

**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 : 17.10.2022</p> <p>O.A.No.664 of 2022</p> <p>S. A. Patil</p> <p>Versus</p> <p>The State of Maharashtra & Ors.</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 has filed Affidavit in Rejoinder. It is taken on record.</p> <p>3. S.O. to 17.11.2022.</p> <p>vsm</p>	<p>....Applicant</p> <p>...Respondents.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</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 : 17.10.2022</p> <p align="center">O.A.No.760 of 2022</p> <p>M. P. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit in Sur-Rejoinder on behalf of the Respondents. It is taken on record.</p> <p>3. S.O. to 14.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

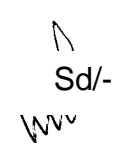
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p align="center">O.A.No.658 of 2022</p> <p>D. R. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit in Rejoinder. It is taken on record.</p> <p>3. S.O. to 21.10.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>17.10.2022</u></p> <p style="text-align: center;"><u>O.A 579/2022</u></p> <p>N.B Mude & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri N.N Gavankar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicants seek directions to the Respondents to include 34 vacant posts in LDCE-2021 as of 1st January, 2022 and further the Respondent no. 2 be directed to include the additional candidates in the result dated 31st May, 2022 on the basis of merit in the event prayer (a) is granted.</p> <p>3. Learned counsel for the applicants submitted that as per the year of the selection list total vacancies should have been counted from 1.9.2020 till 31.8.2021 at the time of issuing the advertisement dated 31.12.2021. Learned counsel submitted that 83 actual vacancies were available then and 34 anticipated vacancies were not counted and in all 117 vacancies were available. Learned counsel for the applicants has submitted that instead of counting the vacancies from 1.9.2020 to 31.8.2021, the Respondents have counted from 1.9.2020 to 1.6.2021. Thus, the posts which are going to fall vacant in the month of June, July and August are not counted and which comes to 34 vacancies.</p> <p>4. Learned counsel for the applicants pointed out the affidavit in reply dated 28.7.2022 filed by Shri Gajanan B. Gurav, Under Secretary in the office of G.A.D. In para 5, he has stated that vacancies are calculated up to 31.8.2021 and 83 posts are vacant. Learned counsel for the applicants argued that this statement is falsified. In the noting of the Department dated 6.4.2022 of Ms Bhingarde, Section Officer, in para 4, it is mentioned that for the Limited Departmental Examination, requisition letter dated 21.6.2021 was sent for 83 posts on the basis of vacancies available as on 1.6.2021.</p> <p>5. Learned C.P.O pointed out that the advertisement was issued on 31.12.2021. The examination was held on 6.3.2022, the result was declared on 31.5.2022 and appointment order was</p>

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	<p>issued on 15.6.2022. However, the Original Application was filed on 16.6.2022.</p> <p>6. In view of the facts unfolded before us, though assuming that the Respondent-State has not properly counted the vacancies up to 1.6.2021 instead of 31.8.2021, the challenge to the such calculation of the vacancies ought to have been given immediately after the advertisement was issued, i.e., on 31.12.2021.</p> <p>7. However, as informed by the learned C.P.O about the dates of process of examination and selection was over on 15.6.2022. The applicants have participated in the selection process but could not succeed and therefore, they are challenging the selection process.</p> <p>8. Under such circumstances, we find no merit in the Original Application and the same stands dismissed.</p> <p style="text-align: right;">Sd/- _____</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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MUMBAI**

