

**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: 18.04.2023</p> <p align="center">O.A. No.402 of 2020</p> <p>U.J. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.D. Warjekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent. 2. Learned Advocate for the Applicant prays that the operation and implementation of the order is to be stayed by way of interim relief. Learned Advocate for the Applicant submits that Reply to notice was given on 17.03.2023. 3. Learned C.P.O. informs that scrutiny of Sport Certificate is pending. She further submits that Applicant has approached the Tribunal late. 4. There is delay in approaching the Tribunal, hence we cannot grant any interim relief unless we hear the other side. 5. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 6. Issue notice before admission returnable on 25.04.2023. 7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. <p 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>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>11. S.O. to 25.04.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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 align="center">Date: 18.04.2023</p> <p align="center">O.A. No.396 of 2023</p> <p>P.P. KulkarniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.U. Pawar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent. 2. Learned Advocate for the Applicant submits that Applicant wants to appear for the Group 'A' and Group 'B' post issued by Respondent vide advertisement no.45/2022. He further submits that she should be considered from open female category. The Applicant prays that MPSC be directed to consider her candidature in open female category in view of circular dated 25.03.2013 and 17.02.2023. Learned Advocate further submits that Mains Examination was held on 21.01.2023, 22.01.2023 & 23.01.2023. 3. Learned CPO wants time to file short Affidavit. 4. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 5. In the mean time, Issue notice before admission returnable on 27.04.2023. 6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>10. S.O. to 27.04.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- </p> <p style="text-align: center;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders 18.04.2023
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O.A 960/2019

Shri A.E Kerure ... Applicant
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.E Kerure, applicant in person and Ms Swati Manchekar, learned C.P.O for the Respondents.


2. Applicant in person files application stating that he wishes to discontinue the services of learned counsel M/s Talekar & Associates and that he will argue the case in person. The said application is taken on record and marked as Exh. I.

3. S.O to 21.4.2023 for final hearing. H.O.B.

Sd/-

(**Medha Gadgil**)
Member (A)

Akn

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
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18.04.2023

O.A 909/2021 with 141/2022

A.M Chandanshiv
V.S Tengale ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O states that the officers from G.A.D is present and request for time to file affidavit in reply especially with reference to the G.R of the year 1955.

3. At the request of learned C.P.O, matter adjourned to 2.5.2023.

Sd/-

(Medha/Gadgil)
Member (A)

Akn

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
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Date : 18.04.2023

C.A.No.35/2023 in O.A.No.1017/2021

C.N. GawandeApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. V.K. Jagdale, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This Tribunal passed order dated 08.02.2023 in O.A.No.1017/2021 wherein the O.A. was disposed of with directions to the Respondents to take decision within six weeks. The said period of six weeks got over on 23.03.2023. The learned Advocate has issued notice on 27.03.2023.

3. In view of above, Adjourned to 06.06.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
	<p>Date : 18.04.2023</p> <p>C.A.No.34/2023 in O.A.No.838/2022</p> <p>C.M. SanhalApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.B. Kadam, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned P.O. adjourned to 07.06.2023.</p> <p>Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT
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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.04.2023

C.A.No.13/2023 in O.A.No.961/2022

J.R. SolankiApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. has submitted that the order will be complied within two weeks as one post of sweeper will fall vacant by the end of April, 2023.

3. Adjourned to 02.05.2023.

Sd/-

(**Medha Gadgil**)
Member (A)

Sd/-

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

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.04.2023</p> <p>C.A.No.14/2023 in O.A.No.434/2022</p> <p>R.T. KaleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.B. Kadam, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. has submitted that the Department requires eight days to complete the D.E..</p> <p>3. In view of above, Adjourned to 02.05.2023.</p> <p style="text-align: center;"> Sd/- Sd/- </p> <p style="text-align: center;"> (Medha Gadgil) Member (A) (Mridula Bhatkar, J.) Chairperson </p> <p>prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.04.2023

C.A.No.38/2022 in O.A.No.265/2022

S.C. GaikwadApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. None for the Applicant. Heard Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned C.P.O. has submitted that the decision in the matter has been taken and communicated to the Applicant. Hence, order has been complied with.

