

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 : 18.02.2022</p> <p>O.A.No.460 of 2020</p> <p>D.J. AmbilwadeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Applicant in person and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Applicant matter is taken on record.</p> <p>3. The Applicant submits that he did not approach the Tribunal earlier as his eye was operated.</p> <p>4. Adjourned to 13.04.2022 for Final Hearing.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date: 18.02.2022

O.A. No.583 of 2021

R.T. KadamApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri R.G. Panchal, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In this O.A. the Applicant has challenged transfer order dated 09.08.2021 whereby she was transferred from Railway Police Hospital, Ghatkopar to Mental Hospital, Thane on vacant post. *Inter-alia*, contending that she has 6 years tenure in the present post, and therefore transfer being mid-tenure is liable to be quashed.

3. Today when the matter is taken up for hearing at the stage of admission, learned P.O. has tendered order dated 16.02.2022 whereby the Applicant seems to be suspended from service by order of Police Commissioner Railway, Mumbai. On the basis of it she tried to contend that the challenge to the transfer order has become infructuous.

4. Whereas, learned Advocate for the Applicant has pointed out that the Applicant's appointing authority is Deputy Director Health Services, she being Nurse, and therefore the suspension order issued by Police Commissioner Railway, Mumbai is bad in law. He further submits that he would take necessary legal steps to challenge suspension order dated 16.02.2022.

5. *Prima-facie*, it seems that the Applicant's appointing authority is Deputy Director Health Services but suspension order is issued by totally different authority. Therefore, at this stage it cannot be said that O.A. has become infructuous.

6. S.O. to 04.03.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

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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: 18.02.2022</p> <p align="center">O.A. No.761 of 2020</p> <p>D.R. NalwadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate holding for Shri D.B. Khaire, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Shri U.V. Bhosle, learned Advocate sought adjournment stating that learned Advocate Shri D.B. Khaire is unwell.</p> <p>3. S.O. to 11.03.2022.</p> <p align="right">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 18.02.2022</p> <p align="center">O.A. No.582 of 2020</p> <p>J.K. BhatkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Matter pertains to Study Leave.</p> <p>3. Learned P.O. has pointed out that recently this Tribunal (Single Bench) has referred some matters to the Office for examination and listing it to appropriate Bench. She has further pointed out that in accordance to it similar matter of Study Leave was today before Division Bench.</p> <p>4. Thus it appears that the issue of Study Leave pertains to Division Bench. In office order dated 28.05.2021 subject of Study Leave is not specially mentioned in the list of subject allotted to Single Bench. As per residuary clause matter not falling before Single Bench list will be placed before Division Bench.</p> <p>5. I/C. Registrar is therefore directed to take necessary steps and place the matter before appropriate Bench.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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

Date : 18.02.2022

M.A.No.12 of 2022 in O.A.No.834 of 2019

Mr. S. B. Patil

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Ranjana Todankar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. The Applicant has filed this M.A. to challenge the order dated 15.10.2019 and for consequential amendment in O.A. and prayer clause.
3. Allowed to amend the O.A.
4. Amendment be carried out within seven days.
5. The Respondents shall file affidavit-in-reply to amendment within one week thereafter.
6. S.O. to 04.03.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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	<p>Date : 18.02.2022</p> <p align="center">O.A.No.461 of 2020</p> <p>D. J. AmbilwadeApplicant</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 Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Today, learned C.P.O. has filed short affidavit in terms of order passed by this Tribunal on 01.12.2021. It is taken on record. 3. It was suggested to the Applicant that it is advisable to engage a Counsel to plead his case so that all the contentions can be taken care of. 4. The Applicant in person agreed to engage the Counsel to represent him in the matter. 5. Two weeks time is granted. 6. S.O. to 04.03.2022. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.02.2022</p> <p style="text-align: center;">O.A.No. 1189 of 2019</p> <p>D. J. AmbilwadeApplicant</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 Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. It was suggested to the Applicant that it is advisable to engage a Counsel to plead his case so that all the contentions can be taken care of. 3. The Applicant in person agreed to engage the Counsel to represent him in the matter. 4. Two weeks time is granted. 5. S.O. to 04.03.2022. <p style="text-align: right; margin-right: 50px;">Sd/-</p> <p style="text-align: right; margin-right: 50px;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.02.2022</p> <p style="text-align: center;">M.A.No.05 of 2022 in O.A.No.164 of 2021</p> <p>G. K. Paralkar Applicant (Intervener)</p> <p style="text-align: center;">Versus</p> <p>Shri Ravindra B.Pingle(Ori. Applicant)</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Intervener, Shri C. T. Chandratre, learned Counsel for the Original Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed for intervention in O.A.No.164/2021 which pertains to fixation of pay. In intervention application request is made to implead him as Respondent No.6.</p> <p>3. The basic question was raised to learned Counsel for the Applicant (Intervener) how this intervention application is maintainable in O.A. which pertains to pay fixation of that particular Applicant. <i>Prima-facie</i>, the Applicant is not necessary party in O.A.No.164/2021).</p> <p>4. Realizing this, learned Counsel for the Applicant seeks permission to withdraw the intervention application M.A. No.05/2022.</p> <p>5. Allowed to withdraw M.A.No.05/2022, it is accordingly disposed of without any cost.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p style="text-align: left;">vsm</p> <p style="text-align: right;">[P.T.O.]</p>

