

# 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><b>Date : 17.08.2021</b></p> <p style="text-align: center;"><b>O.A.No.745 of 2020 with M.A. No.186 of 2021</b></p> <p><b>L. Z. Newadkar</b> <span style="float: right;"><b>....Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. Shri C. T. Chandratre, learned Counsel in M.A. No.186/2021 which is filed for intervention in this O.A.</p> <p>2. The Applicant is claiming deemed date of promotion.</p> <p>3. The Respondent No.1 – Director, Accountant &amp; Treasury, Mumbai in his Affidavit in Reply in Para No.17 stated as under:-</p> <p style="padding-left: 40px;"><i>“17. I say that while scrutinizing the applicability of granting deemed date to Applicant, it is transpired that there is every possibility which would necessitate granting deemed date to many other several Assistant Accounts Officers apart from the Applicant. At present, there are 1243 officers working in Assistant Accounts Officer cadre which is a very large strength. Further, after scrutinizing the details of joining reports of the officers making relevant changes in the seniority list from 2010 to 2020, it would be necessary to publish provisional seniority list of Assistant Accounts Officer cadre as on 01.01.2021. This whole task of preparing seniority list is complex, lengthy and time consuming which would required minimum three months. The work of scrutiny and revision of seniority list from 2010 to 2020 is in progress. After this Respondent No.1 will take further decision of granting deemed date.”</i></p> <p style="text-align: right;"><i>[P.T.O.]</i></p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. In view of above, on 27.07.2021 three weeks time was granted to Respondent No.1 to take appropriate decision on the issue as referred in above paragraph.</p> <p>5. Today, learned P.O. submits that the department has published provisional seniority list on 12.08.2021 and objections are invited.</p> <p>6. She submits that on receipt of objections, the final seniority list will be published and thereafter the claim about deemed date to the Applicant and others will be considered.</p> <p>7. Thus, the issue of deemed date of promotion is related to finality of seniority list which is now under process.</p> <p>8. In view of above, this O.A. as well as M.A. is disposed of with following directions :-</p> <p>(A) The Respondent No.1 shall ensure publication of final seniority list within two months from today.</p> <p>(B) The Applicant as well as whosoever aggrieved by the seniority list would be at liberty to adopt appropriate recourse of law as may be permissible to them.</p> <p>(C) All the contentions kept open.</p> <p>(D) No order as to costs.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.1133 OF 2018  
WITH  
ORIGINAL APPLICATION NO.339 OF 2021**

Bhagyashree A. Kale & 97 Ors.  
Asim S. Shah & 101 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Smt. Punam Mahajan – Advocate for the Applicants

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

CORAM : Smt. Justice Mridula R. Bhatkar (Chairperson)  
Smt. Medha Gadgil, Member (A)

DATE : 17<sup>th</sup> August, 2021

**ORDER**

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.


2. Ld. Advocate for the applicant seeks leave to amend the prayer clause in OA No.1133 of 2018. Leave granted.

3. Ld. Advocate for the applicants submits that OA No.1133 of 2018 and OA No.339 of 2021 are to be heard together. She submits that in OA

No.339 of 2021 present rules are challenged as they are inconsistent with the guidelines of Indian Nursing Council. She pointed out that respondents have not filed affidavit in reply in OA No.339 of 2021. Hence, five weeks time is granted to file reply and thereafter the matters will be heard together as the issue is interlinked.

4. Pursuant to the order dated 5.8.2021, Ld. CPO 'produces a corrigendum dated 8.3.2019 to the impugned advertisement dated 25.2.2019 by which the educational qualification of Public Health Nurses is upgraded wherein the Diploma in Public Health Nursing is made compulsory. Similarly in the case of Pediatric Nurses and Psychiatric Nurses the Diploma in Pediatric Nursing and Psychiatric Nursing respectively is made compulsory and thus the educational qualification of the candidates appearing for examination pursuant to the advertisement dated 25.2.2019 is upgraded and which is consistent with the Rules of 2021.

5. In view of this corrigendum following clarification is required in respect of our order dated 5.8.2021. We hereby clarify that there is no interim stay to the process of filling up of the posts of Tutor, Public Health Nurses, Pediatric Nurses and Psychiatric Nurses mentioned in the advertisement dated 25.2.2019. The post can be filled up by the respondents as per direct recruitment. However, we need to refer to para 10(a) (i), (ii) & (iii) of our order dated 26.2.2021 in MA No.63 of 2021 in OA,1133/2018 as these three clauses are placed as riders to the process of filling up the post by Direct Recruitment. Ld. CPO, as per the instructions given by Smt. Archana Walzade, Under Secretary, Public Health Department, submits that clause (i) will be complied within two weeks and so far as clause (ii) and (iii) are concerned, seniority of the eligible Nurses, who are going to be promoted will be kept higher to the direct recruit who are going to be appointed pursuant to the



advertisement dated 25.2.2019, corrigendum dated 8.3.2019 and advertisement dated 18.1.2021.

6. Ld. Advocate for the applicants produces a Prospectus of Government of Maharashtra, School of Public Health Nursing, Nagpur. In this Prospectus the age limit mentioned in entrance criteria for acquiring Diploma in Public Health Nursing is 45 years as on 31.12.2020. Ld. Advocate for the applicants submit that this age limit will come in the way of those Staff Nurses who are in the service but who can acquire this Diploma of 11 months of competence for promotion even keeping a margin of 5 years to their retirement.

7. Ld. CPO explains that the other avenue for promotion is open for Staff Nurses and can become Sister Incharge, Assistant Matron etc.

8. Though the submissions of Ld. CPO that other avenue is still open, they are experienced to become Public Health Nurses, Pediatric Nurses or Psychiatric Nurses and it was not the Post Diploma as mentioned in the new rules, and that was not the required educational qualification for the eligibility of these Nurses as per the 1964 Rules. Hence, it is upto the State to consider this position equitably and take a relief oriented approach and redress the grievances which can be possible if the age limit of 45 years is relaxed for two years or they are exempted enabling these Nurses who are above 45 years.

9. The educational qualification and recruitment for the post of Tutor is a very disputed and debatable issue. In 1964 Rules there is no provision for promotion of Nurses to any promotional post. However, the Government went on giving promotions in absence of rules to the post of Tutor from the Staff Nurses having minimum educational qualification of B.Sc. Nursing. However, as per the new rules of 27.1.2021 M.Sc. is the

minimum educational qualification for Tutors. So the Nurses who aspire to become Tutors are not found eligible. Therefore, these applicants are fighting for their claim of promotion to the post of Tutor. In the advertisement dated 25.2.2019, corrigendum dated 8.3.2019 and advertisement dated 18.1.2021 the post of Tutors are to be filled up by direct recruitment and wherein educational qualification is not M.Sc. but it is B.Sc./Post Basic B.Sc/M.Sc. (Nursing).

10. Ld. Advocate for the applicant therefore submitted that the Government cannot fill up the post which is contrary to the rules by giving advertisement for Tutors. Ld. CPO while meeting this point has submitted that as and when the vacancy falls and the advertisement is issued the erstwhile rules are applicable. Thus the vacancy for direct recruitment fell in 2019 and therefore as per old Rules of 1964 B.Sc. is minimum educational qualification and therefore this process is illegal. 29 Staff Nurses from the applicants have appeared for the direct recruit examination for the post of Tutor. However, except two, 27 failed and therefore they are insisting for promotion to the post of Tutor. Ld. Advocate for the applicant has submitted that from 1964 till today the Government has promoted many Staff Nurses to the post of Tutor and as of today 70 Tutors who were appointed by promotion are working having B.Sc. qualification.

11. Ld. CPO to make it clear how many posts of Tutor are vacant today in Public Health Department. Ld. CPO to give breakup of the posts which are reserved for direct recruit and which are available for promotion. 50% posts are reserved for promotion, 25% by accelerated promotion and hence 25% are to be filled up by direct recruitment.

12. In view of these submissions for Tutor and as the affidavit in reply is not filed by respondent no.2, the said process of filling up the post of

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Tutor by direct recruitment are not to be taken further till filing of the reply.

13. S.O. to 21.9.2021. Copy of the reply be served to the Ld. Advocate for the applicants at least four days in advance.

Sd/-



(Medha Gadgil)  
Member (A)  
17.8.2021

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
17.8.2021

Dictation taken by: S.G. Jawalkar.

