

**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.As. No.970, 971 &amp; 972 of 2021</u></p> <p>J.U. Rathod (OA.970/2021) A.B. Patil (OA.971/2021) P.V. Waghmare (OA.972/2021) ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. P.S. Talekar with Shri A.B. Chalak and Shri A.S. Deshpande. learned Advocate for the Applicants and Ms. S.P. Manchekar. learned Chief Presenting Officer for the Respondents.</p> <p>2. In all these three OAs applicants want to avail of the benefit of reservation of Sports quota and are recommended by the MPSC for the post of Deputy Superintendent of Land Records Group-B and Naib Tahsildar, Group-B. Their documents are verified by the MPSC and now the further verification of the documents at the level of respondent-State was going on. During the said process the Commissioner, Sports and Youth Services found that these applicants basically could not play their respective sports and therefore he was doubtful whether the applicants are really sportsman. He issued orders to the subordinate officers i.e. Deputy Director, Sports at different divisions that the Sports Validity Certificate are to be cancelled and therefore to verify the documents. They were asked to appear for the verification of the documents at various dates. In between these three OAs are filed challenging the impugned communication dated 26.11.2021 issued by the Dy. Director, Youth Services, Pune and also the directions dated 24.11.2021 given by Commissioner, Sports and Youth Services wherein it is stated that the Sports Validity Certificate of the applicants to be cancelled.</p> <p>3. These OAs were filed on 2.12.2021 and notices were issued on 3.12.2021. However, the Dy. Director, Sports of respective divisions gave hearing and after hearing the applicants, cancelled their Sports Validity Certificate. The said orders are now produced by the Ld. Advocate for the applicants.</p>

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4. As the Sports Certificate are invalidated by the Dy. Director of concerned Division, the OAs have become infructuous.

5. Ld. Advocate for the applicants submits that the authority has mentioned that the orders of Dy. Director can be challenged within a period of two months before the Joint Director i.e. the appellate authority. She submits the appellate authority has no jurisdiction and therefore if appeal is filed it has to be decided within short period. She further submits that till decision of the appeal, the recommendations should not be cancelled. She submits that her recommendations are to be protected till first appeal is decided.

6. If the appeals are filed by the applicants within one week i.e. on or before 24.12.2021, as expressed now, then appeals are to be decided within four weeks thereafter i.e. on or before 25.1.2022. Till then the recommendations are not to be disturbed.

7. In view of the above, OAs, have become infructuous and are disposed off as such.

Sd/-

(Medha Gadgil)  
Member (A)  
17.12.2021

(sgl)

Sd/-

(Mridula Bhatkar, J.)  
Chairperson  
17.12.2021

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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	<p align="center"><u>O.A. No.1020 of 2021</u></p> <p>Jayashri G. Naik ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. P.S. Talekar with Shri A.B. Chalak and Shri A.S. Deshpande, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant is working as Child Development Project Officer, Nashik. She has been served with a notice dated 29.11.2021 by respondent no.5 that she should appear before respondent no.5 for verification of Sports Validity Certificate. The Ld. Advocate for the applicant submits that on 3.12.2021 she could not attend the call of respondent no.5 mainly on the ground that she is a mother of one year old baby and it was not possible to attend the enquiry for a short time so she requested for another date which is not communicated. She apprehends that her Sports Validity Certificate will be invalidated unilaterally in near future and which will cause great injustice to her and then she is likely to lose her job as she got the job through reserved quota of Sportswomen.</p> <p>3. In view of the submissions of the Ld. Advocate for the applicant and considering the convenience of the applicant, we direct that she will attend the enquiry on 23<sup>rd</sup> December, 2021 at 12 noon before the authority along with all the relevant documents.</p> <p>4. Ld. CPO submits that after verification, authority will be able to take the decision. Hence, no further order of any interim protection is required.</p> <p>5. We make it clear that the words used in the letter dated 26.11.2021 issued by the Commissioner, Sports that Sports Certificate of the applicant is to be cancelled and therefore enquiry should be made is not correct. The enquiry should be free and without any pressure of the higher</p>

[P.T.O.]

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officials. The person concerned i.e. Deputy Director of Sports, Kolhapur should have a free hand to decide the matter at his level.

6. The applicant is in service of the Government and therefore after considering the truthfulness of Sports Validity Certificate, the authority will take a decision. Assuming decision is against her, still her services cannot be terminated thereafter immediately as her case will have to be referred to parent department i.e. Women and Child Development Department. So it will take some time. Meanwhile the applicant may take necessary action and thus the applicant gets breathing time to take further action.