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	<p>Date : 18.02.2022</p> <p align="center">O.A.No.490 of 2021</p> <p>G. K. Patil ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K. holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is fixed for hearing. However, learned P.O. submits that the matter is being handled by Shri A.J. Chougule, learned P.O. but due to personal difficulty he left the Tribunal earlier, and therefore, requested for adjournment.</p> <p>3. S.O. to 11.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.02.2022</p> <p style="text-align: center;">O.A.No.225 of 2021</p> <p>S. D. GawadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Today, Shri A. S. Kaninghwaj , learned Counsel has filed Vakalatnama on behalf of Applicant with NOC of earlier Counsel. It is taken on record.</p> <p>2. Smt. Archana B. K., learned Presenting Officer for the Respondent No.1 and Shri P. M. Khankar, learned Counsel for the Respondent No.2 are present.</p> <p>3. The matter is adjourned for hearing on 17.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 16.02.2022</p> <p align="center">O.A.No.110 of 2020</p> <p>A. S. Azami @ Sahid Nadeem Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Ranjana Todankar, 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., one week time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 25.02.2022.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.02.2022</p> <p style="text-align: center;">O.A.No.147 of 2022</p> <p>A. J. ShaikhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. B. Rajkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant was suspended and on revocation of suspension, he was given posting at Nashik. At the time of suspension, he was at Jalgaon. The Applicant sought to contend that since he suffers from 30% visual disability, he is entitled to nearer posting. 3. The query was raised to learned Counsel for the Applicant as to how the Applicant can claim particular post while reinstating him in service and how O.A. is maintainable. 4. Learned Counsel for the Applicant sought two weeks time. 5. S.O. to 04.03.2022. <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p>Date : 18.02.2022</p> <p align="center">O.A.No.1104 of 2019</p> <p>A. S. TejiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt Ranjana Todankar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This O.A. is filed for direction to the Respondents to appoint the Applicant on compassionate ground as per the provision of G.R. dated 21.10.2011 and 26.02.2014. He made various applications to Respondent No.2 on 24.09.2018, 17.01.2019 and 05.03.2019. However, those are not responded. Hence, she has filed this O.A. 3. In first place, it is for the Respondent No.2 to pass appropriate order on representations which is not considered till date. 4. O.A. is, therefore, disposed of with direction to Respondent No.2 to consider and decide the representations referred to above in respect of the claim of the Applicant for appointment on compassionate ground in accordance to rules within six weeks from today and the decision as the case may be, shall be communicated to the Applicant within a week thereafter. 5. If the Applicant felt aggrieved by the decision, he may avail further legal remedy. 6. No order as to costs. <p align="right">Sd/- (A.P. Kurhekar) Member(J) [P.T.O.]</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 18.02.2022</p> <p align="center">O.A. No.194 of 2021</p> <p>Dr. A.S. BendreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri N.Y. Ukey, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today matter is for Final Hearing but at the very outset learned C.P.O. submits that she want to file fresh Affidavit-in-Reply on behalf of Respondent Nos.1 to 7 stating that Affidavit-in-Reply filed earlier which is at page No.101-A to 110 is not as per the factual aspects and it has been realized by the Department only after filing of Affidavit-in-Rejoinder filed by the Applicant which is at page 119 to 131.</p> <p>3. In Affidavit-in-Rejoinder the Applicant has elaborately dealt with alleged falsehood in Affidavit-in-Reply and truth in the chart on which is part of Affidavit-in-Rejoinder.</p> <p>4. In this matter Affidavit-in-Reply of Respondent Nos.1 to 7 was filed in the affirmation of Dr. Vijay Natthuji Dekate, Assistant Director of Health Services (Malaria) Pune – 411006.</p> <p>5. Learned C.P.O. fairly concedes that the statements which are pointed out by learned Advocate for the Applicant in Affidavit-in-Reply are incorrect. She therefore, seeks permission to file correct Affidavit-in-Reply of Respondent Nos.1 to 7.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Learned Advocate for the Applicant strongly opposed filing of fresh Affidavit-in-Reply by Respondent Nos.1 to 7.</p> <p>7. Now, explanation of filing incorrect Affidavit-in-Reply which is affirmed by Dr. Vijay Natthuji Dekate is forthcoming. Unless it is explained in proper manner and permission is given by the Tribunal afresh Affidavit-in-Reply cannot be taken on record.</p> <p>8. Learned C.P.O. sought short time to take necessary steps in this behalf.</p> <p>9. S.O. to 09.03.2022 along with connected O.A. No.287/2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
MISCELLANEOUS APPLICATION NO.571 OF 2021
IN
ORIGINAL APPLICATION NO.993 OF 2021**