G:\JAWALKAR\Judgements\2021\8 August 2021\OA.1133.18 & 339.21-BAKale & Ors.-SO.21.9.21.doc

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>M.A. No.293 of 2021 in O.A. No.1133 of 2018</u></p> <p>Sharad D. Kendre &amp; 34 Ors. ..Interveners Vs. Bhagyashree A. Kale &amp; 97 Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ' ..Respondents</p> <p>Heard Interveners in Person, Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This MA is filed by the Interveners, who have appeared in person. They pray that they may be added as party respondents in the above OA. This MA is filed on the ground that these Interveners who are aspiring for the post of Tutor by direct recruitment have cleared written test and their names are mentioned in the merit list. They are waiting for counseling and thereafter the appointment orders will be issued. The Interveners submit that they have come from distant places of Maharashtra and waiting for their appointment. If the OA is allowed then the Interveners are going to be adversely effected and hence their MA for intervention is to be allowed. Copy of MA is served by them to the applicants and the Respondent-State.,</p> <p>3. Ld. Advocate for the Applicants and Ld. CPO for the respondents concedes.</p> <p>4. MA for intervention is allowed. Interveners may be added as party respondents in the above OA.</p> <p>5. Ld. Advocate for the applicants shall amend the OA by adding all the Interveners as party respondents. Amendment be carried out within one week. It is agreed by the Interveners they will supply email address of four Interveners to the Ld. Advocate for the applicants on which the Ld. Advocate for the applicants will email the OA and also the reply.</p> <p style="text-align: center;">Sd/-  Sd/- </p> <p style="text-align: center;">(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 17.8.2021 17.8.2021</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.582 of 2021</u></p> <p>Ramakant S. Bhasgi ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Talathi challenges his transfer order dated 9.8.2021 whereby he is transferred from Sajja Kini, Taluka Akkalkot to Sajja Alagi, Taluka Akkalkot.</p> <p>3. Ld. Advocate for the applicant challenges the transfer order on the ground that the said transfer is not in accordance with the procedure laid down in GR dated 9.4.2018 wherein the government servant is entitled to give 10 choices of posting and this according to the Ld. Advocate has not been followed. Ld. Advocate for the applicant prays for interim relief.</p> <p>4. Ld. PO produces copy of the minutes of the meeting of Civil Services Board dated 6.8.2021. Perusal of minutes reveals that applicant has worked nearly for 7 years in one Sajja. Taking into consideration the 'competence and experience of applicant he has been recommended for transfer to Mouje Alagi, Taluka Akkalkot. Mouje Alagi is on the banks of river Bhima and sensitive for illegal mining of minor minerals and transportation (गौण खनिज अवैध उत्खनन व वाहतुकीबाबत संवेदनशील) and therefore a competent and experienced person is required and the post at Mouje Alagi is vacant.</p> <p>5. Clause 5(IV) mentioned in Appendix 1 to GR dated 9.4.2018 (para 11-32 of OA) reads as under:</p> <p align="center">“(IV) नागरी सेवा मंडळाने समुपदेशनाद्वारे बदलीची शिफारस करतांना कर्मचा-यांना पसंतीक्रम, प्राधान्यक्रम व यापूर्वी</p>

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

**Tribunal's orders**

कोणकोणत्या ठिकाणी सेवा केली या बाबी विचारात घेतांना प्रशासनाची निकडदेखील विचारात घेणे आवश्यक असल्याने सर्वांनाच पसंतीकमाच्या ठिकाणीच बदली करणे शक्य होणार नाही.”

From reading of the above clause, it is evident that if applicant has given 10 preferences even then department has power to transfer the government servant as per above clause due to administrative exigencies.

6. I have perused the minutes of the meeting of CSB dated 6.8.2021 wherein it is pointed out that applicant has completed his tenure and has been posted at the said place for 7 years. He has been transferred on administrative grounds after having completed his tenure. I found no reason to grant interim relief.

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

8. Issue notice before admission returnable on 30.8.2021.

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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

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.

Sd/-

(Medha/Gadgil)

Member (A)

17.8.2021

(sgj)

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	<p align="center"><u>O.A. No.574 of 2021</u></p> <p>Samadhan B. Kale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Talathi challenges his transfer order dated 9.8.2021 whereby he is transferred from Sajja Salgar, Taluka Akkalkot to Sajja Khanapur, Taluka Akkalkot.</p> <p>3. Ld. Advocate for the applicant challenges the transfer order on the ground that the said transfer is not in accordance with the procedure laid down in GR dated 9.4.2018 wherein the government servant is entitled to give 10 choices of posting and this according to the Ld. Advocate has not been followed. Ld. Advocate for the applicant prays for interim relief.</p> <p>4. Ld. PO produces copy of the minutes of the meeting of Civil Services Board dated 6.8.2021. Perusal of minutes reveals that applicant has worked nearly for 9 years in one Sajja. Taking into consideration the competence and experience of applicant he has been recommended for transfer to Mouje Khanapur, Taluka Akkalkot. Mouje Khanapur is on the banks of river Bhima and sensitive for illegal mining of minor minerals and transportation (गौण खनिज अतिथ उत्खनन व वाहतुकीबाबत संवेदनशील) and therefore a competent and experienced person is required and the post at Mouje Khanapur is vacant.</p> <p>5. Clause 5(IV) mentioned in Appendix 1 to GR dated 9.4.2018 (para 11-32 of OA) reads as undef:</p> <p align="center">“(IV) नागरी सेवा मंडळाने समुपदेशनाद्वारे बदलीची शिफारस करतांना कर्मचा-यांना पसंतीकम, प्राधान्यकम व यापूर्वी</p>

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	<p>कोणकोणत्या ठिकाणी सेवा केली या बाबी विचारात घेतांना प्रशासनाची निकडदेखील विचारात घेणे आवश्यक, असल्याने सर्वांनाच पसंतीकमाच्या ठिकाणीच बदली करणे शक्य होणार नाही.”</p> <p>From reading of the above clause, it is evident that if applicant has given 10 preferences even then department has power to transfer the government servant as per above clause due to administrative exigencies.</p> <p>6. I have perused the minutes of the meeting of CSB dated 6.8.2021 wherein it is pointed out that applicant has completed his tenure and has been posted at the said place for 9 years. He has been transferred on administrative grounds after having completed his tenure. I found no reason to grant interim relief.</p> <p>7. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 30.8.2021.</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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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 style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 17.8.2021</p> <p>(sgj)</p>

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	<p><b><u>17.08.2021</u></b></p> <p align="center"><b><u>O.A 466/2021</u></b></p> <p>Smt Sandhyarani N. Kadam ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Rahul Khot i/b Shri N.Y Chavan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant's husband was working as Junior Auditor in the office of Deputy R.T.O, Sangli. He expired on 7.10.2019. The applicant prays that the Tribunal be pleased to stay the effect, implementation and operation of the impugned letter/office notice dated 2.3.2021, whereby an amount of Rs. 2,67,000/- was ordered to be recovered from the applicant. Further the applicant prays that the Respondents be directed to pay temporary family pension.</p> <p>3. On perusal of the said letter/notice dated 2.3.2021, it is found that Dy. R.T.O, Sangli has mentioned that the husband of the applicant has taken a loan of Rs. 2,67,000/- from Employees Cooperative Society, Sangli and hence the office of Dy. R.T.O has issued the above letter/notice dated 2.3.2021 about recovery of the said amount.</p> <p>4. My attention is drawn to the reply dated 9.3.2021 given to the notice. However, learned counsel submits that thereafter nothing has happened. This is a false claim of the Employees Cooperative Society, which the office of the Deputy R.T.O should not have entertained, because the office of the Dy. R.T.O and Employees Cooperative Society are two different entities.</p> <p>5. Learned P.O points out to the letter dated 26.3.2021 of Dy. R.T.O wherein he has called upon the applicant to fill up necessary forms for pension and other pensionary dues. However, the applicant had not filled up the forms.</p> <p>6. Learned counsel for the applicant submits that all the necessary Forms for grant of pension and pensionary benefits have been submitted twice. However, the office of the Dy R.T.O is not acting upon it.</p> <p>7. Issue notice before admission returnable on 14.9.2021.</p>

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

**Tribunal's orders**

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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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.

