

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.398 OF 2019**

Dr. Ravindra Narayan Sapkale,)
Age 58 years, Medical Officer, Primary Health Centre,)
Mokbhanagi, Tq. Kalwan, District Nashik)..Applicant

Versus

The State of Maharashtra & Ors.)..Respondents

Shri J.S. Deshmukh – Advocate for the Applicant

Miss S.P. Manchekar – Chief Presenting Officer for the Respondents

CORAM : Shri P.N. Dixit, Vice-Chairman (A)

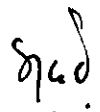
DATE : 17th July, 2019

ORDER

1. Heard Shri J.S. Deshmukh, Learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Today the matter came up for hearing and the Ld. Advocate for the applicant prays for continuation of interim relief granted by this Tribunal by order dated 26.4.2019.

3. The applicant was working in Group C as Medical Officer and was absorbed in Group B post w.e.f. 2001. His pay scale was Rs.6500-10500 and revised further to Rs.8000-13500 under the Assured Career Progression Scheme. The applicant, therefore, submits that since this pay



scale pertains to Group A officers he is entitled for benefits including extension in the retirement age as available to Group A officers.

4. A similar matter bearing OA No.39 of 2019 (Dr. Shri Prabhakar Punaji Jameewar Vs. State of Maharashtra & Ors.) was decided by the Nagpur Bench of this Tribunal on 26.2.2019 with following observations:

2. *It is case of the applicant that he was appointed in service as Medical Officer, he served at various places in Gondia district. It is submission of the applicant that GAD issued G.R. dated 02/07/2002 and as per this G.R., the Medical Officers who were drawing salary in the pay scale of Rs.15600-39100 with Grade Pay Rs.5400 were recognised as Group-A Officers. As the applicant was receiving the same pay scale, therefore, the applicant was Group-A Medical Officer. It is grievance of the applicant that on the basis of illogical classification the respondents came to the conclusion that the applicant was not Group-A Medical Officer, but he was Group-B Medical Officer and benefit of the G.R. dated 03/05/2015 and later G.R. issued in 2018 was not given to him. It is submitted that as per G.R. dated 31/05/2015 the Medical Officers serving in Group-A and drawing salary Rs.15600-39100 with Grade Pay Rs.5400 were entitled to serve till completion of the 60 years of their age and the subsequent G.R. issued in 2018 also extended the benefit to such Medical Officers.*

3. *It is submitted that as the applicant was Group-A Medical Officer, therefore, he was entitled to serve till 31/01/2021. It is submitted that decision was taken by the District Health Officer, Zilla Parishad, Gondia that the applicant's date of retirement was 31/01/2019 and accordingly he wrote letter at Annex-A-1 to the Deputy Director of Health Services, Nagpur Circle. It is submission of the applicant that similar case was examined by the Hon'ble Bombay High Court Bench at Nagpur in Writ Petition No.6757/2017 and vide order dated 05/03/2018 relief was granted to the respondents in that Writ Petition holding that all Medical Officers who were drawing salary in the pay scale of Rs.15600-39100 with Grade Pay*



Rs.5400 were Group-A employees and they were entitled for the benefit of G.R. dated 30/05/2015.

4. The respondents have submitted that the applicant is Group-B Medical Officer, he was never brought in the cadre of Group-A Medical Officer and therefore the applicant is not entitled for the relief. It is submitted by the respondents that vide G.R. dated 17/10/2014 decision was taken by the Government to bring the applicant in the cadre of Medical Officer, Group-B w.e.f. 28/05/2001. It is submitted that the applicant was never brought in the cadre Medical Officer, Group-A and merely because the applicant was drawing salary in the pay scale of Rs.15600-39100 with Grade Pay Rs.5400 was not entitled to claim the post in Group A. The learned P.O. has placed reliance on the Judgment in Writ Petition Nos. 2562,2563 and 2564 of 2017 decided by the Hon'ble Bombay High Court, Division Bench at Aurangabad on 16/04/2018. It is submitted that in view of the latter Judgment delivered by the Hon'ble Bombay High Court, Division Bench at Aurangabad, the Hon'ble Bombay High Court Division Bench at Bombay, in Writ Petition No.4523/2017 and 9386/2017 decided on 05/07/2018 relied upon the Judgment delivered by the Hon'ble Division Bench Aurangabad and in view of these two Judgments the applicant is not a Group-A Medical Officer and there is no substance in the contention of the applicant that interim protection be given to him.