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 7.1.2022. The respondents are directed to file reply.

9. 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.

10. 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.

11. 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)  
17.12.2021

Sd/-  
(Mridula Bhatkar, J.)  
Chairperson  
17.12.2021

(sgj)

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	<p><b>Date : 17.12.2021</b></p> <p><b>O.A.No.226 of 2021</b></p> <p>Dr. R.R. Asawa .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Applicant in person and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The party in person has filed the present O.A. pressing only one relief that the documents mentioned in paragraph 6.38 should be supplied to him for the purpose of filing Appeal before His Excellency. He further states that his effort under the RTI to obtain the requisite documents failed. Hence, he is before this Tribunal.</p> <p>3. We direct the Respondents to furnish the documents which are enlisted in paragraph 6.38 within a period of three weeks from today i.e. by 06.01.2022. Further we also direct them to get an acknowledgment from the Applicant for each and every document given to him.</p> <p>4. In case the documents mentioned in paragraph 6.38 do not exist with the Respondents, they are directed to specify the same and inform the Applicant accordingly.</p> <p>5. With above directions, O.A. is disposed of.</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> <p style="text-align: right;">[P.T.O.]</p>

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Tribunal's orders

**Date : 17.12.2021**

**O.A.No.125 of 2021**

V.I. Ingale .....Applicant

Vs.

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

1. Heard Mr. R.G. Panchal, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. The Applicant working as Senior Pharmacy Officer, challenges the disciplinary proceedings initiated against him vide charge-sheet dated 31.08.2020 on the ground that the Respondent No.4 is not the disciplinary authority, hence, not a competent authority.

3. Admit. In view of the short issue involved, by consent the matter is taken up for hearing at the stage of admission.

4. The learned P.O. for the Respondents filed affidavit-in-reply dated 16.12.2021 on behalf of Respondents No.1 to 3, through Mr. Mansing Dadasaheb Suryawanshi, Chief Administrative Officer, Dy. Director, Health Services, Pune wherein it is clearly stated that the Respondent No.3 is the appointing authority and not Respondent No.4. Therefore, the disciplinary proceedings by the Respondent No.4 against the applicant is without proper approval and sanction by the appointing authority.

5. In view of the affidavit-in-reply, charge-sheet dated 31.08.2020 is quashed and set aside.

6. With above orders, O.A. is allowed. No order as to costs.

Sd/-

(Medha Gadgil/  
Member(A)

prk

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

**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 <b><u>O.A.328/2021</u></b>
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**Shri P.A. Bodekar** **... Applicant**  
**Vs.**  
**The State of Maharashtra & Ors.** **... Respondents**

1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Mrs. A.B. Kololgi, learned Presenting Officer for Respondents.
2. In O.A, the challenge is to the order dated 20.10.2020 issued by Respondent No.1 - Government of Maharashtra stating that Respondent No.3 - Commissioner, State Excise is empowered to take decision in the matter of leave.
3. The perusal of record reveals that Respondent No.3 - Commissioner of State Excise by order dated 31.08.2017 declined the request of the Applicant for grant of Medical Leave of 404 days, which is at Page No.83 of Paper Book. All that it is stated in the said order that Medical Leave is refused. However, order is silent as to what kind of leave for the period of absence was granted. Whether it is treated as Extra-ordinary Leave or Earned Leave or otherwise the order is totally silent. There has to be specific order about the treatment to the absence period as authority deem fit. In the present case, the Respondent No.3 only declined to grant Medical Leave without making it clear what treatment is given to the absence period.
4. Today the learned Advocate for the Applicant has filed Rejoinder. It is taken on record.
4. In view of above, the Respondent No.3 is directed to clarify the order dated 20.10.2020.
5. Adjourned to 20.12.2021.

Sd/-  
**(A.P. Kurhekar)**  
Member-J  
17.12.2021

(skw)

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	<p>Date : 17.12.2021</p> <p align="center"><b>M. A No.537 of 2021 in O.A.No.561 of 2021</b></p> <p><b>Smt. K.A. Salunkhe</b> ....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri Gaurang Jhaveri holding for Shri Amey Deshpande, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed to incorporate certain additional grounds along with annexures to sustain challenge to impugned order.</p> <p>3. As such, if the proposed amendment is allowed, it will not challenge the nature of O.A. since it is by way of additional ground to challenge the impugned order.</p> <p>4. In view of above, amendment is allowed. It be carried out within a week.</p> <p>5. Leaned P.O. shall file Affidavit-in-Reply to the amendment (since reply is already filed to Ori. O.A.) within two weeks.</p> <p>6. S.O. to 07.01.2022.</p> <p align="right">Sd/- v <b>(A.P. Kurhekar)</b> <b>Member(J)</b></p> <p>vsm</p>

[P.T.O.]