DISTRICT : KOLHAPUR

Shri Ajitkumar R. Jadhav

..Applicant

Versus

The State of Maharashtra & 4 Ors.

..Respondents

Mr. R.M. Kolge – Advocate for the Applicant

Ms. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Smt. Medha Gadgil, Member (A)
DATE : 18th February, 2022
PER : Smt. Medha Gadgil, Member (A)

ORDER

1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant has filed this MA No.571 of 2021 in the above OA No.993 of 2021 praying that the Departmental Enquiry (DE) initiated against the applicant be stayed.

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3. In this case when the applicant was serving as Assistant Commissioner of Police (ACP)/Dy. Superintendent of Police (Dy.S.P.) in Anti Corruption Bureau (ACB), Sopalpur Unit, one Ms. Kavita Musale, Assistant Police Inspector (API) also working in ACB under him made a complaint dated 30.9.2019 against the applicant to the Superintendent of Police (SP)/Dy. Commissioner of Police (DCP), ACB, Pune that the applicant misbehaved with her and spoke in vulgar language.

4. In this matter Internal Complaints Committee (ICC) was constituted under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as POSH Act for the sake of brevity). The said committee submitted its report on 7.10.2019 which recommended action against the applicant.

5. It is argued by the Ld. Advocate for the applicant that the respondent-Government has initiated the enquiry on 25.8.2021 i.e. nearly after 1 year and 10 months after this report.

6. The Ld. Advocate for the applicant prays on this ground the enquiry initiated be stayed as he has challenged the enquiry on this ground and other grounds of natural justice.

7. Ld. Advocate for the applicant submitted his written arguments in the matter. He submits that formation of ICC was illegal and the Members of ICC were untrained. He further submits that there was violation of the principles of natural justice as mentioned in Section 13 and Rule 7 of POSH Act. He states that first and second transfer of the applicant from ACB, Solapur to Pune by respondents no.3 and 4 under Section 12(4)(a) of the POSH Act on 30.9.2019 and 7.10.2019 amounts to double jeopardy. He also submits that previous record of the applicant was outstanding.

8. Ld. PO argued that applicant was transferred on the basis of the report of the ICC. She further argued that they are merely challenging initiation of regular DE against the applicant by the Additional DGP (Administration), who is the competent disciplinary authority to initiate such regular DE against the police officer of the rank of Police Inspector and below as per Section 25(2)(a) of the Maharashtra Police Act, 1951. She further states that MA may be dismissed because regular DE has already been started. She also submits that DE against the applicant is free from any malafide, vindictiveness and also is not in violation of any statutory provisions.

