

**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
	<p>Date: 16.12.2021</p> <p align="center">O.A. No.904 of 2021</p> <p>K.N. Shinganathe .....Applicant Versus The State of Maharashtra &amp; 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. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 06.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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of 20

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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: 16.12.2021</p> <p align="center">O.A. No.946 of 2021</p> <p>S.B. Mulani .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record. No separate Reply is filed on behalf of Respondent No.1.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 10.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 16.12.2021</p> <p align="center">O.A. No.57 of 2021</p> <p>H.R. Devale .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri S.R. Ghanavat, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</li> <li>3. Adjourned for hearing at the stage of admission.</li> <li>4. S.O. to 03.01.2022.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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 : 16.12.2021</p> <p align="center">O.A.No. 724 of 2021</p> <p>A. M. Deokar <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant, Smt. Archana B K., learned Presenting Officer for the Respondent No.1 and Shri Padve, learned Counsel for Respondent No.2.</p> <p>2. Learned P.O. sought two days time stating that file is under consideration on the decision recently moved by the department.</p> <p>3. S.O. to 21.12.2021.</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 : 16.12.2021</p> <p align="center">O.A.No. 287 of 2020</p> <p>Dr. P. N. Kakade <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri N. Y. Ukey, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned C.P.O. has filed Affidavit in Sur-Rejoinder on behalf of the Respondent Nos.1 to 5. It is taken on record.</p> <p>3. This O.A. be kept for final hearing along with connected O.A. No.194/2021.</p> <p>4. S.O. to 07.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 16.12.2021</p> <p align="right">O.A.No.194 of 2021</p> <p>Dr. A. S. Bendre <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri N. Y. Ukey, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. Today, the matter is fixed for final hearing since no reply is filed within time granted by the Tribunal.</li> <li>3. However, today learned C.P.O. sought permission to file reply on behalf of the Respondent Nos.1 to 7 .</li> <li>4. In the interest of justice, allowed to file reply. It is taken on record.</li> <li>5. On request of learned Counsel for the Applicant, two weeks time is granted to file Rejoinder.</li> <li>6. S.O. to 07.01.2022.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</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 : 16.12.2021</p> <p align="center">O.A.No.39 of 2021</p> <p>M. M. Jawadekar .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, 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 short affidavit on behalf of the Respondent No.1 along with annexures. It is taken on record.</p> <p>3. Since pleading is complete, the matter be kept for final hearing .</p> <p>4. S.O. to 06.01.2022.</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: 16.12.2021</p> <p align="center">O.A. No.830 of 2021</p> <p>D.V. Ghag .....Applicant Versus The State of Maharashtra &amp; 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. On request of learned P.O. two weeks time is granted for filing of Reply by way of last chance.</p> <p>3. S.O. to 10.01.2022.</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: 16.12.2021</p> <p align="center"><b>O.A. No.820 of 2021</b></p> <p>S.D. Arjun .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 06.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 16.12.2021</p> <p align="center">O.A. No.741 of 2021</p> <p>C.P. Yelve .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing of Reply by way of last chance.</p> <p>3. S.O. to 05.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 16.12.2021</p> <p align="center">O.A. No.733 of 2021</p> <p>S.P. Kolte .....Applicant Versus The State of Maharashtra &amp; 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. On request of learned Advocate for the Applicant one week time is granted for filing of Rejoinder.</p> <p>3. S.O. to 23.12.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 16.12.2021</p> <p align="right">O.A.No.347 of 2021</p> <p>S. S. Jadhav <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. Today, learned P.O. has filed Affidavit in Sur-Rejoinder. It is taken on record.</li> <li>3. In present O.A., challenge is to the impugned communication dated 21.07.2020 and 16.12.2020 denying insurance cover of Rs. 50 lakhs. Beside, the Applicant has also raised grievance of withholding of sum of the retiral benefits namely GIS, GPF, arrears of 7<sup>th</sup> Pay Commission and Leave Encashment. So far this aspect is concerned, in reply all that it is stated that file is under processed.</li> <li>4. Learned P.O. is, therefore, directed to take instructions and apprise the Tribunal about release of above retiral benefits by next date.</li> <li>5. Since pleading is complete, O.A. be kept for final hearing.</li> <li>6. S.O. to 12.01.2022.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

