

**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>Date: 16.11.2021</p> <p align="center">O.A. No.864 of 2021</p> <p>J.R. SonkawadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. notice has been issued by order dated 29.10.2021 and issue of interim relief was kept open.</p> <p>3. The Applicant has challenged order dated 15.09.2021 passed by Respondent No.3 whereby the Applicant was directed to be relieved <i>ex-parte</i> with direction to her to resume duties in Social Justice Department.</p> <p>4. Learned Advocate for the Applicant sought interim relief to the impugned order <i>inter-alia</i> contending that it amount to mid-term and mid-tenure transfer in the garb of repatriation to Original Department. Learned Advocate for the Applicant has pointed out that the Applicant has been transferred by order dated 06.09.2018 as Deputy Director उपासंचालक, विजाभज, इमाव व विमाप्र कल्याण संचालनालय, पुणे and therefore she was entitled for normal tenure of three years but before completion of three years tenure she has been transferred in the garb of repatriation to Original Department which itself is incorrect.</p> <p>5. Whereas, learned P.O. tried to contend that impugned order dated 15.09.2021 is not transfer order but it is simply repatriation and opposed interim relief.</p> <p>6. Perusal of record reveals that by order dated 06.09.2018, Government transferred and posted the Applicant as Deputy Director उपासंचालक, विजाभज, इमाव व विमाप्र कल्याण संचालनालय, पुणे. As such she was given specific posting as contemplated under Section 2(g) of Transfer Act 2005 were the post is defined as job or seat of duty to which a Government servant is assigned or posted. Later the name of Department namely विमुक्त जाती भटक्या जमाती, इतर मागास वर्ग आणि विशेष मागास प्रवर्ग कल्याण विभाग has been changed as इतर मागासवर्ग, सामाजिक व शैक्षणिक मागास प्रवर्ग, विमुक्त जाती भटक्या जमाती आणि विशेष मागास प्रवर्ग कल्याण विभाग by G.R. dated</p>