3. In view that nothing remains in the matter, C.A. stands disposed of.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

**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.....)

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18.04.2023

O.A 672/2020

Shaikh F.H & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

SPEAKING TO THE MINUTES

1. The Speaking to the Minutes application is moved by learned C.P.O for the Respondents.

(1) In the cause title of the order, Original Application No is wrongly mentioned as '672 of 2020' instead of 672 of 2022.

It should read as 'O.A 672 of 2022'.

(2) In para no. 4, it is mentioned that:-
Learned C.P.O further has submitted that the applicant no. 1, stood at Sr No. 8 and applicant no. 2 at Sr. No. 13 in the 'select list'. The word 'select list' is wrongly mentioned instead of 'List of candidates securing more than 45% but not selected.'

It should read as 'List of candidates securing more than 45% but not selected'.

(3) Further in para no. 5, the word 'M.P.S.C' is wrongly mentioned in lines no 5, 8 & 12 instead of 'Director of Municipal Administration, Mumbai'.

It should read as 'Director of Municipal Administration, Mumbai'.

Hence ordered accordingly.

Sd/-

(Medha Gadgil)
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s


(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
	<p>Date : 18.04.2023</p> <p>O.A.No.1079/2022</p> <p>S.M. ChavanApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has submitted that today during the course of the day she will file affidavit-in- reply.</p> <p>3. At the request of learned Advocate adjourned to 13.06.2023 for rejoinder.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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(Presenting Officer.....)

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	<p>Date : 18.04.2023</p> <p align="center">O.A.No.272/2023 with O.A.No.89/2023</p> <p>N.B. Kolekar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant in O.A.No.272 /2023, Mr. S.S. Dere, learned Advocate for the Applicant in O.A.No.89/2023, Mr. M.D. Lonkar, learned Advocate for the Caveator and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Adjourned to 24.04.2023 for hearing on interim relief in O.A.No.272/2023 and if it is possible in O.A.No.89/2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center">Date: 18.04.2023</p> <p align="center">O.A. No.416 of 2020</p> <p>D.D. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.R. Deshmukh, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent Nos.1 to 3 and Shri K.S. Gadade, learned Advocate holding for Dr. Uday Warunjikar, learned Advocate for the Respondent No.4 & 5.</p> <p>2. In this matter, learned P.O. raised objection on the point of maintainability of the matter. He submits that the Applicant is employee of Zilla Parishad. Hence, this matter will not come before this Tribunal and the forum to challenge is only available before Hon'ble High Court.</p> <p>3. S.O. to 02.05.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.04.2023

M.A.No.97/2023 in O.A.No.667/2022

R.H. Patil & Ors.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. on instructions has submitted that for Group-B and Group-A the time required for preparing the seniority list is six months and 3 months respectively.

3. Adjourned to tomorrow i.e. 19.04.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.04.2023</p> <p align="center">R.A.No.16/2022 in O.A.No.859/2021</p> <p>N.G. KabadiApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Applicant in person and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has submitted that the R.A. is not maintainable as the order dated 17.02.2022 passed by this Tribunal in O.A.No.859/2021 is already complied with. She has further submitted that the applicant has filed another O.A. praying for the same relief as in R.A.</p> <p>3. Applicant has submitted that there is an error in the order dated 17.02.2022 and he prays that his case should have been considered under Clause 9, instead of Clause 6 of the G.R. Hence, Applicant pleads that the order is to be reviewed.</p> <p>4. We have passed the reasoned order about Clause 6 and Clause 9 of the G.R. Whatever prayers made in this R.A. they are not within the scope of Section 114 and Order 47 of Code of Civil Procedure.</p> <p>5. In view of above, R.A. stands dismissed.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p align="left">prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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(Presenting Officer.....)

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Date : 18.04.2023

O.A.No.1075/2022

A.M. AtramApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

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



2. Learned C.P.O. has submitted that she has to yet filed sur-rejoinder and she prayers on instructions that the G.A.D. has forwarded communication to the Government of India and it is the matter of IAS cadre and the reply of the Government of India is awaited.