Date: 16.12.2021

M.A. No.555 of 2021 in O.A. No.732 of 2021

D.P. Pradhan .....Applicant  
Versus  
The State of Maharashtra & Ors. ....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant in M.A as well as for Respondent No.2 in O.A., Shri A.J. Chougule, learned Presenting Officer for the Respondent No.2 in M.A. and Respondent No.1 in O.A. and Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A.
2. M.A. is filed to vacate interim relief granted by the Tribunal by order dated 28.09.2021.
3. O.A. is for filing Affidavit-in-Reply of Respondent.
4. In M.A. today learned Advocate for Original Applicant in O.A. has filed Affidavit-in-Reply. It is taken on record.
5. In my considered opinion, instead of hearing M.A. on the point of vacating of interim relief, O.A. itself can be decided on merit within a short time.
6. Respondents are therefore directed to file Affidavit-in-Reply in O.A. by next date without fail so that O.A. can be heard expeditiously.
7. In the mean time, Respondent No.1 shall consider prayer made in 9(b) whereby request is made to consider his representation dated Sept. 2021 which is at page 23 of O.A.
8. Learned P.O. shall take instructions in this behalf and appraise the Tribunal by next date.
9. S.O. to 21.12.2021.

Sd/-

(A.P. Kurhekar)  
Member (J)

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M.A./R.A./C.A. No.