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	<p>24.07.2019 then by G.R. dated 17.02.2020 again nomenclature was changed as बहुजन कल्याण विभाग. Again by G.R. dated 02.03.2020 nomenclature was designated as इतर मागास बहुजन कल्याण विभाग. It is thus obvious that the Applicant was posted on the particular post which is presently know as इतर मागास बहुजन कल्याण विभाग and she was entitled to three years normal tenure.</p> <p>7. However by impugned order dated 15.09.2021 she has been relieved <i>ex-parte</i> by passing following order:- यारतव आपणांस या आदेशान्वये इतर मागास बहुजन कल्याण संचालनालयातील उपसंचालक पदावरून तात्काळ एकतर्फी कार्यमुक्त करण्यात येत असून आपण आपल्या पूर्वीच्या विभागात म्हणजेच आयुक्त, समाजकल्याण, पुणे कार्यालयात तातडीने हजर व्हावे.</p> <p>8. Indeed when the Applicant has specifically given posting as Deputy Director in the Department which is now known as इतर मागास बहुजन कल्याण विभाग the question of asking her to resume duties in Social Department is something which is quite un-understandable. It is not the case that she was given posting in समाजकल्याण Department and was on deputation in the present Department. Be it that as it may, <i>prima-facie</i> order dated 15.09.2021 amount to transfer from one post to another post mid-term and mid-tenure.</p> <p>9. When specific query was raised to learned P.O. about the compliance of Section 4(5) of Transfer Act 2005 as well as placing of the matter before Civil Service Board (C.S.B.), she fairly stated that approval of Hon'ble Minister was only taken and matter was not placed before C.S.B.</p> <p>10. Whereas under Section 4(5) of Transfer Act 2005. Transfer ought to have been with the approval of Hon'ble Chief Minister making out of special case or administrative exigencies.</p> <p>11. Thus <i>prima-facie</i>, there is no compliance of Section 4(5) of Transfer Act 2005 as well as direction given by Hon'ble Supreme Court for placing the matter before C.S.B. as mandated in (2013) 15 SCC 732 (T.S.R. Subramanian and Ors. Vs. Union of India & Ors.)</p> <p>12. For the aforesaid reasons <i>prima-facie</i> impugned order dated 15.09.2021 is not in consonance with law and requires to be stayed.</p> <p>13. Interim relief as prayed in prayer Clause 10 (a) of O.A. is granted.</p> <p>14. Two weeks time is granted to the Respondent to file Reply.</p> <p>15. S.O. to 02.12.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</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 : 16.11.2021</p> <p align="center">M. A. No.483 of 2021 in O.A.No. 281 of 2018</p> <p>R. J. PandharpurApplicant</p> <p align="center">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms S. T. Suryawanshi holding for Shir V.V.Jsohi, learned Counsel for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.</p> <p>2. In pending O.A. for deemed date of promotion, the Applicant has filed this M.A. for amendment whereby he wants to add certain pleadings and also to amend prayer clause to substantiate his claim for promotion as well as for deemed date of promotion. By way of proposed amendment, the Applicant sought to plead that his juniors were promoted and therefore he is entitled for deemed date of promotion.</p> <p>3. Since the proposed amendment will not change nature of O.A., I am inclined to allowed amendment.</p> <p>4. Amendment be carried out within a week.</p> <p>5. Learned P.O. shall file additional affidavit in reply to amendment made in O.A.</p> <p>6. S.O. to 07.12.2021.</p> <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: 16.11.2021</p> <p align="center">O.A. No.475 of 2019</p> <p>D.T. LawateApplicant 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. Today learned Advocate for the Applicant has filed First Additional Affidavit-in-Rejoinder alongwith some Annexure contending that those were obtained recently under R.T.I. It is taken on record.</p> <p>3. Adjourned for Final Hearing, since the matter is Part Heard.</p> <p>4. S.O. to 18.11.2021.</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: 16.11.2021</p> <p align="center">O.A. No.206 of 2019</p> <p>S.C. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri M.D. Lonkar, learned Advocate for the Respondent No.3.</p> <p>2. On request of learned P.O. and Learned Advocate for the Respondent No.3 two weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 30.11.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 16.11.2021</p> <p align="center">O.A. No.807 of 2021</p> <p>T.V. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant has pointed out that despite interim relief granted by this Tribunal by order dated 14.10.2021, Respondent No.2 has deducted Rs.14,000/- from his salary which is in defiance of the order by this Court and Contempt of the order of the Tribunal.</p> <p>3. Learned P.O. on instructions from Shri Sachin M. Swami, Clerk, Additional Charge, Arm Police Force, Worli submits that Rs.14,000/- were inadvertently deducted from the salary of October 2021 and the same will be refunded to the Applicant within short time.</p> <p>4. Respondent No.2 is directed to refund Rs.14,000/- deducted from the Applicant within two weeks from today.</p> <p>5. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.</p> <p>6. S.O. to 30.11.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="right">[P.T.O.]</p> <p align="left">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NOS 204, 205, 429, 642, 693, 674, 675,
754, 755, 767 & 798/2021**

DISTRICT :

Shri Bhanudas B. Nimgire & Ors)...**Applicants**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicants in 204, 205, 429, 642, 674, 675, 754, 755, 767 & 798/2021

Shri V.P. Sangvikar / Shri A.B. Chalak, learned advocate for the applicant in O.A 693/2021.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 16.11.2021

ORDER


1. Perused the short affidavit in reply dated 11th November, 2021, filed by Respondent no. 1, pursuant to the order dated 18.10.2021 and 25.10.2021, wherein the Respondent has informed that it is not possible for the department to fill the remaining posts at this stage. This affidavit in reply is filed by the Finance Department, based on the G.R dated 4.5.2020 imposing ban on all types of new recruitments, except recruitments in Public Health Department and Medical Education Department.

2. I have also gone through the opinion given by B.Z. Sayyed, Solicitor-cum-Joint Secretary, Law & Judiciary Department, where he

has referred to the order passed by the Hon'ble Supreme Court dated 23.9.2021 in M.A 665/2021 in Suo Moto W.P (Civil) No. 3/2020. The Law & Judiciary Department has opined that the order is passed in the interest of litigants who are unable to approach the Court and Tribunal within the statutory time frame, and therefore, that period of pandemic is to be excluded as there was nationwide lock down. It is also opined that the order of the Hon'ble Supreme Court is basically in respect of the limitation prescribed by general and special laws. The opinion of the Law & Judiciary Department is correct to that extent. However, the purpose of quoting the said directions of the Hon'ble Supreme Court by the Tribunal was not properly understood by the Law & Judiciary Department. The life of wait list is fixed for one year under the G.R dated 13.6.2018. The period of limitation which is referred to by the Hon'ble Supreme Court is under the Limitation Act, which is a Parliamentary Legislation and the G.R is an outcome of the delegated legislation.

