

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISC APPLICATION NO.381 OF 2022
IN
ORIGINAL APPLICATION NO.623 OF 2022**

DISTRICT: PUNE

Shri Subramaniyan Kanakkan,)
Age-69 yrs, Occ.-Retired as a "Farm Supervisor")
Aarey Milk Colony, Mumbai-65.)
R/o. Unit 7, Hutments, Aarey Milk Colongy,)
Goregaon (E), Mumbai – 400 065.).. **Applicant**

Versus

1. The Secretary,)
Agriculture, Animal Husbandry, Dairy)
Development & Fisheries Department,)
Mantralaya-32, through Chief Presenting)
Officer, M.A.T., Mumbai.)
2. Chief Executive Officer,)
Aarey Milk Colony, Goregaon (E), Mumbai 65.)
3. The Commissioner, Diary Development)
M.S., Worli, Abdul Gafarkhan Marg,)
Mumbai-18.).. **Respondents**

Shri V.P. Pothbare, learned Advocate for the Applicant.

Shri Ashok J. Chougule, learned Presenting Officer for the Respondents.

CORAM : SHRI A.P. KURHEKAR, HOB'BLE MEMBER(J)

DATE : 20.04.2023.

ORDER

1) Heard Shri V.P. Pothbare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondent.

2) This M.A. is filed stating that delay is of five years in filing O.A. challenging the communication dated 30.03.2016 whereby the Applicant



was informed that he is not entitled for benefit of Time Bound Promotion.

3) At the very outset it needs to be clarified that period of delay of 5 years mentioned in M.A. for condonation of delay itself is incorrect and delay is about 11 years which will be clear from the further discussions.

4) The Applicant stand retired on 30.06.2010 from the post of Farm Supervisor, Aarey Milk Colony, Goregaon, Mumbai. It appears that during the period of service he was not given benefit of Time Bound Promotion. However, he did not avail any legal remedy nor made any representation to the Department during service or within one year from the retirement. For the first time he made representation on 27.12.2012 i.e. after two years and six months from retirement for claiming Time Bound Promotion in terms of G.R. dated 08.06.1995. Thereafter, he remained silenced for three years. Then he again made representation on 20.02.2015, 05.08.2015, 12.10.2015. It appears that it is in pursuance of his last representation, Department by communication dated 30.05.2016 informed to the Applicant that he is not eligible for the benefit on Time Bound Promotion.

5) Indeed, in first place the Applicant ought to have been made representation within one year from the date of retirement but he did not avail any such remedy. He belatedly made representation on 27.12.2012 and thereafter he did nothing for three years. Needless to mention, mere making of representation would not revive old and stale cause of action. He ought to have filed O.A. at least within period of 18 months from the date of first representation dated 27.12.2012 in terms of Section 21 of Administrative Tribunal Act. As per Section 21(1)(a) where representation is made and period of six months is expired thereafter without any such order being made, O.A. ought to have been filed within period of one year. However, admittedly the Applicant did not avail any such remedy within period of limitation. Instead of availing legal remedy

he went on making representation in 2015. Therefore this representation or the communication made by the Department in pursuance of his belated representation would not revive cause of action. The Applicant got cause of action on the date of retirement i.e. 30.06.2010 and 2nd time after making representation on 27.12.2012. Therefore the period of limitation will not get extended only on the basis of successive representations.

6) At this juncture, it would be apposite to refer the Judgment of the Hon'ble Supreme Court in ***State of Tripura & Ors. Vs. Arabinda Chakraborty & Ors. reported in (2014) 6 SCC 460*** wherein it has been held that the period of limitation commences from the date on which cause of action arises for the first time and simply making of representations the period of limitation would not get extended. This authority holds the field and clearly attracted to the present case.

7) That apart, the Applicant has not challenged the communication dated 30.03.2016 whereby the claim of the Applicant was rejected by filing O.A. within one year from the date of communication. He filed this O.A. on 28.06.2022. As such, even from date of communication dated 30.03.2016, O.A. is filed quite belatedly by seven years and there is no such reasonable and sufficient explanation to condone such huge delay of seven years.