3. In view of above adjourned to 24.04.2023.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.04.2023</p> <p>O.A. No.322 of 2023 with O.A. No.370 of 2023</p> <p>Dr. M.M. Patil & Ors. Dr. S.P. Bhoir & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Gite, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent.</p> <p>2. Learned C.P.O. submits that pursuant to order dated 29.03.2023 wherein this Tribunal gave direction that BAMS candidates be allowed to submit the application form for the post of Food Safety Officer Group 'B' and Assistant Commissioner of Food Group 'A'. In pursuant to that she submits that MPSC requires some time to open the link. Thus they are seeking direction from the Government to allow the Applicants who are qualified as BAMS to appear for the Preliminary Examination.</p> <p>3. Ms Vaishiali Sule, Deputy Secretary (FDA) officer from the Medical Education Department is present and she states that letter regarding this issue will be issued within two days.</p> <p>4. Learned CPO submits that the link will be open thereafter.</p> <p>5. Learned Advocate for the Applicant submits that he wants to add Food Safety and Standards Authority of India (FSSAI) as Respondent No.3.</p> <p>6. Amendment be carried out forthwith and they are to be served.</p> <p>7. S.O. to 25.04.2023 along with O.A. No.360/2023 and 361/2023.</p> <p style="text-align: center;">Sd/-  Sd/- </p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>


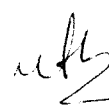
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. _____ of 20____

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	<p>Date: 18.04.2023</p> <p align="center">C.A. No.30 of 2021 in O.A. No.970 of 2014</p> <p>V.D. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondent.</p> <p>2. At the request of learned Advocate for the Applicant matter is adjourned</p> <p>3. S.O. to 06.06.2023.</p> <p align="center">Sd/-  (Medha Gadgil) Member (A)</p> <p align="center">Sd/-  (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

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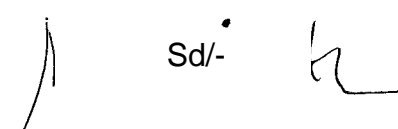
(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 18.04.2023</p>
	<p>O.A.No.364/2023</p> <p>A.U. Raskar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Adjourned to 25.04.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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(Presenting Officer.....)

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Date : 18.04.2023

O.A.No.345/2023

R.D. Akrupe & Ors.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

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

2. Adjourned to 28.04.2023. To be tagged with O.A.No.363/2023 and O.A.No.365/2023 as applicants are similarly situated.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**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: 18.04.2023</p> <p align="center">O.A. No.52 of 2019</p> <p>P.V. Shelke-Patil & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent, Shri Y.P. Narvankar, learned Advocate for the Respondent No.6. None for Respondent No.4.</p> <p>2. Matter is adjourned for tomorrow i.e. 19.04.2023 at 02.30pm.</p> <p align="center">Sd/-) (Medha Gadgil) Member (A)</p> <p align="center">Sd/-) (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.04.2023

O.A.No.742/2022

Y.V. Sawalakhe & Ors.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. S.D. Patil, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. has submitted that she needs to take instructions and that is possible only in the month of May, 2023 considering the volume of O.A. and in view of the checkered history of the matter.