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	<p><b>Date : 16.12.2021</b></p> <p align="right"><b>O.A.No.252 of 2020</b> ✓</p> <p><b>V.D. Bharle</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicant and <i>Sm. K. Kranthi Gaikwad</i> learned Presenting Officer for the Respondents. ✓</p> <p>2. In the present O.A., the applicant has challenged order dated 13.03.2020 and 11.05.2020 issued by the Respondent No.1 whereby Applicant's pay was downgraded and recovery was sought.</p> <p>3. The Applicant was initially appointed as Wireless Operator by order dated 16.06.1998 which post was carrying pay scale of Rs.1200-1800/-. Later, the Applicant has given application dated 17.06.2003 for changing of cadre and requested to post/transfer her on the post of Junior Clerk. Accordingly, by order dated 06.08.2003, she was transferred and posted as Junior Clerk. At the time of change of cadre, the Applicant's pay was protected as seen from pay fixation order dated 31.08.2003 (page no.31 of PB). The Applicant, thus enjoyed the said pay scale till passing of impugned order.</p> <p>4. By impugned order dated 13.03.2020 and 11.05.2020, the Respondent No.1 downgraded pay scale of the Applicant stating that she was not entitled to continue on pay scale of Wireless Operatory, and therefore, pay was revised and recovery has been sought.</p> <p>5. When the matter was taken up for hearing during the course of hearing, it was transpired that re-fixation of pay has been ordered without giving an opportunity of hearing to the Applicant. It was one of the main grounds to challenge the impugned orders.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Learned P.O. also realized non issuance of notice to the Applicant before downgrading pay which the Applicant enjoyed for more than 15 years. Yesterday, therefore, she sought time to take instructions from the department as to whether department is ready to withdraw the impugned orders and then to issue fresh orders after giving opportunity of hearing to the Applicant.</p> <p>7. Today, learned P.O. on instruction from Shri Kishor Utale, ACP, Wireless, Byculla, Mumbai made a statement that Respondent No.1 wants to withdraw the impugned orders dated 13.03.2020 and 11.05.2020 with liberty to issue fresh orders after giving show cause notice to the Applicant.</p> <p>8. Learned Counsel for the Applicant states that in view of interim relief granted by the Tribunal by order dated 04.06.2020, coercive action of recovery should not be taken till issuance of fresh orders by the Respondents. This submission is quite fair and reasonable.</p> <p>9. Learned P.O. on instructions submits that impugned orders will be withdrawn by issuing formal order within four days and thereafter fresh orders will be issued after giving show cause notice to the Applicant.</p> <p>10. In view of above, O.A. is disposed of with liberty to Respondents to issue fresh orders after giving show cause notice to the Applicant in the matter of revision of pay and recovery.</p> <p>11. Learned P.O. submits that final order after giving show cause notice will be passed within six weeks from today.</p> <p>12. There shall be no coercive action of recovery for the period of two weeks after passing of fresh order.</p> <p>13. The Respondents shall communicate the fresh order within a week from the date of order and Applicant will be at liberty to avail legal remedy, if he felt aggrieved by the same.</p> <p>14. No order as to costs.</p> <p style="text-align: right;">Sd/- _____ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p><b>Date: 16.12.2021</b></p> <p align="center"><b>O.A. No.963 of 2021</b></p> <p><b>S.H. Jadhav</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. As observed in order dated 02.12.2021 it is very disgusting that despite period of more than 1 ½ year is over no final order is passed by Respondent No.1 in Departmental Enquiry (D.E.). The Applicant retired on 28.02.2019 from the post of Agricultural Development Officer. Before few days of retirement, charge-sheet of D.E. was served upon the Applicant for alleged misconduct committed in the year 2011. Even after completion of D.E. and issuance of Show Cause Notice dated 05.06.2020, by which punishment of reduction of pension of 6% for 1 year was proposed and after Reply of the Applicant no further order were passed for more than 1 ½ years. All that facts are specifically noted by the Tribunal in order dated 02.12.2021 under the hope that by today final order will be passed. However, till date no final order is passed by Respondent No.1.</p> <p>3. All that learned P.O. submits that now file is received from the Hon'ble Minister and it is under process.</p> <p>4. Indeed, the Applicant has already given his consent by his Reply dated 01.07.2020 to his proposed punishment and only formal order was required to be passed by Respondent No.1 for which he has taken more 1 ½ years which obviously shows laxity in the Department whereby the Applicant is deprived of this retiral benefits.</p> <p>5. In view of above, Principal Secretary, Agricultural Department is directed to file Affidavit and to explain the delay in the matter, so that further appropriate orders can be passed by the Tribunal. <span style="float: right;">[P.T.O.]</span></p>



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**Tribunal's orders**

6. Indeed, in Chapter-III of Transfer Act 2005 specific provision are made by Prevention of Delay in Discharge of Official Duties, Section 10 of Transfer Act 2005 is relied as under:-

"10. (1) Every Government servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible:

Provided that, normally no file shall remain pending with any Government servant in the Department or Office for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department the concerned Department shall take the decision and necessary action in the matter within forty-five days and in respect of files required to be referred to any other Department, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in the discharge of official duties or in carrying out the official work assigned or pertaining to such Government servant shall amount to dereliction of official duties and shall make such Government servant liable for appropriate (disciplinary action under the All India Services (Discipline and Appeal) Rules, 1969, the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 or any other relevant disciplinary rules applicable to such employee.

(3) The concerned competent authority on noticing or being brought to its notice any such dereliction of duties on the part of any Government Servant, after satisfying itself about such dereliction on the part of such Government Servant shall, take appropriate disciplinary action against such defaulting Government Servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Government Servant."

7. Despite the aforesaid provision administration is taking very lightly, and therefore, Affidavit of Principal Secretary is necessary.