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DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p>O.A.No.452 of 2022</p> <p>D.A. JadhavApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Adjourned to 14.11.2022. Interim relief to be continued till next date.</p> <p style="text-align: right;">Sd/- _____</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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: 17.10.2022</p> <p align="center">C.A. No.21 of 2022 in O.A. No.900 of 2021</p> <p>B.R. GirmeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.S. Kadam, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Matter was heard at 02.30 p.m. for some time, that time directions were given to the Respondents to see availability of post in Pune Municipal Corporation. Learned P.O. had requested for short time to take instruction from Pune Municipal Corporation and matter was kept back.</p> <p>3. When the matter was called out at 04.45 p.m., learned P.O. on instruction submitted that there is no vacancies in Pune Municipal Corporation. The Applicant is present and stated that his Advocate is busy before Hon'ble High Court.</p> <p>4. In view of above, this C.A. needs to be decided on its own merit.</p> <p>5. S.O. to 21.10.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.10.2022</p> <p>O.A. No.1037 of 2019 with O.A. No.1039 of 2019 to O.A. No.1042 of 2019 with O.A. No.1237 of 2019 to O.A. No.1241 of 2019</p> <p>Dr. G.B. Taware Dr. V.A. Nadimath Dr. P.M. Sharebkausar Dr. N.B. Masaram Dr. V.P. Doijad C.G. Patil Dr. M.M. Pawar Dr. P.R. Dhumal Dr. P.N. Rathi Dr. A.B. PandavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Shri K.B. Bhise, learned Advocate for the Applicants in O.A. No.1237/2019 to O.A. No.1241/2019 has sent his leave note.</p> <p>2. Heard Smt. Punam Mahajan, learned Advocate for the Applicant in O.A. No.1037/2019 to O.A. No.1039/2019 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>3. Smt. Punam Mahajan, learned Advocate for the Applicant requested for adjournment. Whereas, learned C.P.O. submits for early hearing since Interim Relief as running against the Respondents.</p> <p>4. Adjourned for Final Hearing with specific directions that no further time will be granted.</p> <p>5. Interim relief to continue till next date.</p> <p>6. S.O. to 07.11.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 17.10.2022</p> <p align="center">O.A. No.654 of 2021</p> <p>S.R. SheteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is serving in the cadre of Talathi. By impugned order dated 05.08.2021 he was transferred from Sajja Ghot to Sajja Bhosgaon, Sub Division Patan, District Satara. In O.A. he contended that he has not completed six years tenure on the date of transfer and transfer is bad in law.</p> <p>3. Tribunal by order dated 02.09.2021 allowed the Applicant to continue at Sajja Ghot i.e. the place from which she was transferred. Later on 19.05.2021 the Applicant made statement that the Applicant has now completed 6 years tenure and has already given options, Tribunal recorded this statement as under:-</p> <p>1) In view of above submissions, I hereby revoked the said order (30.08.2021) with following directions:- "The Applicant is allowed to give 10 options to the Respondent authority and the Respondent authority to transfer the Applicant as there is no order of stay and as the order of stay is revoked, if they want to do so."</p> <p>4. Thus what transpires from record that on the date of transfer order on 05.08.2021 the Applicant had completed 5 years and 2 months but he was claiming his tenure to be 6 years, and therefore the Tribunal has granted interim relief on 30.08.2021. The Applicant had also alleged that he was not given posting as per her option as per G.R. dated 09.04.2018.</p>

[P.T.O.]