3. If Respondents fail to file affidavit-in-reply, on or before next date, matter will proceed without reply.

4. Adjourned to 13.06.2023.

Sd/-

(Medha Gavgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**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 : 18.04.2023</p> <p align="center">O.A.No.207 of 2023</p> <p>K. M. Ishwarkar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file reply on behalf of Respondents.</p> <p>3. This O.A. be kept with connected OA.No.15/2023 on 24.04.2023.</p> <p>4. S.O. to 24.04.2023.</p> <p align="right">Sd/- vvv (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A.414/2023</u></p> <p>Shri M.R. Thakare ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <ol style="list-style-type: none"> Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for Respondents is present. The Applicant has challenged the transfer order dated 17.04.2023 whereby he is shown transferred mid-term and mid-tenure from the post of Executive Engineer, P.W. Division-1, Solapur to Executive Engineer, Municipal Council, Directorate of Administration, Sangli on vacant post. The learned Advocate for the Applicant sought interim relief inter-alia contending that the post on which Applicant is transferred is not cadre post, and therefore, it could be only deputation in observance of G.R. dated 17.12.2016. Learned P.O. submits that the post of Executive Engineer, Municipal Council, Directorate of Administration is also cadre post of PWD and there is no such issue of deputation. She sought one day time to place on record relevant documents. Learned P.O. further submits that Applicant is transferred on account of default report submitted by Superintending Engineer with the approval of Civil Services Board and Hon'ble Chief Minister. S.O. to 19.04.2023 for consideration of interim relief. <p align="right">Sd/- (A.P. Kurhekar) Member-J 18.04.2023</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>M.A.212/23 in M.A.112/2023 in O.A.777/2021</u> <u>With M.A.214/2023 in M.A.113/2023 in O.A.792/2021</u> <u>with M.A.213/2023 in M.A.114/2023 in O.A.793/2021</u></p> <p>Shri Y.B. Akolkar ... Applicants Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Shri J.P. Gaikwad, learned Advocate for the Applicants and Smt. K.S. Gaikwad holding for Smt. S.P. Manchekar, learned Chief Presenting Officer for Respondents is present.</p> <p>2. Issue notice to the Respondents made returnable on 14th June, 2023.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</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. 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.</p> <p>6. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the M.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the M.A. shall stand dismissed.</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>7. S.O. to 14th June, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 18.04.2023</p> <p>(skw)</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 : 18.04.2023</p> <p>O.A.No.1212 of 2022</p> <p>Dr. S. F. DeshmukhApplicant</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 Shri A. J. Chougule, learned Presenting Officer for the Respondents. Smt. Purva Pradhan holding for Shri D. B. Khaire, learned Counsel for the Respondent No.3</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit in Rejoinder. It is taken on record.</p> <p>3. S.O. to 09.06.2023.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 18.04.2023</p> <p align="center">O.A.No.362 of 2023</p> <p>M. V. Garad ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of Respondent. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, O.A. is adjourned to 20.04.2023 for consideration of interim relief.</p> <p>4. S.O. to 20.04.2023.</p> <p align="right">Sd/-</p> <p align="right">(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 style="text-align: center;"><u>M.A.254/2023 in O.A.393/2023</u></p> <p>Shri P.C. Bagul ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad holding for Shri A.J. Chougule, learned Presenting Officer for Respondents is present. 2. This M.A. is filed for condonation of delay of 84 days caused in filling O.A. 3. Issue notice to the Respondents made returnable on 14th June, 2023. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. 7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the M.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the M.A. shall stand dismissed. 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. 9. S.O. to 14th June, 2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 18.04.2023</p> <p>(skw)</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 : 18.04.2023</p> <p align="center">O.A.No.110 of 2023</p> <p>P. F. RathodApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. B. Jadhav, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The perusal of record reveals that Applicant stands retired on 30.04.2020 but still his retirement benefits are not paid. Therefore, he filed this O.A. At the time of retirement, he was serving on the establishment of Respondent No.3- Director, Directorate of Forensic Science Laboratory, Mumbai and, therefore, O.A. is filed before this Tribunal at Mumbai Bench.</p> <p>3. In view of above, it is necessary to know why retirement benefits are not paid to the Applicant though the period of more than three years is over from the date of retirement.</p> <p>4. Learned P.O. is directed to call the concerned responsible person from the establishment of Respondent No.3 and to apprise the tribunal at 2.30 P.M. so that O.A. can be disposed of.</p> <p align="right">^ Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</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

L.O.

5. In the afternoon session, learned P.O. submits that concerned person is not available on phone and requested to keep the matter tomorrow.

6. Learned P.O. is directed to keep the responsible person from the establishment of Respondent No.3 present before the Tribunal tomorrow to know why retirement benefits of the Applicant are not paid since the period of more than three years from retirement is already over.