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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

11. Learned P.O seeks time to take instructions in the matter.

12. S.O to 14.9.2021.

*Mridula Bhatkar*

Sd/-

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

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	<p align="center"><u>O.A. No.539 of 2021</u></p> <p>V.D. Patil ..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. S.O. to 24.8.2021. Interim relief granted on 5.8.2021 to continue till next date.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgj)</p>

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	<p><b>Date : 17.08.2021</b></p> <p><b>O.A.No.574 of 2016</b></p> <p><b>P.A. Pagare</b> .....<b>Applicant</b></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...<b>Respondents.</b></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 Counsel for the Applicant has filed short reply to the Affidavit of Respondent No.1 dated 02.08.2021. It is taken on record.</p> <p>3. Liberty is granted to learned P.O. to produce appointment order of Shri Tulshiram Sangade as referred in Para No.2 of the Affidavit in Reply filed on previous date.</p> <p>4. S.O. to 23.08.2021.</p> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(Medha Gadgil) <span style="float: right;">(A.P. Kurhekar)</span></p> <p style="text-align: center;">Member (A) <span style="float: right;">Member(J)</span></p> <p>vsm</p>



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	<p align="center"><b><u>17.08.2021</u></b></p> <p align="center"><b><u>O.A 587/2021</u></b></p> <p>Mr Ashok Namdeo Shirsath ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.N Rankawat, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant, working as Vanpal, Karyayojana Vibhag, Nasik, challenges the order dated 7.8.2021, transferring him to Vanpal Pimpalsond, Vanshetra Umbarthan (Pradeshik) East Nasik Forest Division. Learned counsel for the applicant submits that the applicant was due for transfer and the applicant has given 10 preferences of his choice posting. However, none of them is considered and it is violative of G.R dated 9.4.2018.</p> <p>3. Learned counsel for the applicant pointed out that the preference given by the applicant at Serial Nos 3 &amp; 9 are still vacant and moreover he has already spent six years and five months at Umbarthan on the same post ant it is a difficult area.</p> <p>4. Considering the submissions, it is suggested to the learned P.O to take instructions from the officer who is present in the Court. Learned P.O on instructions from Shri Nitin Gudge, Chief Conservator of Forest, Nasik, states that the Respondents are ready to give posting to the applicant at Social Forestry Range, Nasik as a new posting.</p> <p>5. Learned counsel for the applicant on instructions from the applicant, who is present, submits that the applicant is ready to accept the same.</p> <p>6. In view of the above, Original Application stands disposed of with directions to the Respondents to post the applicant at Social Forestry Range, Nasik.</p> <p align="right">Sd/-</p> <p align="right"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn</p>

**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><b><u>17.08.2021</u></b></p> <p align="center"><b><u>O.A 586/2021</u></b></p> <p>Mr Tanaji Dharma Bhoje ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.N Rankawat, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant, working as Vanpal, Mobile Squad, Peth, West Region, Nasik, challenges the order dated 7.8.2021, issued by Chief Conservator of Forest (Territorial), Nasik, transferring the applicant in the vacant post as Vanpal, Social Forestry, Jamkhed, Social Forestry Department, Ahmednagar.</p> <p>3. Learned counsel for the applicant submits that the applicant has given preference of 10 places within the stipulated time in the prescribed Format to Respondent no. 4. However, that has not been considered by the Respondent no. 4. Learned counsel for the applicant further submits that the applicant has served in tribal area for four years. Thus, he is entitled to be given choice posting as per the preference of 10 places given by him as per G.R dated 9.4.2018.</p> <p>4. Learned P.O, on instructions from Shri Nitin Gudge, Chief Conservator of Forest, Nasik, states that the applicant can be given one year's extension as Vanpal, Mobile Squad, Peth, West Region, Nasik.</p> <p>5. Learned counsel for the applicant after taking instructions from the applicant, who is present in the Court, states that applicant is ready to accept the posting at the same place by way of extension for one year.</p> <p>6. In view of the above, Original Application is disposed of with direction to the Respondents to continue the applicant at the same place where he was earlier working before the transfer order dated 7.8.2021 was issued, by way of extension for one year.</p> <p align="right">Sd/-</p> <p align="right"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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 style="text-align: center;"><b><u>17.08.2021</u></b></p> <p style="text-align: center;"><b><u>O.A 588/2021</u></b></p> <p>Mr Tulshiram R. Jadhav ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.N Rankawat, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant, working as Vanpal, Umbarthan, Vanshetra Umbarthan (Pradeshik) East Nasik Forest Division to Vanpal, challenges order dated 7.8.2021, transferring the applicant to Social Forestry, Karjat-1, Social Forestry, Karjat, Social Forestry Department, Ahmednagar.</p> <p>3. Learned counsel for the applicant submits that the applicant was due for transfer and the applicant has given 10 preferences for his choice posting as per G.R dated 9.4.2018.</p> <p>4. Learned P.O on instructions from Shri Nitin Gudge, Chief Conservator of Forest, Nasik, states that the applicant will be posted as Vanpal at Chausal, Dindori (Pradeshik), Forest Division, East, Nasik.</p> <p>5. In view of the above, Original Application stands disposed of with directions to the Respondents to post the applicant as Vanpal at Chausal, Dindori (Pradeshik), Forest Division, East, Nasik.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right; margin-right: 50px;">/</p> <p style="text-align: right;"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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 align="center"><u>O.A. No.43 of 2020</u></p> <p>H.R. Das ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p align="center">Heard Applicant in person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant in person has filed this Praecipe dated 17.8.2021 for transfer of this OA under Section 25. The applicant has moved an application that his matter should not be placed before Division Bench at Mumbai consisting of the Chairperson.</p> <p>3. In our order dated 9.7.2021 it is observed that the applicant has expressed that Chairperson should not take the matter and my Sister Judge Smt. Medha Gadgil, Hon'ble Member (A) is newly appointed and his matter is complicated and therefore the matter was kept sine die. My brother Judge Shri A.P. Kurhekar is the only Member (J) and he is retiring in the next week.</p> <p>4. The applicant was asked whether he would like to go to Aurangabad Bench because Division Bench is available at Aurangabad. The applicant was given the choice of Aurangabad Bench, which he has accepted.</p> <p>5. Hence, the application of applicant for transfer of his OA is allowed. The Original Application is transferred to Aurangabad Bench of this Tribunal. This matter be placed before Aurangabad Bench.</p> <p align="right">Sd/-  (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</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. 600 of 2021</u></p> <p>Prashant L. Shinde ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Head Constable is transferred by order dated 23.7.2021 from Crime Branch, Pune to Shivajinagar Police Station, Pune. He challenges the same on the ground that he has not completed his tenure of 5 years on that post but has only completed 4 years. Ld. PO states that applicant is relieved and she seeks time to file reply.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 2.9.2021. Till then applicant is directed to join new posting and the post of applicant is to be kept vacant till then.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/-  (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</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.599 of 2021</u></p> <p>Ajinath T. Choudhar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Police Naik is transferred by order dated 4.8.2021 from Crime Branch, Pune to Kothrud Police Station, Pune. He challenges the same on the ground that he has not completed his tenure of 5 years on that post but has only completed 4 years. Ld. PO states that applicant is relieved and she seeks time to file reply.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 2.9.2021. Till then applicant is directed to join new posting and the post of applicant is to be kept vacant till then.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/-  (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgj)</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 align="center"><u>O.A. No.601 of 2021</u></p> <p>Smt. Mangal S. Pawar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The applicant is challenging the order dated 6.8.2021 transferring him from the post of Forest Guard, Hivare/Jat Forest Zone, Sangli Forest Division to the post of Forest Guard, Takale/Wildlife, Chandoli, Wildlife Division, Sangli. He challenges the order on the ground that he is transferred within four years and he has not completed two tenures of 6 years. Ld. Advocate submits that transfer order is issued by Dy. Conservator of Forest, Sangli, who is not the competent authority. The applicant is a Group C employee and therefore the Government is the competent authority to transfer her.</p> <p>3. Ld. PO submits that applicant is transferred under Section 4(4)(2) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereafter referred to as "the Transfer Act"). Ld. PO seems time to take instructions.</p> <p>4. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 3.9.2021. If the applicant is not relieved then she may continue at the original posting till next date and if relieved then the applicant should go and join.</p>



<b>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</b>	<b>Tribunal's orders</b>
	<p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgl)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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><b><u>17.08.2021</u></b></p> <p style="text-align: center;"><b><u>O.A 446/2021</u></b></p> <p>Smt Sandhyarani N. Kadam ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Rahul Khot i/b Shri N.Y Chavan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant's husband was working as Junior Auditor in the office of Deputy R.T.O, Sangli. He expired on 7.10.2019. The applicant prays that the Tribunal be pleased to stay the effect, implementation and operation of the impugned letter/office notice dated 2.3.2021, whereby an amount of Rs. 2,67,000/- was ordered to be recovered from the applicant. Further the applicant prays that the Respondents be directed to pay temporary family pension.</p> <p>3. On perusal of the said letter/notice dated 2.3.2021, it is found that Dy. R.T.O, Sangli has mentioned that the husband of the applicant has taken a loan of Rs. 2,67,000/- from Employees Cooperative Society, Sangli and hence the office of Dy. R.T.O has issued the above letter/notice dated 2.3.2021 about recovery of the said amount.</p> <p>4. My attention is drawn to the reply dated 9.3.2021 given to the notice. However, learned counsel submits that thereafter nothing has happened. This is a false claim of the Employees Cooperative Society, which the office of the Deputy R.T.O should not have entertained, because the office of the Dy. R.T.O and Employees Cooperative Society are two different entities.</p> <p>5. Learned P.O points out to the letter dated 26.3.2021 of Dy. R.T.O wherein he has called upon the applicant to fill up necessary forms for pension and other pensionary dues. However, the applicant had not filled up the forms.</p> <p>6. Learned counsel for the applicant submits that all the necessary Forms for grant of pension and pensionary benefits have been submitted twice. However, the office of the Dy R.T.O is not acting upon it.</p> <p>7. Issue notice before admission returnable on 14.9.2021.</p>

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

**Tribunal's orders**

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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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.

