

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.145 OF 2021

Shri Niraj P. Chaudhary & 5 Ors.

..Applicants

Versus

The State of Maharashtra & Ors.

..Respondents

Shri A.V. Bandiwadekar – Advocate for the Applicants

Shri A.J. Chougule – Presenting Officer for the Respondents

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

Shri A.P. Kurhekar, Member (J)

DATE : 18th March, 2021

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

ORDER

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Today during hearing on the issue of granting interim relief, the Ld. Advocate for the applicants submits that he has gone through affidavit in reply filed by the respondents. He mainly refers to point regarding discrimination against the applicants while favouring certain other officers of the rank of Police Inspectors and Assistant Police Inspectors. In this he concedes that the officers who have been promoted as per the affidavit in reply have been given exemption or they have passed the Marathi/Hindi Language Examination. However, in case of one Pragati Adsure as per

Spur

affidavit in reply the respondents have clarified that her promotion order would be cancelled by their office. As a result the discrimination which has been claimed appears to have been satisfactorily explained by the respondents.

2. On the issue of legal impediment regarding promoting the applicants, Ld. Advocate for the applicants refers to Rule 55 of Bombay Police Manual Volume I Chapter II, which reads as under:

“55. Recruitment of Inspectors of Police.- (1) Ordinarily, Inspectors of Police are appointed by promotion from the lower ranks of the Police unless of course suitable candidates in the Department are not available for promotion, when direct recruitment is resorted to. No definite ratio for appointment by promotion and nomination is laid down.

(2)

(d) A good knowledge of Marathi or Gujarati is essential, except in cases of displaced persons whose applications should be considered on condition that they pass a test according to the Higher Standard in one of the regional languages of this State within one year of joining the Central Police Training School.”

(Quoted from page 45-46 of OA)

3. In this connection, he refers to GAD GR dated 1.8.2019. The relevant portion is at page 97 in sub section 3 and 4. The relevant portion reads as under:

7/4/

“३. विचारक्षेत्रातील सर्व अधिकारी / कर्मचा-यांची खालील निकषांच्या आधारे पात्रता तपासण्यात यावी:-

५) पदोन्नतीसाठीच्या सर्व अनिवार्य परीक्षा उत्तीर्ण होणे (संगणक अर्हता परीक्षा, मराठी/हिंदी भाषा परीक्षा)

४. उपरोक्त मुद्दा क्र. ३ मध्ये नमूद केलेल्या निकषांनुसार पात्रता तपासताना खालील नमूद निकषांची पूर्तता संबंधित अधिकारी /कर्मचारी करीत नसल्यास, त्यांना पदोन्नतीसाठी अपात्र ठरविण्यात यावे:-

५) मराठी व हिंदी भाषा परीक्षा उत्तीर्ण झाले नसल्यास.

(Quoted from page 97 of OA)

4. According to the Ld. Advocate for the applicants Section 5(b) of the Maharashtra Police Act reads as under:

“5. *Constitution of Police Force*

(b) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determinate by the State Government by general or special order:

Provided that-

(i) the rules and orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Part I or II of Schedule I and deemed to be the members of the Police Force under section 3, shall continue in force until altered or cancelled under clause (b); but in the case members of the Police Force constituted under any of the Acts mentioned in Part II of that Schedule such alteration or cancellation shall be subject to the proviso to sub-section (7) of section 115 of the State Reorganisation Act, 1956.”

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5. He submits that the Bombay Police Manual Rules have a source of their authority flowing from Bombay Police (Extension and Amendment) Act XXXIV of 1959 and other Departmental Regulations. In the Preface No.2 reads as under:

“2. The Bombay Police Manual, 1950 in its three volume, contained detailed instructions on various matters which are required to be followed by the officers and men in the Police Department.”

6. Ld. Advocate for the applicant therefore argued that the circular issued on 1.8.2019 by the GAD is not the source of amending the relevant rules for promotion. According to the Ld. Advocate for the applicants the GR dated 10.6.1976 (Exh.F page 49 of OA) provides for passing of Hindi Language Examination as a necessary requisite. Government officers who do not pass this language examination, would not be entitled for their annual increments, till they pass the examination. Similarly, the notification issued on 30.12.1987 (page 54) mentions about Marathi Language Examination. Rule 5 of the same states as under:

“5. A Government servant who fails to pass the examination within the prescribed period shall, after the expiry of the said period, be liable to have his increments withheld until he passes the examination or examinations, as the case may be, or is exempted from passing the same under the provisions of rule 4.”