3. Thus, the directions given by the Hon'ble Supreme Court of extending the period of limitation mentioned in the statute can very well be made applicable as directions mutatis- mutandis for the delegated legislation. It is necessary to take into account the purpose and spirit behind the directions given by the Hon'ble Supreme Court. The Tribunal is of the view that when there was a nationwide lockdown and all concessions are given to all the people including the State, then why not this also to be made applicable to Clause 13 of the G.R dated 13.6.2018, which is a delegated legislation.

4. Further on query, it is informed that the Finance Department has issued advertisement for filling up 930 posts of Junior Accountant/Junior Auditor/Accounts Clerk/Audit Clerk in the office of the Directorate of Accounts and Treasury. The result was declared in June, 2019. The nationwide lock down was declared on 18/19.3.2020. Thus, during the period of 8 months, the department could complete the process of filling 715 posts by issuing orders of their appointment. It appears that till today 215 posts out of 930 advertised posts are yet to be filled in.



5. Attention is drawn to the copy of the noting dated 2.11.2021 regarding filling up the posts of Junior Accountant/Junior Auditor/Accounts Clerk/Audit Clerk in the office of the Directorate of Accounts and Treasury, wherein G.R dated 4.5.2020 issued by Finance Department, is referred to. In para 4, of the said G.R, G.A.D has given opinion that the recruitment process is banned. In para 5 it is further resolved that the restrictions on the recruitment pursuant to G.R dated 4.5.2020 are in existence in State of Maharashtra. However, the Finance Department is competent to take decision of their own by filling up the posts at their level.

6. In view of the above, Respondents, G.A.D and Finance Department shall file a short affidavit in reply, especially in view of the minutes dated 2.11.2021 to enable the Tribunal to decide and adjudicate the issue of giving extension to the select list or wait list for filling up the posts of Junior Accountant/Junior Auditor/Accounts Clerk/Audit Clerk in the office of the Directorate of Accounts and Treasury, for the candidates who are in the select list/wait list.

7. S.O to 18.11.2021. Hamdast granted.

Sd/-

**(Mridula Bhatkar, J.)
Chairperson**

**Place : Mumbai
Date : 16.11.2021
Dictation taken by : A.K. Nair.**

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	<p>Date : 16.11.2021</p> <p align="center">O.A.No.873 of 2021</p> <p>A. R. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This matter was taken up for admission yesterday but having found that prayers are too vague and issue of limitation was also involved. Learned Counsel for the Applicant was directed to satisfy how O.A. is maintainable.</p> <p>3. Today, learned Counsel for the Applicant seeks permission to withdraw O.A.</p> <p>4. Allowed to withdraw O.A.</p> <p>5. The Applicant may avail appropriate remedy as may be permissible in law.</p> <p>6. No order as to costs.</p> <p align="right">^ Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 16.11.2021</p> <p align="center">O.A.No.663 of 2021 With M.A.No.407 of 2021 in M.A.No.425 of 2021</p> <p>K. S. AdheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Smt. Punam Mahajan, learned Counsel for Applicant. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents and Ms Rekha Musale, learned Counsel for Respondent No.2 as well as learned Counsels Shri A. B. Tajane in M.A.No.407 & Shri S. S. Dere in M.A.No.425/2021 (Intervenors) are present.</p> <p>2. Enough time is granted to file reply for intervention application but it is not filed. Hence, I am not inclined to grant further time.</p> <p>3. In O.A. reply is already filed.</p> <p>4. O.A. is, therefore, kept for hearing at the stage of admission.</p> <p>5. Since the matter needs to be decided expeditiously in view of the interim relief granted by the Tribunal by order dated 02.09.2021.</p> <p>6. Interim relief to continue till next date.</p> <p>7. S.O. to 02.12.2021.</p> <p align="right">^ Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 16.11.2021</p> <p align="center">M. A. No.282 of 2021 in O.A.No. 552 of 2021 With M. A. No.283 of 2021 in O.A.No. 553 of 2021</p> <p>K. T. More P. G. KulkarniApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Prachi Hendre holding for Shir V.V. Joshi, learned Counsel for the Applicant and Smt. Archana B. K. , learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted for filing reply to M.A. and O.A. by way of last chance.</p> <p>3. S.O. to 24.11.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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**(A.P. Kurhekar)
Member(J)**