7. S.O. to 19.04.2023.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.398/2023</u></p> <p>Shri V.S. Devghare ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p style="text-align: center;"><u>Disposed of at the stage of admission</u></p> <p>1. Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for Respondents is present.</p> <p>2. The Applicant is retired Naib Tahasildar. He stands retired on 30.11.2016. Before his retirement, DE was initiated on 25.11.2016 under Rule 8 of M.C.S. (D & A) Rules, 1979. Enquiry Officer has submitted report on 25.07.2018 holding him guilty for the charges levelled against him. However, no further steps were taken by the Government.</p> <p>3. It is on the above background, the Applicant has filed this O.A. for direction to the Respondents to release his retiral benefits in terms of 7th Pay Commission which are made effective on 01.01.2016.</p> <p>4. Today, learned Advocate for the Applicant stated that Government had issued Show Cause Notice dated 10.04.2023 seeking explanation of the Applicant as to why punishment of 6% deduction of pension per month for one year should not be imposed upon him. The Applicant is yet to submit reply. The learned Advocate for the Applicant submits that he would submit reply to the Show Cause Notice within stipulated period.</p> <p>5. It is really disgusting that though Enquiry Officer has submitted report on 25.07.2018 for around 5 years, no step is taken by the Government for taking</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>the DE to the logical conclusion. The Government quite belatedly by letter dated 10.04.2023 issued Show Cause Notice. <i>Ex-facia</i>, Government is sitting over the matter and there is inordinate and huge delay in passing the final order in DE.</p> <p>6. In view of above, O.A. deserves to be disposed of with suitable direction, since nothing is to be adjudicated in the O.A. and Government is required to take necessary steps in the matter expeditiously without further loss of time.</p> <p>7. In view of above, O.A. is disposed of with direction to Respondent No.1 to pass final order in DE within one month from the date of receipt of reply of the Applicant to the Show Cause Notice in accordance to law and it be communicated to the Applicant.</p> <p>8. Respondent No.1 is further directed to take further necessary steps for releasing retiral benefits of the Applicant as per his entitlement including the applicability of benefit of 7th Pay Commission within six weeks from the date of passing final order in DE.</p> <p>9. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 18.04.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>O.A.399/2023</u></p> <p>Shri P.S. Chavan ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p align="center"><u>Disposed of at the stage of admission</u></p> <p>1. Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for Respondents is present.</p> <p>2. The Applicant stands retired on 31.08.2017 on the post of Naib Tahasildar. After retirement, he was subjected to DE under Rule 8 of M.C.S. (D & A) Rules, 1979 by charge-sheet dated 25.03.2019. Enquiry Officer submitted report on 29.12.2020 with the finding that the charges are proved. Thereupon, Government issued Show Cause Notice on 03.05.2021 and called the explanation of the Applicant. He submitted reply on 12.07.2021. There, Again Government by letter dated 07.12.2022 proposed punishment of deduction of 5% pension per month for one year and sought explanation of the Applicant to which he submitted reply on 01.01.2023. However, thereafter, no further step is taken in the matter.</p> <p>3. Learned Advocate for the Applicant submits that at the time of retirement of the Applicant, there was no initiation of DE or criminal prosecution, and therefore, impugned action of Respondents to withhold gratuity is totally unsustainable in law. He has further pointed out that though Enquiry Officer submitted report on 29.12.2020, no final decision is taken in DE and delay is obvious.</p> <p>4. Inordinate delay on the part of Government in completing DE is clearly spelt out. Indeed, as per various G.Rs and instructions, the DE ought to have been completed within six months, but Respondents</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>failed to abide the same which resulted in deprivation of legitimate entitlement to the Applicant. Anyway, now since Government has proposed punishment to which Applicant has submitted reply, it would be appropriate to dispose of O.A. with suitable direction, so that DE is taken to the logical conclusion.</p> <p>5. In view of above, O.A. is disposed of with direction to Respondent No.1 – Government to pass final order in DE within four weeks from today in accordance to law and it be communicated to the Applicant.</p> <p>6. The Respondents are further directed to release retiral benefits within one month thereafter as per his entitlement and decision in DE.</p> <p>7. The Applicant is at liberty to redress the grievance of interest independently.</p> <p>8. No order as to costs. Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 18.04.2023</p> <p>(skw)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