8. One week time is granted for filing Affidavit.

9. S.O. to 23.12.2021

10. Steno Copy is granted.

Sd/-

(A.P. Kurhekar)  
Member (J)

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	<p><b>Date: 16.12.2021</b></p> <p align="center"><b>O.A. No.918 of 2021 with O.A. No.968 of 2021</b></p> <p><b>P.B. Zende</b>  <b>S.S. Jadhav</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant in O.A. No.918/2021, Shri Mayur A. Jadhav, learned Advocate for the Applicant in O.A. No.968/2021, Shri A.J. Chougule, learned Presenting Officer for the Respondents in O.A. No.918/2021 and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents No.968/2021.</p> <p>2. In both the O.As, Gratuity and regular Pension is withheld on ground of pendency of criminal appeal filed by the State against the acquittal of the Applicant.</p> <p>3. Applicants retired from service long back but deprived of Gratuity and regular Pension.</p> <p>4. By order dated 02.12.2021 &amp; 03.12.2021, O.A. were expedited considering the limited issue involved in the matter.</p> <p>5. However, on the request of leaned P.O. three days time is granted for filing Affidavit-in-Reply with specific direction that no further time will be granted.</p> <p>6. S.O. to 21.12.2021.</p> <p align="right">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member (J)</b></p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date: 16.12.2021</p> <p align="center"><b>M.A. No.553 of 2021 in O.A. No.651 of 2021</b></p> <p>Dr. S.S. Shintre .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for permission to file Affidavit-in-Rejoinder, since it was not filed within the time granted.</p> <p>3. In the interest of justice allowed to file Affidavit-in-Rejoinder. It is taken on record.</p> <p>4. M.A. is accordingly disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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: 16.12.2021</p> <p align="center">M.A. No.347 of 2021 in O.A. No.498 of 2021</p> <p>M.S. Chavan .....Applicant Versus The State of Maharashtra &amp; 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. On request of learned P.O. two weeks time is granted as last chance for filling of Reply to M.A.</p> <p>3. S.O. to 05.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 16.12.2021</p> <p>O.A.No.329 of 2020</p> <p>M. H. Mhaldar .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, two weeks time is granted to file M.A. for amendment.</p> <p>3. S.O. to 18.01.2022.</p> <p style="text-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: 16.12.2021</p> <p align="center">O.A. No.712 of 2021</p> <p>S.S. Paithankar .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Smt Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing Reply.</p> <p>3. S.O. to 23.12.2021.</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 align="center"><b>Date: 16.12.2021</b></p> <p align="center"><b>O.A. No.648 of 2021</b></p> <p><b>M.M. Thakur</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today matter is for filing Rejoinder but the same is not filed.</p> <p>3. Adjourned for hearing at the stage of admission with liberty to file Rejoinder in advance.</p> <p>4. S.O. to 18.01.2022.</p> <p align="right">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member (J)</b></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: 16.12.2021</p> <p align="center">O.A. No.470 of 2021</p> <p>N.A. Ashtekar .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today matter is for filing Rejoinder but the same is not filed.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder as last chance.</p> <p>4. S.O. to 05.01.2022.</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: 16.12.2021</p> <p align="center"><b>O.A. No.420 of 2021</b></p> <p>M.S. Shinde .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Gaurav A. 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 Affidavit-in-Rejoinder on behalf of the Applicant.</p> <p>3. Since pleading is complete, O.A. is admitted for Final Hearing.</p> <p>4. S.O. to 12.01.2022.</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><b>Date: 16.12.2021</b></p> <p align="center"><b>O.A. No.965 of 2021</b></p> <p><b>S.C. Garud</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit of Shri Eknath Rajaram Dawale, Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department as directed by the Tribunal in order dated 02.12.2021. As per the Affidavit, file is still in process with M.P.S.C. and thereafter in consultation of G.A.D. appropriate order of punishment will be issued. Apparently, there is in-ordinate delay in deciding D.E. and despite orders passed by the Tribunal in earlier round of litigation as well as in M.A. no final orders are passed within time granted by the Tribunal. It shows total disregard to the orders of the Tribunal.</p> <p>3. This O.A. be kept on 23.12.2021 since similar issue is involved with another matter which is kept on that day.</p> <p>4. S.O. to 23.12.2021.</p> <p align="right">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member (J)</b></p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date: 16.12.2021</p> <p>O.A. No.651 of 2021</p> <p>Dr. S.S. Shintre .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Affidavit-in-Rejoinder is taken on record, in view of the order passed in M.A. No.553/2021, today.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Sur-Rejoinder, if any.</p> <p>4. S.O. to 11.01.2022.</p> <p style="text-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: 16.12.2021</p> <p align="center">M.A. No.527 of 2021 in O.A. No.866 of 2021</p> <p>S.M. Bade .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</li> <li>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos1 &amp; 2. It is taken on record.</li> <li>3. Adjourned for hearing of M.A.</li> <li>4. S.O. to 05.01.2022.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 16.12.2021</p> <p align="center">O.A. No.1015 of 2021</p> <p>P.B. Ghodake .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</li> <li>2. The Applicant has challenged suspension order dated 12.07.2021 <i>inter-alia</i> contending that he is subjected to prolong suspension.</li> <li>3. The perusal of order reveals that criminal case for the offence under Section 7 of the Prevention of Corruption Act, 1988 was registered against the Applicant and he was arrested under the crime, at the same time Respondents also contemplated initiation of D.E.</li> <li>4. Learned Advocate for the Applicant sought interim relief to the extent of change of Headquarters <i>inter-alia</i> contending that in view of circular dated 29.03.2008, suspended Government servant ought to have been kept at same place during the time of Suspension. However, in the present case the Applicant's Headquarter is changed from Nashik to Malegaon.</li> <li>5. Learned P.O. sought time as to explain how Headquarter is changed.</li> <li>6. Issue notice before admission returnable on 18.01.2022.</li> </ol> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>12. In the mean time, Respondent shall consider the circular dated 29.03.2008 and shall pass appropriate order about the change of Headquarter.</p> <p>13. S.O. to 18.01.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.892 of 2021</u></p> <p>S.B. Kharat ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A.S. Deshpande, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO files reply on behalf of respondent no.5 and the same is taken on record.</p> <p>3. Interim relief to continue.</p> <p>4. S.O. to 20.1.2022.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 16.12.2021</p> <p>(sgj)</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.645 of 2021</u></p> <p>R.B. Jaybhay ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri V.P. Sangvikar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks time to file reply.</p> <p>3. Interim relief to continue.</p> <p>4. S.O. to 4.1.2022.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 16.12.2021</p> <p>(sgj)</p>