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	<p>Date : 16.11.2021</p> <p align="center">O.A.No.512 of 2021</p> <p>B. D. ChaubheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. R. Joshi holding for Shri V. V. Joshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondent No.4 in O.A.. It is taken on record. 3. No reply is filed on behalf of the Respondent Nos. 1 to 3. 4. On request of learned Counsel for the Applicant the matter is adjourned for hearing of M.A. 5. S.O. to 03.12.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 16.11.2021</p> <p align="center">M. A. No.402 of 2021 in O.A.No. 494 of 2021</p> <p>M. P. JamadarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard the Applicant in person and Smt. Kranti Gaikwad , learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply in M.A. and O.A. by way of last chance .</p> <p>3. S.O. to 01.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 16.11.2021</p> <p align="center">O.A.No.900 of 2021</p> <p>B. R. GirmeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. S. Kadam, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the order dated 08.10.2021 passed by the Respondent No.1- the Commissioner of Education, Pune whereby his services were allotted to Zilla Parishad.</p> <p>3. Learned Counsel for the Applicant submits that by G.R. dated 15.09.2020, the Government directed for absorption of surplus teachers on equivalent post but instead of it, the Applicant has been transferred to Zilla Parishad which is detriment to their service conditions.</p> <p>4. Issue notice before admission returnable on 30.11.2021.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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.</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 align="right">[P.T.O.]</p>

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	<p>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 one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>10. S.O. to 30.11.2021.</p> <p>11. Issue of interim relief is kept open.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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M.A. No.482 of 2021 in O.A. No.876 of 2021

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

Heard Shri A.S. Patil, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. MA is filed for condonation of delay. Communication dated 15.12.2018 is challenged in this OA. The said communication was served on the applicant on 23.12.2018. Thus the limitation started running after 22.12.2019. Due to lockdown from March, 2020 till October, 2021 by the standing orders of the Hon'ble Supreme Court the delay is condoned. However, there is delay of 4 to 5 months.

3. Issue involved in this OA is very short. Whether the diploma certificate issued to the applicant is valid and from the recognized College/Institute affiliated to the recognized University. This matter can be disposed off at the stage of admission after necessary instructions are given by the respondents to the Ld. CPO.

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

4. Issue notice before admission returnable on 30.11.2021. 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 in view of this present COVID-19 Pandemic situation. Respondents are put to

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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 one week. Applicant is directed to file affidavit of compliance and notice.

16.11.21

Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

16.11.2021

(sgj)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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	<p>Date : 16.11.2021</p> <p style="text-align: center;">O.A.No.492 of 2021</p> <p>D. B. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record. 3. The matter is adjourned for hearing at the stage of admission. 4. S.O. to 08.12.2021. <p style="text-align: right; margin-top: 20px;">Sd/- (A.P. Kurhekar) Member(J)</p> <p style="margin-top: 20px;">vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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 : 16.11.2021</p> <p align="center">M.A.No.474 of 2021 in O.A.No.709 of 2021</p> <p>K. H. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Asawari Ghate holding for Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents submits that he will file reply to O.A. as well as M.A. during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. The matter is kept for hearing at the stage of admission.</p> <p>4. S.O. to 02.12.2021.</p> <p align="right">Sd/- (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 : 16.11.2021</p> <p align="center">O.A.No.710 of 2021</p> <p>V.A. Waghmode ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Asawari Ghate holding for Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 and 2. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission with liberty to Applicant to file Rejoinder, if any, in the meantime.</p> <p>4. S.O. to 07.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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>Date : 16.11.2021</p> <p align="center">O.A.No.733 of 2021</p> <p>S.P. KolteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Asawari Ghate holding for Smt. Punam Mahajan, learned Counsel 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 for filing reply.</p> <p>3. S.O. to 02.12.2021.</p> <p align="right">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 16.11.2021</p> <p>M.A. No.461 of 2021 in O.A.No.846 of 2021</p> <p>Lt. Mrs. Kalavati D. Likhari since Deceased through her heir and L.R. Mr.Dhanaraj D. LikhariApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms S. T. Suryawanshi, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 15.12.2021. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M. A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 15.12.2021. <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member(J)</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>Date : 16.11.2021</p> <p align="center">O.A.No.561 of 2021</p> <p>K. A. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Respondent No.4 is served but absent. 3. On request of learned P.O., three weeks time is granted for filing reply by way of last chance. 4. S.O. to 03.12.2021. <p align="right">  (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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