9. Ld. PO states that Shri Kisan Dagadu Lohakare, Deputy Assistant to Director General of Police, Mumbai has filed affidavit dated 4.1.2022 on behalf of respondent no.2. She further pointed out that action has been taken against the applicant within stipulated period provided under Section 13(4) of the POSH Act, which reads as under:

“(4) The employer of the District Officer shall act upon the recommendation within sixty days of its receipt by him.”

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10. We have carefully considered submissions of both the sides and found that there was no violation of Section 13(4) of the POSH Act, since the respondents have taken action within the time limit of 60 days. We have noted that the committee submitted its report on 7.10.2019 and acting on the recommendations, the applicant was attached to Pune Unit of ACB and subsequently transferred to Sindhudurg vide order dated 7.12.2019, though which is on the 60th day, it is within the time limit prescribed in the Act.

11. In this case it is clear that a DE has already been started and charge sheet has been served upon the applicant. Hence, we see no ground to grant interim relief as prayed by the applicant as there is no violation of Section 13(4) of the POSH Act. On 10.2.2022 Ld. PO, on instructions from Shri Himmat Jadhav, Additional Superintendent of Police, Kolhapur, who is the Enquiry Officer, stated that Departmental Enquiry will be completed within two months, which is observed in our order dated 10.2.2022.

12. We direct the Enquiry Officer to furnish all the documents, if they are in possession with the department, which are mentioned in the application dated 23.10.2021 filed by the applicant. Copy of the application is furnished to the Ld. PO and documents are to be furnished within 7 days from today i.e. on or before 25.2.2022 and thereafter enquiry shall commence.

13. In view of the above, the prayer for grant of interim relief is rejected. MA disposed off accordingly.

Sd/-
(Medha Gadgil)
Member (A)
18.2.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
18.2.2022

Dictation taken by: S.G. Jawalkar.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.02.2022</p> <p>O.A. No.148 of 2022</p> <p>Y.Y. BagulApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.B. Rajkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed for direction to the Respondent to release retiral benefits particularly gratuity and regular pension which was held up despite final order passed in D.E. on 26.11.2021 thereby imposing punishment of deduction of 6% pension for one year.</p> <p>3. The Applicant stands retired on 30.06.2009 but his gratuity and regular pension was withheld due to pendency of D.E. Now, Government by order dated 26.11.2021 passed final order in D.E. imposing punishment of deduction of 6% pension for one year. Thereafter, Applicant made representation but it is not responded, and therefore filed this O.A.</p> <p>4. Learned P.O. on instructions submits that file is under process to release gratuity and regular pension.</p> <p>5. In view of above, O.A. is disposed of with direction to the Respondents to take all necessary steps to release remaining retiral benefits of the Applicant in view of order dated 26.11.2021 of deduction of 6% pension for one year and unsure that all his monetary benefits are paid within a month from today without fail.</p> <p>6. 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>Date: 18.02.2022</p> <p align="center">O.A. No.666 of 2021</p> <p>V.R. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Karan Gajara, learned Advocate holding for Shri A.A. Desai, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. None for Respondent No.4.</p> <p>3. Learned Advocate holding for Shri A.A. Desai requested for adjournment on the ground of personal difficulties of learned Advocate Shri A.A. Desai.</p> <p>4. Adjourned for hearing at the stage of admission.</p> <p>5. S.O. to 17.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 18.02.2022</p> <p align="center">O.A. No.987 of 2021</p> <p>B.A. YadavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.L. Kulkarni, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is listed for today in view of order passed by this Tribunal in M.A. No.560/2021 thereby delay is condoned subject to cost. Cost is paid.</p> <p>3. Since, Respondents are already served in M.A. issuance of notice of O.A. is dispensed with.</p> <p>4. On request of learned P.O. three weeks time is granted to file Affidavit-in-Reply.</p> <p>5. S.O. to 11.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 18.02.2022</p> <p align="center">O.A. No.957 of 2021</p> <p>V.G. MekaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Shri M.D. Lonkar, learned Advocate for the Applicant is on leave note. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. Learned P.O. submits that Affidavit-in-Reply on behalf of Respondent No.3 is under preparation and the same will be filed during the course of the day. Statement is accepted. It be taken on record. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply on behalf of Respondent Nos.1 & 2, if any. S.O. to 07.03.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