Office Notes, Office Memoranda of Coram,  
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Tribunal's orders

Date : 17.12.2021

O.A.No.661 of 2021

S. G. Raut

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri R. G. Panchal, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The Applicant stands retired on 31.07.2021 but his retiral benefits are withheld on the ground that initiation of D.E. on the last date of service.
3. According to learned Counsel for the Applicant there was no legal and valid service of charge sheet on the date of retirement, and therefore, retirement benefits cannot be withheld.
4. Whereas learned P.O. sought to contend that service of charge sheet was legal and valid and in law there was initiation of D.E. before retirement. According to him, charge sheet in D.E. was served through email on 30.07.2021.
5. Learned Counsel for the Applicant submits that he is challenging initiation of D.E. by filing separate O.A. but as of now, the Applicant's retiral benefits is required to be released and this O.A. is restricted to it only.
6. In case, D.E. is initiated while a Government servant is in service, it can be continued after retirement. As such, in terms of Rule 130 of Maharashtra Civil Services (Pension) Rules, the Applicant will not be entitled for gratuity until the decision of D.E. However, the Applicant is entitled to provisional pension and his other retiral benefits.
7. Learned P.O. also fairly concedes that except gratuity and regular pension other retiral benefits will have to be released.
8. Three weeks time is granted to the Respondents to release other retiral benefits to the Applicant as per his entitlement.
9. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.
10. S.O. to 14.01.2022.

Sd/-

(A.P. Kurhekar)  
Member(J)

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	<p><b>Date : 17.12.2021</b></p> <p><b>O.A.No.412 of 2020</b></p> <p>V.V. Tamhankar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. submits that affidavit-in-reply will be filed during the course of the day.</p> <p>3. It be taken on record. Copy be served upon learned Advocate for the Applicant.</p> <p>4. Liberty to file rejoinder, if any. Adjourned to 11.02.2022.</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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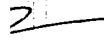
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	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>O.A.No.377 of 2020 with O.A.No.48 of 2021</b></p> <p>A.K. Bhusare &amp; Ors. (O.A.377/2020) S.M. Joshi &amp; Ors. (O.A.48/2021) ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. M.B. Kadam, the learned Advocate holding for Dr. Gunratan Sadavarte, the learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Affidavit-in-reply be filed in the matters at the earliest.</p> <p>3. Adjourned to 11.02.2022.</p> <p align="center">Sd/-</p> <p align="center">             (Medha Gadgil)            Member(A)         </p> <p align="center">Sd/-</p> <p align="center">             (Mridula Bhatkar, J.)            Chairperson         </p>

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	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>O.A.No.228 of 2021</b></p> <p>S.V. Destewad .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. submits that she has already filed affidavit.</p> <p>3. The learned Advocate submits that the interim relief passed by this Tribunal dated 15.04.2021 is not yet complied wherein directing the State to reinstate the applicant on his earlier position. M.A. filed by the State to vacant interim stay was rejected by this Tribunal on 23.09.2021.</p> <p>4. The learned Advocate seeks time to file affidavit-in-rejoinder.</p> <p>5. Adjourned to 22.12.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p><b>Date : 17.12.2021</b></p> <p><b>O.A.No.400 of 2021</b></p> <p>P.B. Jadhav &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicants, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Mr. U.V. Bhosle, learned Advocate for the Respondents No.3 to 6.</p> <p>2. Pursuant to earlier order dated 14.12.2021 learned C.P.O. submits that the file has been cleared by the Home/ Transport Department and sent to G.A.D. on 16.12.2021.</p> <p>3. In view of above, adjourned to 11.01.2022.</p> <p>Sd/- Sd/- 2</p> <p>(Medha Gadgil) ✓ (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>O.A.No.1018 of 2018</b></p> <p>T.B. Metakari &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. M.B. Kadam, the learned Advocate holding for Dr. Gunratan Sadavarte, the learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned Advocate submits that affidavit-in-reply is already filed.</p> <p>3. Admit. Liberty to file rejoinder, if any.</p> <p>4. Adjourned to 11.02.2022</p> <p align="center">Sd/-</p> <p align="center"><b>(Medha Gadgil)</b> Member(A)</p> <p align="center">Sd/-</p> <p align="center"><b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p>