Tribunal's orders

Date : 16.11.2021

**O.A.No.576 of 2020 with M.A.No.306 of 2020
With
O.A.No.119 of 2019 with M.A.No.12 of 2020 in
M.A.No.14 of 2020 With O.A.No.705 of 2020**

S.P. Sable & Ors. (O.A.576/2020)
A.T. Sakore (M.A.306/2020)
A.T. Sakore (O.A.119/2019 with M.A.12/2020 in
M.A.14/2020)
A.T. Sakore (O.A.705/2020)

....Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant in O.A.No.576 /2020, Mr. B. Deshmukh, learned Advocate for the Applicant in M.A.No.306/2020, O.A.119/2019 with M.A.12/2020 in M.A.14/2020, O.A.705/2020 and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Respondents are directed to produce the following documents which are mentioned at Clause (2), (a), (b) and (d) in the application dated 18.02.2019 made by the learned Advocate to the Presenting Officer M.A.T., Mumbai calling upon the inspection of the documents and the compliance of the direction dated 11.02.2019 passed by this Tribunal :-

- (a) Salary slips for period from April 2016 to March 2017, of Resp. No.4.
- (b) Copy of Form No.16 for year 2014-15, 2015-16, 2016-17 of Respd. No.4.
- (d) All documents submitted by Resp. No.4 for obtaining non-creamy layer certificate including family members income documents.

3. Admit. Adjourned to 01.12.2021.

Sd/-

/ (Mridula Bhatkar, J.)
Chairperson

**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 : 16.11.2021</p> <p>O.A.No.895 of 2021</p> <p>B.A. KosarkarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Applicant to serve the copy of O.A. to the office of learned C.P.O. as the matter is transferred from Nagpur Bench.</p> <p>3. Adjourned to 18.11.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 : 16.11.2021</p> <p>O.A.No.892 of 2021</p> <p>S.B. KharatApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.S. Deshpande, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Interim relief to continue till tomorrow.</p> <p>3. Adjourned to 17.11.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 16.11.2021</p> <p align="center">O.A.No.656 of 2021</p> <p>T.T. JadhavApplicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Nikhil R. Devkar, learned Advocate h/f. Mr. V. Kolekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Mr. Sachin M. Bhavar, learned Advocate a/w. Mr. A.N. Abhay A. Jadhavar holding for Mr. V.V. Gujar, learned Advocate for the Respondents No.3 and 4.</p> <p>2. The learned C.P.O. submits that affidavit-in-reply will be filed during the course of the day.</p> <p>3. The learned Advocate Mr. Sachin M. Bhavar, learned appearing for Private Respondents No.3 and 4 seeks time to file affidavit in reply.</p> <p>4. Adjourned to 14.12.2021</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. 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 style="text-align: center;"><u>O.A. No.861 of 2021</u></p> <p>R.Z.H. Tundiwale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief 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 14.12.2021. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right; margin-right: 20px;">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</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 align="center"><u>O.A. No.875 of 2021</u></p> <p>R.R. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Applicant in person 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 14.12.2021. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="right">Sd/- _____ / (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</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>O.A. No.902 of 2021</u></p> <p>Y.U. Shaikh ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.A. Siddiquie, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In this matter termination order dated 26.10.2021 passed by the Additional Commissioner of Police, East Region, Mumbai is challenged by the applicant a Police Sub-Inspector. Appeal lies against this order before the Additional Chief Secretary, Home Department as it is mentioned in the impugned order dated 26.10.2021. On query it is found that the applicant has not taken the said recourse before the appellate authority.</p> <p>3. Ld. Advocate for the applicant submits that he will approach the appellate authority and seeks leave to withdraw the above OA.</p> <p>4. OA is allowed to be withdrawn and disposed off as such.</p> <p align="right">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.67 of 2021</u></p> <p>Savita B. Titar (Datir) ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file affidavit in reply.</p> <p>3. Ld. Advocate for the applicant submits that High Power Committee was constituted for taking decision regarding appointment by way of direct recruitment after trap laid down by the ACB and applicant's arrest therein. Ld. Advocate submits that decision taken by the High Power Committee is to be communicated to the applicant.</p> <p>4. Ld. PO on instructions submits that High Power Committee has taken decision that applicant should not be appointed to the post of Assistant Commissioner of Drugs due to prosecution by the ACB against her.</p> <p>5. S.O. to 7.12.2021.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.145 of 2021</u></p> <p>N.P. Chaudhari & 5 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 informs that DPC was held on 13.10.2021 in respect of Applicant No.6 – Shri Hrishikesh Bhausaheb Adhikari and he has been held eligible and now it is further sent for approval. Within two weeks further orders will be issued.</p> <p>3. S.O. to 7.12.2021. _____</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</p>