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	<p>Date: 18.02.2022</p> <p align="center">O.A. No.935 of 2021</p> <p>R.A. LokhandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri A. Ransubhe, learned Advocate for the Respondent No.2.</p> <p>2. Today matter is for filing Affidavit-in-Reply on behalf of Respondent No.1 but the same is not filed. Enough chances are granted to file Reply. Hence, I am not inclined to grant further time for Respondent No.1.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to Respondent No.1 to file Reply if desire well in advance with copy to other side.</p> <p>4. S.O. to 22.03.2022.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 18.02.2022</p> <p align="center">O.A. No.805 of 2021</p> <p>Dr. A.Y.Saraf & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Sonali Pawar, learned Advocate holding for Shri V.P. Sangvikar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted for filing Affidavit-in-Reply but the same is not filed.</p> <p>3. However, on request of learned P.O. 3 days time is granted to file Affidavit-in-Reply.</p> <p>4. S.O. to 24.02.2022.</p> <p align="right">Sd/- v (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: 18.02.2022</p> <p align="center">O.A. No.779 of 2021</p> <p>S.S. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Reply.</p> <p>3. S.O. to 04.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 18.02.2022</p> <p align="center">M.A. No.103 of 2022 in O.A. No.42 of 2022</p> <p>A.B. Handal & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed by the Applicant to modify the order dated 08.02.2022 passed by the Tribunal whereby directions were given to the Director General of Police to convene meeting of PEB-2 afresh and to pass appropriate orders about the transfer of the Police Personnel.</p> <p>3. O.A. is already kept on 08.03.2022 for reporting compliance. Hence, this M.A. be also kept on 08.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.02.2022</p> <p align="center">M.A. No.550 of 2021 in O.A. No.387 of 2021</p> <p>R.H. BorkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 11.03.2022.</p> <p align="right">^ Sd/-</p> <p align="right">(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: 18.02.2022</p> <p align="center">M.A. No.521 of 2021 in O.A. No.932 of 2021</p> <p>S.R. ArteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply in M.A. on behalf of Respondents. It is taken on record.</p> <p>3. S.O. to 04.03.2022.</p> <p align="right">Sd/- v* (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: 18.02.2022</p> <p align="center">M.A. No.98 of 2022 in O.A. No.163 of 2022</p> <p>D.Y. Ghadage & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri D.W. Bhosale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.02.2022</p> <p align="center">O.A. No.163 of 2022</p> <p>D.Y. Ghadage & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri D.W. Bhosale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant stands retired long back but now belatedly filed this O.A. for considering their initial service as Muster Assistant for Pensionary purpose. 3. Apparently, O.A. is not filed within limitation. 4. Learned Advocate for the Applicant seeks permission to file M.A. for condonation of delay. 5. Two weeks time is granted to take necessary steps to file M.A. for condonation of delay. If M.A. is filed within two weeks O.A. be listed before Tribunal, failing which O.A. will stand dismissed without reference to the Tribunal. <p align="right">Sd/- v (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><u>18.02.2022</u></p> <p align="center"><u>O.A 457/2021</u></p> <p>Dr N.A Netke ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Dr N.A Netke, applicant present in person. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O, on instructions from Mr Premanand Sontake, Section Officer, Public Health Department, Mantralaya, Mumbai, states that now the proposal is forwarded to the Minister, Public Health on 16.2.2022 and she seeks two weeks' time.</p> <p>3. S.O to 4.3.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>18.02.2022</u></p> <p align="center"><u>O.A 318/2021</u></p> <p>C.J Yemal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri V.B Dhage, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant states that the applicant has applied for M. Sc Nursing in Psychiatric for the year March 2021-2023. She got herself admitted in Private Nursing College and now nearly one year of the course is completed. However, the Government has not approved her leave. She now wants to join the Government College, i.e., is with Respondent No. 5, Director, Wanless Hospital, College of Nursing, Miraj and continue her further course. Till December, 2021, the applicant's earned leave was 88 days.</p> <p>3. Learned P.O seeks time to take instructions in the matter.</p> <p>4. S.O to 25.2.2022.</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> <p>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.02.2022</u></p> <p><u>O.A 1002/2021</u></p> <p>Urmila R. Bharati ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. In this matter, the learned P.O seeks time to file affidavit in reply.</p> <p>3. However, the learned counsel for the applicant pointed out that the applicant is facing D.E against the charges of submitting false Certificate of her educational qualification when she was working as a Laboratory Assistant. However, in the Enquiry Report dated 31.8.2018, she has been exonerated from the charges. Learned counsel for the applicant further submitted that the Disciplinary Authority while passing the order of her dismissal on 30.6.2021 did not take into account the report of the Enquiry Officer, which is in favour of the delinquent employee.</p> <p>3. Learned counsel for the applicant has rightly pointed out that no proper procedure is followed by the Disciplinary Authority, especially of giving show cause notice to the applicant, if the Disciplinary Authority is not in agreement with the report of the Enquiry Officer. The Disciplinary Authority also did not pass a reasoned order. Learned counsel for the applicant in support of his submissions, relied on the judgment of the Hon'ble Supreme Court in the case of YOGINATH D. BAGDE Vs. STATE OF MAHARASHTRA & ORS, (1999) 7 SCC 739, and especially to paras 34 & 35.</p> <p>4. Considering the submissions of the learned counsel for the applicant, we have perused the operative portion of the report of the Enquiry Officer dated 31.8.2018 and also we went through the order of the Disciplinary Authority dated 30.6.2021.</p> <p>5. Ex facie, it appears that the order is incorrect. However, we direct the learned P.O to take instructions in the matter.</p> <p>6. S.O to 25.2.2022.</p> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.106 of 2017</u></p> <p>R.V. Pawar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants submits that subject-matter of this OA pertains to Single Bench and hence this OA be transferred to Single Bench.</p> <p>3. OA be placed before Single Bench.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A) 18.2.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson 18.2.2022</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.726 of 2018</u></p> <p>D.V. Sidam ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">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. This matter to be taken on 24.3.2022.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A) 18.2.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson 18.2.2022</p> </div> </div>

