

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s


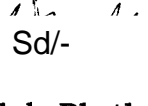
(Advocate

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>18.11.2022</u></p> <p><u>O.A 892/2022</u></p> <p>Shri S.M Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant, Ms Swati Manchekar, learned C.P.O for the Respondents no 1 & 2 and Shri G.A Bandiwadekar, learned counsel for Respondent no. 3.</p> <p>2. Affidavit in reply has been filed by the Respondents.</p> <p>3. Learned counsel for the applicant prays for time to file composite rejoinder to the affidavit in reply filed by the Respondents.</p> <p>4. S.O to 2.12.2022.</p> <p>Sd/-  Sd/- </p> <p>(Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</p>


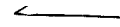
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 18.11.2022</p> <p align="center">O.A. No.722 of 2018</p> <p>Dr. R.A. Singh,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms Gauri Godse, learned Advocate holding for Shri D.S. Pagare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that matter is already adjourned on 20.01.2023. However, the amendments were not carried out so she prays that the time given for the amendment be extended. Time as prayed is granted. Amendment be carried out on or before 02.12.2022.</p> <p>3. S.O. to 02.12.2022.</p> <p align="center">Sd/-  Sd/- </p> <p align="center">(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.11.2022</p> <p align="center">O.A.No.757 of 2022</p> <p>V. K. DhumaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for hearing, learned P.O. has tendered order dated 31.10.2022 issued by the Respondent No.2 thereby cancelling order of deputation dated 03.01.2022 which is subject matter of challenge in the present O.A. Thus, the impugned order dated 03.01.2022 itself being cancelled, the grievance no more survives.</p> <p>3. The Applicant is at liberty to resume his place of original posting and may redress his grievance of pay and allowances with the concerned department.</p> <p>4. O.A. is, therefore, disposed of with no order as to costs.</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: 18.11.2022</p> <p align="center">O.A. No.982 of 2022 with M.A. No.588 of 2022</p> <p>B.K. Warghade,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V. Nirbhavane, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. If any order of promotion is issued it is subject to the outcome of O.A.</p> <p>3. Four weeks time is granted.</p> <p>4. S.O. to 16.12.2022.</p> <p align="center">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson</p> <p align="center">NMN</p>

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	<p>Date: 18.11.2022</p> <p align="center">O.A. No.877 of 2022</p> <p>S.M. Ambalkar & Anrs.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S.S. Deokar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Learned Advocate for the Applicant prays that the Respondent – Department be directed to give him the copy of the minutes of D.P.C. which was held in respect of promotion of the Applicant. 3. Leaned P.O. seeks time. 4. Time as prayed is granted. 5. Copy be furnish after four weeks. 6. S.O. to 16.12.2022. <p align="center">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date: 18.11.2022</p> <p>O.A. No.1016 of 2022 to O.A. No.1021 of 2022 with O.A. No.1026 of 2022 with O.A. No.1059 of 2022 with O.A. No.1062 of 2022 with O.A. No.1066 of 2022</p> <p>S.C. Burse,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O prays that the Department wants eight weeks time to file Affidavit-in-Reply. Time granted by four weeks.</p> <p>3. S.O. to 16.12.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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	<p>Date: 18.11.2022</p> <p align="center">C.A. No.11 of 2022 in O.A. No.131 of 2021</p> <p>M.J. Kadam,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri 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. submits that file is sent today to M.P.S.C. She seeks one weeks' time to comply with the order.</p> <p>3 S.O. to 01.12.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.11.2022</p> <p>O.A. No.1145 of 2022</p> <p>K.R. Bhavsar & Ors.,Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.Sarode & Asso., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. submits that Respondents are not served. The Applicant is challenging answer to the question No.48, 89 & 20 from the examination conducted i.e. for the Preliminary examination for the State services which was pursuant to the Advertisement No.045/2022 dated 31.10.2022.</p> <p>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 02.12.2022.</p> <p>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.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. 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>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 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>9. S.O. to 02.12.2022.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson</p>