(Quoted from page 56 of OA)

7. He therefore argues that promotions cannot be withheld as mentioned in GR dated 1.8.2019 as there is no amendment to these rules referred above.

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8. He also mentioned about recruitment of PSI and API which stipulates that the persons so appointed as PSI or API shall be required to pass the examination in Marathi/Hindi Language as per rules and it is not a precondition for appointment. He refers to the order dated 23.11.2017 passed by this Tribunal in OA No.405 of 2017 (Mr. D.R. Rajmane Vs. The State of Maharashtra & Ors.). Relevant para 7 of the said order reads as under:

“7. In view of this Rule, as there is no pre-condition, of passing the Examination, the exercise of the concerned Respondent of cancelling the promotion of seven employees also appears to be wrong one.”

(Quoted from page 131 of OA)

9. He therefore, contends that since the rule regarding promotion do not make a mention about passing the Language Examination as a precondition, any orders/GRs issued by the GAD cannot be considered as binding. He further submits that applicants no.1 to 5 appeared for Hindi Language Examination as per the necessity in their cases on 27/28.2.2021 and according to the Ld. Advocate the results are expected in the month of April, 2021. So far as applicant no.6 is concerned, he is required to appear for Marathi Language Examination and the date of examination is scheduled in the last week of April, 2021.

10. Ld. PO opposes the interim relief as pleaded by the Ld. Advocate for the applicants and mentions that Shri Rajesh Keshav Vaidya, Senior Office Superintendent has filed affidavit in reply on behalf of DGP (pages 160-238). The affidavit points out that six persons who have been referred by the applicants have already been exempted from passing necessary language examination and there is no discrimination. However, as mentioned earlier Pragati Adsure was promoted however, her promotion will be cancelled.

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11. Ld. PO mentions that as far as the order dated 23.11.2017 passed by this Tribunal in OA No.405 of 2017 (supra) is concerned, the facts are different. In this case the juniors were promoted and therefore the decision given is not applicable in the present case. He further mentions that applicants no.1 to 5 have appeared for language examination and the results of the same are still awaited. He, therefore, opposes the interim relief. He therefore seeks permission to file detailed affidavit in reply and keep the matter for final hearing.

12. We find that the judgment relied upon by the Ld. Advocate for the applicants regarding non promotion is not applicable in the present case as the facts in the same are different. As far as the argument regarding necessity to amend the Recruitment Rules for promotion, the Government officers cannot be penalized by way of stopping their promotion is concerned, we find that the Recruitment Rules for PSI and API are clearly stated in notification which mentions that on appointment such officers shall pass the language examination as per rules. This provision itself is quite clear that unless and until the officers pass the language examination, they shall not be entitled for further increment. This has been reiterated by GR dated 1.8.2019 and therefore at this stage we do not find it necessary to discuss the arguments advanced that amendment to the Bombay Police Act is necessary before such provision can be made in the GR. The issue is kept open and shall be considered at the time of final hearing.

13. We have seen the relevant rules referred by the Ld. Advocate for the applicant as well as Ld. PO for the respondents. As pointed out by the Ld. Advocate as well as Ld. PO Section 7 of the Maharashtra Police Act reads as under:

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“7. A person appointed to the post, whether by promotion, selection on the basis of limited departmental examination or nomination shall be required to pass the Departmental Examination and examination in Hindi and Marathi according to the rules made in that behalf, unless he has already passed, or has been exempted from passing those examinations.”

(Quoted from page 182 of OA)

14. In the present case, we find all the applicants have been appointed in the rank of PSI by direct recruitment and therefore they were bound to pass the departmental examination as well as language examination according to the rules unless they have been exempted in passing these examinations. It is undisputed fact that the applicants have still not cleared the necessary language examination in Hindi or Marathi as per relevant rules. Flowing from this particular provision of Maharashtra Police Act the Government in GAD has issued the GR dated 1.8.2019 reiterating about obtaining the certificate of passing in Marathi/Hindi Language Examination which needs to be made available to the DPC before the decision regarding the same is taken. It further stipulates unless the Government officers have cleared Marathi/Hindi Language Examination they should be treated as not eligible for promotion. As a result the respondents have not considered the cases of the applicants for promotion at present since their results are still awaited wherever applicable. The applicants are therefore stuck at the earlier grade i.e. API and they are not considered for promotion to the post of PI. In view of the provisions mentioned above in the Maharashtra Police Act as well as GR dated 1.8.2019, we find no reason to interfere with the orders issued by the respondents, at this stage, in the form of interim relief and therefore the prayer for interim relief is rejected. The issue will be heard in detail during the final hearing after the respondents file their detailed affidavit in reply.

