O R D E R

1. Applicant working as Chief Accounts and Finance Officer, challenges order dated 11.10.2024 issued by Respondent No.1, thereby transferring Respondent No.2 in the place of the Applicant as Chief Accounts and Finance Officer, Zilla Parishad, Pune from Municipal Corporation, Ahmednagar and transferring the Applicant to the post of Deputy Director, GST Commissionerate, Mumbai.

2. Learned Counsel Mr. Bandiwadekar has submitted that by order dated 06.10.2021 the Applicant was transferred as Chief Accounts and Finance Officer and he joined on 12.10.2021. Thus, the Applicant has completed the tenure of three years. He has

submitted that the copy of O.A. is served on all the respondents. He has challenged the transfer order on the following grounds:-

(a) No Civil Services Board (C.S.B.) meeting was held for the transfer of Applicant.

(b) Applicant's transfer is mid-term as the transfer order is passed in violation of Section 4(4)(ii) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties, Act, 2005 (hereinafter referred as 'ROTA 2005' for brevity).

(c) Learned Counsel Mr. Bandiwadekar has submitted that applicant has been informed about his transfer by email on Friday, 11th October, 24 at 10.00 p.m. from Z.P. Pune and he stood relieved and transferred to Mumbai. Thus, applicant approached the Tribunal yesterday i.e., on 14.10.2024 and has served copy to the Respondents. Applicant has not handed over his charge. The rules No.29 and 31 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981

(d) Learned Counsel Mr, Bandiwadekar has submitted that there is a patent breach of Rule 8 of the Divisional Cadre Allotment Rules, 2021, for appointment by nomination and promotion to the posts of Group A and Gorup B (Gazetted and Non-Gazetted) of the Government of Maharashtra Rules, 2015 wherein such officers shall be eligible for transfer as per the ROTA 2005.

(e) Learned Counsel has submitted that Respondent No.2 was transferred to Ahmednagar by order dated 20.04.2022. Respondent No.2 was earlier in Nashik Division and thereafter he was allotted Ahmednagar, so he did not complete the requisite period of three years when he was posted on promotion in Nashik Division.

(f) Learned Counsel Mr. Bandiwadekar pointed out under Rule 7 and Rule 12 of the Divisional Cadre Allotment Rules, 2021, for appointment by nomination and promotion to the posts of Group A and Gorup B (Gazetted and Non-Gazetted) of the Government of Maharashtra Rules, 2015 dated 14.07.2021 the officers are exempted from completing 3 years in the Division. However, the case of Respondent No.2 is neither covered under Rule 7 nor under Rule 12.

(g) Applicant's mother is blind, paralyzed and needs psychological consultation in Pune.

(h) Applicant also challenges transfer order on the point of competency of the transferring authority issuing the order of transfer. Applicant has submitted that considering the pay scale of the applicant, applicant falls in Class (a) of the Table appended to Section 6 of the said Act. Thus, transfer order is to be issued by the Hon'ble Chief Minister, who is the competent authority in case of applicant and not as the immediate Superintending Authority.

(i) Applicant is not connected with election duties hence is not covered and due for transfer under guidelines dated 31.07.2024 issued by the Election Commission.

(j) There is blatant breach of Rules 29 & 31 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 in taking over charge by the Respondent no.4.

3. Thus, learned Counsel for the Applicant prays for mandatory injunction to restore the earlier position. In support of his submissions learned Counsel Mr. Bandiwadekar has relied on the following decisions:-

(i) Judgment of this Tribunal dated 09.10.2024 in ***O.A.No.1006/2024, S.S. Mali Versus The State of Maharashtra & Ors.,*** wherein Rules 29 and 31 of the Maharashtra Civil Service (General Conditions of Service) Rules, 1981 is discussed.

(ii) Judgment of the Hon'ble Supreme Court in ***Dorab Cawasji Warden Vs. Coomi Sorab Warden & Ors, (1990) 2 SCC 117.***

4. Learned Counsel Ms. Mahajan appearing for Respondent No.2 has submitted that Respondent No.2 has taken charge on 14.10.2024. Learned Counsel Ms. Mahajan has pointed out Clause 9 of the guidelines dated 31.07.2024 issued by the Election Commission of India. Learned counsel further submitted that the applicant was due for transfer as he has completed 3 years on the said post and as per Clause 3(ii) of the guidelines of Election

Commission of India if a Government servant has put in 3 years out of 4 years in a District and he is directly related with Election duty then he is liable for transfer. The applicant is working as Chief Accounts and Finance Officer, handling the Management and Election Expenses and therefore he is connected directly with Election duty. As the name of the applicant is shown in Column No. 9 as he is concerned with the Election Expenses and Management of Funds, so he is having duty connected with the Election and therefore he is transferred without placing his case before the Civil Services Board. Learned Counsel Mr. Bandiwadekar in reply has submitted by order dated 03.10.2024, Shri Sonappa Yamgar, Additional Collector, was appointed as Nodal Officer for Election Expenses and Management of Funds and the applicant as Assistant Officer to Nodal Officer, Shri Sonappa Yamgar as per order dated 17.9.2024. Learned Counsel for the Respondent No. 2 has relied on the judgment of the Hon'ble High Court in the case of ***Prashant S. Bedse Vs. The State of Maharashtra & Ors, W.P 7679/2023*** wherein it is held that the Tribunal has no power to pass the interlocutory status quo ante order.