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	<p>5. Now, legal position^s decided by this Tribunal in earlier Group of O.As. based upon the Judgment of Hon'ble High Court^s that the tenure of Group 'C' employee is three years and there is no vested right to claim tenure as 6 years. Leaving aside this issue, now the Applicant has already completed more than 6 years at one place of posting. Indeed, he had completed 6 years tenure in general transfer of 2022 but in 2022 no general transfer are issued.</p> <p>6. As stated above, Tribunal by order dated 19.05.2022 has allowed the Applicant to give 10 options which is to be acted upon the transfer of the Applicant.</p> <p>7. In view of above, there is no point to keep O.A. pending since the Applicant has already completed normal tenure and also given options for transfer. Respondents are therefore at liberty to transfer the Applicant either in general transfer or in view of options given by her.</p> <p>8. O.A. is accordingly disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center"><u>17.10.2022</u></p> <p align="center"><u>M.A 397/2022 in O.A 189/2022</u></p> <p>Shri Vivek S. Abnave ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The relief sought in the Original Application by the applicant is time bound promotion since 2003 and 2013. Learned counsel for the applicant submits that there is no delay in filing the Original Application as it a continuous cause of action.</p> <p>3. Learned C.P.O opposes the Misc Application and submits that whatever orders finally are going to be passed should be within the ambit of the ratio laid down in the case of UNION OF INDIA Vs. TARSEM SINGH CIVIL APPEAL NO.5151-5152 OF 2008 (Arising out of SLP [C] Nos.3820-3821 of 2008) so that the applicant should waive the monetary benefits in respect of the three years preceding the date of filing of the Original Application.</p> <p>4. Learned counsel for the applicant submits that the O.A and M.A to be heard and decided together.</p> <p>5. Issue notice before admission returnable on 5.12.2022.</p> <p>6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p align="right">[P.T.O.]</p>

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	<p>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption 'for Dismissal' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>10. Learned counsel for the applicant submits that service of notice is filed and waives service of notice.</p> <p>11. Both O.A 189/2022 and M.A 397/2022 to be heard together on 5.12.2022.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>akn</p>

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	<p align="center"><u>O.A. No.1038 of 2022 with O.A. No.1039 of 2022</u></p> <p>Vijaysing R. Pawar Vijay P. Wagh Vs. The State of Maharashtra & Ors.</p> <p align="right">..Applicants ..Respondents</p> <p>Heard Shri Sanjay Shinde, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicants are challenging the order dated 6.10.2022 reverting the applicants from the post of Assistant Superintendent to Senior Clerk. The applicants were promoted by order dated 30.9.2021 to the post of Assistant Superintendent. Ld. Advocate relies on the seniority list as on 1.1.2021 wherein the applicants stand at Sr. No.12 and 13. He further relies on select list dated 22.9.2021 for promotion to Assistant Superintendent wherein the names of the applicants stand at Sr. No.26 & 27. They stand at the last.</p> <p>3. Admittedly the applicants were given benefit of reservation in promotion when they were promoted from the post of Junior Clerk to Senior Clerk in 2016. Show cause notice dated 30.9.2022 was given to the applicants and they gave reply on 4.10.2022.</p> <p>4. Ld. CPO submits that applicants were appointed as Junior Clerk in September, 2007. Applicant in OA No.1038/2022 belongs to VJ-A category and applicant in OA No.1039/2022 belongs to SC category. They were promoted to Senior Clerk on 29.9.2016 and they were given benefit of reservation. Shri Pravin H. Patil-Complainant was appointed on 16.4.2007 prior to the applicants and he was senior.</p> <p>5. Ld. Advocate for the applicants submits that GR dated 7.5.2021 was in existence and not taken into account. The applicants are signaled out and not others who have taken benefit of reservations from Sr. No.16 to 25.</p>

[P.T.O.]

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	<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 notice before admission returnable on 20.10.2022. Respondents are directed to file short reply.</p> <p>8. Applicants are authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: center;">Sd/- (Medhā Gadgil) Member (A) 17.10.2022 (sgj)</p> <p style="text-align: center;">Sd/- / (Mridula Bhatkar, J.) Chairperson 17.10.2022</p>