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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 : 17.04.2023</p> <p style="text-align: right;">O.A.No.12 of 2023</p> <p>J. M. KawadeApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V.Bandiwadekar , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In this O.A., the Applicant has challenged the suspension order dated 17.10.2022 issued by Respondent /Collector, Pune suspending her in contemplation of D.E.</p> <p>3. While the Applicant was serving as Circle Officer, Bhosari, she came to be suspended by order dated 17.10.2022 in contemplation of D.E. attributing certain misconduct to her. In suspension order, it is alleged that Applicant has change the order of mutation which she earlier passed without following due process of law and thereby committed misconduct. In suspension order, the Respondent further alleged that Applicant kept 67 matters for mutation pending and despite issuance of show cause notice, she failed to improve her performance. It is on this allegation, the Applicant came to be suspended invoking Rule 4(1) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 in contemplation of regular D.E.</p> <p>4. Heard learned Counsel for the Applicant as well as learned P.O. for quite some time. During the course of hearing, learned Counsel for the Applicant sought to contend that it was not a case of warranting suspension and all that Applicant's discharged quasi judicial function. He has further pointed out that after suspension though the Applicant is reinstated by order dated 07.02.2023 till date no further steps are taken to initiate the D.E. In alternative submission, he prayed to disposed of O.A. with suitable directions so that D.E. if instituted in reasonable time, it could be taken to the logical conclusion within stipulated period. Thus, he is not pressing to declare the suspension illegal.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Learned P.O. sought to justify the suspension order inter-alia contending that in view of contrary orders passed by the Applicant while sanctioning mutation entries, the cognizance was taken by the Collector and there was enough material for her suspension. As regard, initiation of D.E. she submits that though till date no D.E. is initiated by issuance of charge sheet, now steps are being taken to issue charge sheet and it will be completed within reasonable time.</p> <p>6. Thus, what emerges from the record that though the Applicant was suspended by order dated 17.10.2022, later she was reinstated in service by order dated 07.02.2023 by giving her posting at Tahsil office, Bhor as a Awal Karkoon. However, though the period of more than six months from the date of suspension is over, the Respondents failed to initiate the D.E. for alleged misconduct for which Applicant was suspended. Indeed, as per various circulars and instructions issued by the Government, the D.E. ought to have been initiated and completed within six months. However, in present case till date no D.E. is initiated which shows lethargy on the part of Respondents.</p> <p>7. In view of above, particularly since the Applicant is reinstated in service though at different places, it would be appropriate to dispose of the O.A. with suitable directions.</p> <p>8. O.A. is disposed of with directions to respondents to initiate D.E. against the Applicant for alleged misconduct for which she was suspended by order dated 17.10.2022 within a month from today and further to ensure that D.E. is completed within four months from the date of issuance of charge sheet including passing final order therein in accordance to law.</p> <p>9. If the Respondents failed to initiate D.E. within a month as directed above, the Applicant will have to be reposted at the place where she was serving at the time of suspension and then to proceed with D.E. in accordance to law.</p> <p>10. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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 : 18.04.2023</p> <p align="center">O.A.No.207 of 2023</p> <p>K. M. Ishwarkar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. On request of learned P.O. one week time is granted to file reply on behalf of Respondents. 3. This O.A. be kept with connected OA.No.15/2023 on 24.04.2023. 4. S.O. to 24.04.2023. <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 : 18.04.2023</p> <p style="text-align: center;">O.A.No.111 of 2023 with O.A.No.112 of 2023</p> <p>S. C. Bhillare M.A. SonawaneApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. B. Rajkar holding for Shri K. B. Jadhav, learned Counsel for the Applicants, Smt. Archana B. K. and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit in Reply in O.A.No.111/2023 is under preparation and same will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Insofar as O.A.No.112/2023 is concerned, learned P.O. sought short time to file reply.</p> <p>4. Time granted till 20.04.2023.</p> <p>5. Learned Counsel for the Applicant has pointed out that recently the Hon'ble Supreme Court by order dated 11.04.2023 dismissed the SLP filed by Director, KPTCL & Ors. and granted the benefit of increment due on next date of retirement. Whereas learned P.O. has pointed out that in one another matter, SLP No.1290/2022 filed by Union of India, the Hon'ble Supreme Court in similar situation has granted stay to the operation of the order under challenge in which benefit of increment was granted which was due on next date of retirement.</p> <p>6. In view of above, these Original Applications be kept on 20.04.2023 with connected Original Application No.1253/2022.</p> <p>7. S.O. to 20.04.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 18.04.2023</p> <p align="center">M. A. No.116 of 2023 in O.A.No.152 of 2023</p> <p>M. T. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, 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 condone the delay of 249 days caused in filing O.A. in which the Applicant has claimed interest on delayed payment of retiral benefits.</p> <p>4. In M.A. notices were issued on 28.02.2023 and on previous date, last chance was granted but no reply is filed. Thus, the Respondents seem not serious to oppose the M.A.</p> <p>5. In the interest of justice, I am inclined to condone the delay so as to decide the O.A. on its own merit.</p> <p>6. Misc. Application No.116/2023 is accordingly allowed.</p> <p>7. No order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p>Date : 18.04.2023</p> <p align="center">O.A.No.152 of 2023</p> <p>M. T. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This O.A. is filed along with M.A. to condone the delay of 249 days which is allowed today. Therefore, this O.A. deserves to be decided on its own merit. 3. Since, the Respondents already appeared in M.A. issuance of notice in O.A. is dispensed with. 4. Four weeks time is granted to learned P.O. to file reply in O.A. 5. S.O. to 13.06.2023. <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 : 18.04.2023</p> <p style="text-align: center;">M. A. No.17 of 2023 in O.A.No.36 of 2023</p> <p>R. K. LakheApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This M.A.is filed to condonation the delay of one year and three months caused in filing O.A. 3. In O.A., the Applicant has challenged communication dated 28.09.2020 whereby his representation for grant of third benefit in terms of G.R. dated 02.03.2019 is rejected. 4. Learned Counsel for the Applicant has pointed out that in view of order passed by the Hon'ble Supreme Court in Suo-Motu W.P. No.3/2020 dated 10.01.2022 limitation was extended in Covid period. 5. As per the order of the Hon'ble Supreme Court dated 10.01.2022 in cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons have a limitation period of 90 days from 01.03.2022. 6. In the present case, limitation of filing O.A. expired on 28.09.2021. As such, limitation expired in the period covered in the order of Hon'ble Supreme Court. Therefore, O.A. ought to have been filed on or before 01.06.2022. However, it is filed on 09.01.2023. As such , the delay is not of one year as stated in M.A. but it is seven months. The Applicant is retired Government servant and claiming third benefit in terms of G.R. dated 02.03.2019. 7. In the interest of justice and taking justice oriented approach, I am inclined to condone the delay so as to decide the O.A. on merit. 8. For the aforesaid reasons, M.A.No.17/2023 is allowed and delay is condoned. 9. No order as to costs. Sd/- <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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	<p>Date : 18.04.2023</p> <p align="center">O.A.No.36 of 2023</p> <p>R. K. LakheApplicant</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 Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed along with M.A.No.17/2023 for condonation of delay which is allowed by the Tribunal today. Therefore, this O.A. deserves to be decided on its own merit.</p> <p>3. Since the Respondents already appeared in M.A. issuance of notice of O.A. is dispensed with.</p> <p>4. Four weeks' time is granted to learned P.O. on behalf of Respondents to file reply to O.A.</p> <p>5. S.O. to 13.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.04.2023</p> <p align="center">O.A.No.594 of 2021</p> <p>A. V. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Since enough time is granted to file reply, I am not inclined to grant further time.</p> <p>3. The O.A. to proceed without reply and be kept for hearing at the stage of admission.</p> <p>4. S.O. to 04.05.2023.</p> <p align="right"> ↙ Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