5. During course of the argument the learned counsel for the applicant submitted that though his date of retirement was 31/01/2019, but the applicant is working till today on the post and he is in service, the applicant had requested the Medical Officer Dr. Vikram Katare to accept the charge, but he refused to accept the charge and consequently there was no alternative other than to work. It is submitted that as the applicant is not relieved from the duty, therefore, the applicant is in service till today, therefore, he is entitled for the interim protection till the decision of the O.A.

6. The learned counsel for the applicant submitted that the earlier Judgment is delivered by the Hon'ble Bombay High Court Bench at Nagpur in Writ Petition No.6757/2017, operates as binding precedent, this decision was placed before the Hon'ble Division Bench, at Aurangabad but not

8/6

followed. It is submitted that as there was a contrary view taken in earlier decision, it should have been referred to the Full Bench and without doing so the Writ Petition Nos. 2562 to 2564 of 2017 were decided. It is submitted that in series of Judgments it is held that whenever there is a conflict between the decision delivered by the Coordinate Benche of the same High Court proper post is to refer the decision to the Full Bench. It is submitted that without referring the issue to the Full Bench, the latter Division Bench cannot take a contrary view and discard the precedent. The learned counsel for the applicant is relying upon the Judgment in case of Jaisri Sahu vs. Rajdewan Dubey & Ors. reported in 1962 AIR (SC),83, Santlal Gupta & Ors. Vs. Modern Cooperative Group Housing Society Limited & Ors.,(2010) 13 SCC,336 and Ravinder Singh Vs. Sukhbir Singh & Ors.,AIR 2013 SCC,1048. On the basis of these Judgments, it is contention of the learned counsel for the applicant that the law laid down by the Hon'ble Bombay High Court Division Bench at Nagpur, in Writ Petition No.6757/2017 is binding as a precedent and it must be followed.

7. In order to decide the controversy, it is necessary to read the Judgment delivered by the Hon'ble Bombay High Court Division Bench, at Aurangabad, in Writ Petition Nos.2562 to 2564 of 2017 on 16/04/2018. In para-3 of the Judgment, it is observed that

"the Judgment of the Division Bench at Nagpur dated 5thMarch, 2018, in Writ Petition No. 6757 of 2017, relied by the petitioners may not be of any avail to the petitioners. In the said writ petition, the Judgment of the tribunal was challenged which was basically based on the Government Resolution dated 30thMay, 2015".

8. In para-4 it is observed that -

"In the present case, the petitioners are absorbed pursuant to the Government Resolution dated 17th October, 2014, in Group 'B'. The Original Applications are filed by the applicants in the years 2010 and 2015. The tribunal in the order has nowhere referred to or discussed the Government Resolution dated 17thOctober, 2014, nor has considered the medical officers in Maharashtra Medical and

8745

Health Services, Group A (Recruitment) Rules, 2000 and as amended on 18th July, 2013. These rules would be relevant to be considered while coming to the conclusion as to whether the petitioners would be considered in Group 'A'. According to the learned counsel for the petitioners, the petitioners are paid the salary applicable to Group 'A' medical officers. However, we don't find any discussion on the said aspect".

9. *Thereafter in para-6 of the Judgment direction was given that-*

"in light of the above, we relegate the parties before the tribunal. The impugned order is quashed and set aside and the petitioners are relegated before the tribunal. The petitioners shall appear before the tribunal on 2nd May, 2018. The tribunal shall also consider the Government Resolution dated 2nd July, 2002, more particularly, Clause 3-A of the said Government Resolution".

10. *After reading paras-3, 4 & 6 of the Judgment in Writ Petition Nos.2562 to 2564 of 2017, it is crystal clear that the Judgment in Writ Petition No. 6757 of 2017 was not relied upon, by The Hon'ble Division Bench. The Hon'ble Division Bench in latter para observed that the petitioners in that case were absorbed in Group-B service in pursuance of the G.R. dated 17/10/2014. It was also observed that the Tribunal did not refer or consider the G.R. dated 17/10/2014 similarly the Maharashtra Medical and Health Services, Group-A Recruitment Rules, 2000 as amended on 18/07/2013 were not considered. In para-6 the Division Bench directed that the Tribunal shall consider the G.R. dated 02/07/2002, more particularly, Clause 3-A of the said G.R.*