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	<p><u>18.02.2022</u></p> <p><u>O.A 140/2022</u></p> <p>Dr V.P Maru ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri V.P Shire , learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant states that he has served service of notice on Respondent no. 4, Vandana T. Pandey, twice on 11.2.2022 and 15.2.2022.</p> <p>3. Learned P.O prays for two weeks' time to take instructions in the matter.</p> <p>4. S.O to 4.3.2022.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>18.02.2022</u></p> <p style="text-align: center;"><u>O.A 848/2021</u></p> <p>Shri M.D Chopde & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O states that she has received instructions in the matter and seeks one weeks' time.</p> <p>3. S.O to 4.3.2022.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p><u>18.02.2022</u></p> <p style="text-align: center;"><u>O.A 34/2022</u></p> <p>Shri K.A Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O submits that short affidavit in reply will be filed during the course of the day and copy will be served on the learned counsel for the applicant.</p> <p>3. S.O to 25.2.2022.</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>

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	<p align="center"><u>C.A. No.45 of 2021 in O.A. No.715 of 2020</u></p> <p>A.R. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant in person is not present. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. We are informed by Ld. CPO that still the issue is pending before the Hon'ble Supreme Court.</p> <p>3. In view of this submission and due to pendency of the issue before Hon'ble Supreme Court, the matter is adjourned by eight weeks.</p> <p>4. S.O. to 13.4.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 18.2.2022 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 18.2.2022</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.As. No.51 to 54/2020, 488/19, 491 to 493/2019 & 217/ 2020</u></p> <p>K.B. Shivsaran & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Applicants & Advocate are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that reply in OA No.54/2020 and 217/2020 will be filed during the course of the day.</p> <p>3. She also states that reply on behalf of respondent no.4 in OAs No.51 to 54 of 2020 will also be filed during the course of the day.</p> <p>4. Ld. Advocate for the applicants to remain present on the next date.</p> <p>5. S.O. to 11.3.2022.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A) 18.2.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson 18.2.2022</p> </div> </div>