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	<p align="center"><u>17.10.2022</u></p> <p align="center"><u>O.A 1136/2016 with M.A 23/2017</u></p> <p>Later on:-</p> <p>N.A.A Khan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. In this matter, we direct Deputy Secretary, G.A.D, to inform for the post of Javed Abdul Wahid which is described as Clerk-Typist (Urdu), what is the requisite eligibility criterion prescribed. Similarly, Deputy Secretary, G.A.D is directed to file affidavit as to what is the criterion of Clerk-Typist (Marathi) (knowing Marathi), which is equivalent to the post of Clerk-Typist (Urdu) (knowing Urdu). We are very much concerned about Article 14 of the Constitution of India.</p> <p>3. We further direct Under Secretary, Minority Department to file affidavit stating therein as to how much amount of arrears during the period of suspension and pecuniary benefits as per Pay fixation which were in fact payable, but were not paid to the applicant.</p> <p>4. S.O to 10.11.2022. Part Heard.</p> <p align="center">Sd/- (Medha Gadgil)/ Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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	<p style="text-align: center;"><u>O.A. No.1136 of 2016 with M.A. No.23/2017</u></p> <p>N.A.A. Khan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Under Secretary is directed to file affidavit today specifying whatever arrears are not paid to the applicant.</p> <p>3. Matter kept back.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medhā Gadgil) Member (A) 17.10.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 17.10.2022</p> </div> </div>

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	<p>Date : 17.10.2022</p> <p>M.A.No.471 of 2022 in O.A.No.644 of 2022</p> <p>V.B. KashidApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Kranti L.C., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate submits that applicant is a Transgender and applied for the post of PSI in the Transgender candidature pursuant to the advertisement dated 23.06.2022. Applicant's application is accepted and appeared for the examination. There is recruitment for 800 posts. Learned Advocate submits that the State be directed to declared separate merit list of the Transgender with cut-off for the Preliminary Examination.</p> <p>3. We direct the Respondent-State to give reply at the earliest in view of the ratio laid down in the judgment of Hon'ble Supreme Court in case of National Legal Services Authority of India Versus Union of India and other (2014) 5 SCC 438, operative part is at paragraph 135. In support of his judgment he further relief on the judgment of Hon'ble High Court of Judicature at Madras in Writ Petition No.26506/2022 and W.M.P.Nos.25572 & 25574/2022, dated 11.10.2022, S. Temilselvi Versus The Secretary to Government & Ors.</p> <p>4. Adjourned to 07.11.2022 for reply.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member(A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 17.10.2022</p> <p>O.A.No.865 of 2022</p> <p>A.V. GavhaneApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Adjourned to 28.11.2022. Interim relief to be continued till next date.</p> <p>Sd/- (Medha Gadgil) Member(A) prk</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</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.1002 of 2022</u></p> <p>S.P. Deshpande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 8.12.2022. Respondents are directed to file reply. Applicant is challenging removal order dated 20.2.2019, appellate order dated 12.2.2020 and order dated 9.2.2022 passed in revision. This OA is tagged with OA No.902/2022.</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. 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 17.10.2022 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 17.10.2022</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

.... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

.... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p>O.A.No.32 of 2022</p> <p>S.S Palve @ S.B. GiteApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer holding for the Respondents.</p> <p>2. Reply is not filed by the Home Department.</p> <p>3. Matter to proceed without reply of Home Department.</p> <p>4. Admit and adjourned to 21.11.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member(A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