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	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>M.A.No.579 of 2021 in O.A.No.1072 of 2018</b></p> <p>P.N. Bande .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. M.A. Jadhav, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. M.A. is filed for expedition of hearing of O.A..</p> <p>3. The learned Advocate is directed to produce the G.R. of the year 1991 regarding abolition of 25 posts of Tagai Clerk.</p> <p>4. M.A. is allowed. O.A. Adjourned to 21.01.2021.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Medha Gadgil) ✓ <span style="float: right;">/ (Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p>prk</p>

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	<p align="center"><u>M.A. No.465 of 2021 in O.A. No.214 of 2020</u></p> <p>S.K. Khomane ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that the Government needs one more week to hold the DPC.</p> <p>3. S.O. to 10.1.2022.</p> <p align="center">Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 17.12.2021 17.12.2021</p> <p>(sgj)</p>



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	<p align="center"><u>M.A. No.48 of 2021 in O.A. No.82 of 2021</u></p> <p>R.D. Mundhe &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; 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. CPO seeks time to file reply.</p> <p>3. S.O. to 21.1.2022 by way of last chance.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 17.12.2021 17.12.2021</p> <p>(sgj)</p>



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	<p align="center"><u>C.A. No.54 of 2019 in O.A. No.768 of 2018</u></p> <p>K.R. Nannaware ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO produces an order dated 6.12.2021 in compliance of order dated 24.4.2019 passed in the above OA and the period of suspension from 5.12.2014 to 9.2.2015 has been regularized and payment has also been made accordingly.</p> <p>3. In view of compliance the CA is disposed off.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 17.12.2021 17.12.2021</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.1014 of 2021</u></p> <p>R.M. Wadakar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri R.G. Panchal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Ld. CPO and all the respondents are directed to file short affidavit in reply as to whether 'Kurash' Sports is acknowledged by the Directorate of Sports, Maharashtra.</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 22.12.2021. The respondents are directed to file reply.</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: center;">Sd/- (Medha Gadgil) Member (A) 17.12.2021 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 17.12.2021</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.976 of 2021</u></p> <p>R.B. Wadile ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.B. Solanke, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid</p> <p>3. Issue notice before admission returnable on 21.1.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="center">Sd/- _____</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 17.12.2021 17.12.2021</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p>M. A. No.264 of 2021 in O.A.No.512 of 2021</p> <p>B. D. Chaubhe <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. R. Joshi holding for Shri V. V. Joshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed claiming benefit of 7<sup>th</sup> Pay Commission recommendation which came into force w.e.f. 01.01.2016 whereas Applicant stands retired on 31.12.2015.</p> <p>3. Learned Counsel for the Applicant adverting to the judgment of the Hon'ble Supreme Court in <i>AIR 1990 SC 285 (S. Banerjee V/s Union of India)</i> submits that even if, the Applicant stands retired on 31.12.2015, he is entitled to service benefits of 7<sup>th</sup> Pay Commission which came into force from 01.01.2016. In this behalf, reliance is also placed on the decision of Central Administrative Tribunal.</p> <p>4. O.A. is filed along with M.A. for condonation of delay stating that the delay is of one year though in fact it is more than four years. Learned Counsel also fairly concedes that delay is of near about four years.</p> <p>5. Be that as it may, the important issue arising in this proceeding is whether a Government servant retired on 31.12.2015 would be entitled to the benefits of 7<sup>th</sup> Pay Commission which made applicable w.e.f. 01.01.2016. This is important issue and the decision in this matter has implication over thousands of other employees retired on 31.12.2015. Therefore, reply of Government is very essential which is not filed till date. Reply is filed on behalf of the Respondent No.4 - Superintendent of Police, Pune.</p> <p>6. Learned P.O. also fairly concedes that considering the issue involved in O.A., reply of the Government is very much essential. On request of learned P.O., two weeks time is granted for filing reply to M.A. as well as O.A.</p> <p>7. S.O. to 07.01.2022.</p> <p style="text-align: center;">^ Sd/- v-- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No.