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15. Ld. PO seeks three weeks time to file reply in view of the COVID-19 Pandemic situation. Ld. Advocate for the applicant mentions that period for the same needs to be reduced. We, therefore, direct the Ld. PO to file reply by 19.4.2021 and provide copy to the Ld. Advocate for the applicants. Ld. Advocate for the applicants mentions that he would need atleast one week thereafter for filing his rejoinder.

16. S.O. to 19.4.2021.

Sd/-

(**A.P. Kurhekar**)
Member (J)
18.3.2021

Sd/-

(**P.N. Dixit**)
Vice-Chairman (A)
18.3.2021

Dictation taken by: S.G. Jawalkar.

**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">Date : 18.03.2021</p> <p align="center">O.A.No.225 of 2020</p> <p>P. M. TeliApplicant</p> <p>Versus</p> <p>The State of Maharashtra ...Respondent.</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. Today, learned P.O. has filed additional Sur-Rejoinder on behalf of the Respondent. It is taken on record.</p> <p>3. The matter is adjourned to 22.04.2021 for final hearing.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Original Application 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 align="center">Date : 18.03.2021</p> <p align="center">O.A.No.784 of 2019</p> <p>J. R. Kumbhar ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned C.P.O. has filed reply on behalf of the Respondent No.5. it is taken on record.</p> <p>3. S.O. to 08.04.2021 for final hearing.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.103 of 2021</p> <p>N.G. DeshmukhApplicant 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, holding for Ms. S.P. Manchekar for the Respondents.</p> <p>2. Today, learned P.O. has filed Additional Affidavit-in-Reply on behalf of Respondent. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 25.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 16.03.2021</p> <p align="center">O.A.No.276 of 2020</p> <p>T. B. GadekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Shri S.S. Dere holding for Shri Y. P. Deshmukh, learned Counsel for the Applicant seeks adjournment on the ground that Shri Y.P. Deshmukh, learned Counsel is unwell.</p> <p>3. Learned P.O. sought two weeks time for filing reply.</p> <p>4. Perusal of record reveals that only short affidavit was filed in compliance of interim order of the Tribunal but till date reply is not filed.</p> <p>5. In view of above, two week time is granted for filing reply.</p> <p>6. S.O.to 05.04.2021.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p>

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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">Date: 18.03.2021</p> <p align="center">O.A. No.185 of 2021</p> <p>P.S. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. limited grievances raised by the Applicant is for not passing order about regularization of suspension period from 22.11.2013 to 14.07.2019.</p> <p>3. Perusal of record reveals that the Applicant was suspended w.e.f. 29.11.2013. In view of deemed suspension invoking Rule 4 (2) (a) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Later, she was acquitted in criminal cases. Therefore, she was reinstated in services by order dated 17.06.2019.</p> <p>4. However, Respondent No.1 who is competent authority did not pass order about the reinstatement or regularization of her suspension period which he was required to pass under Rules 72 of Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1981 (hereinafter referred to as 'Rules of 1981' for brevity). The Applicant has made various representations from time to time but in vain. Even representations were forwarded to the Respondent No.1 for appropriate order, but no such order came to be passed. Therefore, there being no alternative, the Applicant has approached this Tribunal.</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>5. In view of above, O.A. deserves to be disposed of at the stage of admission itself by giving suitable directions to the Respondent No.1, since nothing is to be adjudicated in the present O.A. as of now.</p> <p>6. O.A. is disposed of with directions to Respondent No.1 to decide the issue of regularization of suspension period of the Applicant, which is required to be decided in terms of Rules 72 of Rules of 1981, within two months from today by following due process of law.</p> <p>7. Copy of order be sent to the Respondent No.1 for necessary action and compliance.</p> <p>8. Respondent No.1 is directed to communicate the decision to the Applicant within two weeks thereafter. No order as to costs.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.215 OF 2021

Priyanvada Sudhir Manjare

..Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Shri S.S. Dere, Advocate holding for

Shri L.S. Deshmukh – Advocate for the Applicant

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

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

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

DATE : 18th March, 2021

PER : Smt. Justice Mridula R. Bhatkar (Chairperson)

ORDER

1. Heard Shri S.S. Dere, learned Advocate holding for Shri L.S. Deshmukh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. Respondent No.8 is present in person.