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DISTRICT

..... Applicant/s

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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p align="center">M.A.No.568 of 2022 in O.A.No.83 of 2015</p> <p>J.V. JamdhadeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Purva Pradhan, learned Advocate holding for Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has requested for permission to reconstruct the brief on the basis of 2nd set of the Tribunal.</p> <p>3. Permission granted. Adjourned to 10.11.2022.</p> <p align="center">Sd/- / Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p align="left">prk</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.82 of 2021</u></p> <p>R.D. Mundhe & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Thombre, 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 rely on the judgment of the Hon'ble Supreme Court in (2018) 11 SCC 352 Gaurav Pradhan & Ors. Vs. State of Rajasthan & Ors. wherein the State was directed to create post posts for the Appellants. This case is not applicable. The selection pertains to 2012 and it was challenged immediately. However, there has been delay of 2 ½ years in filing the present OA.</p> <p>3. Pursuant to order dated 23.9.2022, Ld. CPO submits that there are no vacancies.</p> <p>4. It is unfortunate case. Ld. Advocate for the applicants submits that MA for delay was allowed and the Tribunal did not held that there is delay in approaching this Tribunal and when the delay is condoned, the Tribunal need not take into account the delay.</p> <p>5. We have only say that this is an absurd argument.</p> <p>6. OA is dismissed. No order as to costs.</p> <p align="center">Sd/- / Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 17.10.2022 17.10.2022 (sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p>M.A.No.471 of 2022 in O.A.No.644 of 2022</p> <p>V.B. KashidApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Kranti L.C., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate submits that applicant is a Transgender and applied for the post of PSI in the Transgender candidature pursuant to the advertisement dated 23.06.2022. Applicant's application is accepted and appeared for the examination. There is recruitment for 800 posts. Learned Advocate submits that the State be directed to declared separate merit list of the Transgender with cut-off for the Preliminary Examination.</p> <p>3. We direct the Respondent-State to give reply at the earliest in view of the ratio laid down in the judgment of Hon'ble Supreme Court in case of National Legal Services Authority of India Versus Union of India and other (2014) 5 SCC 438, operative part is at paragraph 135. In support of his judgment he further relief on the judgment of Hon'ble High Court of Judicature at Madras in Writ Petition No.26506/2022 and W.M.P.Nos.25572 & 25574/2022, dated 11.10.2022, S. Temilselvi Versus The Secretary to Government & Ors.</p> <p>4. Adjourned to 07.11.2022 for reply.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member(A)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

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DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p align="center">O.A.No.139 of 2022</p> <p>Dr. S.D. KaleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. O.M. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents, Mr. Gaurav A. Bandiwadekar, learned Advocate for Respondent No.5, Mr. Abhijeet Kandarkar, learned Advocate for Respondent No.6 and Mr. Siddhesh Pilankar, i/b. Dr. Uday Warunjikar, learned Advocate for Respondent No.7.</p> <p>2. Last chance granted to Advocate for filing reply on behalf of Respondent No.7.</p> <p>3. Learned Advocate Mr. Bandiwadekar, submits that he is enable to file reply for want of response. Under such circumstances, last chance granted to file reply of Respondent No.5.</p> <p>4. Adjourned to 28.11.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

..... Applicant/s

(Advocate

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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p>O.A.No.346 of 2022</p> <p>S.W. ShindeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Siddhesh Pilankar, i/b. Mr. N.M. Pujari, learned Advocate learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer holding for Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents</p> <p>2. Last chance granted to learned P.O. to file reply.</p> <p>3. Adjourned to 21.11.2022.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

..... Applicant/s

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>17.10.2022</u></p> <p align="center"><u>M.A 355/2022 in O.A 946/2016</u></p> <p>Shri Vishal B. Salunke ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application is moved seeking amendment to the Original Application. Learned counsel for the applicant submits that certain facts which were not placed on record are necessary to be brought on record for effective and proper determination of the issue in the Original Application.</p> <p>3. Learned C.P.O opposes to the amendment as the Original Application is filed on 21.9.2016 and the amendment application is filed in June, 2022, i.e., after six years. Learned C.P.O submits that the fact which the applicant wants to bring on record were in existence and should have been mentioned in the Original Application at the relevant time.</p> <p>4. The submissions of the learned C.P.O that the facts should have been mentioned in the Original Application are correct. However, this Original Application is not taken up for hearing. Therefore, as all the averments and facts should be put on record fully to adjudicate the matter, we allow this Misc Application with cost of Rs 500/- to be deposited in the office of the Registrar, M.A.T, Mumbai.</p> <p>5. The proposed amendment in M-1 is to be carried out on or before 10.11.2022 and the amended copy to be served on all the Respondents.</p> <p>6. O.A 946/2016 to be placed on Board on 10.11.2022.</p>