5. Learned counsel for the Applicant distinguished the case of ***Shri Bedse (supra)*** from the present case.

(i) In the present case there is no proposal for the transfer of the Applicant and Respondent No. 2. However, in the case of Shri Bedse, there was proposal for transfer of both the applicant and the private Respondent.

(ii) The case of the present applicant and the Respondent No. 2 were not placed in the meeting before the Civil Services Board.

(iii) The name of the present applicant and the Respondent No. 2 were inserted for the first time in the office of the Hon'ble Chief Minister. However, in the case of Shri Bedse, the names were not inserted.

(iv) In the present case, there is a breach of Rule 8 of the Divisional Cadre Allotment Rules. However, in case of ***Shri Bedse (supra)***, there was no breach of the said Rule.

(v) In the present case the Hon'ble Chief Minister is the Competent Authority and not immediate Superior Authority as per Section 6 of the ROTA 2005, in view of the pay scale of the applicant. This was not the position in the case of ***Shri Bedse (supra)***.

6. Learned Presenting Officer has submitted that the competent authority i.e. the Hon'ble Cabinet Minister (Revenue and Forest Department) and the Hon'ble Chief Minister, both have approved the order of transfer of the applicant. He has placed on record the noting disclosing the minutes of the C.S.B. meeting held on 30.08.2024.

7. Let me point out that in the transfer order dated 11.10.2024 the reason for transfer is given as per the provisions of Sections 4(4) and 4(5) of the ROTA 2005. No other reason is mentioned especially the transfer under the Guidelines issued by the Election Commission of India dated 31.07.2024. Thus, the Government by its order has admitted that the transfer of the applicant is only under the provisions of Sections 4(4) and 4(5) of the ROTA 2005 and not transferred under the Guidelines of the Election Commission. Secondly, it is a factual position that he is not performing the duty connected with the Elections. If it is so then a specific procedure laid down under these two Sections of the ROTA 2005 is to be mandatorily followed.

8. For any mid-term or mid-tenure transfer the proposal of the transfer of the Government servant is required to be mooted by the authority and that is to be placed before the C.S.B. meeting. In the present case, on such proposal was ever placed before the C.S.B. meeting held on 30.08.2024. Thus, in the C.S.B. meeting which

was held on 30.08.2024 had no occasion to consider the case of the applicant or to recommend the transfer of the applicant.

9. On query, the Respondent-State placed the noting of the C.S.B. meeting dated 30.08.2024 before the Tribunal as it was necessary to go through it, to find out whether the State has legally justified in passing the impugned order of transfer of the applicant. The said noting revealed that there is no whisper of the transfer of the applicant in the said meeting of the Civil Services Board. There is a separate sheet attached to the minutes where the Hon'ble Cabinet Minister (Revenue and Forest Department) and the Hon'ble Chief Minister have passed the order of acceptance the minutes with additional order of the transfer of the applicant and of the Private Respondent No.2 bringing him in the place of the applicant.

10. At this stage, I rely and quote the ratio laid down by the Hon'ble Supreme Court in ***T.S.R. Subramanian & Ors. Vs. Union of India & Ors reported in (2013) 15 SCC 732.***

> *"29. We, therefore, direct the Centre, State Governments and the Union Territories to constitute such Boards with high ranking serving officers, who are specialists in their respective fields, within a period of three months, if not already constituted, till the Parliament brings in a proper legislation in setting up CSB.*
>
> *30. We notice, at present the civil servants are not having stability of tenure, particularly in the State Governments where transfers and postings are made frequently, at the whims and fancies of the executive head for political and other considerations and not in public interest. The necessity of minimum tenure has been endorsed and implemented by the Union Government. In fact, we notice, almost 13 States have accepted the necessity of a minimum tenure for civil servants. Fixed minimum tenure would not only enable the civil servants to achieve their professional targets, but also help them to function as effective instruments of public policy. Repeated shuffling/transfer of the officers is deleterious to good governance. Minimum assured service tenure ensures efficient service delivery and also increased efficiency. They*

can also prioritize various social and economic measures intended to implement for the poor and marginalized sections of the society."

Thus holding of C.S.B. meeting is a law laid down by the Hon'ble Supreme Court and under the ROTA 2005 it is followed in each and every transfer and such case is to be placed before the C.S.B. meeting. The special reasons and exceptional circumstances should be made out for mid-term and mid-tenure transfer of the Government servants. The Competent Authority undoubtedly has power to accept or reject the recommendation of C.S.B. meeting. However, it is binding on the Competent Authority to state the reasons for the same to make out the case under Sections 4(4)(ii) and 4(5) of the ROTA 2005. In the present case the order of transfer is the best example of flagrant breach of the law laid down under the ROTA 2005. No authority including Courts/ Tribunals or the office of the Hon'ble Chief Minister is above the law. It is obligatory for all these authorities to follow and obey the command of law. Thus, there is prima facie, aberration ~~of~~ to the law and the Rule of law should prevail.