11. *The applicant has placed on record G.R. dated 17/10/2014 which at Annex-A-3. In this G.R. decision was taken by the Government that the Government decided to absorb 869 Medical Officers in Group-B cadre w.e.f. 28/05/2001. On page no.25 of the annexure to the G.R. at sr.no.336 the name of the applicant is mentioned and his date of retirement is mentioned as 31/01/2019. Thus it seems that the Government of Maharashtra vide G.R. dated 17/10/2014 brought the applicant in the cadre of Group-B*

१५५

Medical Officer. The learned counsel for the applicant was unable to point out that any order was passed by the Government by which the applicant was brought in the cadre of Group-A Medical Officer. It is submission of the applicant that by virtue of G.R. dated 02/07/2002 as the applicant was drawing the salary in the pay scale of Rs.15600-39100 with Grade Pay Rs.5400, therefore, he was Group-A Medical Officer.

12. *In this regard we would like to consider the Clause 3-A of G.R. dated 02/07/2002 which is reproduced as under –*

“३ अ. जुन्या वर्गीकरणानुसार ज्या पदांचा दर्जा ‘अराजपत्रित’ समजला जातो, तोच दर्जा सुधारीत वर्गीकरणानंतरही कायम राहिल. तसेच ज्या पदांना अगोदरच राजपत्रित दर्जा घोषित केला आहे, त्या पदाचा तो दर्जा यापुढेही कायम राहिल. अराजपत्रित पदांना केवळ वेतनश्रेणीच्या आधारे किंवा विशिष्ट गटामधील समावेशनामध्ये आपोआप राजपत्रित दर्जा प्राप्त होणार नाही.”

13. *After reading Clause 3-A it seems that merely on the basis of the pay the status of the post would not change, if it is non gazetted post, it would remain the same, and if the post is gazetted it would remain the same even after the classification. Keeping in view Clause 3-A of G.R. dated 02/07/2002, it is necessary to consider the submissions canvassed on behalf of the respondents. The Hon’ble Bombay High Court Division Bench, at Aurangabad, specifically observed that in Writ Petition No.6757/2017 the Judgment of the Tribunal was challenged and it was based on G.R. dated 30/05/2015. It is observed by the Hon’ble Division Bench that it was necessary to consider the G.R. dated 17/10/2014 particularly Clause 3-A and the Maharashtra Medical and Health Services, Group-A recruitment rules,2000 as amended on 18/07/2013. After reading the Judgment in Writ Petition No.6757/2017, it seems that on the basis of G.R. dated 02/07/2002 it was held that the respondent in that matter was entitled for the relief as he was Medical Officer drawing the pay scale of Rs.15600-39100 with Grade Pay Rs.5400 at the relevant time. After reading this entire judgment, it seems that there was no discussion about the Clause 3-A of the G.R. dated 02/07/2002.*

8/4/19

14. The learned counsel for the applicant has placed reliance on the Judgment in case of Santlal Gupta & Ors. Vs. Modern Cooperative Group Housing Society Limited & Ors (cited supra). In para-19 of the Judgment the Hon'ble Apex Court has observed as under –

“In the instant case, the position before us is worse as the latter Bench has taken a divergent view from an earlier coordinate Bench. Particularly taking note of the earlier decision holding otherwise, without explaining why it could not follow the said precedent even while extensively quoting the same. Judicial propriety and discipline are not served by such conduct on the part of the Division Bench. Thus, in view of the above, it was not permissible for the High Court to take the course which it has adopted and such a course cannot be approved.”

15. In the matter before the Hon'ble Apex Court the Coordinate Bench after taking note of the earlier decision took contrary view without explaining why it could not follow the said Judgment. In the present matter the position is altogether different. The Hon'ble Bombay High Court Division Bench, at Aurangabad, after going through the Judgment in Writ Petition No.6757/2017 observed that basically that Judgment was based on the G.R. dated 30/05/2015 and directed the Tribunal to consider the G.R. dated 17/10/2014, the recruitment Rules of Group A medical officers and Clause 3-A of the G.R. dated 02/07/2002. Therefore, the Hon'ble Division Bench has impliedly recorded the reasons why it has not placed reliance on the Judgment in Writ Petition No.6757/2017. The legal position is stated that the Courts are bound to decide the cases before it on the basis of the Statute, Rules, Regulations, Notifications, Resolutions and Circulars issued by the Government time to time unless and until they are declared ultra virus. Till today it is not held by any competent Court that Clause 3-A of the Government of the G.R. dated 02/07/2002 is ultra virus, therefore, without consideration of this clause it is not possible to draw the conclusion that merely because a Medical Officer who is drawing the pay scale of Rs.15600-39100 with Grade Pay Rs.5400 is a Group-A Medical Officer. On the contrary, after reading the Clause 3-A inference is to be drawn that

8/10

merely on the basis of the pay scale, the Government servant cannot claim the grade of the post.