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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.670 of 2021</u></p> <p>Dr. A.S. Chandanwale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. Ayesha Keshodwala i/b. Talekar &amp; Associates, learned Advocate for the Applicant and Ms. S.P., Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks time to file reply.</p> <p>3. Interim relief to continue.</p> <p>4. S.O. to 22.12.2021.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 16.12.2021</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.349 of 2021</u></p> <p>V.E. Mhatre ..Applicant Vs. The State of Maharashtra &amp; 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 states that reply will be filed during the course of the day.</p> <p>3. Interim relief to continue.</p> <p>4. S.O. to 28.1.2022.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 16.12.2021</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.340 of 2021</u></p> <p>Dr. M.K. Suryawanshi ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>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. Ld. CPO seeks time to file reply.</p> <p>3. S.O. to 6.1.2022 by way of last chance.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 16.12.2021</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 style="text-align: center;"><u>O.A. No.623 of 2019</u></p> <p>V.B. Rajput ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. Place the above matter for final hearing on 8.2.2022.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 16.12.2021</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>CA.47/2021 in OA.280/2017 with OA.241/2019</u></p> <p>V.V. Punathil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., 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 CA returnable on 23.12.2021. 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 C.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 land 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/- (Medha Gadgil) Member (A) 16.12.2021</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.351 of 2021 with OA No.663 of 2020</u></p> <p>U.S. Koli R.S. Yadav ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for Applicant in OA No.351/2021 and Shri K.R. Jagdale, learned Advocate for Applicant in OA No.663/2020 and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Interim relief granted in OA No.663/2020 to continue till next date.</p> <p>3. S.O. to 12.1.2022.</p> <p align="right">Sd/- (Medhaji Gadgil) Member (A) 16.12.2021</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.325 of 2018 with O.A. No.13 of 2020</u></p> <p>Anil M. Jadhao Ramkisan S. Pawar ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for Applicant in OA No.325 of 2018 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Parties are directed to inform the date to the Tribunal on which they will file reply along with documents.</p> <p>3. S.O. to 20.12.2021.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 16.12.2021</p> <p>(sgj)</p>