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	<p>Date: 18.11.2022</p> <p align="center">M.A. No.656 of 2022 in O.A. No.1145 of 2022</p> <p>K.R. Bhavsar & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.Sarode & Asso., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.</p> <p align="center"> Sd/- (Medha Gadgil) Member (A) </p> <p align="center"> Sd/- (Mridula R. Bhatkar, J.) Chairperson </p> <p align="center">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.11.2022</p> <p style="text-align: center;">C.A. No.76 of 2022 in O.A. No.489 of 2021</p> <p>Dr. R.R. Asawa,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Dr. R.R. Asawa, Applicant-in-Person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 3. Issue notice before admission returnable on 02.12.2022. 4. 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. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. 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. 8. S.O. to 02.12.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p>Date: 18.11.2022</p> <p align="center">M.A. No.649 of 2022 in O.A. No.1126 of 2022</p> <p>K.D. Visha & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Deepak Pote, learned Advocate instructed by Shri A.G. Ambetkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Applicants seek to Sue Jointly.</p> <p>3. In view of the reasons given above, Application is allowed.</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>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.11.2022</p> <p style="text-align: center;">O.A. No.1126 of 2022</p> <p>K.D. Visha & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Deepak Pote, learned Advocate instructed by Shri A.G. Ambetkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 3. Issue notice before admission returnable on 25.11.2022. 4. 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. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. 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. 8. S.O. to 25.11.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">(Mridula R. Bhatkar, J.) Chairperson</p> <p style="text-align: left;">NMN</p>

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directions and Registrar's orders

Tribunal's orders

O.A. No.1037 of 2022

Shri Kamal B. Mulani

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Pursuant to order dated 19.10.2022 the Collector, Sangli has filed affidavit dated 6.11.2022 wherein he has stated that four posts of Circle Officer fell vacant and were available till May, 2022. It is admitted that the select list up to Sr. No.42 was exhausted however, the applicant stood at Sr. No.43 in the select list for the year 2021-22. As per the affidavit the waiting list that was prepared by the (Departmental Promotion Committee) DPC expired on 14.6.2022. However, the first vacancy was available in the month of April, 2022.

3. In view of the statement we are of the view that respondents should have promoted the applicant in April-May, 2022 as he was having rightful claim for promotion as he was appearing in the select list at Sr. No.43. However, taking into account the reasons given in the said affidavit for inaction and administrative delay, we are of the view that applicant has right when his name was in the select list to get promotion. We are aware that Tribunal cannot direct the Government to promote the employee however, he has got every right to be considered for promotion.

4. We clarify that in the present case the applicant's name was considered for promotion in the DPC. He could not be promoted only for want of vacancy at the relevant time. When the waiting list of select list was prepared his name was at Sr. No.43 and therefore when the first vacancy was available in April, 2022 he has right to get promotion. We confirm his right to get promotion as no DPC is required for the select list of candidates. Hence, we pass the following order.

5. Original Application is allowed. The respondents are directed to issue promotion order of the applicant to the post of Circle Officer without holding fresh DPC, as the DPC was already held for the applicant, within three weeks. The name of the applicant is to be included in the seniority list as per rules. No order as to costs.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)
18.11.2022

(Mridula Bhatkar, J.)
Chairperson
18.11.2022

(sgj)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.11.2022</u></p> <p><u>M.A 657/2022 in O.A 507/2022</u></p> <p>Shri R.G Shendge ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.M Bagade, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 16.12.2022.</p> <p>4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit in not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption 'for Dismissal' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>8. S.O to 16.12.2022.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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of 20

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..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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	<p align="center"><u>18.11.2022</u></p> <p align="center"><u>O.A 1133/2022</u></p> <p>Shri S.D Deshmukh & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Y.B Lengare, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicants pray for grant of interim relief that during the pendency of the present application, the implementation, execution and operation of the impugned order dated 21.10.2022 be stayed.</p> <p>3. However, we cannot grant any interim relief at this stage as number of issues are involved including reservation. Moreover, the applicants are going to be downgraded as a consequence of the decision of the M.A.T, Nagpur Bench dated 8.1.2019 in O.A 1025/2018. The issue of interim relief is kept open.</p> <p>4. S.O to 2.12.2022.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.11.2022</u></p> <p><u>M.A 655/2022 in O.A 1133/2022</u></p> <p>Shri S.D Deshmukh & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Y.B Lengare, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not already paid.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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

O.A.424/2022

Shri B.P. Salunkhe

... Applicant

Vs.