11. The submissions made by the learned Counsel for the Respondent No.2 that in the case of ***Bedse (supra)*** the Hon'ble Division Bench of Bombay High Court has held that the Tribunal has no powers to pass the mandatory order or order of Status quo ante are incorrect and so not acceptable. It appears that learned Counsel Ms. Mahajan has misunderstood the order of the Hon'ble Division Bench in the case of ***Bedse (supra)*** in respect of the powers of the Tribunal of granting the relief of Status quo ante. The Tribunal under Section 24 of the Administrative Tribunals Act, 1985 has powers to grant the interim relief including perpetual, interlocutory as well as mandatory injunction :

"24. Conditions as to making of interim orders. - Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order (whether by

way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, an application unless-
(a)copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made; and
(b)opportunity is given to such party to be heard in the matter:"

The requirement specified under (a) and (b), if fulfilled then the Tribunal has power to grant interim order of injunction, stay or in any other manner.

In the case of ***Dorab Cawasji Warden (supra)*** it is held by the Hon'ble Supreme Court that,

"16. The relief of interlocutory mandatory injunctions are thus granted generally to preserve or restore the status quo of the last non- contested status which preceded the pending controversy until the final hearing when full relief may be granted or to compel the undoing of those acts that have been illegally done or the restoration of that which was wrongfully taken from the party complaining. But since the granting of such an injunction to a party who fails or would fail to establish his right at the trial may cause great injustice or irreparable harm to the party against whom it was granted or alternatively not granting of it to a party who succeeds or would succeed may equally cause great injustice or irreparable harm, courts have evolved certain guidelines. Generally stated these guidelines are:

(1) The plaintiff has a strong case for trial. That is, it shall be of a higher standard than a prima facie case that is normally required for a prohibitory injunction.

(2) It is necessary to prevent irreparable or 'serious injury which normally cannot be compensated in terms of money.

(3) The balance of convenience is in favour of the one seeking such relief.

17. Being essentially an equitable relief the grant or refusal of an interlocutory mandatory injunction shall ultimately rest in the sound judicial discretion of the court to be exercised in the light of the facts and circumstances in each case. Though the above guidelines are neither exhaustive nor complete or absolute rules, and there may be exceptional circumstances needing action, applying them as prerequisite for the grant or refusal of such injunctions would be a sound exercise of a judicial discretion."

(emphasis placed)

Thus only if special reasons are made out and in the rare case the Courts / Tribunals can invoke the powers of granting interlocutory and mandatory injunction or Statue quo ante.

12. In the present case following are the exceptional circumstances :

(i) There was no proposal before the C.S.B. meeting for the transfer of applicant or Respondent No.2.

(ii) No C.S.B. meeting was held so far as the case of the applicant is concerned and his case was not placed before the C.S.B. meeting.

(iii) The formation of C.S.B. meeting and considering the case of the transfer of the Government Servants by the C.S.B. meeting is mandatory under the law laid down by the Hon'ble Supreme Court in the case of ***T.S.R. Subramanian (supra).*** It is duty of the Tribunal to uphold the law laid down by the Hon'ble Supreme Court. Thus, prima facie, the Respondents have breached the law.

(iv) The applicant is transferred from Pune to Mumbai, so he is required to change the City and his residence mid-term. So the balance of convenience lies in his favour.

(v) As per the noting dated 09.10.2024 the C.S.B. meeting was conducted on 30.08.2024 wherein the cases of the other Government servants were considered and not of the present Applicant or the Respondent No.2. However, the separate page was signed by the Hon'ble Deputy Chief Minister, the Cabinet Minister (Revenue and Forest Department) and the Hon'ble Chief Minister on 10.10.2024 and on the same day the applicant was relieved without following the proper procedure under Sections 29 and 31 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

(vi) The case is, prima facie, made out to restore status of the applicant before he was relieved.

(vii) The case of the present applicant as pointed out by learned Counsel for the Applicant is distinguishable from the case of ***Bedse (supra)*** on the facts and circumstances.

13. One more point of Rule 31 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 is also to be referred. The said Rule 31 is as follows :

"31. Charge must be handed over at the headquarters, both relieved and relieving Government servants to be present."

In the light of this Rule the action of taking over charge unilaterally by the Respondent No.2 is also required to be tested at the stage of the Final Hearing.

14. In view of the above reasons, prima facie, the case is made out to grant interlocutory status quo ante :

(a) Applicant is to be continued at his earlier place of work at Pune forthwith till further orders.

(b) Respondent No.2 may be allowed to continue at the present place of his earlier posting, if the same is vacant, or he may be accommodated at any other place.

(c) S.O. to 18.11.2024 to file affidavit-in-reply.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Dictation taken by : A.K. Nair.

D:\D Drive\PRK\2024\10 Oct\O.A 1335.24, SB, Transfer, Chairperson.doc

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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: 16.10.2024

O.A. No.151 of 2023 with O.A. No.1182 of 2023

H.C. Dasade & Ors.,
N. D. Kedari .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Shri S.M. Kakade, learned Advocate for the Applicant has sent his 'Leave Note'. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned PO again insists on vacation of 'Interim Orders' passed on 22.07.2024 in respect of 'Inter District Transfer' to '44 posts' of 'Police Constables' in establishment of 'SP Raigad' because 'Affidavit of Withdrawal' had been submitted on 19.09.2024 by the 6 Applicants in 'O.A. No. 1182/2023'.

3. Learned PO today states that even the 3 Applicants in O.A. No. 151/2023 have now individually submitted 'Letters of Withdrawal' from O.A. No.151/2023.