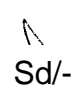
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.04.2023</p> <p align="center">O.A.No.293 of 2023</p> <p>S. R. SandhanshivApplicant</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., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit in Rejoinder. It is taken on record.</p> <p>3. The O.A. be kept for hearing at the stage of admission since it pertains to family pension.</p> <p>4. S.O. to 19.04.2023.</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 : 18.04.2023</p> <p align="center">O.A.No.110 of 2023</p> <p>P. F. RathodApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. B. Jadhav, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The perusal of record reveals that Applicant stands retired on 30.04.2020 but still his retirement benefits are not paid. Therefore, he filed this O.A. At the time of retirement, he was serving on the establishment of Respondent No.3- Director, Directorate of Forensic Science Laboratory, Mumbai and, therefore, O.A. is filed before this Tribunal at Mumbai Bench.</p> <p>3. In view of above, it is necessary to know why retirement benefits are not paid to the Applicant though the period of more than three years is over from the date of retirement.</p> <p>4. Learned P.O. is directed to call the concerned responsible person from the establishment of Respondent No.3 and to apprise the tribunal at 2.30 P.M. so that O.A. can be disposed of.</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 : 18.04.2023</p> <p align="center">O.A.No.283 of 2023</p> <p>K. V. BachhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of Respondents. It is taken on record. 3. O.A. be kept for hearing at the stage of admission. 4. S.O. to 27.04.2023. <p align="right"> ^ Sd/- v (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 : 18.04.2023</p> <p>O.A.No.366 of 2023</p> <p>K. S. WaghApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. B. Jadhav, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 01.12.2022 issued by Respondent No.2 for not including his name for absorption in the post of Math and Drawing Instructor and also sought direction to Respondents to absorb him in the cadre of Math and Drawing Instructor in view of availability of the post in revised staffing pattern. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 13.06.2023. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed. 9. S.O. to 13.06.2023 <p style="text-align: right;">Sd/- w* (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 : 18.04.2023</p> <p align="center">O.A.No.385 of 2023</p> <p>A. M. BhoiteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosle, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that during the pendency of O.A., the A.G. has sanctioned the gratuity of Rs.10,24,650/-. Learned Counsel for the Applicant also fairly concedes that his client has received the amount. However, the claim of interest still remains.</p> <p>3. Two weeks time is granted to learned P.O. to file Affidavit in Reply on the point of interest.</p> <p>4. S.O. to 03.05.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.04.2023</p> <p align="center">M. A. No.163 of 2022 in O.A.No.286 of 2022</p> <p>M. H. I. ShaikhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that Applicant Shri M.H.I. Shaikh expired on13.04.2023 and, therefore, he needs to bring his legal representative on record.</p> <p>3. Two weeks' time is granted to take necessary steps.</p> <p>4. S.O. to 03.05.2023.</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 : 18.04.2023</p> <p align="center">O.A.No.1136 of 2022 With O.A.No.1137 of 2022</p> <p>Dr. A. A. Upadhyay Dr. P. A. MeshramApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri V. P. Potbhare, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. None for Respondent Nos.4 and 5. 2. Today, learned Counsel for the Applicants has filed Affidavit in Rejoinder in both O.As. It is taken on record. 3. Since pleading is complete, the O.A. be kept for final hearing. 4. S.O. to 08.06.2023. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.04.2023</p> <p align="center">O.A.No.367 of 2023</p> <p>N. B. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. M. Misal, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 28.02.2023 to the extent of posting at Usmanabad. The Government by order dated 28.02.2023 promoted the Applicant and in view of allotment of Revenue Division, Aurangabad, he was given posting at Usmanabad. The Applicant has challenged the order dated 28.02.2023 to the extent of posting only. 3. The request of learned Counsel for the Applicant for interim relief is rejected since it is not a case of transfer but posting on promotion and I see no such prima-facie case to grant interim relief. 4. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 5. Issue notice before admission returnable on 13.06.2023. 6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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directions and Registrar's orders