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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

11. Learned P.O seeks time to take instructions in the matter.

12. S.O to 14.9.2021.

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Sd/-

(Mridula Bhatkar, J.)  
Chairperson

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.540 OF 2021**

G.P. Patil

....Applicant

**Versus**

The State of Maharashtra & Ors.

....Respondents.

Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant.

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

Mr. R.M. Kolge, learned Advocate for the Respondent No.2.

CORAM : JUSTICE MRIDULA BHATKAR, CHAIRPERSON

DATE : 13.08.2021

**ORDER**

1. Today the Respondent-State has produced all the documents for perusal. The learned P.O. submits that this is only for the purpose of vacating ad-interim stay which was granted by the Tribunal on the first day when the instructions of the Respondents were not available to learned P.O. She submits that she wants time to file affidavit-in-reply and prays for vacating the ad interim stay which was granted by this Tribunal on last occasion.

2 The learned Counsel opposed for vacation of interim relief on the following grounds :-

[Ground A ] With regard to cancellation of transfer order dated 14.07.2020 by the impugned order dated 30.07.2021, the learned Advocate submits that the Civil Services Board (CSB) should have

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been conducted at the level of the Government-Respondent No.1. He relies on the judgment of this Tribunal in *O.A.No.770/2017 (Mr. Sunil M. Saundane Versus The State of Maharashtra & Anr.) dated 09.11.2017*, paragraph 6.)

[Reply by learned P.O.] The learned P.O. submits that 2<sup>nd</sup> CSB was held on 03.08.2021 and thereafter the Applicant was given the posting at Nashik, Sinnar as per his preference. The CSB was headed by the Commissioner which is as per the G.R. dated 27.05.2015.

[Ground B] If at all the Government cancels the decision taken by the Government then the decision to call the CSB is not to be taken by the Divisional Commissioner it should have been taken at the level of Government and in present case the same is not taken by the Government either on 30.07.2021 or on 05.08.2021. For cancellation of transfer order dated 30.07.2021 it was necessary to hold the CSB because there is change in posting.


[Reply by learned P.O.] The learned P.O. submits that once power is delegated to the officer then he is empowered to constitute CSB at his level. She submits that judgment *dated 09.11.2017 passed in O.A.No.770/2017* is not applicable in present case, because in the said judgment the party Respondent was the Revenue Department and the present matter the party Respondent is Co-operation Department wherein the power is vested with the Commissioner. Hence judgment is not applicable in the present case.

[Ground C] With regard to the cancellation of the previous order the learned Advocate relies on the judgment of the *O.A.No.633 /2019 (Mr. Anna B. Marakwar Versus The State of Maharashtra & Anr.) dated 02.03.2020*, paragraph 10. He submits that for cancellation of earlier order no approval of the Hon'ble the Chief Minister was taken which is relevant as per Section 4(4) and

Section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act, 2005' for brevity). He further submits that if there is mid-term /mid tenure transfer and the 2<sup>nd</sup> order of transfer is to be issued then it is necessary for the Government to constitute the CSB and place the matter of transfer before CSB for its recommendation.

[Reply by learned P.O.] The learned P.O. submits that the judgment in O.A.No.633/2019 dated 02.03.2020 does not say anything about the cancellation but it only specifies that whenever there is 2<sup>nd</sup> transfer the constitution of CSB is the obligatory.

[Ground D] The learned Counsel on the point of delegation of powers submits that the corrigendum dated 27.05.2015 is issued thereby delegating the powers under 2<sup>nd</sup> proviso of Section 6 read with Section 7 of the ROT Act, 2005. He submits that the Tribunal has quashed and set aside many Government Resolutions delegating the powers because the view was taken violative of Table of Section 6 of the ROT Act, 2005. He submits that whether such delegation of powers under Section 6 and Section 7 of the ROT Act, 2005 is permissible. According to him, the Notification is required under Section 7 for deciding the competency in respect of delegation and this part is missing because the applicant is a Group-B officer and for the Group-B post the Hon'ble Minister is the competent authority to effect the transfer. The Commissioner has no power to issue the orders of transfer because he is not notified as the head of the Department under Section 7 of the ROT Act, 2005. Mere delegation would not help the Respondent. With regard to this ground he relied on the judgment in O.A.No.936/2019 (*Mr. Arun B. Chavan Versus The State of Maharashtra & Ors.*) dated 14.02.2020. He reads application dated 11.04.2021 written by the Respondent No.2 wherein she has mentioned her difficulties



and has given preferential choices, wherein she has mentioned Bhiwandi first choice.

[Reply by learned P.O.] The learned P.O. submits that the judgment in *O.A.No.936/2019, dated 14.02.2020* is not applicable in the present case because in that matter mid-term and mid-tenure transfer was challenged and in the present case the Applicant is due for transfer. The Hon'ble the Chief Minister cannot delegate the powers to the Hon'ble Minister and the facts of the said case are totally different then the present case.


3. The learned P.O. submits that all the three judgments i.e. O.A.No. 770/ 2017, dated 09.11.2017, O.A.No.936/2019, dated 14.02.2020, and O.A.No.633/2019, dated 02.03.2020 are mid-term and mid-tenure transfers and where the delegation of powers by the Hon'ble the Chief Minister to the Hon'ble Minister is held not permissible.

4. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant extensively, Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents and Mr. R.M. Kolge, learned Advocate for the Respondent No.2.

5. As mentioned above the earlier order was stayed as within 15 days the transfer order was cancelled. However, on perusal of the documents produced before me, especially the minutes of the meeting of CSB which was conducted twice i.e. on 03.08.2021 and 14.07.2021. The Applicant was due for transfer so there is no issue of passing the order or following the provisions of Section 4(4) and Section 4(5) of the ROT Act, 2005. It is regular general transfer and the main issue considered while granting

stay was why the earlier transfer order was cancelled within 15 days. On perusal of the record it is found that the Hon'ble Minister found that the order dated 14.07.2021 was illegal and therefore being the Head of the Department he cancelled all the orders of transfer wherein the transfer order of the applicant and other 3 Government officers whose names were also considered were also cancelled. Further the Hon'ble Minister also directed to follow the appropriate procedure and G.R. dated 27.05.2015.

6. Much is argued on the point of delegation of powers. However, it is also submitted that many such G.R.s regarding the delegation of powers are quashed and set aside by the Tribunal. However, the learned Advocate could not produce any order or judgment showing the G.R. dated 27.05.2015 being quashed and set aside. Thus the G.R. dated 27.05.2015 is in existence and that was followed by the authority and accordingly the 2<sup>nd</sup> CSB was held and the case of the Applicant was placed before the CSB. The posting of the applicant is changed from Bhiwandi and he is transferred to Nashik Sinnar. Pursued the preferences given by the applicant where the preference of Nashik is first, Bhiwandi is second and Sinnar is third. The application of April 21 of Respondent No.4 was read over by the learned Advocate Mr. Bandiwadekar and the allegations of manipulation of replacing the preference of Respondent No.4 are maddened. However, these allegations of the change of preferences, ex-facie, appears baseless as the 1<sup>st</sup> order dated 14.07.2021 of the applicant posting him at Bhiwandi is much later and the application of the preference given by the





Respondent No.2 is of April, 2021. However, time is given to the Respondents no.1 and 2 to obtain instructions and to file affidavit-in-reply.

7. The learned Advocate Mr. Bandiwadekar argued that the cancellation of transfer order needs notification and for each and every notification the constitution of CSB is obligatory in view of the judgment of the Hon'ble Supreme Court in case of ***TSR Subramanian & Ors Versus Union Of India & Ors. Writ Petition (Civil) No.82/2011, on 31 October, 2013.*** It is true that cancellation needs notification. However, cancellation of Notification is the 2<sup>nd</sup> different connotation with different effects with different cause. In the ROT Act, 2005 nowhere the power of cancellation is mentioned, thus there is Master – Servant relationship between the State and a Government Servant. The State has power to appoint and transfer, and the transfer is an incident of service. Naturally, the power to cancel a particular transfer order vests with the Government. In the present case, the Hon'ble Member has cancelled the order of transfer and as he found it illegal. He has given reasoning.

8. At the time of perusal of the record I have noticed two letters issued by the MLA, Mr. Tukaram More to the Hon'ble the Chief Minister and also concerned Hon'ble Minister wherein it is mentioned that the Applicant, Mr. Patil is to be transfer to Bhiwandi.