4. Learned PO thereupon presents 'Tabular Chart' which shows 'Inter District Transfers' approved by 'Order' dated 15.07.2024 of 'Additional DG SRPF, Maharashtra State, Mumbai' in respect of '8 Applicants' from both 'O.A. No.151 of 2023' and 'O.A. No.1182 of 2023' which indicates that (i) '3 Applicants' are assigned to establishment of 'SP Raigad' (ii) '2 Applicants' are assigned to establishment of 'Commissioner of Police, Greater Mumbai' & (iii) '2 Applicants' are assigned establishment of 'SP Thane (Rural)'. However, one Applicant by name Shri Sachin B. Powar, Police Constable was not given 'Inter District Transfer' as there

[P.T.O.

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

were 'No Vacancy' in respect of '3 Options' submitted by him viz. (i) 'Commissioner of Police, Thane', (ii) 'Commissioner of Police, Railways Mumbai' & (iii) ''Commissioner of Police, Mira Bhayandar'.

5. Learned P.O. states that on account of 'Interim Order' passed on 22.07.2024, all other 'Police Constable' who have been given 'Inter District Transfer' to 44 Posts in establishment of 'SP Raigad' by Order dated 15.07.2024 of 'Additional DG SRPF, Maharashtra State, Mumbai' have not yet been able to join so far including '3 Applicants' from both 'O.A. No.151 of 2023' and 'O.A. No.1182 of 2023'.

6. The '6 Applicants' in O.A. No.1182/2023 and '3 Applicants' in O.A. No.151/2023 do not seem to be keen to further pursue their earlier grievance regarding 'Inter District Transfer' to establishment of 'SP Raigad'. Hence, in all fairness to'44 Police Constables' who have been given 'Inter District Transfer' to establishment of 'SP Raigad'; the 'Interim Relief' granted on 22.07.2024 now stands vacated. However, further orders relating to '6 Applicants' O.A. No.151 of 2023 and '3 Applicants' in O.A. No.1182 of 2023 will be passed after giving one final opportunity to learned Advocate for Applicants.

7. S.O. to 21.10.2024.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

~~C.A. No.17 of 2024 in O.A. No.641 of 2023~~

S.S. Rawle ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Shri Ramesh Jagtap, Under Secretary and Smt. Ashwini Yamgar, Deputy Secretary, Revenue & Forest Department are personally present in the Court.

3. Ld. PO states that yesterday i.e. on 15.10.2024 she has informed Shri Jagtap that Principal Secretary, Revenue & Forest Department was directed to remain present today i.e. on 16.10.2024 in the Tribunal.

4. Shri Ramesh Jagtap is asked whether yesterday message was given to him by Ld. PO about the order dated 15.10.2024 of this Tribunal.

5. Shri Ramesh Jagtap states that he communicated the message to Principal Secretary today at 12.30 p.m.

6. Now, Shri Ramesh Jagtap states that he did not communicate the message about yesterday's order to Principal Secretary.

7. Both the officers are directed to report the progress on the next date.

8. S.O. to 18.10.2024.

Sd/-
(Debashish Chakrabarty)
Member (A)
16.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
16.10.2024

(sgj)

[*P.T.O.*

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

C.A.58/2024 in O.A.82/2017 with M.A.478/2024 in R.A.09/2024 in O.A.82/2017

D.K. Khairnar ...Applicant
Vs.
The State of Mah. & Ors. ...Respondents

1. Shri A.S. Gaikwad, learned Advocate for Applicant and Ms. S.P. Manchekar, learned CPO for Respondents are present.

2. The MPSC has filed Review Application No.09/2024 against order dated 17.01.2024 passed by Tribunal in OA No.82/2017. By the impugned order, the Tribunal has directed the Respondents to take necessary steps in respect of appointment of Applicant to post of 'Lecturer, District Institute of Education & Training, Group-B' within four weeks from the date of Order. The MPSC and School & Education Department did not implement the Order, and therefore, the Applicant has filed Contempt Application No.58/2024 before this Tribunal on 05.07.2024. Thereafter, this Review Application No.09/2024 is filed on 02.08.2024 that is nearly six and half months after the date of Order, which is prayed to be reviewed. The Review Application should have been filed within 30 days from the date of Order. However, there is delay of more than 5 months. The MPSC has filed this MA for condonation of delay in filing Review Application.

3. Learned CPO submitted that the Applicant has applied in the category of 'Open Female'. The Respondent-State has informed that one post in 'Open Category' was available. Based on that information of the State, the Tribunal has ordered to accommodate the Applicant and give her appointment. Learned CPO further submits that at the time of implementation of Order when File was processed to MPSC, it was found that Applicant was considered from the category of 'OBC Female'. But however, as she was found more meritorious than the selected 'Open Female' candidates, she approached this Tribunal and prayed that her case is to be considered from 'Open Female' category as she had also applied from the said category.

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

4. Learned CPO submitted that Review Application was filed to bring it to the notice of Tribunal that the directions of Hon'ble Tribunal are contrary to the merit from 'Open' category. As the available post is from 'Open General' and Applicant does not meet the merit of the same, for this purpose, MPSC has filed this Review Application.

5. Shri A.S. Gaikwad, learned Advocate for Applicant opposes the application on the ground that there is no satisfactory reason and good ground to condone the delay.