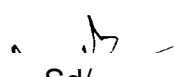
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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center"><b>O.A.No.424 of 2021</b></p> <p>P. P. Kashid <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri U. S. Iyer, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This O.A. was initially dismissed in default but later in view of order passed in M.A.No.484/2021 in M.A.No.485/2021 in O.A.424/2021, it is restored to file.</p> <p>3. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>4. S.O. to 07.01.2022.</p> <p align="right">   Sd/-  (A.P. Kurhekar)  Member(J) </p> <p>vsm</p>



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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center">O.A.No.497 of 2020</p> <p>H. P. Waghela .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Today, Shri Yajuvendra Singh, learned Counsel for the Applicant has filed Vakalatnama. It is taken on record.</p> <p>2. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>3. S.O. to 12.01.2022 on request of learned Counsel for the Applicant.</p> <p align="right">Sd/- W" (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
vsm	<p>Date : 17.12.2021</p> <p style="text-align: center;">O.A.No.497 of 2020</p> <p>H. P. Waghela <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. Today, Shri Yajuvendra Singh, learned Counsel for the Applicant has filed Vakalatnama. It is taken on record.</p> <p>2. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>3. S.O. to 12.01.2022, on request of learned Counsel for applicant—</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center">O.A.No.687 of 2021</p> <p>D. J. Parmekar <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 to 3. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 07.01.2022.</p> <p align="right">             Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center"><b>O.A.No.510 of 2021</b></p> <p><b>S. J. Pendharkar</b> ....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri Tejas Hartalkar holding for Shri P. V. Bodke Patil, 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. On previous date, last chance was granted but in vain.</p> <p>4. Hence, I am not inclined to grant time for filing reply.</p> <p>5. The matter is adjourned for hearing at the stage of admission without reply.</p> <p>6. S.O. to 14.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> <p><u>L.O.</u></p> <p>7. In the afternoon session, learned P.O. sought permission to file reply on behalf of the Respondent No.2.</p> <p>8. In the interest of justice, allowed to file reply. It is taken on record.</p> <p>9. The matter is adjourned for hearing at the stage of admission on 14.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>



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**FARAD CONTINUATION SHEET No. \_\_\_\_\_ (A.P. Kurhekar)  
Member(J)**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	vsm Tribunal's orders
	<p>vsm</p> <p>Date : 17.12.2021</p> <p>M. A. No. 569 of 2021 in R.A.No.11 of 2021 in O.A.No.509 of 2020</p> <p>The State of Maharashtra &amp; Ors. ....Applicants (Ori. Respondents)</p> <p>Versus</p> <p>M. A. Damale ...Respondent (Ori. Applicant)</p> <p>1. Heard Shri A. J. Chougule, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri A. J. Chougule, learned Counsel for the Respondent (Ori. Applicant)</p> <p>2. Since Shri G.A. Bandiwadekar, learned Counsel for the Original Applicant is appearing, issuance of notice is dispensed with.</p> <p>3. On request of learned Counsel for Ori. Applicant, two weeks time is granted to file reply to M.A. and R.A.</p> <p>4. S.O. to 13.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

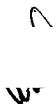
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center">O.A.No.112 of 2020</p> <p>D. W. 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. Heard Shri C. W. Mane, 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 Rejoinder. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 14.01.2022.</p> <p align="right">             Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center">O.A.No.513 of 2021</p> <p>S. R. Kamble .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Dr. Gunratan Sadavarte, learned Counsel for the Applicant has sent leave note.</p> <p>2. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>3. On request of learned P.O., two weeks time is granted for filing reply by way of last chance.</p> <p>4. S.O. to 07.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>




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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center">O.A.No.589 of 2021</p> <p>G. R. Waghmode ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. Today, the matter is fixed for filing Rejoinder but the same is not filed.</p> <p>3. Since pleading is complete, O.A. be kept for final hearing.</p> <p>4. S.O. to 14.01.2022.</p> <p align="right">             Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center">O.A.No.731 of 2021</p> <p>S. I. Abbas <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri N. Bhumkar, 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 as a most last chance.</p> <p>3. S.O. to 07.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>O.A.No.749 of 2021</b></p> <p><b>D. V. Kalekar</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri L. S. Deshmukh , 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 for Respondent No.2. It is taken on record.</p> <p>3. No separate reply is filed on behalf of Respondent Nos.1 and 3.</p> <p>4. The matter is adjourned for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>5. S.O. to 10.01.2022.</p> <p align="right">           Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>