16. *The legal position as explained in the judgments on which reliance is placed by applicant, is that in order to acquire status of binding precedent the judgment should not be in conflict with the statutory provision, rule, regulation, resolution, notification which have force of law and if the judgment is in conflict with the statutory provision, rule, regulation, resolution, notification then it is not binding precedent.*

17. *Similarly the legal position is well settled that while interpreting statutes/ Government orders/ resolutions/ circulars etc. they must be read as a whole. Thus the law is that while interpreting the G.R., it must be read as a whole and without considering the entire resolution, it is not possible to draw the interference. In view of this law, it must be seen what view was formed by the Hon'ble Bombay High Court, Division Bench at Aurangabad, after reading the Judgment in Writ Petition No.6757/2017. The discussion in para-4 and para-6 impliedly reflects the reasons why reliance was not placed on the Judgment delivered in Writ Petition No.6757/2017.*

18. *After examining this position, the Hon'ble Bombay High Court Division Bench at Aurangabad issued specific direction to the Tribunal to decide the applications as per the direction. In view of this discussion, it is not possible to accept that the Hon'ble Bombay High Court Division Bench, Bench at Aurangabad totally disregarded the earlier decision in Writ Petition No.6757/2017 and took a contrary view. In this matter, it further appears that in Writ Petition Nos.4523/2017 and 9386/2017 decided on 05/07/2018 the Hon'ble Bombay High Court Division Bench Bombay, has placed reliance on the Judgment delivered by the Hon'ble Bombay High Court Division Bench, Aurangabad. We are therefore of the view that we are bound to follow the later judgment delivered by Hon'ble Division Bench Aurangabad, as the issue in Writ Petition Nos.2562 to 2564 of 2017 was the same whether the Group-B Medical Officers drawing the salary in the pay scale of Rs.15600-39100 with Grade Pay Rs.5400 were Group-A Medical Officers.*

965

19. So far as the contention of the applicant that even after expiry of the date of retirement he is in service is concerned, we would like to point to that the applicant's claim is based only on this affidavit. On the contrary Dr. Katare has sworn affidavits which are at page nos.99 and 101. It is specifically mentioned that there is no substance in the story of the applicant that the applicant requested Dr. Katare to receive the charge and as Dr. Katare refused to accept the charge, the applicant continued working on the post of Medical Officer.

20. In this regard we would like to point out that when the government servant is informed in advance that on such and such date he will stand to retire from the service, whether he has right to enter the office without the authority given in writing by his Appointing Authority. In this case it is crystal clear that the Government of Maharashtra issued the G.R. dated 17/10/2014 by which the applicant was brought in the cadre of Medical Officer, Group-B, the annexure to this G.R. i.e. the list at sr.no.336 the name of the applicant is mentioned and his date of retirement is shown as 31/01/2019. The applicant has placed on record the order dated 31/01/2019 issued by the Chief Executive Officer, Zilla Parishad, Gondia. In this order, it is specifically mentioned that the applicant was completing age of 58 years on 31/01/2019 and after office hours of 31/01/2019 he was relieved from the duty. It is important to note that this order was specific, after office hours of 31/01/2019 the applicant was relieved from the service on attaining the age of superannuation, therefore, legally speaking the applicant has no legal right to enter the office thereafter under the pretext he was on duty. It is pertinent to note that the applicant never informed the CEO, Zilla Parishad, Gondia that Dr. Katare refused to receive the charge, therefore, he was continuing the duty. After office hours of 31/01/2019, in law the applicant had no right to work on the post of Medical Officer because as per the order he was already relieved from the duty. In Government service it is not permissible to work in the Government office after attaining the age of superannuation. The applicant is making capital that the charge was not accepted by Dr. Katare. In our opinion to hand over the charge was mere formality. The applicant was supposed to



fill the form i.e. the charge handing over certificate together with physical objects owned by the office, which were in his possession and this was the formality. It is not possible to say and accept that as this formality was not completed, therefore, the applicant was continued in service even after attaining the age of superannuation. We are of the firm opinion that except the Appointing Authority no other Authority is empowered to continue the Government servant in service and to work in the office on his attaining the age of superannuation. In view of these discussions, we are unable to accept that the applicant has any legal or equitable right to continue in the office, consequently we hold that the applicant is not entitled for the interim relief. Hence, the prayer of interim relief stands rejected."