6. The MPSC should have given proper explanation for filing Review Application after more than 5 months of the stipulated period of review. The arguments advanced by learned CPO for condoning the delay dose not disclose any explanation for delay, especially in view of Order passed by Hon'ble High Court in Writ Petition No.13733/2024 [Chandrakant D. Pawar Vs. State of Maharashtra] decided on 11.10.2024. Hence, MA No.478/2024 for condonation of delay in filing review is rejected and that is why Review Application No.09/2024 also stands disposed of.

7. C.A. No.58/2024 in OA No.82/2017 be kept on 21st October, 2024.

Sd/-
(Debashish Chakrabarty)
Member-A
16.10.2024

Sd/-
(Mridula Bhatkar, J)
Chairperson
16.10.2024

(skw)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

C.A. No.17 of 2024 in O.A. No.641 of 2023

S.S. Rawle ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Under Secretary Shri Jagtap and Principal Secretary, Revenue & Forest Department are directed to remain present at 3.00 p.m. today.

3. Kept back.

Sd/-
(Debashish Chakrabarty)
Member (A)
16.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
16.10.2024

(sgj)

[P.T.O.

M.A. No.628 of 2024 in O.A. No.1344 of 2024

A.S. Deshmukh & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Shri S.V. Waghmare, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.

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.

Sd/-
(Debashish Chakrabarty)
Member (A)
16.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
16.10.2024

(sgj)

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

O.A. No.1344 of 2024

A.S. Deshmukh & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Shri S.V. Waghmare, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.

2. The applicants pray for directions to the respondent no.1 to recommend the names of the applicants in their respective categories for appointment to the post of Assistant Motor Vehicle Inspector, Group-C.

3. Ld. CPO states that results were declared on 21.10.2022, waiting list lapsed on 20.10.2023 and requisition is received on 7.6.2024.

4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

5. Issue notice before admission returnable on 11.11.2024. The respondents are directed to file reply.

6. 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.

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.

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.

9. 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/- Sd/-

(Debashish Chakrabarty) (Mridula Bhatkar, J.)

Member (A) Chairperson

16.10.2024 16.10.2024

(sgj)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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
	C.A. No.10 of 2024 in O.A. No.585 of 2016 R.S. Bodake ..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. Commissioner, Food & Drugs Administration, Bandra, Mumbai and Principal Secretary, Medical Education & Drugs Department, Mumbai are directed to remain present on 23.10.2024 as implementation of the order dated 22.2.2022 is awaited. 3. S.O. to 23.10.2024. Sd/- Sd/- (Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson 16.10.2024 16.10.2024 (sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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
	CA No.54/2023 in OA No.55/2023 with CA No.55/2023 in OA No.256/2019 Dr. P.D. Shendge Dr. S.D. Kulkarni ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present. 2. S.O. to 22.10.2024. Sd/- Sd/- (Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson 16.10.2024 16.10.2024 (sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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
	C.A. No.16 of 2024 in O.A. No.703 of 2016 With RA. No.6/2024 C.D. Pawar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Shri A.N. Pange, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present. 2. RA is filed by the MPSC. 3. S.O. to 18.11.2024. Sd/- Sd/- (Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson 16.10.2024 16.10.2024 (sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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
	C.A. No.30 of 2024 in O.A. No.111 of 2022 With MA.528/2024 in RA No.11/2024 in OA No.111/2022 D.D. Satpute ..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. MA and RA are filed by the State. 3. S.O. to 20.11.2024. Sd/- Sd/- (Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson 16.10.2024 16.10.2024 (sgj)

[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.1233 of 2024

S.L. Avatade & 2 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Shri A.S. Gaikwad, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.

2. Ld. Advocate for the applicants has filed an application dated 16.10.2024 for speaking to minutes of the order dated 9.10.2024 passed in the above matter. Ld. Advocate for the applicants states that para 6 of the order reads as under:

"6. MPSC not to publish the result for the post of PSI."

3. He states that para 6 of the order is to be corrected as under:

"6. MPSC not to publish the Final result for the post of PSI pursuant to advertisement No.53/2022 dated 23.6.2022."

4. Order be corrected and read accordingly.

5. Ld. Advocate for the applicants submits that OA No.1294/2024 filed by B.D. Nagre be tagged with this OA and both the matters be adjourned to 21.10.2024.

6. Both the matters are tagged together and adjourned to 21.10.2024. Interim relief, if any, to continue.

Sd/-
(Debashish Chakrabarty)
Member (A)
16.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
16.10.2024

(sgj)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.1294 of 2024

B.D. Nagre ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Shri A.S. Gaikwad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents are present.

2. This OA is tagged with OA No.1233/2024 filed by S.L. Avatade & Ors. and adjourned to 21.10.2024.

3. S.O. to 21.10.2024. Interim relief, if any, to continue.

Sd/-
(Debashish Chakrabarty)
Member (A)
16.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
16.10.2024

(sgj)

[P.T.O.

(G.C.P.) J 2959(B) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

C.A.105/2024 in O.A.276/2024

V.G. Patil ...Applicant
Vs.
The State of Mah. & Ors. ...Respondents

1. Smt. Punam Mahajan, learned Advocate for Applicant and Smt. K.S. Gaikwad, learned PO for Respondents are present.

2. We are coming across many matters like present C.A. that even after approval given by 'Hon'ble Chief Minister, Maharashtra State' as per Orders passed by this Tribunal, we are informed that 'File' is sent to 'Principal Secretary, GAD' and 'Chief Electoral Officer' for seeking approval from Election Commission of India.