9. In view of this, prima facie, the Respondent-Government has made out the case of vacating the stay. Hence, I hereby vacate the stay which was granted without hearing the Respondents. The learned P.O. Mr. Gaikwad and learned Advocate Mr. Kolge prays for time to file affidavit-in-reply.
10. Time granted. Reply be filed within three weeks.
11. Later, learned Advocate Mr. Bandiwadkar submits on instructions from the Applicant that he wants to withdraw the O.A..
12. Permission refused. Adjourned to 03.09.2021.

Sd/- \_\_\_\_\_

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

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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 align="center"><u>O.A. No.596, 597 &amp; 598 of 2021</u></p> <p>Sunil J. Pinjan Amarnath R. Waghmode Rangnath B. Unde ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. All the applicants who were working as Senior Police Inspector at different places in Pimpri Chinchwad Commissionerate are challenging the transfer order dated 14.8.2021. The ground of challenge is common that all the officers have not completed 2 years at the present post and 6 years in the Commissionerate. Ld. Advocate submits that while counting the tenure of 6 years the respondents have clubbed the tenure of Pune Commissionerate and Pimpri Chinchwad Commissionerate, which cannot be done. Ld. Advocate relies on GR dated 29.7.2021 Annexure A-10, wherein it is mentioned that general transfers should be made on or before 9.8.2021 and the present applicants are transferred on 14.8.2021.</p> <p>3. Ld. PO submits that she would like to point out the judgment of the Hon'ble High Court, Aurangabad Bench wherein the computation of period of 6 years tenure in the Commissionerate is demonstrated. Ld. PO seeks time to obtain instructions. She further submits that all the three officers are relieved from their respective posts.</p> <p>4. In view of the submissions of both the sides, the applicants who have been relieved should join their respective posting immediately. However, till next date the respondents shall keep their original posts vacant.</p>



[P.T.O.]

<b>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</b>	<b>Tribunal's orders</b>
	<p>5. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>6. Issue notice before admission returnable on 25.8.2021.</p> <p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgj)</p>

**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><b><u>17.08.2021</u></b></p> <p align="center"><b><u>O.A 583/2021</u></b></p> <p>Smt Ranjna T Kadam ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri R.G Panchal, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant, working as Staff Nurse at Railway Police Dispensary, Ghatkopar, is challenging the transfer order dated 9.8.2021 whereby applicant is transferred to Mental Hospital, Thane.</p> <p>3. Learned counsel for the applicant submits that the applicant has not completed her two full tenures of three years each, being a Group-C employee.</p> <p>4. Learned P.O is directed to file reply within one week, i.e. on 24.8.2021 and copy be served on the learned counsel for the applicant in advance.</p> <p>5. S.O to 24.8.2021.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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.595 of 2021</u></p> <p>A.P. Thigle ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant is challenging the transfer order dated 9.8.2021. The applicant is retiring on 31.5.2022. Thus he is retiring within 9 months and therefore is protected under Section 5(a) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereafter referred to as "the Transfer Act"). He has made representation dated 16.8.2021. Ld. Advocate submits that at the time of his tenure at Police Academy he suffered twice from COVID-19. He needs to be at Nashik.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 14.9.2021. Till then applicant to continue at his original post. In between the respondents to decide his representation dated 16.8.2021.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgj)</p>

**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 align="center"><u>O.A. No.542 of 2021</u></p> <p>S.D. Shete ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant has filed this Praciepe dated 13.8.2021 for speaking to minutes of the order dated 10.8.2021. In para 3 line 3 of order dated 10.8.2021 the words, 'she is a widow' is to be substituted as, 'she is married'.</p> <p>3. Correction be carried out accordingly.</p> <p align="right">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</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.591 of 2021</u></p> <p>Sunita A. Nashikkar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant has retired on 30.6.2020. The applicant is challenging the recovery notice of house rent of Rs.4,92,522/- for not vacating the official government residence.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 7.9.2021.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgj)</p>



**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><b><u>17.08.2021</u></b></p> <p align="center"><b><u>O.A 548/2021</u></b></p> <p>Shri I.G Chappalwar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Chandni Sachade, i/b Shri A.A Desai, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the applicant's tenure of 3 years tenure at Khalapur will come to an end on 28.8.2021, as he will be completing his full tenure of 3 years and thereafter he will be relieved as per the transfer order 6.8.2021.</p> <p>3. In view of the submissions made above, applicant to be continued at his present post till 31.8.2021.</p> <p>4. S.O to 2.9.2021. <span style="float: right;">M. J.</span></p> <p align="right">Sd/- <b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn</p>

**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 align="center"><b><u>17.08.2021</u></b></p> <p align="center"><b><u>O.A 570/2021</u></b></p> <p>Shri Deepak B. Ahire ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents no 1 &amp; 2. Shri D.P Chavan, Respondent no. 3, present in person.</p> <p>2. The applicant challenges the transfer of Respondent no. 3, by order dated 6.8.2021 from the post of Circle Officer, Goregaon (Tahsil office Ambernath) to the post of Circle Officer, Bhayander and it is further prayed that the Respondent no. 2 be directed to consider the request of the applicant to post him at Bhayander in view of the policy laid down in G.R dated 11.7.2000, 6.8.2000 and 9.4.2018.</p> <p>3. Learned counsel or the applicant submits that this application was filed on 12.8.2021. However, in between the applicant and Respondent no. 3 jointly submitted application dated 13.8.2021 before the Respondent no. 2, the Competent Authority and after taking the applications of applicant and Respondent no. 3 on record, Respondent no. 2 has informed them that he will consider their applications.</p> <p>4. Learned counsel for the applicant and Respondent no. 3, who is present in person submits that they have no objection if the applicant is transferred in place of Respondent no. 3 and Respondent no. 3 is transferred in place of the applicant. The representations dated 13.8.2021 are taken on record and marked as Exh. A &amp; B.</p> <p>5. Meanwhile, the applicant to join and work at Ambernath without prejudice and Respondent no. 3 has joined at Bhayander as the representation is pending. Respondent no. 2 is directed to take decision on the representation dated 13.8.2021 favorably within two weeks.</p> <p>6. S.O to 2.9.2021.</p> <p align="right">Sd/- <b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI BENCH**

**MISC APPLICATION NO. 552 OF 2018**

**IN**

**ORIGINAL APPLICATION NO 931 OF 2018**

**WITH**

**ORIGINAL APPLICATNO NO 931 OF 2018**

**DISTRICT : MUMBAI**

Shri Jagjeet V. Patil )  
Working as Clerk cum Typist, )  
Rationing Office, 32 E, Kurla, )  
Nehru Nagar, Kurla [E], )  
Mumbai 400024. )  
R/o: A-2, Papli CHS, Joshiwadi, )  
Near Prestige Hotel, )  
Ghanghyam Gupte Road )  
Dombivli [W], Dist-Thane 421 202. )...**Applicant**

**Versus**

1. The Secretary, )  
Food, Civil Supplies and Consumer )  
Protection Department, Mantralaya, )  
Mumbai 400 032. )  
2. The Controller of Rationing and Director )  
Civil Supplies, Royal Insurance Bldg, )  
5<sup>th</sup> floor, J. Tata Road, Churchgate, )  
Mumbai 400 020. )...**Respondents**

Shri U.V Bhosle, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula R. Bhatkar (Chairperson)**

**DATE** : **17.8.2021**

**ORDER**


1. Heard Shri U.V Bhosle, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant has filed this Misc Application seeking condonation of delay of 3 years and 6 months in filing the Original Application.

3. The applicant was working as a Rationing Inspector. However, he was reverted to the post of Clerk-typist by order dated 2.5.2013. He therefore filed appeal before the Respondent no. 1, which was rejected on 23.4.2014. Thus, the cause of action arose on 23.4.2014 and the applicant should have filed O.A approaching this Tribunal on or before 22/23.4.2014. However, he filed this Original Application on 17.10.2018.

4. Learned counsel for the applicant submits that the applicant was in trauma and therefore, he could not take any action of approaching this Tribunal, after his appeal was rejected on 23.4.2014. Learned counsel for the applicant further argued that permanent reversion is a continuing cause of action and therefore, there is no delay as such. He further submits that the applicant's mother expired on 4.1.2013 and his father expired on 17.1.2015, and therefore, he was in grief and was not in a proper state of mind to challenge the said order and hence there is a delay.

5. Learned counsel for the applicant further submits that punishment of permanent reversion is harsh and disproportionate to the misconduct alleged against the applicant. He submits that the applicant was having lot of domestic problems and therefore, he could not challenge the order of permanent reversion earlier.