Sd/-

(Medha Gadgil)
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p align="center">M. A. No.228 of 2021 O.A.No.310 of 2022</p> <p>S. S. ThakurApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Savita Suryavanshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply to M.A. It is taken on record.</p> <p>3. The matter is adjourned for hearing.</p> <p>4. S.O. to 14.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 17.10.2022</p> <p align="center">O.A. No.1110 of 2019</p> <p>B.R. SangleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are present. 2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. 3. On previous date one week time was granted to learned Advocate for the Applicant to submit details showing the date of payment, date of amount, date of actual payment, period for which it is delayed and amount for interest claimed. 4. Thus, it appears that the Applicant and his counsel are not interested in the matter. However, in the interest of justice O.A. be kept for order of dismissal. 5. S.O. to 10.11.2022. <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.10.2022</p> <p align="center">O.A. No.1076 of 2019 to O.A. No.1078 to 2019 with O.A. No.134 of 2019 with O.A. No.1076 of 2019 with O.A. No. 461 of 2019</p> <p>T.R. Wagh & Ors., S.S. Nikam & Ors., P.K. Jadhav & Ors., V.L. Kardile B.F. Gaikwad W.Z. Pahilwan & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. These O.As are filed by retired Muster Assistant claiming benefits of the initial period of services for pension purpose.</p> <p>3. Learned P.O. sought time for final arguments since mater is being handled by Smt. K.S. Gaikwad but she is unable to remain present today.</p> <p>4. Learned P.O. also wants to produce order / Judgment of Industrial Court.</p> <p>5. Learned Advocate for the Applicant is ^khowever directed to prepare one chart showing the necessary details of the Applicants, impugned order, details of Industrial Court order etc.</p> <p>6. S.O. to 18.11.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member (J) [P.T.O.]</p> <p align="left">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.10.2022</p> <p align="center">O.A. No.758 of 2021</p> <p>A.B. SuryawanshiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.P. Warunjkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. By order dated 03.10.2022 amendment was allowed and directions were given to carry out the amendment within a week. However, no amendment is carried out. Today, learned Advocate for the Applicant sought permission to carry out amendment stating that he/she ^{is} is unwell, and therefore amendment was not carried out within time granted by the Applicant. 3. In the interest of justice allowed to carry out amendment and it be carried out during the course of the day. 4. Two weeks time is granted to file additional Affidavit-in-Reply to the amendment made in O.A. 5. S.O. to 14.11.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p>O.A.No.967 of 2022</p> <p>M G. SatheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired as Watchman on 30.04.2018 and some of the retiral benefits were paid belatedly. Provisional Pension was granted for one year only. Apart, gratuity is not paid though the period of more than 4 years from retirement is over.</p> <p>3. Learned P.O. on instructions submits that now the department has taken steps and the proposal is sent to the office of A.G. for grant of gratuity and regular pension in terms of 7th Pay Commission and it is in process.</p> <p>4. Indeed, the Applicant being retired in 30.04.2018 without there being any criminal prosecution or D.E. against him, the retirement benefits ought to have been paid immediately. However, there is inordinate delay of 4 years in payment of gratuity. Even the provisional pension is paid only for 1 year. Suffice of say, the Applicant is deprived of retirement benefits without any justifiable reasons.</p> <p>5. The Applicant has also claimed interest on belated payment which needs to be decided on its own merit.</p> <p>6. Two weeks time is granted to Respondents to file reply.</p> <p>7. The Respondents are further directed to depute a person in the office of A.G. to get the proposal sanctioned within two weeks and monetary benefits be accordingly paid.