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	<p align="center"><u>M.A. No.247 of 2021 in O.A. No.220 of 2020</u></p> <p>D.N. Taware & 2 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO states that reply will be filed during the course of the day.</p> <p>3. S.O. to 30.11.2021.</p> <p align="right">Sd/- Z (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.212 of 2021 with M.A. No.128 of 2021</u></p> <p>V.G. Dawari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for Respondents No.1, 3 & 4 and Shri Gajanan Kukde holding for Shri M.V. Thorat, learned Advocate for Respondent No.2.</p> <p>2. Ld. Advocate for the applicant seeks time to bring the legal representatives of applicant on record.</p> <p>3. S.O. to 7.12.2021.</p> <p align="right">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</p>

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	<p align="center"><u>M.A. No.406 of 2021 in O.A. No.772 of 2021</u></p> <p>V.A. Waghmare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant 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 in MA returnable on 14.12.2021. The respondents are directed to file reply.</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. with MA. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="right">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</p>

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	<p align="center"><u>M.A. No.476 of 2021 in O.A. No.20 of 2020</u></p> <p>N.K. Gaikwad ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This matter be placed before Single Bench.</p> <p align="right">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson 16.11.2021</p> <p>(sgj)</p>

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	<p><u>C.A. No.3 of 2020 in O.A. No.707 of 2018</u></p> <p>R.C. Pillay ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Vijaya Chandrashekhar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that she will file affidavit-in-sur-rejoinder during the course of the day.</p> <p>3. By order dated 23.1.2019 in the above OA the Division Bench of this Tribunal had directed Respondents no.2 and 3 to complete the exercise of Rule making process within three months and take decision on the point of regularizing applicant's services on promotional post from his first promotion, by ignoring artificial breaks and communicate the decision to the applicant within further three months from the date of this order.</p> <p>4. Respondents No.2 and 3 thereafter issued order on 20.4.2019 i.e. within 3 months giving promotion to the applicant to the post of PSI, Dog Trainer. This order of promotion was issued though within time but it was in absence of recruitment rules. The exercise of making Recruitment Rules could not be done till today as it is lengthy procedure.</p> <p>5. Ld. CPO submits that respondents no.2 & 3 are not competent to make rules but the powers to make rules vests with respondent no.1 i.e. State of Maharashtra. However, respondents no.2 & 3 issued the order as per directions given by this Tribunal to them and have been following the issue of making recruitment rules since then. Ld. CPO pointed out para 4(iii) of the affidavit in reply dated 6.9.2021 filed by Arvind P. Andhere, Desk Officer in the office of DGP, Mumbai wherein it is mentioned that vide office order dated 20.4.2019 promotion order was issued in favour of the</p>

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applicant and his services were regularized along with similarly situated colleagues of the applicant and the services of in all 57 such colleagues have also been regularized by issuing separate six orders to that effect on 15.5.2019.

6. Ld. CPO further pointed out para 4(iv) of the reply wherein the respondents have stated about development in the process of making recruitment rules. She points out that proposal for finalizing the recruitment rules for the post of PI (Senior Dog Master), PSI (Dog Master) and Police Head Constable (Dog Squad) is approved by the GAD and file is sent to MPSC on 8.1.2021. Thereafter MPSC has sought some information by sending communication on 4.3.2021 to Government. The Government has forwarded said information on 24.8.2021. Now approval of MPSC is awaited.

7. It is to be noted that from the affidavit it is transpired that rule making process has been initiated in 2003. However, by order of this Tribunal it had accelerated and now approval of MPSC is awaited. Thus, it is at the final stage. Making recruitment rules of this department is necessary in the interest of Government servants in the said department and therefore for the compliance of the order of this Tribunal the respondents no.2 & 3 are directed to speed up the action by obtaining approval from MPSC and thereafter it is to be send to the His Excellency the Governor of Maharashtra. It is to be send by 1.12.2021.

8. S.O. to 16.12.2021.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
16.11.2021

(sgl)