6. Learned C.P.O relies on the affidavit in reply filed by Respondents no. 1 and 2 through Manisha S. Lambhate, working as Rationing Officer, in the office of Controller of Rationing and Director, Civil Supplies, Mumbai dated 6.2.2019. Learned C.P.O submits that the reasons given by the applicant are not correct. The submission of learned counsel for the applicant that permanent reversion is a continuing cause of action are not sustainable and hence the ratio laid down by the Hon'ble Supreme Court in the case of **UNION OF INDIA & ORS Vs. TARSEM SINGH, (2008) 8 SCC 648** is not applicable in the present case. Learned C.P.O further submits that permanent reversion is a punishment which was given to the applicant in the year 2014 and this cannot be considered as a continuing cause of action.

7. In view of the judgment of the Hon'ble Supreme Court in **UNION OF INDIA & ORS Vs. TARSEM SINGH, (2008) 8 SCC 648**, certain action or inaction affecting the Government servants are treated as continuing wrong mainly they are pertaining to pecuniary benefits. However, permanent reversion is a punishment and it is not a continuing wrong. In support, I rely on the judgment of **Balakrishna Savalram Pujari Waghmare Vs. Shree Dhyanedhwar Maharaj Sansthan, AIR 1959 SC 798**. Relevant para 31, which is reproduced in the case of TARSEM SINGH, supra reads as follows:-

*“31.....It is the very essence of a continuing wrong that it is an act which creates a continuing source of injury and renders the doer of the act responsible and liable for the continuance of the said injury. If the wrongful act causes an injury which is complete, there is no continuing wrong even though the damage resulting from the act may continue. If, however, a wrongful act is of such a character that the injury caused by it itself continues, then the act constitutes a continuing wrong. In this connection, it is necessary to draw a distinction between the injury caused by the wrongful act and what may be described as the effect of the said injury.”*

8. Thus, the distinction is made between the injury caused by the Act and also the effect of the said injury. In the present case as mentioned above, it is a permanent reversion which is a decision taken by the Respondents. Hence, though the status of being reverted being

continuous, it cannot be said that it is a continuing wrong because the decision or the injury was complete on the day when the permanent reversion was affected, which was confirmed in appeal.

9. On perusal of the Misc Applicaiton, no sufficient <sup>ground</sup> and good cause justifying the delay of 3 years and 6 months is found. Hence, the Misc Application seeking condonation of delay of 3 years and 6 months is rejected. As the Misc Application stands rejected, Original Application does not survive and is dismissed.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

**Place : Mumbai**

**Date : 17.08.2021**

**Dictation taken by : A.K. Nair.**

**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.236 of 2021</u></p> <p>A.D. Suryawanshi &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri V.P. Sangvikar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants submits that applicants are sent for training on 21.6.2021 and nothing remains in this OA.</p> <p>3. In view of above, as the relief is effected, the OA has become infructuous and the same is disposed off accordingly.</p> <p style="text-align: right;">Sd/- / (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</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.431 of 2021</u></p> <p>N.B. More ..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. Ld. PO files affidavit in reply dated 13.8.2021 on behalf of respondent no.2 and the same is taken on record.</p> <p>3. Admit.</p> <p>4. S.O. to 12.10.2021 for final hearing. / /</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgj)</p>



**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 align="center"><u>O.A. No.290 of 2021</u></p> <p>R.J. Bandekar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned, Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files affidavit in reply dated 1.7.2021 on behalf of respondent no.2 and the same is taken on record.</p> <p>3. Admit.</p> <p>4. S.O. to 14.9.2021 for final hearing with liberty to file affidavit in rejoinder.</p> <p align="right">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson 17.8.2021</p> <p>(sgj)</p>

**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><b><u>17.08.2021</u></b></p> <p style="text-align: center;"><b><u>O.A 541/2021</u></b></p> <p>Shri S.R Kakad ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Kishor Jagdale, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant, Clerk-cum-typist prays that the order dated 20.9.2019 issued by Respondent no. 1 as well as the order dated 6.1.2020 issued by Respondent be no. 3 be quashed and set aside. It is also prayed that the applicant be repatriated to his original post, i.e. Rationing Inspector under the Foods and Civil Supplies Department under the establishment of Controller of Rationing and Director, Civil Supplies, Mumbai.</p> <p>3. Issue notice before admission returnable on 14.9.2021.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. Learned P.O seeks time to take instructions in the matter.</p> <p>8. S.O to 14.9.2021.</p> <p style="text-align: right;">Sd/- <b>(Mridula Bhatkar, J.) Chairperson</b></p> <p style="text-align: right;">[P.T.O.]</p>

**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><b><u>17.08.2021</u></b></p> <p align="center"><b><u>M.A 287/2021 in O.A 558/2021</u></b></p> <p>Smt Vaishali A. Gavade Shri Akshay A. Gavade ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not already paid.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>



**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><b><u>17.08.2021</u></b></p> <p style="text-align: center;"><b><u>O.A 560/2021</u></b></p> <p>Shri R.M Chajchidak ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri R.B Kamble, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant seeks relief that his son, Nikhil R. Chajchidak be appointed on compassionate grounds as per the recommendations of the LAD PAGE Committee report.</p> <p>3. Issue notice before admission returnable on 21.9.2021.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. Learned P.O seeks time to take instructions in the matter.</p> <p>8. S.O to 21.9.2021.</p> <p style="text-align: right;">Sd/- <b>(Mridula Bhatkar, J.) Chairperson</b></p> <p style="text-align: left;">Akn</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 : 17.08.2021</p> <p align="center">M.A. No.178 of 2021 in O.A.No.490 of 2020</p> <p>S. R. Patil <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. The Applicant and his Counsel are absent. Smt Kranti Gaikwad , learned Presenting Officer for the Respondents is present.</p> <p>2. On request of learned P.O. one week time is granted for fling reply in M.A.</p> <p>3. S.O. to 31.08.2021.</p> <p 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\_\_\_\_

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><b>Date : 17.08.2021</b></p> <p align="center"><b>O.A.No.407 of 2021</b></p> <p><b>R.M. Dhangare</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...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. On request of learned P.O. two weeks time is granted for filing reply.</p> <p>3. S.O. to 02.09.2021.</p> <p align="right">Sd/- <b>(A.P. Kurhekar)</b> <b>Member(J)</b></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 : 17.08.2021</p> <p align="center"><b>O.A.No.473 of 2021</b></p> <p><b>S. S. Pawar</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...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. On request of learned P.O. two weeks time is granted for filing reply.</p> <p>3. S.O. to 02.09.2021.</p> <p align="right">Sd/- v~ <b>(A.P. Kurhekar)</b> Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. \_\_\_\_\_ of 20\_\_\_\_

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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 : 17.08.2021</p> <p align="center"><b>O.A.No.474 of 2021</b></p> <p><b>V. B. Kamble</b> <span style="float:right">...Applicant</span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., three weeks time is granted for filing reply.</p> <p>3. S.O. to 07.09.2021.</p> <p align="right">Sd/- <b>(A.P. Kurhekar)</b> <b>Member(J)</b></p> <p>vsm</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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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><b>Date : 17.08.2021</b></p> <p style="text-align: center;"><b>O.A.No.475 of 2021</b></p> <p><b>N. S. Bhosale &amp; Ors. ....Applicants</b></p> <p style="text-align: center;"><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In this O.A., the Applicants are requesting for directions to Respondent No.1-Commissioner of Police, Mumbai for inter district transfer on the basis of Govt. Regulation dated 26.10.2017.</p> <p>3. The Applicants are relying on Para No.2 of Govt. Regulation which are as follows :-</p> <p>“2. पात्रता :- राज्य पोलीस विभागातील एका घटक कार्यालयाच्या आस्थापनेवरील पो.शि./पो.ना./पो.ह.वा./स.पो.उ.नि.स्वेच्छेने अन्य घटकात घटक बदलीने जाण्यास, खालील अटीची पूर्तता करित असल्यास, त्याला घटक बदलीस पात्र समजण्यात येईल :-</p> <p>i. घटक बदलीस इच्छुक पोलीस कर्मचा-याची नियुक्ती नियमित असावी व त्याला /तिला स्थायित्व प्रमाणपत्र दिले असावे.</p> <p>ii. मूळ घटकात किमान ८ वर्ष सेवा पूर्ण झाली असावी. मात्र, खालील नमूद अपवादात्मक परिस्थितीत मूळ घटकात कमीत-कमी ३ वर्षे सेवा पुर्ण केल्यानंतर व वर नमूद अट क्र. १ ची पूर्तता करित असल्यास, संबंधीताची विवंची विचारात घेता येईल:-</p> <p>१. पती-पत्नी एकत्रिकरण प्रकरणी (पती किंवा पत्नी शासकीय अथवा निमशासकीय सेवेत असल्यासच लागू होईल.)</p> <p>२. कर्मचा-याचा स्वतःचा, पत्नीचा, आईचा, वडिलाचा अथवा मुलाचा गंभीर वैद्यकीय आजार. (सक्षम अधिकारी गरज वाटल्यास शल्य चिकित्सक कडून अहवाल प्राप्त करून घेतील.)</p> <p>३. नक्षलवादी /अतिरेकी हल्ल्यातील पीडित कुटूंबातील पोलीस कर्मचारी.”</p>

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

**Tribunal's orders**

4. The Applicants have made representations to the Respondent No.1 but not responded, and therefore, the Applicants have approached this Tribunal.