5. The Ld. Advocate for the applicant relies on exactly same grounds as furnished in the OA No.39 of 2019 referred above. No fresh grounds are mentioned for consideration.
6. In view of the above, interim relief granted to the applicant by order dated 26.4.2019 is vacated.
7. Ld. CPO submits that reply would be filed within four weeks.
8. By consent final hearing would be taken up on 20.8.2019.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
17.7.2019

Dictation taken by: S.G. Jawalkar.

**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 style="text-align: center;"><u>O.A. No.572 of 2019</u></p> <p>A.Y. Shrigiriwar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks two weeks time to file reply.</p> <p>3. S.O. to 31.7.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 style="text-align: center;"><u>O.A. No.510 of 2019</u></p> <p>U.S. Waval ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks two weeks time to file reply.</p> <p>3. S.O. to 31.7.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

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>MA.230/19 in MA.221/19 in OA.323/19</u></p> <p>Dr. V.U. Isane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The above OA was dismissed for default by order dated 5.12.2018.</p> <p>3. MA No.221 of 2019 is filed for recalling the dismissal order and restoring the OA. MA No.230 of 2019 is filed for condoning the delay in filing MA No.221 of 2019.</p> <p>4. Ld. Advocate for the applicant has tendered apology for remaining absent on earlier dates due to which OA was dismissed. Ld. Advocate for the applicant submits that he would remain present without fail and prays that OA may be restored.</p> <p>5. OA is restored to file with a caution that if the Ld. Advocate for the applicant remains absent, no lenient view would be taken.</p> <p>6. For the reasons stated therein both the MAs are allowed and OA is restored to file.</p> <p>7. Place the above OA for final hearing on 20.8.2019.</p> <p style="text-align: right;">Sd/- (P.N.† Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 style="text-align: center;"><u>O.A. No.447 of 2019</u></p> <p>B.M. Thakur ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply on behalf of respondents no.1 & 2 and the same is taken on record.</p> <p>3. Ld. Advocate for the applicant seeks three weeks time to file rejoinder.</p> <p>4. S.O. to 19.8.2019 for hearing at the stage of admission.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 style="text-align: center;"><u>O.A. No.446 of 2019</u></p> <p>F.M.Y. Patel ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply on behalf of respondents no.1 & 2 and the same is taken on record.</p> <p>3. Ld. Advocate for the applicant seeks two weeks to file rejoinder.</p> <p>4. S.O. to 30.7.2019 for hearing at the stage of admission.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgl)</p>

Date : 17.07.2019.
Tribunal's orders

O.A.No.265 of 2018

A. D. ShaikhApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In the present O.A., the challenge is to the suspension order dated 02.12.2017. The Applicant was suspended in pursuance of D.E.. However, suspension has been revoked and he has been reinstated at Nandgaon, Dist. Nashik. As he has not given posting at the same place, the proceedings were continued for decision on merit.

3. Today, learned Counsel for the Applicant submits that yesterday only, the Applicant is transferred from Nandagaon to Divisional Commissioner Office, Nashik. As such, the Applicant is again brought back to Nashik where he was serving at the time of suspension.

4. In view of above, learned Counsel for the Applicant submits that O.A. be disposed of with direction to Respondents to complete the D.E. within stipulated time.

5. Learned Counsel for the Applicant submits that D.E. is in process but not finally concluded. As the incident is of 2017, the D.E. needs to be expedited and concluded without further delay.

6. For the aforesaid reasons, O.A. is disposed of with directions to the Respondents to conclude the D.E. within three months from today by passing final order therein and the decision, as the case may be, be communicated to the Applicant. No further extension will be granted for completion of D.E.