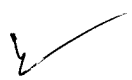
2. The applicant who is working as Assistant Public Prosecutor challenges the letter dated 4.3.2021 so also letter dated 9.3.2021 issued by respondent no.3-The Commissioner, Directorate of Sports and Youth Services, Pune by which he has recommended action against applicant for submitting false certificate that she has played Hockey in Rural Tournament which was conducted at Satara.



3. The applicant claims that she has played Hockey (below 16 years) through Team of New English School (Girls), Lonand. Ld. Advocate for the applicant submits that on the back of the applicant the enquiry was conducted and she was not heard and the documents were not considered by the Enquiry Officer Shri Chandrakant Kamble-Respondent No.6. He further submits that Shri Suhas Mahadeo Patil-Respondent no.8, who is personally present in the Court, has personal vengeance against husband of the applicant who was also sports officer and working under respondent no.3.

4. Ld. Advocate for the applicant submits that the applicant was given employment in OBC (Sports) category however she was selected from OBC (General), OBC (Female) and she has scored 119 marks and the candidate who was selected and got employment as OBC (Female) has scored 117 marks. Thus the applicant has otherwise right over employment in the category of OBC (Female). Ld. Advocate for the applicant relies on the judgment and order dated 28.8.2018 passed by the Nagpur Bench of this Tribunal in OA No.25 of 2018 (Rupali Ashok Sondawale Vs. The State of Maharashtra & Ors.). He submits that in the said OA the applicant was selected from SC (Sports) category however she was subsequently considering her merit recommended in SC (General) or SC (Female). Ld. Advocate for the applicant submits that such shifting from one compartmentalized reservation to other is permissible in law and therefore even though applicant's sports certificate is invalidated her case in OBC (Female) or OBC (General) is to be considered.

5. Ld. Advocate for the applicant by way of interim relief prays that no coercive action should be taken against the applicant pursuant to letter dated 4.3.2021 and 9.3.2021 and she should not be removed from service.



6. Ld. CPO submits that she needs time to obtain instructions from the respondents. Respondent No.8 is personally present in the Court. Ld. CPO points out the detailed report dated 13.5.2020 submitted by Enquiry Officer-Respondent no.6 to respondent no.3. As per report it appears that the applicant was given opportunity to give her say and she was also asked to remain present before the enquiry officer on 11.10.2018 and accordingly she remained present. Ld. CPO further submits that it is not a Departmental Enquiry. Ld. CPO pointed out that applicant's claim of playing Hockey between 14th to 16th October, 1996 in the team of New English School, Lonand is false. The applicant at the relevant time was student of Late Gajananrao Bhimrao Deshpande School, Baramati and was studying in 10th standard. Her husband is sports officer and he has falsely mentioned her name in the team. It is a case of fraud and giving her certificate of merit. Ld. CPO submits that it is a serious matter of fraud and therefore she needs more time.

7. At the outset, we point out that the prayer which is made across the Bar regarding shifting her from OBC (Sports) to OBC (Female) or OBC (General) category is not made in the OA. Secondly, the candidate who have secured job in that quota are not parties before this Tribunal, who may likely be effected if at all such oral prayers are pressed.

8. We make only one observation that the applicant has played in team of New English School (Girls) however, she was not a student of that school and we have come across a summary of statement of the Principal of New English School thereby stating that the applicant did not play in the particular team of New English School between 14th to 16th October, 1996.

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9. In view of this, today we are not inclined to grant interim relief as prayed. However, we keep this issue of interim relief open and time is given to Ld. CPO.

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

11. Issue notice before admission returnable on 31.3.2021.

12. 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.

13. 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.

14. 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/-

(P.N. Dixit)
Vice-Chairman (A)
18.3.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
18.3.2021

Dictation taken by: S.G. Jawalkar.

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.03.2021

O.A.No.810 of 2018

T.L. Savane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. The learned P.O. files affidavit in sur rejoinder dated 17.03.2021 of respondent nos.1 to 3 through Shri Hemant Pandarinath Watade wherein it is mentioned that the Directorate of Minority and Adult Education, Maharashtra State, Pune has sanctioned approval to disburse the provisional pension to the petitioner and letter to that effect dated 17.03.2021 is sent. It is made clear that it is the corrected affidavit in sur rejoinder against the earlier affidavit in sur rejoinder which is on record.