5. Indeed, Respondent No.1 ought to have passed appropriate order on receipt of representations within reasonable time but no such order is passed.

6. Apart on previous date i.e. 20.07.2021 also the Tribunal has given directions to consider the representations and pass appropriate order in terms of Regulation dated 26.10.2017.

7. However, learned P.O. submits that no such decision is yet taken and she requested to grant time for filing reply.

8. Indeed, in first place, the Respondent No.1 is required to pass appropriate order in terms of Regulation dated 26.10.2017, and if, the Applicants grievances are redressed, O.A. would become infructuous.

9. In view of above, O.A. is disposed of with following directions:-

(A) Respondent No.1 is directed to consider the representations made by the Applicants in terms of Regulation dated 26.10.2017 and shall pass appropriate order within six weeks from today.

(B) The decision, as the case may be, shall be communicated within two weeks thereafter.

(C) If, the Applicants felt aggrieved by the decision, they may avail further legal remedy as available in law.

(D) All the contentions are kept open.

(E) No order as to costs.

Sd/-

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

vsm

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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.563 of 2021</u></p> <p>A.V. Pardeshi ..Applicant Vs. The State of Maharashtra &amp; 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. Status quo granted on 13.8.2021 to continue till 23.8.2021.</p> <p>3. S.O. to 23.8.2021.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 17.8.2021</p> <p>(sgj)</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 align="center"><u>O.A. No.225 of 2019</u></p> <p>B.M. Thakur ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant files rejoinder and the same is taken on record.</p> <p>3. S.O. to 7.9.2021 for final hearing.</p> <p align="right">Sd/- (Medhā Gadgil) Member (A) 17.8.2021</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><b>Date : 17.08.2021.</b></p> <p align="center"><b>O.A.No.1119 of 2019</b></p> <p>J.P. Patil .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Ms. Archana B.K., learned Presenting Officer for the Respondents.</li> <li>2. Mr. D.B. Khaire, learned Advocate for the Applicant is absent.</li> <li>3. Affidavit-in-reply is already filed. Admitted and kept for final hearing.</li> <li>3. S.O. to 12.10.2021.</li> </ol> <p align="right">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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><b>Date : 17.08.2021.</b></p> <p align="center"><b>M.A.No.64 of 2021 in O.A.No.126 of 2021</b></p> <p>V.P. Vhanmane .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Gajanan Kukde, learned Advocate holding for Mr. M.V. Thorat, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. files affidavit-in-reply dated 13.08.2021 on behalf of Respondent No.1 through Mr. Ajay Bhimrao Waghmare, Police Inspector(Welfare), office of Commissioner of Police, Pune City, Pune. Taken on record. Copy be served to learned Advocate for the Applicant.</p> <p>3. Adjourned to 21.09.2021.</p> <p align="right">Sd/-  / <b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>prk</p>



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**FARAD CONTINUATION SHEET No.**

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	<p><b>Date : 17.08.2021.</b></p> <p align="center"><b>O.A.No.56 of 2021</b></p> <p>R.G. Ghawari .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Affidavit-in-reply is already filed. Admitted and kept for final hearing.</p> <p>3. S.O. to 28.09.2021.</p> <p align="right">Sd/-  /</p> <p align="right"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>prk</p>

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

Tribunal's orders

**Date : 17.08.2021.**

**O.A.No.363 of 2020**

V.S. Chaudhary & Ors. ....Applicants  
Vs.  
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The learned C.P.O. files affidavit-in-reply dated 19.07.2021 on behalf of Respondents No.1 and 2, through Mr. Mahadev B. Giri, Administrative Officer, office of Joint Director of Health Services (Malaria, Filariasis and Water Borne Diseases), Pune. Taken on record. Copy be served to learned Advocate for the Applicant.

3. The learned C.P.O. submits that the proposal submitted by the applicants is rejected by the Director of Health Services and also by the Government. Copy of email dated 06.08.2021 forwarded by the office of Public Health Department is taken on record and marked as Exhibit-A.'

4. The learned Advocate submits that this is the fresh cause of action as the proposal is rejected and accordingly sought liberty to agitate the issue afresh.

5. O.A. is disposed off with liberty as sought.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

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	<p><b>Date : 17.08.2021.</b></p> <p align="center"><b>M.A.No.114 of 2021 in O.A.No.982 of 2019</b></p> <p>R.K. Bhosale .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Respondent-Department of Social Justice &amp; Special Assistant Department, Mantralaya has not yet clarified and given instructions to learned C.P.O. in respect of query made by this Tribunal in paragraph 2 of order dated 15.06.2021 wherein learned C.P.O. was granted time to make statement in respect of paragraphs 9, 10 and 11 of the affidavit-in-reply dated 05.03.2020 filed by Mr. Sanjay Giridhar Patil, Deputy Secretary, Social Justice &amp; Special Assistant Department.</p> <p>3. At the request of learned C.P.O. four weeks time granted to clarify the situation to put in writing if all Mr. Sanjay Giridhar Patil is still officiating the post.</p> <p>4. Adjourned by way of last chance, if it is not so matter will proceed.</p> <p>5. S.O. to 14.09.2021.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p><b>Date : 17.08.2021.</b></p> <p align="center"><b>M.A.No.226 of 2019 in O.A.No.495 of 2020</b></p> <p>S.A. Shaikh &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned Advocate has not served the copy to the Respondents. Copy be served to all the Respondents within two weeks. Matter adjourned for four weeks for Respondents to file affidavit-in-reply.</p> <p>3. Adjourned to 21.09.2021.</p> <p align="right">Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p>

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	<p><b>Date : 17.08.2021.</b></p> <p align="center"><b>M.A.No.700 of 2019 in R.A.No.23 of 2019 in O.A.No.1052 of 2016 with R.A.No.23 of 2019 in O.A.No.1052 of 2016</b></p> <p>V.S. Kalekar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ms. Bhagyashree Upadhyay, learned Advocate for the Applicant is absent.</p> <p>3. The M.A.No.700/2019 is filed for condoning the delay of 197 days in filing the R.A.No.23/2019. However, till today Respondent-Sate has not filed affidavit-in-reply.</p> <p>4. Till today, private Respondents No. 1 to 165 &amp; 169 to 179 have not filed the reply and it is not clear whether all the Respondents are served or not. Respondent No.166, State of Maharashtra, through the Additional Chief Secretary, Home Department, Respondent No.167, Director General of Police and Respondent No.168, Maharashtra Public Service Commission have yet not filed the affidavit-in-reply. Last chance granted to file reply.</p> <p>4. It is to be noted that learned Advocate for the Applicant is not present. This M.A. is pending since 2019. If the affidavit-in-reply is not filed on the next day the matter will proceed without reply. Learned Advocate to note that the matter will be decided in her absence, if she remains absent.</p> <p>5. Adjourned to 14.09.2021.</p> <p align="right">Sd/-  / (Mridula Bhatkar, J.) Chairperson</p> <p>prk <span style="float: right;">[P.T.O.]</span></p>

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	<p align="center">17 <u>.08.2021</u></p> <p align="center"><u>C.A 24/2021 in O.A 734/2020</u></p> <p>Smt M.H Gaikwad ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned counsel Mr Bhosle submits that pursuant to order dated 5.8.2021, the applicant has opened Pension Account.</p> <p>3. Matter is adjourned by four weeks. In between the Respondents are expected to comply with the order of this Tribunal dated 22.3.2021.</p> <p>4. S.O to 14.9.2021.</p> <p align="right">^ .1 / / Sd/- / <b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</p>