8) The Applicants counsel all that tried to contend that the Applicant's wife had heart ailments and due to her illness O.A. could not be filed within period of limitation. This is hardly acceptable in view of the fact that the alleged heart ailments pertain to 2005 as seen from Medical report produced by the Applicant. Even during the period of heart ailment of wife he was very much in service and ought to have taken legal recourse. Suffice to say illness of wife of 2005 is nothing but lame excuse which is not at all acceptable. It is apparent that the Applicant slept over his right for years together. Indeed, in view of his

retirement in 2010 and O.A. being filed in 2022 there is huge delay and ground of heart ailments of his wife in 2005 could not be the ground to condone such huge delay. There has to be reasonable and sufficient explanation to condone delay and the Applicant cannot be allowed to take shelter of wife's illness of 2005.

9) In this view of the matter, I have no hesitation to sum up that no sufficient cause is made out to condone delay. There is huge delay which is not at all explained. The Applicant slept over his right for years together. M.A is therefore liable to be dismissed.

10) M.A. is accordingly dismissed, O.A. is also therefore disposed of being barred by limitation.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

Place: Mumbai
Date: 20.04.2023
Dictation taken by: N.M. Naik.

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


of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.04.2023</p> <p align="center">O.A.No.343 of 2022</p> <p>H. K.MoreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Urmila Pulekar holding for Shri Dushyant Pagare, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The O.A. is already proceeded without reply by order dated 30.09.2022. Thereafter, the O.A. was dismissed in default but again restored. However, today learned P.O. sought permission to file reply on behalf of Respondent Nos.1 to 3.</p> <p>3. In view of above, in the interest of justice, allowed to file reply. It is taken on record.</p> <p>4. O.A. be kept for final hearing with liberty to file Rejoinder.</p> <p>5. S.O. to 09.06.2023.</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 : 20.04.2023</p> <p align="right">O.A.No.63 of 2021</p> <p>R. G. LandeApplicant</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 Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant sought adjournment to file additional Affidavit along with annexures.</p> <p>3. S.O. to 12.06.2023.</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 : 20.04.2023</p> <p align="center">O.A.No.179 of 2023</p> <p>S.S. MurudkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri H. M. Inamdar, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondent and Shri A. V. Bandiwadekar, learned Counsel for the Respondent No.2.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. Learned P.O. is directed to keep the file ready for perusal of the Tribunal.</p> <p>5. S.O. to 04.05.2023.</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: 20.04.2023</p> <p style="text-align: right;">O.A. No.387 of 2023</p> <p>V.N. Bahirat & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicants have challenged communication dated 21.09.2022 denying the claim of Time Bound Promotion Scheme. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 08.06.2023. 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 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. 9. S.O. to 08.06.2023 <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

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	<p style="text-align: center;">Date: 20.04.2023</p> <p style="text-align: center;">M.A. No.261 of 2023 in O.A. No.387 of 2023</p> <p>V.N. Bahirat & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. 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 style="text-align: center;">^ Sd/- v (A.P. Kurhekar) Member (J)</p> <p style="text-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: 20.04.2023</p> <p align="center">O.A. No.362 of 2023</p> <p>M.V. GaradApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today matter is for consideration of interim Relief to stay the suspension order dated 23.03.2023. Respondents have already filed Affidavit-in-Reply on merit, therefore instead of hearing the matter for interim relief O.A. could be heard and decided finally.</p> <p>3. Learned P.O. also fairly concedes for final disposal. He requested to keep the matter on Monday.</p> <p>4. S.O. to 24.04.2023 for hearing at the stage of admission.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</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: 20.04.2023</p> <p align="center">M.A. No.270 of 2023 in O.A. No.235 of 2023</p> <p>S.K. BholeApplicant (M.A.) N.B. BagulApplicant (O.A.) Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Faiaz Ansari, learned Advocate holding for Shri A.A. Gharte, learned Advocate for the Applicant in M.A., Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A. and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. No.270/2023 is filed by Original Respondent No.2 against whom O.A. is proceeded without Reply by order dated 27.03.2023. In M.A. Respondent No.2 requested to recall the order and sought permission to file Affidavit-in-Reply.</p> <p>3. Respondent No.2 is allowed to file Affidavit-in-Reply. It be filed during the course of the day as agreed by learned Advocate for Respondent No.2.</p> <p>4. M.A. is accordingly disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 20.04.2023</p> <p align="center">O.A. No.235 of 2023</p> <p>N.B. BagulApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard. Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri Faiaz Ansari, learned Advocate holding for Shri A.A. Gharte, learned Advocate for the Respondent No.2.</p> <p>2. Though the matter is proceeded without Reply in O.A. No.235/2023 by order dated 27.03.2023. In view of order passed by the Tribunal in M.A. No.270/2023, Respondent No.2 is allowed to file Affidavit-in-Reply. Learned Advocate for Respondent No.2 undertakes to file the same during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. On request of learned P.O. one week time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>4. S.O. to 27.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 20.04.2023</p> <p align="center">M.A. No.256 of 2023 in O.A. No.929 of 2021</p> <p>Dr. M.S. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for amendment of O.A. that belatedly i.e. after two years from filing of O.A. that to challenge the communication dated 12.06.2018 which was already produced in the O.A. itself.</p> <p>3. Two weeks time is granted to file Reply to M.A. of amendment.</p> <p>4. S.O. to 02.05.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 20.04.2023</p> <p align="center">O. A. No. 151 of 2023 with O.A.No.155 of 2023</p> <p>H. C. Dasade & Ors. N. B. WaghelaApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. M. Kakade, learned Counsel for the Applicant in O.A.151/2023, Shri A. V. Bandiwadekar, learned Counsel for the Applicant in O.A.No.155/2023 and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit in Reply in O.A.No.151/2023 on behalf of Respondent No.4. It is taken on record.</p> <p>3. Insofar as O.A.No.155/2023 is concerned, the Respondent No.1 had filed reply. No reply is filed on behalf of Respondent Nos.2 and 3 though last chance was granted to them.</p> <p>3. Both the O.As be kept for hearing at the stage of admission.</p> <p>4. S.O. to 07.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>