3. We call upon 'Principal Secretary, GAD' and 'Chief Electoral Officer' for their assistance on following points.

(i) When Orders are passed by the Tribunal or any 'Judicial Forum' and they are not challenged and those Orders hold the field, then why those Orders are required to be sent for approval to 'Principal Secretary, GAD' and 'Chief Electoral Officer'.

(ii) Whether 'Election Commission of India' has any power to sit in 'Appeal' over the Orders passed by 'Tribunal' or any 'Judicial Forum'.

4. The copy of this order to be sent to (i) Principal Secretary, GAD and Chief Electoral Officer, (ii) Additional Chief Secretary, Home Department with regard to CA No.105/2024 in OA No.276/2024 and also for information to 'Chief Secretary, Government of Maharashtra'.

5. S.O. to 21st October, 2024.

Sd/-
(Debashish Chakrabarty)
Member-A
16.10.2024

Sd/-
(Mridula Bhatkar, J)
Chairperson
16.10.2024

(skw)

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

16.10.2024

O.A No. 1354/2024 with Caveat Application No. 47/2024

Prabhavati M. Kolekar ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant, Shri D.R Patil, learned P.O for the Respondents No 1 & 2 and Smt Punam Mahajan a/w Shri Sachin Ambulkar, learned counsel for Respondent No. 3.

2. The applicant prays to hold and declare that the 15.10.2024 passed by Respondent No. 1, qua the applicant as illegal and bad in law and the same be quashed and set aside. The applicant further prays that the impugned order dated 15.10.2024, issued by Respondent No. 1 be stayed. Learned counsel submitted that the applicant is not relieved till today.

3. Respondent No. 3 has filed Caveat Application No 47/2024.

4. The applicant working as Education Officer (Secondary) Z.P, Satara is sought to be transferred to the post of Assistant Commissioner, Maharashtra State Examination Council, Pune on a vacant post and in place of the applicant Respondent No. 3 is sought to be posted on promotion.

5. Learned counsel submitted that it is a mid-term transfer and no departmental enquiry is initiated or show cause notice issued to the applicant. Learned counsel submitted that no special reasons or exceptional circumstances are made out to transfer the applicant as it is a mid-term transfer. Learned counsel further submitted that the Respondent No. 3 has exerted political pressure and secured recommendations from the Hon'ble Member of Legislative Assembly.

6. Learned P.O submitted that the applicant has completed her normal tenure and there are complaints against her and that the case of the applicant was considered by the Civil Services Board in its meeting held on 25.9.2024.

7. Learned P.O further submitted that he would like to take instructions about the details of the complaints against the applicant and so also the report submitted by the Chief Officer in the said matter about initiating departmental enquiry under M.C.S Rules.

8. In view of the above, parties are directed to maintain status quo.

9. S.O to 22.10.2024.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.862 OF 2024

K. K. Vaidya ....Applicant

Versus

The State of Maharashtra & Ors...Respondents.

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents

2. Learned PO submits that positively on next date, he will file Affidavit in Reply.

3. S.O. to 23.10.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.1354 of 2023

A. M. Patil ....Applicant

Versus

The State of Maharashtra & Ors...Respondents.

1. Heard Shri N. W. Sawant, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned PO submits that reply is ready but affirmation is pending. She further states that they will serve unaffirmed copy of reply to Applicant.

3. S.O. to 23.10.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.863 OF 2024

V. P. Kolekar ....Applicant

Versus

The State of Maharashtra &Ors. ..Respondents.

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents

2. Learned PO submits that positively on next date, he will file Affidavit in Reply.

3. S.O. to 23.10.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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: 16.10.2024

O.A. No.1187 of 2023

S. R. Kharat .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. files 'Short Affidavit-in-Reply' on behalf of Respondent. It is taken on record.

3. S.O. to 21.10.2024.

Sd/-

(Debashish Chakrabarty)
Member (A)

NMN

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

M. A. No.535 of 2024 in O.A.No.631 of 2018

R. M. Pandhare & Ors. ....Applicants

Versus

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

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

2. Learned Advocate for Applicants seeks permission to carry out the amendment in the O.A. as per "Schedule" enclosed to M.A. to add similarly situated candidates like the present Applicants in OA.

3. Learned PO seeks time to file Reply.

4. S.O. to 11.11.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.879 OF 2024

D. J. Ghadge ....Applicant

Versus

The State of Maharashtra & Ors. .Respondents.

1. Heard Shri G. A. Bandiwadekar, learned Advocate for the Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents.

2. Learned PO submits that parawise remarks are received from the concerned department and seeks time to file reply.

3. S.O. to 12.11.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.906 OF 2024

R. F. Koli ....Applicant

Versus

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

1. Heard Ms Sonali Pawar holding for Shri S. S. Dere, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate for Applicant submits that Applicant does not want to file Rejoinder.

3. The matter is admitted and kept for final hearing.

4. S.O. to 22.01.2025.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.690 OF 2024

S. B. Patil ....Applicant

Versus

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

1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Smt. , learned Presenting Officer for the Respondents

2. The matter is admitted and kept for final hearing.

3. S.O. to 20.01.2025.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.752 OF 2024

Dr. R. D. Thombare (legal Heir)
R. R. Thombare ....Applicant

Versus

The State of Maharashtra & Ors. .Respondents.