3. Adjourned to 20.04.2021.

Sd/-

Sd/-

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

(Mridula Bhatkar, J.)
Chairperson

prk

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

1. The Tribunal shall have jurisdiction to hear and determine any application for an order under section 10 of the Act.

Tribunal's orders

Office Memoranda of Coram,
Applicants, Tribunal's orders or
objections and Registrar's orders

Tribunal's orders

O.A. No.168 of 2021

Satish R. Nikam & 5 Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri U.V. Bhosle, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Leave to amend granted.

3. These six applicants working as Peon in different colleges under Higher Education challenges the order dated 31.12.2020 thereby not considering the applicants for promotion to the post of Clerk-cum-Typist. Ld. Advocate for the applicants by way of interim relief seeks directions that Laboratory Attendant are not eligible and they are not to be promoted to the post of Clerk-cum-Typist.

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

5. Issue notice before admission returnable on 22.4.2021.

6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
18.3.2021

(Mridula R. Bhatkar, J.)
Chairperson
18.3.2021

(sgj)

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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>OA.722/2019 (A'bad) with MA.612/2019 in OA.1084/2019 with OA No.733 of 2019</u></p> <p>G.B. Bansode & Ors. (OA.722/19) K.D. Salunke (OA.1084/19) M.R. Rathod & Ors. (OA.733/19) ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Chaitanya Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the Applicants in OA No.722/2019 and Shri S.A. Valimbe, learned Advocate for Applicant in OA No.1084 of 2019, Shri Krishna Agrawal, learned Advocate holding for Talekar & Associates for applicants in OA No.733/2019 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri S.S. Dere, learned Advocate for Respondent No.9 in OA No.1084 of 2019.</p> <p>2. Shri Chaitanya Kulkarni, Ld. Advocate informs that though he is not advocate on record but he is only requested by the concerned advocate to inform this Tribunal that Shri A.S. Deshpande, Ld. Advocate is unable to attend the Court today due to his personal difficulties and Shri A.S. Valimbe, Ld. Advocate is having high fever. Shri Kulkarni, Ld. Advocate submits on instructions that amendment as per directions in MA No.612 of 2019 are carried out.</p> <p>3. The above OAs are clubbed together as per the order of the Hon'ble Supreme Court.</p> <p>4. Shri S.S. Dere files chart in support of his contention of maintainability of OA No.1084 of 2019 as the applicants are age barred and they have exhausted four chances out of minimum 3 chances.</p>

1. The Hon'ble Chairperson of Tribunal,
2. The Hon'ble Vice-Chairman of
3. The Hon'ble Members of Tribunal.

Tribunal's orders

5. It is to be noted that Shri A.S. Deshpande, I.d. Advocate has given prapice that he will not be able to attend the matter till 26.3.2021. The same is taken on record and marked Exhibit '1' for identification.

6. Ld. Advocate holding for Shri S.B. Talekar informs that Shri Talekar is not available as he is busy in Marathi Reservation matter before the Hon'ble Supreme Court.

7. These are Hon'ble Supreme Court time bound matters. Yet lawyers are not attending the Tribunal on the dates which is expected in view of the orders of the Hon'ble Supreme Court.

8. S.O. to 26.3.2021.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
18.3.2021

(Mridula R. Bhatkar, J.)
Chairperson
18.3.2021

(sgj)

**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 : 18.03.2021</p> <p align="center">O.A.No.549 of 2020 with M.A.No.548 of 2020 (Through Video conferencing)</p> <p>N.V. Chavan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.B. Patil, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the applicant produces the communication letter written by Dr. Eknath Male, Joint Director Public Health Services, Latur dated 03.03.2021. The same is taken on record and marked as Exhibit -1.</p> <p>3. In view of this O.A. and M.A. are allowed to be withdrawn. O.A. and M.A. are accordingly, disposed off as withdrawn.</p> <p align="center">Sd/-</p> <p align="center">(P.N Dixit) Vice-Chairman (A)</p> <p align="right">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.03.2021

O.A.No.779 of 2019

M.S. Gajbhiye ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Ms. S. Suryawanshi, learned Counsel for the Respondent no.3 and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. Matter taken on board. The applicant has filed O.A. praying for promotion to the post of Joint Director, Directorate of Groundwater Surveys & Development Agencies. The applicant has prayed that no promotion to be granted to private respondent No.3. However till today there is not stay in operation in favour of the applicant.