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	<p>Date : 20.04.2023</p> <p align="center">O.A.No.276 of 2023</p> <p>S. D. AbnaveApplicant</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 Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. on instructions submits that some of the retiral benefits are already paid and in respect of remaining, the matter is in process. She wants to file short affidavit and sought time till Monday.</p> <p>3. S.O. to 24.04.2023.</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 : 20.04.2023</p> <p style="text-align: center;">O.A.No.418 of 2023</p> <p>M. M. JawadekarApplicant</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. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged the communication dated 16.12.2022 whereby his request for absorption on the post of Superintendent (Technical) is rejected. 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 08.06.2023. 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 08.06.2023.. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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	<p>Date: 20.04.2023</p> <p>O.A. No.1253 of 2022 with O.A. No.04 of 2023 with O.A. No.37 of 2023 with O.A. No.43 of 2023 with O.A. No.146 of 2023 with O.A. No.111 of 2023 with O.A. No.112 of 2023</p> <p>A.K. Agale & Ors., D.D. Jagtap & Ors., S.R. Kudale S.B. Mosamkar C.S. Bhor & Ors., S.C. Bhillare M.A. SonawaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, Dr. R.R. Asawa, Shri M.D. Lonkar, Shri R.L. Kulkarni, learned Advocates for the Applicants and Smt. Archana B.K. and Smt K.S. Gaikwad learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Reply in O.A. No.1253/2022 on behalf of Respondent Nos.5 & 7 collectively and also filed Affidavit-in-Reply on behalf of Respondent No.8. No Reply is filed on behalf of remaining Respondents in this O.A.</p> <p>3. Learned P.O. has also filed Affidavit-in-Reply on behalf of Respondent Nos.2 & 3. It is taken on record.</p> <p>4. Learned P.O. has also filed Affidavit-in-Reply on behalf of Respondent No.3. It is taken on record.</p> <p>5. All these matters pertain to increment entitlement of increment due on 1st July of the concerned year i.e. next day of retirement of the Applicant.</p> <p align="right">[P.T.O.]</p>

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

6. In the matters of entitlement of Government servant of increment due on 1st July i.e. next day of retirement. Hon'ble Supreme Court has granted relief. However, recently again Union of India and some other states have filed SLP before Hon'ble Supreme Court in some other matter and stay has been granted. ^{Thus it} appears that though the grant of increment is already decided in some matters, it is still under consideration before Hon'ble Supreme Court in other matters.

7. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply in remaining O.As.