7. The Department shall, therefore, pass appropriate order under Maharashtra Civil Services (Joining Time, Foreign Service, and Payments during Suspension, Dismissal and Removal) Rules, 1981.

8. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

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

Tribunal's orders

Date : 17.07.2019.

M. A. No.376 of 2019 in O.A.No.809 of 2015

Rahul V. Padhen

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. This O.A. was dismissed in default on 04.07.2019 when it was taken up with other connected matters for final hearing. That day, Shri C.T. Chandratre, learned Counsel for the Applicant made a statement that he has no instructions from the Applicant after the matter was remanded to the Tribunal or hearing afresh.

3. The order dated 04.07.2019 further reveals that after remanded of the matter, the department has sent notices to all the applicants informing them that the matters have been remanded to the Tribunal for hearing. However, the Applicant chooses not to contact his Counsel or remain present in person. However, as the connected matters are already heard at length and the matter is reserved for judgment, I am inclined to restore the O.A. so as to decide the same with other connected matters.

4. Shri C.T. Chandratre, learned Counsel for the Applicant also made a statement that he is going to adopt the submission in advance by the learned Counsels for the Applicants in connected matters.

5. In view of above, Misc. Application for restoration is allowed subject to cost of Rs.5000/- payable in the office. On payment of cost, Original Application be restored to the file and be kept with connected matters for judgment.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.681 OF 2019

Smt. Samarthana S. Patil.)...Applicant

Versus

1. The State of Maharashtra & 2 Ors.)...Respondents

Mrs. Punam Mahajan, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 17.07.2019

ORDER

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. In the present O.A, the challenge is to the impugned transfer order dated 15th July, 2019 on the ground that she has not completed normal tenure of two years. The learned Advocate for the Applicant, therefore, seeks interim stay to the transfer order.

3. Whereas, Shri A.J. Chougule, learned P.O. submits that there were serious complaints about the functioning of the Applicant and report was submitted to Director General of Police (DGP). He further submits that the

report of DGP was placed before Police Establishment Board (PEB) and PEB approved the transfer of the Applicant.

4. The perusal of the minutes of PEB reveals that so many officers were transferred under the caption 'administrative ground'. The PEB does not have reference of report about the inefficiency of the Applicant and the report forward to DGP.

5. The learned P.O, however, sought to maintain that the transfer was made on the basis of report forwarded to DGP.

6. As there is no reference of report (default report) in the minutes of PEB, it is necessary to know whether the said report was before the PEB.

7. The learned P.O, is therefore, directed to file Affidavit of one of the Member of PEB to clarify whether the report addressed to DGP was placed before the PEB and discussed in the meeting and decision, if any, in this regard.

8. S.O. to 19th July, 2019. Hamdast granted.

Sd/-


(A.P. KURHEKAR)
Member-J

skw

**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 style="text-align: center;"><u>O.A. No.400 of 2019</u></p> <p>Dr. C.D. Chapte ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks two weeks time to file reply.</p> <p>3. S.O. to 20.8.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 style="text-align: center;"><u>O.A. No.1144 of 2018</u></p> <p>P.P. Pednekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks three weeks time to file rejoinder.</p> <p>3. S.O. to 8.8.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 style="text-align: center;"><u>O.A. No.594 of 2019 with M.A. No.333 of 2019</u></p> <p>R.B. Wadile ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.B. Solanke, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. In this MA the applicant has prayed for condonation of delay of 5 years and 6 months. In the OA the prayer made by the applicant reads as under:</p> <p style="padding-left: 40px;"><i>"IX(B) In the alternative directions may be issued to the respondent no.1 to decide appeal dated 9.3.2013 filed by applicant against the order dated 5.1.2013 passed by respondent no.3-the Additional Commissioner of Police, Western Regional Department, Thane."</i></p> <p style="text-align: right;">(Quoted from page 7 of OA)</p> <p>3. In view of the foregoing, respondent no.1 is directed to look into his appeal and take suitable decision on merits within a period of three months. OA & MA are disposed off accordingly.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 style="text-align: center;"><u>O.A. No.593 of 2019 with M.A. No.332 of 2019</u></p> <p>R.B. Wadile ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.B. Solanke, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. In this MA the applicant has prayed for condonation of delay of 1 year and 5 months in filing the above OA challenging the order dated 8.11.2016 passed by respondent no.1.</p> <p>3. The applicant does not explain why he has not exhausted the remedy available to him of appeal/revision against the same. The applicant retired on 30.6.2018. While being in service he has not availed the opportunity available to him but filed this OA on 26.6.2019.</p> <p>4. Ld. Advocate for the applicant, on instructions from the applicant, seeks leave to withdraw the above OA & MA with liberty to file afresh.</p> <p>5. OA & MA are allowed to be withdrawn with liberty to file afresh and disposed off as such.</p> <p style="text-align: right;">Sd/- (P.N./Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgl)</p>