3. Matter is adjourned to 17.06.2021.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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><u>18.03.2021</u></p> <p><u>O.A 647/2020</u></p> <p>Shri S.D Shelar & Ors ... Applicants 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 files reply on behalf of Respondents no. 1 & 2.</p> <p>3. Admit. Place for final hearing on 31.3.2021.</p> <p>Sd/- (P.N Dixit) ' Vice-Chairman (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

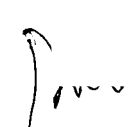
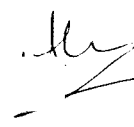
of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.03.2021</u></p> <p><u>O.A 117/2021 with O.A 726, 727 and 731/2020</u></p> <p>Shri H.B Shaikh R.A Ankalgikar S.P Patil M.N Kashimso ... Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Ganesh holding for Shri C.T Chandratre, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O file affidavit in reply. Same is taken on record.</p> <p>3. S.O to 31.3.2021.</p> <p style="text-align: center;">Sd/-  Sd/- </p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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


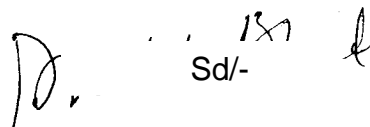
of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.03.2021</u></p> <p><u>O.A 1079/2019</u></p> <p>Ms Madhuri S.Chaugule ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant states that he does not want to file rejoinder. Shri Dere submits that the issue is covered by various judgments of this Tribunal.</p> <p>3. Admit. Place for final hearing on 27.4.2021.</p> <p> (P.N. Dixit) Sd/-</p> <p> Sd/- (Mridula Bhatkar, J.) Chairperson</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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


of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.03.2021</u></p> <p><u>O.A 1192/2019 with O.A 483/2020 with M.A 221/2020</u></p> <p>P.P Gade & Others Association of Subordinate service of Engineers ... Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Sonali Pawar holding for Shri Y.P. Deshmukh, learned advocate for the applicants, Ms Swati Manchekar, learned C.P.O for the Respondents and Shri G.A Bandiwadekar, learned advocate for Respondents no 5 to 25.</p> <p>2. Learned counsel Mr Y.P Deshmukh who is appearing in both the O.As is unwell. Learned counsel for Respondents Mr G.A Bandiwadekar files reply on behalf of Respondents 5 to 25 in both the matters. Same is taken on reord.</p> <p>3. Admit. Place for final hearing on 11.6.2021.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(P.N^yDixit) Vice-Chairman (A)</p> <p style="font-size: small;">Akn</p> </div> <div style="text-align: center;">  <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> </div> </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

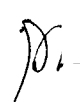

of 20

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><u>18.03.2021</u></p> <p><u>O.A 487/2020</u></p> <p>Dr R.Raut & Others ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Sonali Pawar holding for Shri Akshay Kapadia, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Admit. Place for final hearing.</p> <p>Sd/-  Sd/- </p> <p>(P.N'Dixit) Vice-Chairman (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

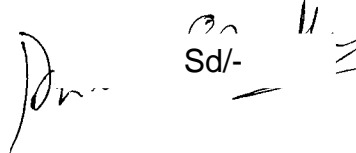
of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.03.2021</u></p> <p align="center"><u>O.A 628, 629 & 630/2020</u></p> <p>Shri D.M Bagal Shri P.S Pawar Shri D.D Rahinj ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks two weeks' time to file affidavit in reply.</p> <p>3. S.O to 31.3.2021.</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p align="right">  (Mridula Bhatkar, J.) Chairperson </p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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18.03.2021O.A 637/2020 with O.A 800/2020 with M.A 358/2020

Shri G.S Karva
M.V Birkale & Ors ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms Sourabhi Waknis i/b Aagam Doshi, learned advocate for the applicants, Ms Swati Manchekar, learned C.P.O for the Respondents 1 & 2 and Shri M.D Lonkar, learned advocate for Respondent no. 3.

2. Learned C.P.O states that Respondents have filed reply in O.A 637/2020 and today they are filing reply in O. A 800/2020. Learned C.P.O submits that these two matters are different and they are to be de-tagged.