1. Heard Shri G. A. Bandiwadekar, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents

2. Today, learned PO has filed Affidavit in Reply on behalf of Respondent No.5. It is taken on record.

3. Learned PO seeks time to take instructions regarding order dated 09.07.2024.

4. S.O. to 23.10.2024

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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 : 16.10.2024 **O.A.No.793 OF 2024** **V. N. Ghante ....Applicant** **Versus** **The State of Maharashtra &Ors. ...Respondents.** 1. Heard Ms Sonali Pawar holding for Shri S. S. Dere, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents. 2. Today, learned PO has filed Affidavit in Reply on behalf of Respondent Nos.1, 2 & 4. It is taken on record. 3. S.O. to 18.11.2024 for filing Rejoinder. Sd/- **(A. N. Karmarkar)** **Member (J)** vsm

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.1573 of 2023

A. R. A. Jabbar ....Applicant

Versus

The State of Maharashtra & Ors...Respondents.

1. Heard Shri G. B. Pawar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Learned PO submits that they are going to file Affidavit in Reply during the course of the day. Statement is accepted. It be taken on record.

3. S.O. 19.11.2024 for filing Rejoinder.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[PTO

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.168 OF 2024

C. S. Aarge ....Applicant

Versus

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

1. Heard Shri Atharv Gidaye holding for Shri S. Deokar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Learned Advocate for Applicant submits that Applicant does not want to file Rejoinder in the matter.

3. The matter is admitted and kept for final hearing.

4. S.O. to 14.01.2025.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[PTO

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.234 of 2024

B. R. Patil ....Applicant

Versus

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

1. Heard Ms Sonali Pawar holding for Shri S. S. Dere, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Advocate for Applicant submits that Applicant does not want to file Rejoinder.

3. The matter is admitted and kept for final hearing.

4. S.O. to 15.01.2025.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.355 of 2024

S. J. Deshpande ....Applicant

Versus

The State of Maharashtra & Ors. .Respondents.

1. Heard Shri K. S. Jadhav, learned Advocate for the Applicant through video conference and Shri A. D. Gugale, learned Presenting Officer for the Respondents. None for Respondent No.10.

2. No reply is filed though sufficient time is granted to learned PO.

3. The matter is admitted and kept for final hearing without reply.

4. S.O. to 16.01.2025.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.410 OF 2024

C. R. Harad & Ors ....Applicant

Versus

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

1. Heard Ms Aishwarya Khanolkar holding for Shri D. Pagare, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned PO seeks time to file reply by way of last chance.

3. S.O. to 22.11.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.504 OF 2023

Maharashtra Vanrakshak Vanpal Sanghatana, Nagpur, Thane & Ors. ....Applicants

Versus

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

1. The Applicant and his Advocate are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.

2. Today, learned PO has filed Affidavit in Reply on behalf of Respondent Nos.2, 4, 5 & 6. It is taken on record.

3. S.O. to 22.11.2024 for Rejoinder.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20

(A. N. Karmarkar)
Member (J)

DISTRICT

..... Applicant/s

(Advocate .....)

vsm

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 : 16.10.2024

O.A.No.857 OF 2024

S. B Bote & Ors. ....Applicants

Versus

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

1. Heard Ms Asmita Garodia holding for Shri V. R. Katariya, learned Advocate for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned PO has filed Affidavit in Reply on behalf of Respondent No.5. It is taken on record.

3. S.O. to 27.11.2024 for Rejoinder.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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 : 16.10.2024

M. A. No.420 of 2024 in O.A.No.857 OF 2024

S. B Bote & Ors. ....Applicants

Versus

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

1. Heard Ms Asmita Garodia holding for Shri V. R. Katariya, learned Advocate for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents

2. This is an application for leave to sue jointly.

3. All the Applicants have not received the amount towards 'Leave Encashment'.

4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.

5. M. A. No.420/2024 is allowed. No order as to costs.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

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

Date : 16.10.2024

O.A.No.1332 of 2024

R. R. Patil ....Applicant
Versus
The State of Maharashtra &Ors. ...Respondents.

1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents

2. The office objection, if any, are to be removed and court fees to be paid, if not already paid.

3. Issue notice before admission returnable on 27.11.2024.

4. 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.

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 Original/ ~~Miscellaneous~~ Application shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the Original / ~~Miscellaneous~~ Application shall stand dismissed.

8. S.O. to 27.11.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.896 OF 2024

S. S. Pawar ....Applicant

Versus

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

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

2. Learned Advocate for Applicant insisted for early hearing of the matter.

3. No reply is filed by the Respondents.

4. Learned PO seeks time to file reply positively on next date.

5. S.O. to 23.10.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.328 of 2022

M. Venkatesh & Ors. ....Applicants

Versus

The State of Maharashtra & Ors. .Respondents.

1. The Applicant and his Advocate are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.

2. The matter is filed in April, 2022.

3. The parties to argue the matter on next date.

4. S.O. to 20.12.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 : 16.10.2024

O.A.No.1273 OF 2024

S. B. Gawde ....Applicant

Versus

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

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents

2. Learned PO submits that they are ready to file reply on behalf of Respondent Nos.3 & 4.

3. Learned Advocate for Applicant submits that there is urgent in the matter as the Applicant is going to retire at the end of this months. He further states that all the Respondents are served and 'Service Affidavit' is also filed on 04.10.2024.