**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 style="text-align: center;"><u>O.A. No.350 of 2019</u></p> <p>Dr. B.D. Palange ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.S. Deshmukh, learned Advocate holding for Shri M.R. Kulkarni, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant should clarify how the OA is maintainable.</p> <p>3. At the request of Ld. Advocate for the applicant adjourned to 25.7.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 align="center"><u>O.A. No.367 of 2019</u></p> <p>A.S. Chavan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks three weeks time to file reply.</p> <p>3. The respondents are directed to file short affidavit in respect of paras 6.7 read with 7.2 and 7.3 of OA. The respondents are directed to clarify if there is any legal impediment in considering the prayer of the applicant.</p> <p>4. S.O. to 19.8.2019.</p> <p align="right">Sd/- (P.M. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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 style="text-align: center;"><u>O.A. No.399 of 2019</u></p> <p>Dr. D.V. Vedpathak ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks two weeks time to file reply.</p> <p>3. S.O. to 20.8.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

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.592 of 2019 with M.A. No.331 of 2019</u></p> <p>R.B. Wadile ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.B. Solanke, learned Advocate for the Applicant and Ms. Neelima Gohad. learned Presenting Officer for the Respondents.</p> <p>2. In this MA the applicant has prayed for condonation of delay of 6 years and 9 months. In the OA the prayer made by the applicant reads as under:</p> <p style="text-align: center;"><i>"IX (B) In the alternative directions may be issued to the respondent no.1 to decide appeal dated 14.11.2011 filed by applicant against the order dated 28.9.2011 passed by respondent no.2-the Additional Director General of Police (Administration), M.S."</i> (Quoted from page 7 of OA)</p> <p>3. The respondent no.2 has informed vide letter No.1012/50/Pra.Kra.63/Pol-6 B dated 22.8.2012 as under:</p> <p style="text-align: center;"><i>"उपरोक्त विषयावरील आपल्या दिनांक १६.७.२०१२ रोजीच्या अर्जाच्या अनुषंगाने आपणांस कळविण्यात येते की, दिनांक २१ जून २०१२ रोजी मंत्रालय इमारतीला लागलेल्या भिषण आगीमध्ये या कार्यासनातील सर्व प्रकरणे/ कागदपत्रे जळून नष्ट झालेली आहेत. त्यामध्ये आपण सादर केलेल्या अपील अर्जाचाही समावेश होता. शासनाकडे आपण दाखल केलेल्या अपीलांवर सुनावणी घेण्याच्या दृष्टीने आपल्या प्रकरणाशी संबंधीत अहवाल क्षेत्रिय कार्यालयाकडून पुन्हा मागविण्यात येऊन च त्याचा मा. राज्यमंत्री (गृह) महोदयांकडे सुनावणी घेऊन सुनावणी घेऊन सुनावणीअंती उचित आदेश निर्गमित करण्यात येतील."</i> (Quoted from page 19 of OA)</p> <p>4. In view of the foregoing, respondent no.1 is directed to look into his appeal and take suitable decision on merits within a period of three months. OA & MA are disposed off accordingly.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 17.7.2019</p> <p>(sgj)</p>

**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
	<p>Date : 17.07.2019</p> <p>M.A.No.374 of 2019 in O.A.No.602 of 2019</p> <p>A.R. Sanap & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri Sushant Valimbe, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant requests for permission to amend the pleadings in M.A.</p> <p>3. Permitted. Adjourned to 25.07.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

**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 : 17.07.2019
	<p style="text-align: center;">T.A.No.1 of 2017 (Subject : Reversion)</p> <p>B.B. Navale Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant as well as learned Advocate for the Applicant are absent. This case was transferred from Hon'ble High Court by order in Writ Petition No.959 of 1980 on 20.06.2017. Thereafter, whenever the case came up for hearing no one has appeared in this Tribunal. Today also nobody is present.</p> <p>3. The matter is pretty old and needs to be disposed of. For want of prosecution, O.A. is dismissed.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

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

Tribunal's orders

Date : 17.07.2019.