The State of Mah. & Ors.

... Respondents

1. Shri S. Sakhare, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents is present.

2. In this O.A, the challenge is to the suspension order dated 22.04.2022 whereby Applicant is suspended in contemplation of DE invoking Rule 3 of Maharashtra Police (Punishment & Appeal) Rules, 1956 read with Section 25 of Maharashtra Police Act, 1951.

3. When the matter is taken up, it transpired that Applicant is already reinstated in service by order dated 30.05.2022 and given posting at Control Room, Solapur. At the time of suspension, he was serving as Senior Police Inspector at Jail Road Police Station, Solapur.

4. Thus, apparently, while revoking suspension and giving posting, the Department thought it appropriate not to reinstate the Applicant on same post and has given posting at Control Room, Solapur. Indeed, as per G.R. dated 14.10.2011, where a Government servant is reinstated in service, he has to be given non-executive post. Thus, the reinstatement and posting on non-executive post seems to be in terms of G.R. dated 14.10.2011. When this aspect is brought to the notice of learned Advocate for the Applicant, he sought permission to withdraw O.A. with liberty to make representation to the Respondents for change of posting.

5. In view of above, O.A. is disposed of with liberty to the Applicant to make representation and if any such representation is made, it be decided within one month from the date of receipt of representation in accordance to law.

6. No order as to costs.

Sd/-

(A.P. Kurhekar)

Member-J

18.11.2022

(skw)

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	<p>Date : 18.11.2022</p> <p align="center">M.A. No.316 of 2021 in O.A.No.658 of 2021</p> <p>P. R. KshirsagarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms. Savita Suryavanshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Though this O.A. has been initially filed claiming deemed date of promotion by way of amendment the relief is claimed for promotion with retrospective effect. As such, the matter pertains to promotion and needs to be listed before the Division Bench in view of the office order dated 28.5.2021.</p> <p>3. The Registrar is, therefore, directed to place the matter before the Division Bench.</p> <p>4. S.O. to 02.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.11.2022</p> <p align="center">M.A. No.643 of 2022 in O.A.No.658 of 2021</p> <p>P. R. KshirsagarApplicant</p> <p align="center">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms. Savita Suryavanshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. M.A.643/2022 is filed for amendment. The O.A. has been filed claiming relief of deemed date of promotion for the post of PSI. In fact admittedly the Applicant stands retired as ASI on 31.10.2018. However, his grievance in the O.A. is that he is temporarily promoted to the post of PSI on some occasions. However, the fact remains that at the time of retirement the Applicant was holding the post of ASI.</p> <p>3. It is on the above background, M.A. is filed for amendment of O.A. and prayer clause seeking promotion to the post of PSI with retrospective effect.</p> <p>4. In view of pleading and the issue involved in the matter, allowed to amend the O.A.</p> <p>5. The amendment be carried out within three days.</p> <p>6. M.A. is accordingly disposed of with no order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.11.2022</p> <p align="center">O.A.No.1049 of 2022 (Speaking to Minutes)</p> <p>A. S. Aher & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. S. Jadhav holding for Shri R. G. Panchal, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is taken up for 'Speaking to Minutes' to correct some typographical mistakes crept in the order dated 07.11.2022 which are as under :-</p> <p>(i) In the chart on page no.4 at Sr. No.4, the name of the Applicant No.4 is typed as Sudhakar D. Dan whereas his name is Sudhakar D. Dani. It be corrected.</p> <p>(ii) In the chart on page no.4 at Sr. No.11, the Applicant's department is shown as Dy. RTO Shrirampur whereas it is RTO Mumbai Central.</p> <p>3. It being inadvertent mistake, it be corrected. These are the only corrections required. It be corrected accordingly.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.789 of 2022</u></p> <p>Swati L. Omase ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Deokar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant is challenging the order dated 27.5.2022 cancelling the recommendation of the applicant for the post of Assistant Motor Vehicle Inspector (AMVI). In this case the applicant has applied for the post of AMVI, Group C pursuant to advertisement dated 30.1.2017. Preliminary examination was held on 30.4.2017. Advertisement dated 1.7.2017 was published for holding Main Examination on 6.8.2017 and the last date for submitting the application was 15.7.2017. As per clause 4.6.1 of the advertisement dated 1.7.2017 the candidates were required to hold the Valid Driving Licence of the category of Motor Cycle With Gear (MCWG) and Light Motor Vehicle (LMV) on the last of submitting the application i.e. 15.7.2017.</p> <p>3. The applicant was holding the Driving Licence of the category of LMV and Motor Cycle With Out Gear (MCWOG) issued on 11.6.2014. Applicant applied for Driving Licence of the category of MCWG on 12.7.2017 and Learners Licence was issued on 13.7.2017. Thus, the applicant was not holding the valid driving licence of the category of MCWG on the last date of submitting the application. It is also provided in Rule 3(iv) of the Recruitment Rules and clause 4.6 of the Advertisement that the candidate should hold the required driving license on the last date of application. The applicant obtained the Driving Licence for MCWG on 11.1.2018 i.e. after the date for obtaining the licence.</p> <p>4. Ld. Advocate for the applicant states that applicant was called for verification of documents on 4.3.2022 and at</p>