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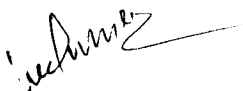
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	<p><b>Date : 16.12.2021</b></p> <p align="right"><b>O.A.No.252 of 2020</b> ✓</p> <p><b>V.D. Bharle</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicant and <i>Sm. Kranti Gaikwad</i> learned Presenting Officer for the Respondents. ✓</p> <p>2. In the present O.A., the applicant has challenged order dated 13.03.2020 and 11.05.2020 issued by the Respondent No.1 whereby Applicant's pay was downgraded and recovery was sought.</p> <p>3. The Applicant was initially appointed as Wireless Operator by order dated 16.06.1998 which post was carrying pay scale of Rs.1200-1800/-. Later, the Applicant has given application dated 17.06.2003 for changing of cadre and requested to post/transfer her on the post of Junior Clerk. Accordingly, by order dated 06.08.2003, she was transferred and posted as Junior Clerk. At the time of change of cadre, the Applicant's pay was protected as seen from pay fixation order dated 31.08.2003 (page no.31 of PB). The Applicant, thus enjoyed the said pay scale till passing of impugned order.</p> <p>4. By impugned order dated 13.03.2020 and 11.05.2020, the Respondent No.1 downgraded pay scale of the Applicant stating that she was not entitled to continue on pay scale of Wireless Operatory, and therefore, pay was revised and recovery has been sought.</p> <p>5. When the matter was taken up for hearing during the course of hearing, it was transpired that re-fixation of pay has been ordered without giving an opportunity of hearing to the Applicant. It was one of the main grounds to challenge the impugned orders.</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Learned P.O. also realized non issuance of notice to the Applicant before downgrading pay which the Applicant enjoyed for more than 15 years. Yesterday, therefore, she sought time to take instructions from the department as to whether department is ready to withdraw the impugned orders and then to issue fresh orders after giving opportunity of hearing to the Applicant.</p> <p>7. Today, learned P.O. on instruction from Shri Kishor Utale, ACP, Wireless, Byculla, Mumbai made a statement that Respondent No.1 wants to withdraw the impugned orders dated 13.03.2020 and 11.05.2020 with liberty to issue fresh orders after giving show cause notice to the Applicant.</p> <p>8. Learned Counsel for the Applicant states that in view of interim relief granted by the Tribunal by order dated 04.06.2020, coercive action of recovery should not be taken till issuance of fresh orders by the Respondents. This submission is quite fair and reasonable.</p> <p>9. Learned P.O. on instructions submits that impugned orders will be withdrawn by issuing formal order within four days and thereafter fresh orders will be issued after giving show cause notice to the Applicant.</p> <p>10. In view of above, O.A. is disposed of with liberty to Respondents to issue fresh orders after giving show cause notice to the Applicant in the matter of revision of pay and recovery.</p> <p>11. Learned P.O. submits that final order after giving show cause notice will be passed within six weeks from today.</p> <p>12. There shall be no coercive action of recovery for the period of two weeks after passing of fresh order.</p> <p>13. The Respondents shall communicate the fresh order within a week from the date of order and Applicant will be at liberty to avail legal remedy, if he felt aggrieved by the same.</p> <p>14. No order as to costs.</p> <p style="text-align: right;">   <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </p> <p>vsm</p>