Tribunal's orders

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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.

10. S.O. to 13.06.2023.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.04.2023</p> <p align="center">O.A.No.392 of 2023</p> <p>M. R. DandkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the communication dated 31.03.2023 issued by Respondent No.1 thereby declining to get the Applicant join on his establishment. 3. The Applicant was serving on the establishment of Respondent No.2 - Commissioner, Employees State Insurance Scheme, Mumbai and requested for absorption on the establishment of Respondent No.1/ Divisional Joint Registrar, Co-operative Societies, Navi Mumbai. Notably, the Respondent No.1 by letter dated 15.02.2023 informed to the Respondent No.2 that one post from open category (Jr. Clerk) is vacant and asked Respondent No.2 to take necessary steps in terms of G.R. dated 15.05.2019 for absorption of the Applicant. In pursuance of it, Respondent No.2 (patent department) relieved the Applicant on 28.02.2023. When he went to Respondent No.1 for joining, he was not allowed to join. It is on this background, Respondent No.1 issued communication dated 31.03.2023 addressed to Respondent No.2 that he had not given specific NOC and, therefore, he cannot be allowed to join on his establishment. The Applicant has challenged communication dated 31.03.2023 in this O.A. <p align="right">[P.T.O.]</p>

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4. When the matter is taken up for admission hearing, on 13.04.2023 and 17.04.2023, it is noticed that Respondent No.1 himself by communication dated 15.02.2023 informed about the vacancy position and that time did not object for absorption on whatever ground. Thus, the communication dated 15.02.2023 amounts to no objection for the absorption of Applicant on the establishment of Respondent No.1.

5. Today, Shri Apparao Gholkar, Divisional Joint Registrar, Co-operative Societies, Navi Mumbai who issued communication dated 15.02.2023 as well as 31.03.2023 is present. He states that he is ready to absorb the Applicant on his establishment.

6. In view of above, the O.A. is disposed of with direction to Respondent No.1 to get the Applicant join on his establishment within three days and shall issue appropriate posting order so that his services are utilized by the Respondent No.1.

7. Learned Counsel for the Applicant submits that his client will forgo pay and allowances of the intervening period i.e. from date of relieving to date of joining.

8. No order as to costs.

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

vsm