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that time the applicant was holding valid driving licence for LMV issued on 11.6.2014 and for MCWG issued on 11.1.2018. The applicant had applied for Driving Licence of the category of MCWG on 12.7.2017 and Learners Licence was issued on 13.7.2017.

5. Ld. CPO relies on the affidavit dated 12.10.2022 filed by Dinkar Namdeo Manwar, Dy. RTO, Mumbai. In the affidavit it is stated that Rule 3(iv) of AMVI Recruitment Rules, 2016 clearly states that a candidate aspiring for appointment to the post of AMVI shall hold driving licence for the classless of motorcycle with gear, light motor vehicle and transport vehicle (heavy goods vehicles and passenger vehicles) on the last date of submission of the examination form. She further states that since the applicant did not possess the valid driving licence for MCWG on the prescribed date i.e. 15.7.2017, she does not meet the eligibility criterion in respect of holding required driving licence before the prescribed date and hence her candidature was rightly cancelled.

6. Ld. CPO also refutes the contention of the Ld. Advocate for the applicant that Learning Licence can be held as valid Driving Licence. She points out Section 3(2) of the Motor Vehicles Act which authorizes a person to drive a motor vehicle while holding driving licence subject to requirement prescribed under Rule 3 of the Central Motor Vehicles Act, 1989. Ld. CPO submits that the passing of the test is condition precedent.

7. We have considered the submissions of both the sides. In this case it is clearly seen that applicant did not possess a valid driving licence of MCWG on the prescribed cut-off date which was 15.7.2017. Hence, OA is dismissed. No order as to costs.

Sd/-

(Medha Gadgil)
Member (A)
18.11.2022

Sd/-

(Mridula Bhatkar, J.)
Chairperson
18.11.2022

(sgj)