</p> <p>8. S.O. to 14.11.2022.</p> <p style="text-align: center;">^ Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p style="text-align: center;">O.A.No.1040 of 2022</p> <p>M. B. HiremathApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged the suspension order dated 10.10.2022 in view^{on} of the ground of competency of suspending authority. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 09.11.2022. 5. 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 M.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 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. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed. 9. S.O. to 09.11.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.10.2022</p> <p align="center">O.A. No.422 of 2022</p> <p>K.M. DhanshetiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one day time is granted to comply order dated.14.10.2022.</p> <p>3. S.O. to 18.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.10.2022</p> <p align="center">O.A. No.856 of 2022</p> <p>E.V. NaikApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate along with Shri S.G. Talhar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. submits that file is under process before the Minister and necessary orders will be issued soon.</p> <p>3. In view of submission advanced by learned P.O., Tribunal in order dated 06.10.2022 and 10.10.2022 recorded that the CSB has already recommended for giving posting to the Applicant as Naib Tahasildar (Election), Tal. Panvel, Dist. Raigad. On that ground matter was adjourned thrice to facilitate Respondent No.1 to issue necessary orders. However, again today learned P.O. sought time since orders are awaited.</p> <p>4. In view of above, O.A. is disposed of with direction to the Respondent No.1 to ensure issuance of all necessary orders in pursuance to their recommendation made by CSB for giving posting to the Applicant as Naib Tahasildar (Election), Tal. Panvel, Dist. Raigad within 10 days from today. No order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.10.2022</p> <p>O.A. No.220 of 2022</p> <p>S.G. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed this O.A. for direction to the Respondents to release retiral benefits. The Applicant stand retired on 31.10.2018. However, due to pendency of D.E. and criminal case, Gratuity is withheld. Chargesheet in criminal case was admittedly filed before his retirement. D.E. is concluded but no final decision is taken because pendency of criminal case.</p> <p>3. Learned Advocate for the Applicant sought to contend that since charges were not framed against the Applicant in criminal case till date of his retirement, in law, judicial criminal proceeding cannot be said instituted against the Applicant on the date of retirement. Thus, according to him just filing of chargesheet before the date of retirement is not enough.</p> <p>4. Learned Advocate for the Applicant however fairly stated that there are conflicting decision of Single Bench as to when judicial proceeding ^{came} came to be said instituted as contemplated under Rule ²⁷ 27(6)(b) of M.C.S. (Pension) Rules, 1982 and the issue is pending before Division Bench.</p> <p>5. In view of above, learned Advocate for the Applicant submits that matter be adjourned for four weeks for awaiting decision of Division Bench.</p> <p>6. S.O. to 28.11.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p align="center">O.A.No.479 of 2020</p> <p>K. P. Salunkhe ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed additional affidavit in Rejoinder. It is taken on record.</p> <p>3. Since pleading is complete, O.A. be kept for final hearing.</p> <p>4. S.O. to 14.11.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p align="center">O.A.No.964 of 2022</p> <p>D. D. ShirsatApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.2. It is taken on record.</p> <p>3. Learned Counsel for the Applicant submits that he does not want to file Rejoinder.</p> <p>4. O.A. be kept for hearing at the stage of admission.</p> <p>5. S.O. to 10.11.2022.</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