O. A. No.697 of 2019

V. G. SuryawanshiApplicant

Versus

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

1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 31.07.2019.

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 O.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 three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 31.07.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="760 422 971 451">Date : 17.07.2019.</p> <p data-bbox="980 477 1208 506">O. A. No.696 of 2019</p> <p data-bbox="760 528 1328 557">K. B. JagtapApplicant</p> <p data-bbox="760 590 841 619">Versus</p> <p data-bbox="760 652 1349 681">The State of Maharashtra & Ors. ...Respondents.</p> <ol data-bbox="760 714 1425 1920" style="list-style-type: none"><li data-bbox="760 714 1425 820">1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.<li data-bbox="760 853 1425 915">2. Issue notice before admission returnable on 07.08.2019.<li data-bbox="760 948 1425 1055">3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.<li data-bbox="760 1088 1425 1267">4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.<li data-bbox="760 1300 1425 1440">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.<li data-bbox="760 1473 1425 1652">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.<li data-bbox="760 1685 1425 1864">7. 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.<li data-bbox="760 1897 1036 1926">8. S.O. to 07.08.2019. <p data-bbox="1133 1981 1198 2010" style="text-align: right;">Sd/-</p> <p data-bbox="1084 2037 1256 2096" style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p data-bbox="743 2096 786 2125">vsm</p>

**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 : 17.07.2019.</p> <p>O.A.No.443 of 2019</p> <p>V. S. BallaiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 24.07.2019.</p> <p style="text-align: right;">n Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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 : 17.07.2019.</p> <p>O.A.No. 497 of 2019</p> <p>R. S. Khartode & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. As observed by this Tribunal in order dated 06.06.2019, the issue involved in the present O.A. is already covered by various decisions rendered by this Tribunal in other Original Applications and, therefore, time was granted to the learned P.O. to take instructions from the department and to file reply.</p> <p>3. As the issue seems to have been already decided, this matter can be disposed of quickly.</p> <p>4. Original Application, therefore, be kept for hearing at the stage of admission.</p> <p>5. Learned P.O. is at liberty to file reply on the next date of hearing, if desires.</p> <p>6. S.O. to 31.07.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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 : 17.07.2019.</p> <p>O.A.No.509 of 2019</p> <p>P. S. 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. In the present matter, the challenge is to the suspension order dated 06.03.2019.3. However, by order dated 04.06.2019, the suspension has been revoked and the Applicant has been posted at some other post.4. Today, learned Counsel for the Applicant has filed additional Affidavit and wants to place on record the reinstatement order dated 04.06.2019. It is taken on record.5. Though, the suspension is revoked, learned Counsel for the Applicant wants to continue with the proceeding challenging the legality of the suspension order.6. The matter is adjourned for hearing at the stage of admission.7. S.O. to 01.08.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.07.2019.</p> <p style="text-align: center;">O.A.No.477 of 2019</p> <p>B. V. KulkarniApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed short Affidavit-in-Reply on behalf of Resepondent Nos. 1 and 2 in compliance of the order passed by this Tribunal on 10.07.2019. It is taken on record.</p> <p>3. The Applicant is seeking relief of benefit of 1st and 2nd Time Bound Promotion as well as functional promotion on the post of Assistant Commissioner (Food & Drugs Admn.). As the Departmental Enquires are initiated against him, the Departmental Promotion Committee kept the decision about his promotion in sealed envelope.</p> <p>4. In so far as benefit of 1st Time Bound Promotion is concerned, last time statement was made by the learned P.O. that it has already been granted but monetary benefits were remained to be extended.</p> <p>5. Thus, basically the main relief claimed by the Applicant is of functional promotion on the post of Assistant Commissioner (Food & Drugs Administration)</p> <p>6. The subject of promotion pertains to Division Bench as per the office order.</p> <p>7. In view of above, the Registrar is directed to examine the matter and place it before the appropriate bench.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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 : 17.07.2019.</p> <p>O.A.No.524 of 2019</p> <p>S. G. ParabApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent Nos.1 and 2. It is taken on record.</p> <p>3. On the request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. The matter is adjourned for hearing on 01.08.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>