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	<p>Date : 18.11.2022</p> <p align="center">O.A.No.988 of 2019</p> <p>V. Y. MokashiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms. Savita Suryavanshi holding for Shri V. V. Joshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, the matter is adjourned for hearing.</p> <p>3. S.O. to 08.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.11.2022</p> <p align="center">O.A.No.1077 of 2019</p> <p>S.S. Nikam & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. When the matter was taken up for hearing, learned Counsel for the Applicants submits that Applicant No.2 – Shri Ashok Bhadane died two years back, but his heirs are not responding.</p> <p>3. Thus, the period to bring the legal heirs of the deceased Applicant No.2 is already expired but no heirs are brought on record. O.A. is, therefore, ^{obit}awaits against Applicant No2. <i>W</i></p> <p>5. O.A. to continue in respect of Applicant No.1 only.</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 : 18.11.2022</p> <p align="center">O.A.No.461 of 2019</p> <p>W.Z. Pahilwan & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. When the matter was taken up for hearing, learned Counsel for the Applicants submits that Applicant No.9 – Shri Namdeo Kamodkar and Applicant No.12 -Shri Vishnu Dhanwate are no more and their legal representatives are not responding.</p> <p>3. The period of 90 days to bring the legal representative on record is already over. O.A. is, therefore, awards ^{abets} against Applicant Nos.9 and 12.</p> <p>5. O.A. to continue in respect of remaining Applicants.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.11.2022</p> <p>O.A.No. 1104 of 2022</p> <p>S. V. PatilApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. V. Shinde, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the suspension order dated 31.12.2019 on the ground of prolong suspension.</p> <p>3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 09.12.2022.</p> <p>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. 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>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.</p> <p>9. S.O. to 09.12.2022</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.11.2022</p> <p align="center">O.A.No.918 of 2022</p> <p>V. D. WakodeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri D. W. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply.</p> <p>3. S.O. to 25.11.2022.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 18.11.2022</p> <p>M. A. No.610 of 2022 in O.A.No.182 of 2022</p> <p>A. E. Patil & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. P Potbhare, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file reply to M.A. by way of last chance.</p> <p>3. S.O. to 02.12.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

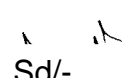

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 18.11.2022
	<p align="center">O.A.No.1040 of 2022</p> <p>M. B. HiremathApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Smt. Punam Mahajan, learned Counsel for the Applicant has sent leave note. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 to 3. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 23.12.2022.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

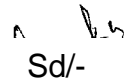
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.11.2022</p> <p align="center">O.A.No.903 of 2016</p> <p>S. B. SasteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Smt. Punam Mahajan, learned Counsel for the Applicant has sent leave note. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In view of the order passed by the Tribunal on 03.08.2017 keeping this O.A. in <i>sine-die</i> list till the decision of W.P. No.876/2014 which is not yet decided, the hearing of O.A. is adjourned.</p> <p>3. S.O. to 16.12.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.11.2022</p> <p align="center">M.A. No.316 of 2021 in O.A.No.658 of 2021</p> <p>P. R. KshirsagarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms. Savita Suryavanshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that in pursuance of the order passed by the Tribunal on 21.10.2022, M.A. for amendment is already filed in this office but it is not listed with this matter.</p> <p>3. The office is directed to list the said M.A. registered as M.A.No.643/2022 with this matter in the afternoon session.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p><u>18.11.2022</u></p> <p style="text-align: center;"><u>O.A 1121/2022</u></p> <p>Arya Vijay Pujari ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p style="text-align: center;"><u>SPEAKING TO THE MINUTES</u></p> <p>1. Speaking to the Minutes is moved by the learned C.P.O</p> <p>2. Heard Ms Swati Manchekar, learned C.P.O for the Respondents and Shri Kranti L.C, learned advocate for the applicant.</p> <p>3. By way of speaking to the minutes, learned C.P.O seeks some clarifications in para 9 of the order dated 14.11.2022. Para 9 reads as under:-</p> <p style="padding-left: 40px;">“9. We further direct the State of Maharashtra to create the 3rd option for transgender after the two options of Male and Female in the application form in all the recruitments in Home Department and so also to fix the criteria for physical standards and tests so that online application can be accepted.”</p> <p>3. We make necessary clarification in para 9 of the order dated 14.11.2022 as under:-</p> <p style="padding-left: 40px;">“(i) We further direct the State of Maharashtra to create the 3rd option for transgender after the two options of Male and Female in the application form in all the recruitments in present and future in the Home Department so that the on-line applications of the transgender candidates for the present recruitment can be accepted.”</p> <p style="padding-left: 40px;">(ii) We further direct that in future recruitments the Respondent-State to fix the criteria for physical standards and test of the transgenders. We clarify that for the present recruitment the criterion of the physical standard and test is to be followed as per the directions given by the Hon'ble Supreme Court in para 135.2 in the case of NATIONAL LEGAL SERVICES AUTHORITY (supra) on the basis of their self-identified gender.</p> <p>4. The Respondent no. 1, Home Department is directed to make the necessary corrections in the advertisement and display the same on the website of the Home Department by 23.11.2022. We, further direct all the Respondents to do the needful to comply with the order.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>