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	<p align="center">17 <u>.08.2021</u></p> <p align="center"><u>C.A 37/2019 in O.A 322/2017</u></p> <p>Dr P.W Khandezod ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the bill was submitted by the Respondents to the Treasury office twice and the Treasury office has taken objection.</p> <p>3. Learned P.O seeks two weeks' time to intimate the progress in the matter.</p> <p>4. S.O to 31.8.2021.</p> <p align="right">Sd/-</p> <p align="right">/</p> <p align="right"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>17. <u>08.2021</u></p> <p style="text-align: center;"><b><u>O.A 469/2021</u></b></p> <p>Sanjay U Rathod ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant seeks appointment to the post of Police Constable pursuant to the advertisement No. 1/2018, dated 5.2.2018 in the category of Ex-Servicemen and he also challenges the communication dated 24.7.2019, issued by the Respondent no. 2, declaring the applicant ineligible for the post of Police Constable from DT-A category on the ground of non-submission of NCL.</p> <p>3. Learned C.P.O raises objection of limitation. Learned counsel for the applicant submits that in view of the order of the Hon'ble Supreme Court dated 15.3.2020 in <i>Suo Motu W.P (Civil) No. 3 of 2020</i>, the delay was condoned after 15.3.2020. Thereafter, the Hon'ble Supreme Court in <i>M.A 665/2021 in <i>Suo Moto W.P (Civi) No. 3/2020</i></i> by order dated 27.4.2021, extended the period of limitation up to 19.7.2021. In view of the above learned counsel for the applicant submits that the Original Application is within limitation.</p> <p>4. Learned counsel for the applicant seeks permission carry out amendment in clause 5, page 2 of the O.A. Allowed. Amendment to be carried out forthwith.</p> <p>5. Issue notice before admission returnable on 14.9.2021.</p> <p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>10. S.O to 14.9.2021.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>



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	<p align="center">17 <u>.08.2021</u></p> <p align="center"><u>C.A 55/2019 in O.A 805, 806 &amp; 807/2016</u></p> <p>R.V Dube &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that till today the Respondents have filed Writ Petition before the Hon'ble Bombay High Court. But they could not get circulation in the matter.</p> <p>3. S.O to 7.9.2021.</p> <p align="right">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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><b>Date : 17.08.2021.</b></p> <p><b>M.A.No.696 of 2019 in O.A.No.1065 of 2019 with O.A.No.1065 of 2019</b></p> <p>J.D. Shirdkar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Rahul Khot, learned holding for Mr. N.Y. Chavan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant, Talathi was removed from the service by order dated 16.07.2018 therefore the O.A. should have been filed on 15.07.2019. However, it was filed on 18.09.2019 causing delay of 62 days. The learned Advocate submits that the applicant could not file this O.A. because he wanted to collect the necessary documents to file the proceedings and also he was unable to make the necessary pecuniary arrangement to submit this application. He further submits that in the month of June and July of 2019 there was heavy rainfall and flood like situation in Sangli-Kolhapur. However the applicant being the resident of Sangli District could not file the application within the time. He submits that the delay of 62 days be condoned as it is not deliberate and intentional.</p> <p>3. The learned C.P.O. opposes the application on the ground that there is no good reason to consider the application.</p> <p>4. Heard both the parties. The submissions made by the learned Counsel and also reasons mentioned by the applicant in paragraph 6 and 7 has made out the sufficient and good cause to condone the delay. Hence the delay of 62 days is hereby condoned.</p> <p>5. In view of this M.A. is disposed off.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. Issue before admission returnable on 28.09.2021.</p> <p>8. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may 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. Adjourned to 28.09.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/''</p> <p style="text-align: right;"><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.08.2021</p> <p>O.A. No.208 of 2021</p> <p>S.B. Kamble .....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. The Applicant was initially appointed as Agriculture Officer in 1992 but he did not pass the examination as contemplated in Agriculture Department State Service Officers (Account Examination) Rules, 1981. Latter he was promoted to the post of Taluka Agriculture Officer in 2009 and exempted from passing examination for the promotional post on attaining 45 years of age.</p> <p>3. It appears that the Applicant's pension papers were not processed because of his failure to pass Account Examination which he was to clear in the post of Agriculture Officer.</p> <p>4. Learned Advocate for the Applicant as well as learned P.O. requested to adjourn the matter to produce Agriculture Department State Service Officers (Account Examination) Rules, 1981 to find out whether there is any provision for relaxation to this Rules <del>where</del><sup>which</sup> the Government servant is already retired from service.</p> <p>5. Steno Copy granted.</p> <p>6. S.O. to 23.08.2021.</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 align="center"><b>Date: 17.08.2021</b></p> <p align="center"><b>O.A. No.509 of 2020</b></p> <p><b>M.A. Domale</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. requested for permission to file Affidavit-in-Reply on behalf of Respondent No.1., since matter is already fixed for hearing at the stage of admission for not filing Reply within time.</p> <p>3. In the interest of justice allowed to file Affidavit-in-Reply. It is taken on record.</p> <p>4. Arguments Heard.</p> <p align="right">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member (J)</b></p> <p align="center">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 : 17.08.2021</p> <p align="center">O.A.No.234 of 2021</p> <p>V. E. Mhatre .....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 Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that Rejoinder will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. In the meantime, the Respondents are at liberty to take review of suspension of the Applicant.</p> <p>5. S.O. to 16.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p align="right">[P.T.O.]</p>

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MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b>Date: 17.08.2021</b></p> <p align="center"><b>O.A. No.428 of 2020 with O.A. No.429 of 2020 with O.A. No.430 of 2020 with O.A. No.431 of 2020</b></p> <p><b>N.R. Tekam</b> <b>Y.D. Ogale</b> <b>R.K. Giripunje</b> <b>M.R. Chaudhari</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <ol style="list-style-type: none"> <li>1. Applicants and their Advocate both are absent.</li> <li>2. Shri A.J. Chougule, learned P.O. for the Respondent is present.</li> <li>3. Adjourned for hearing.</li> <li>4. S.O. to 17.09.2021.</li> </ol> <p align="right">Sd/- <b>(A.P. Kurhekar)</b> Member (J)</p> <p align="center">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: 17.08.2021</b></p> <p align="center"><b>O.A. No.314 of 2021</b></p> <p><b>S.N. Tembe</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent No.4, Shri M.D. Lonkar, learned Advocate for the Respondent No.2 and Shri Aniket Ransubhe, learned Advocate for the Respondent No.1.</p> <p>2. Learned Advocate for the Applicant submits that during the pendency of O.A. Applicant is retransferred and he is satisfied with his fresh transfer. The Applicant has also tendered transfer order dated 03.08.2021 on record along with his Application that he wants to withdraw the O.A., it is marked by letter 'X'.</p> <p>3. As such grievances of Applicant is addressed and O.A. has become infructuous.</p> <p>4. O.A. is accordingly disposed of with no order as to costs.</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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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 17.08.2021</b></p> <p><b>O.A.No.240 of 2021</b></p> <p><b>R. P. Pimpalgaonkar</b> ....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A. Pawar holding for Shri B. G. Ligade, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Today, the matter is for filing Rejoinder but it is not filed.</li> <li>3. O.A. be kept for hearing at the stage of admission.</li> <li>4. S.O. to 16.09.2021.</li> </ol> <p style="text-align: right;">Sd/- <b>(A.P. Kurhekar)</b> Member(J)</p> <p>vsm</p>

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	<p>Date : 17.08.2021</p> <p>O.A.No.241 of 2021</p> <p>R. N. Mane ....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. Learned Counsel for the Applicant submits that Rejoinder will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 23.09.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 17.08.2021</p> <p>O.A.No.345 of 2021</p> <p>D. S. Modhe ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted for filing reply but the same is not filed. Hence, I am not inclined to grant more time to file reply.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 17.09.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

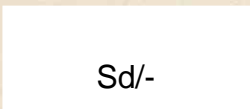
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	<p><b>Date : 17.08.2021</b></p> <p><b>O.A.No.394 of 2021</b></p> <p><b>Dr. S. H. Chavan</b> <span style="float: right;"><b>....Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></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. On request of learned P.O. time till 23.08.2021 is granted for filing Affidavit-in-Reply as a last chance.</p> <p>3. S.O. to 23.08.2021.</p> <div style="text-align: right; margin-top: 20px;">   <b>Sd/-</b>  <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </div> <p>vsm</p>

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	<p>Date : 17.08.2021</p> <p align="center">O.A.No.395 of 2021</p> <p>A. T. Patil <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 Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Learned Counsel for the Applicant submits that Rejoinder is under typing and the same will be filed during the course of hearing. Statement is accepted. It be taken on record.</li> <li>3. The matter is adjourned for hearing at the stage of admission.</li> <li>4. S.O. to 24.09.2021.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 17.08.2021</p> <p align="center">O.A.No.402 of 2021</p> <p>R.H. Chavan <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 the Applicant in person and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record.</li> <li>3. The matter is adjourned for hearing at the stage of admission.</li> <li>4. S.O. to 17.09.2021.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

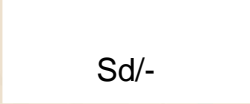
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	<p>Date : 17.08.2021</p> <p align="center">O.A.No.520 of 2021</p> <p>S. K. Joshi <span style="float: right;">...Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. On request of learned P.O., two week time is granted for filing Affidavit-in-Reply.</li> <li>3. S.O. to 02.09.2021.</li> </ol> <p align="right">   <b>Sd/-</b>  <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </p> <p>vsm</p>