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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>O.A.No.825 of 2021</b></p> <p><b>G. S. Karanje</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan , learned Counsel for the Applicant and Smt. Kranti Gaikwad, 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. Interim relief to continue till filing of reply.</p> <p>4. S.O. to 06.01.2022.</p> <p align="right">             Sd/-            v  <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </p> <p>vsm</p>
	<p><b>Date : 17.12.2021</b></p> <p align="right"><i>(PTO)</i></p> <p align="center"><b>O.A.No.864 of 2021</b></p> <p><b>J. R. Sonkawade</b> .....Applicant</p> <p><b>Versus</b></p>

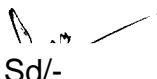
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>O.A.No.864 of 2021</b></p> <p><b>J. R. Sonkawade</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 Smt. Punam Mahajan , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel has filed Rejoinder. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 11.01.2022.</p> <p align="right">   <b>Sd/-</b>  <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </p> <p>vsm</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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	<p>Date : 17.12.2021</p> <p align="center">O.A.No.940 of 2021</p> <p>S. D. Savane .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. Pawar holding for Shri D. B. Khaire, 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., two weeks time is granted for filing reply.</p> <p>3. S.O. to 07.01.2022.</p> <p align="right">             Sd/-    <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </p> <p>vsm</p>

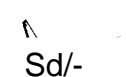

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 17.12.2021</b></p> <p align="center"><b>O.A.No.645 of 2020</b></p> <p><b>D. D. Mali</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 L. S. Deshmukh, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is for hearing at the stage of admission. Learned Counsel for the Applicant requested for grant of time.</p> <p>3. S.O. to 12.01.2022.</p> <p align="right">   <b>Sd/-</b>    <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </p> <p>vsm</p>

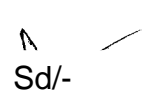
# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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
vsm	<p><b>Date : 17.12.2021</b></p> <p style="text-align: center;"><b>M. A No.178 of 2021 in O.A.No.490 of 2020 with</b></p> <p><b>S. R. Patil</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 K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted as a most last chance for filing reply to M.A.</p> <p>3. S.O. to 24.12.2021.</p> <div style="text-align: right; margin-top: 20px;">   <b>Sd/-</b>  <b>(A.P. Kurhekar)</b>  <b>Member(J)</b> </div>





**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

of 20

IN

Original Application No.

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 17.12.2021</p> <p align="center"><b>M. A No.537 of 2021 in O.A.No.561 of 2021</b></p> <p><b>Smt. K.A. Salunkhe</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri Gaurang Jhaveri holding for Shri Amey Deshpande, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed to incorporate certain additional grounds along with annexures to sustain challenge to impugned order.</p> <p>3. As such, if the proposed amendment is allowed, it will not challenge the nature of O.A. since it is by way of additional ground to challenge the impugned order.</p> <p>4. In view of above, amendment is allowed. It be carried out within a week.</p> <p>5. Leaned P.O. shall file Affidavit-in-Reply to the amendment (since reply is already filed to Ori. O.A.) within two weeks.</p> <p>6. S.O. to 07.01.2022.</p> <p align="right">Sd/- (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 : 17.12.2021</p> <p style="text-align: center;"><b>O.A.No.661 of 2021</b></p> <p><b>S. G. Raut</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri R. G. Panchal, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. The Applicant stands retired on 31.07.2021 but his retiral benefits are withheld on the ground that initiation of D.E. on the last date of service.</li> <li>3. According to learned Counsel for the Applicant there was no legal and valid service of charge sheet on the date of retirement, and therefore, retirement benefits cannot be withheld.</li> <li>4. Whereas learned P.O. sought to contend that service of charge sheet was legal and valid and in law there was initiation of D.E. before retirement. According to him, charge sheet in D.E. was served through email on 30.07.2021.</li> <li>5. Learned Counsel for the Applicant submits that he is challenging initiation of D.E. by filing separate O.A. but as of now, the Applicant's retiral benefits is required to be released and this O.A. is restricted to it only.</li> <li>6. In case, D.E. is initiated while a Government servant is in service, it can be continued after retirement. As such, in terms of Rule 130 of Maharashtra Civil Services (Pension) Rules, the Applicant will not be entitled for gratuity until the decision of D.E. However, the Applicant is entitled to provisional pension and his other retiral benefits.</li> <li>7. Learned P.O. also fairly concedes that except gratuity and regular pension other retiral benefits will have to be released.</li> <li>8. Three weeks time is granted to the Respondents to release other retiral benefits to the Applicant as per his entitlement.</li> <li>9. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</li> <li>10. S.O. to 14.01.2022.</li> </ol> <p style="text-align: right;">Sd/-  (A.P. Kurhekar)  Member(J)</p>