3. These two matters are de-tagged. Registry to take note.

4. Learned counsel Mr Lonkar, for Respondent no. 3, seeks time to file reply.

5. S.O to 27.4.2021.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

**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>Date: 18.03.2021</p> <p align="center">O.A. No.764 of 2020</p> <p>P.P. HikkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 06.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.709 of 2020</p> <p>D.B. KarpeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> The Applicants' Advocate has filed leave note. It is taken on record. Shri A.J. Chougule, learned P.O. for the Respondent is present. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.2. Two weeks time is granted for filing Affidavit-in-Rejoinder, if any. S.O. to 06.04.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.657 of 2020</p> <p>S.A. PatilApplicant 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, matter is for filing Rejoinder. However no Rejoinder is filed.</p> <p>3. Adjourned for Final Hearing.</p> <p>4. S.O. to 16.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.615 of 2020</p> <p>D.B. ParjaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents. 2. Today, matter is fixed for filing Rejoinder of the Applicant, but the same is not filed. 3. Respondent No.1 has already filed Affidavit-in-Reply, but no Reply is filed on behalf of Respondent Nos.2 & 3, though enough time is availed. 4. In O.A. challenge is to the punishment imposed in D.E. 5. Adjourned for Final Hearing. 6. S.O. to 15.04.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.552 of 2020</p> <p>A.D. MehetreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 to 3. It is taken on record.</p> <p>3. Two weeks time is granted for filing Rejoinder, if any.</p> <p>4. S.O. to 06.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.447 of 2020</p> <p>D.A. KhadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Savita Suryawanshi, learned Advocate holding for Shri A.R. Joshi, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ms. Savita Suryawanshi requested for Adjourned on the ground that Advocate Shri A.R. Joshi is unwell.</p> <p>3. S.O. to 15.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">M.A. No.108 of 2021 in O.A. No.203 of 2021</p> <p>M.R. Chavan & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. On perusal of O.A., obviously it pertains to Division Bench, since the Applicants are seeking direction for issuance of appointment order. 3. The Applicants have challenged order dated 09.03.2020, whereby they were informed that select list dated 30.05.2018 is cancelled, and therefore, they cannot be given posting. 4. As such, issue in O.A. is basically pertaining to the appointment and not mere posting. 5. Registrar is directed to place the matter before Division Bench. <p align="right">Sd/- ✓ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.208 of 2021</p> <p>S.B. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant has filed this O.A. for direction to release retrial benefits, in view of his retirement on 30.09.2020 from Government service. He has raised grievances that even no provisional pension is granted. 3. Learned Advocate for the Applicant submits that there is no legal hurdle for the grant of pension in the nature of pendency of criminal case or D.E. against the Applicant but retrial benefits are withheld for long time. 4. Learned P.O. is directed to take instructions from Respondent Nos.2 & 3 and to appraise the Tribunal as to why retrial benefits are withheld. 5. Adjourned to tomorrow. 6. S.O. to 19.03.2021. <p align="right">Sd/- _____ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">O.A. No.105 of 2021</p> <p>Y.S. PatilApplicant 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. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent. It is taken on record.</p> <p>3. Arguments heard.</p> <p align="right">Sd/- _____ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.03.2021</p> <p align="center">M.A. No.112 of 2021 in M.A. No.113 of 2021 in O.A. No.1134 of 2017</p> <p>M.L. PendamApplicant 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 M.As. are filed for Condonation of delay of four months as well as restoration of O.A. No.1134/2017 which was dismissed in default on 10.09.2020.</p> <p>3. Shri R.M. Kolge, learned Advocate for the Applicant submits that due to COVID-19 Pandemic situation the Applicant was not attending the Tribunal. He further submits that the Applicants Advocate, Shri J.N. Kamble due to old age was also not attending the Tribunal and therefore requested to restore the O.A.</p> <p>4. Shri A.J. Chougule, learned P.O. opposed the Application.</p> <p>5. The perusal of record of O.A. reveals that matter was dismissed in default because of absence of Applicants as well as Advocate. However, there is no denying that it was the period pertaining to COVID-19 lockdown, though unlocking was gradually started much earlier.</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>6. In O.A. the Applicant has challenged two orders of punishment imposed by the Department against him.</p> <p>7. In view of above, in the interest of justice, I am inclined to condone the delay and restore the O.A. subject to costs.</p> <p>8. In view of above, M.A. No.112/2021 and M.A. No.133/2021 are allowed, subject to costs of Rs.2000/- payable in the office within two weeks from today.</p> <p>9. If cost is paid within two weeks, O.A. No.1134/2017 be listed before the Tribunal for hearing.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>