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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 : 17.10.2022</p> <p>R. A. No.19 of 2022 in O.A.No.956 of 2021</p> <p>V. A. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., three weeks time is granted for filing reply to R.A.</p> <p>3. S.O. to 14.11.2022</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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 : 17.10.2022</p> <p align="center">R. A. No.18 of 2022 in O.A.No.188 of 2022</p> <p>S. P. KalgutkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard the Applicant in person and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. On request of learned P.O., three days' time is granted to file reply by way of last chance. 3. S.O. to 21.10.2022. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.10.2022</p> <p align="center">O.A.Nos.1041, 1042, 1043 & 1044 of 2022</p> <p>R. P. Dhake & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In present Original Applications, all the Applicants are retired Government servants and have challenged impugned order dated 11.05.2022 whereby the Respondents have withdrawn the benefit of 2nd Time Bound Promotion benefit which was granted to them in 2018. The Applicants also apprehend the recovery, and therefore, sought stay.</p> <p>3. All these Applicants have retired in between 2008-2009 and after retirement, the benefit of 2nd Time Bound Promotion was granted to them in 2018 in view of the decision of the Hon'ble High Court. However, after 4 years by impugned order dated 11.05.2022 it is withdrawn without hearing the Applicants. The Applicants are retired from service long back.</p> <p>4. In view of above, there shall be no recovery from all the Applicants till filing of reply.</p> <p>5. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Issue notice before admission returnable on 28.11.2022.</p> <p>7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>11. S.O. to 28.11.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>17.10.2022</u></p> <p style="text-align: center;"><u>C.A 54/2022 in O.A 248/2014</u></p> <p>I.S Mulgaonkar Since deceased through Legal Heir Shri S.Y. Mulgaonkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O submits that Shri Vivek Dahifale, Joint Secretary, Finance Department, Mantralaya, Mumbai is present before the Court today.</p> <p>3. Learned C.P.O submits that the Respondent-State has filed Writ Petition Stamp No. 252192/2022 before the Hon'ble High Court and the same is pending.</p> <p>4. In view of the matter stands adjourned to 19.12.2022.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) Akn</p> <p style="text-align: center;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>17.10.2022</u></p> <p><u>C.A 62/2022 in O.A 765/2021</u></p> <p>Shri R.F Khairnar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that applicant has sent application seeking to withdraw the Contempt Application as he is transferred and posted to District Jail, Dhule.</p> <p>3. In view of the above, Contempt Application stands disposed of as withdrawn.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p style="text-align: center;">Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>17.10.2022</u></p> <p align="center"><u>M.A 148/2022 in O.A 879/2021</u></p> <p>Rekha J. Jagtap Applicant Vs. The State of Maharashtra & Ors Respondents</p> <p>1. Heard Shri Mohan Kumbhar holding for Shri S.K Hande, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file affidavit in reply. Time granted to the Respondents to file affidavit in reply by way of last chance.</p> <p>3. S.O to 14.11.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</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 align="center"><u>O.A. No.145 of 2021</u></p> <p>N.P. Chaudhari & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. Ld. Advocate for the Applicants is absent.</p> <p>2. Speaking to minutes of the order dated 10.10.2022 is already considered and order is passed on 12.10.2022.</p> <p>3. S.O. to 21.11.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 17.10.2022</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 17.10.2022</p> <p>(sgj)</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">Date: 17.10.2022</p> <p align="center">O.A. No.828 of 2021</p> <p><i>W</i> A.K. ChauhanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms Pooja Mankoji, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. This O.A. is filed for seeking direction to the Respondent to relieve the Applicant in terms of his promotion order dated 28.04.2021. 3. Indeed, when this O.A. was taken up for hearing along with one connected O.A. No.826/2021, it was noticed that 530 Police Personnel were promoted to the post A.P.I. However, in clause 5 of promotion order it is sated that were Police Personnel are suspended or undergoing punishment or against whom D.E. are pending they should not be relieved in terms of promotion order and their information be sent to the office of Director General of Police for further action. 4. In view of above, Tribunal by order dated 25.10.2021 directed Director General of Police to explain how promotion orders are issued without verifying the factual aspects of D.E., Punishment etc. 5. Director General of Police filed Affidavit stating that D.E. has been already initiated against the Applicant and having noticed it by order dated 29.06.2021 direction were given not to relieve the Applicant.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Later by order dated 06.12.2021 punishment of withdrawing one increment with cumulative effect for one year has been imposed.</p> <p>7. Today, learned P.O. has tendered order passed by Director General of Police dated 16.12.2021 stating that order of promotion of Applicant has been cancelled. Order is taken on record and marked by letter 'X' for identification.</p> <p>8. Thus promotion order dated 28.04.2021 itself is now cancelled therefore question of direction to relieve the Applicant does not survives. O.A. has become infructuous.</p> <p>9. O.A. is therefore disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>