4. The matter is admitted and kept for final hearing with liberty to file reply on behalf of Respondent Nos.3 & 4.

5. S.O. to 18.10.2024.

Sd/-

(A. N. Karmarkar)
Member (J)

vsm

[P.T.O.

(G.C.P.) J 15 (10,000—5-2023) [Spl.- MAT-F-2 E.

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

16.10.2024

O.A 1150/2024

(Speaking to the Minutes)

P.D Balkhande ...Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. None present for the Applicant. Heard Shri Anand Gugale, learned P.O for the Respondents.

2. The application for Speaking to the Minutes is filed by learned Presenting Officer for the Respondents. Learned P.O submitted that in the order dated 9.9.2024, Para no. 8 which reads as under be deleted.

> "8. In view of the order of this Tribunal dated 12.1.2024 in O.A Nos 853 & 854/2023, the transfer order dated 30.8.2024 of Respondent No. 2 is hereby stayed."

3. Hence Para 8 of the Order dated 9.9.2024 stands deleted.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

C.A. No.17 of 2024 in O.A. No.641 of 2023

S.S. Rawle ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Under Secretary Shri Jagtap and Principal Secretary, Revenue & Forest Department are directed to remain present at 3.00 p.m. today.

3. Kept back.

Sd/-
(Debashish Chakrabarty)
Member (A)
16.10.2024

Sd/-
(Mridula Bhatkar, J.)
Chairperson
16.10.2024

(sgj)

[P.T.O.

(G.C.P.) J 15 (10,000—5-2023) [Spl.- MAT-F-2 E.

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

16.10.2024

O.A 652/2024

Suresh R. Kamble ...Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.V Waghmare, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Learned counsel for the applicant has moved application for Speaking to the Minutes.

3. Learned counsel submitted that the date mentioned in paragraph 4 should be "10.10.2024" instead of "4.9.2024".

4. Learned P.O submits to the order of the Court.

5. Accordingly in paragraph 4 the date should be read as "10.10.2024" instead of "4.9.2024."

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.

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

16.10.2024

O.A 1347/2024

Santoshi A. Harale
P.S Shirke ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.

2. The applicants are aggrieved by the order dated 14.10.2024 by which Respondent No. 5 is posted on promotion to the post of Joint Director, Other Backward Bahujan Welfare Directorate, Pune.

3. Learned counsel submits that there are only two posts of Joint Director, Other Backward Bahujan Welfare Directorate. Learned counsel further submitted that both the applicants are working as Joint Director, Other Backward Bahujan Welfare Directorate, Pune since 2.8.2024 and 28.8.2024 on deputation. Therefore, there is no post available for the incoming person, i.e., Respondent No. 5, who is posted on promotion to the post of Joint Director, Other Backward Bahujan Welfare Directorate, Pune. Learned counsel for the applicants produced copy of note dated 14.10.2024 from the Social Justice Department stating all these facts and refusing to allow Shri Anil M. Shenderkar to join the post of Joint Director.

4. Issue notice before admission returnable on 13.11.2024.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

6. 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.

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.

8. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

9. The impugned order dated 14.10.2024 qua the applicants to the post of Joint Director, Other Backward Bhaujan Welfare Directorate, Pune is stayed.

10. S.O to 13.11.2024.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

(G.C.P.) J 15 (10,000—5-2023) [Spl.- MAT-F-2 E.

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

16.10.2024

M.A 629/2024 in O.A 1347/2024

Santoshi A. Harale
P.S Shirke ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Misc Application seeking to sue jointly is allowed subject to payment of court fees, if not already paid.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.

(G.C.P.) J 15 (10,000—5-2023) [Spl.- MAT-F-2 E.

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

16.10.2024

O.A 1340/2024

S.K Sanap ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri N.G Patil, learned advocate for the applicant and Shri Anand Gugle, learned P.O for the Respondents.

2. The Applicant working as Circle Officer, challenges the transfer order dated 11.10.2024 transferring him from the office of Tahsildar, Dapoli to the office of Deputy Accountant, Tahsildar Office, Rajapur.

3. Learned P.O submits that the copy of the Original Application is not served on the Respondents.

4. Learned counsel submits that copy of the Original Application will be served today itself.

5. Issue notice before admission returnable on 21.10.2024.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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. 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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

10. S.O to 21.10.2024.

Sd/-

(Mridula Bhatkar, J.)

Chairperson

Akn

[*P.T.O.*

(G.C.P.) J 15 (10,000—5-2023) [Spl.- MAT-F-2 E.

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
	16.10.2024 **O.A 962/2024** **(Through Video Conference)** A.V Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents 1. Heard Shri S.S Kulkarni, learned advocate for the applicant and Shri D.R Patil, learned P.O for the Respondents. 2. Learned counsel for the applicant submits that the grievance of the applicant is redressed by order dated 27.9.2024 and hence the matter can be disposed of. 3. In view of the above, nothing remains in the Original Application and the same stands disposed of. Sd/- **(Mridula Bhatkar, J.)** **Chairperson** Akn

[P.T.O.

(G.C.P.) J 15 (10,000—5-2023) [Spl.- MAT-F-2 E.

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

16.10.2024

O.A 1320/2024

(Through Video Conference)

B.S Tayde ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.

2. Learned counsel for the applicant seeks time.

3. S.O to 17.10.2024.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[P.T.O.