8. S.O. to 07.06.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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	<p>Date: 20.04.2023</p> <p align="center">M.A. No.260 of 2023 in M.A.163 of 2022 in O.A. No.286 of 2022</p> <p>M.H.I. Shaikh legal heirs A.H. Shaikh & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. M.A. No.260/2023 is filed to bring legal heirs of deceased Government servant on record who died during the pendency of O.A. on 13.04.2013. 3. O.A. pertains to pensionary benefits. 4. In view of death of the Original Applicant his heirs needs to be substituted in his place. M.A. is therefore allowed. Legal representatives be substituted in M.A. which is for condonation of delay as well as ⁱⁿ O.A. Necessary amendment be carried out within three days. 5. S.O. to 27.04.2023. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 20.04.2023</p> <p align="center">O.A. No.320 of 2023</p> <p>S.M. JagdaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 04.05.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 20.04.2023</p> <p align="center">O.A. No.346 of 2023</p> <p>G.S. ShirkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 04.05.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 20.04.2023</p> <p align="center">O.A. No.225 of 2023</p> <p>K.R. KoliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 2. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder.</p> <p>4. S.O. to 08.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 20.04.2023</p> <p align="center">O.A. No.313 of 2023 with O.A. No.314 of 2023</p> <p>G.R. Borkar A.A. WaghmareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 02.05.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</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: 20.04.2023</p> <p style="text-align: center;">O.A. No.416 of 2023</p> <p>A.N. PalandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged order dated 16.03.2023 ^{whereby} whereby revising his pay resulting into downgrading last drawn pay. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 08.06.2023. 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 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. 9. S.O. to 08.06.2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

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

Tribunal's orders

Date: 20.04.2023

O.A. No.415 of 2023

S.V. BhosaleApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant has challenged order dated 20.10.2022 and 18.10.2022 whereby the Applicants pay has been revised resulting into downgrading the last drawn pay.

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

4. Issue notice before admission returnable on 08.06.2023.

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 seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications 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.

9. S.O. to 08.06.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="784 363 1008 394">Date: 20.04.2023</p> <p data-bbox="1013 440 1282 471">O.A. No.407 of 2023</p> <p data-bbox="784 517 1511 628">S.S. KumbharApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p data-bbox="784 713 1511 832">1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p data-bbox="784 886 1511 1411">2. The Applicant has filed this O.A. to quash and set aside order dated 03.04.2023 passed by Respondent No.4 – The Sub Divisional Officer whereby the Applicant is removed/terminated from the post of Police Patil. Notably, the Applicant has also filed appeal against the order dated 03.04.2023 before Respondent No.3 – The Collector, Solapur on 11.04.2023. Despite the filing of appeal against the order dated 03.04.2023, the Applicant has filed this O.A. When this issue is raised by the Tribunal as to how O.A. is maintainable without their being final order in appeal, learned Advocate for the Applicant sought permission to withdraw the O.A.</p> <p data-bbox="784 1468 1511 1676">3. Learned Advocate for the Applicant tried to content that his apprehension is that appeal will not be decided within reasonable time, and therefore filed this O.A. His apprehension will not render O.A. maintainable.</p> <p data-bbox="784 1733 1511 1854">4. The Applicant is at liberty to request Respondent No.3 – The Collector, Solapur for expeditious decision of appeal.</p> <p data-bbox="784 1911 1511 1991">5. In view of above, O.A. is disposed of as withdrawn with no order as to costs.</p> <p data-bbox="1166 2107 1369 2243" style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p data-bbox="784 2282 824 2308">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: 20.04.2023</p> <p align="center">O.A. No.1314 of 2022</p> <p>P.Chinpayan & Anrs.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Anjali Kolapkar, learned Advocate holding for Shri A.S. Gaikwad, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Already enough chances are granted to file Affidavit-in-Reply. Notices were issued by order dated 27.01.2023 but till no Reply is filed. Hence, I am not inclined to grant further time. O.A. be proceeded without Reply.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 09.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 20.04.2023</p> <p align="center">O.A. No.31 of 2023</p> <p>Dr. P.D. Shendge & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present. 3. Already enough chances are granted to file Affidavit-in-Reply. Notices were issued by order dated 20.01.2023 but till date no Reply is filed. Hence, I am not inclined to grant further time. O.A. be proceeded without Reply. 4. O.A. be kept for hearing at the stage of admission. 5. S.O. to 09.06.2023. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 20.04.2023</p> <p align="center">O.A. No.100 of 2023</p> <p>P.G. GosaviApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder. 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 12.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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: 20.04.2023</p> <p align="center">O.A. No.177 of 2023</p> <p>R.S. BhapkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.4. It is taken on record. No separate Reply is filed on behalf of Respondent Nos.1 to 3.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>4. S.O. to 06.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="left">NMN</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 align="center"><u>O.A. No.303 of 2023</u></p> <p>Dr. B.P. More ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant is personally present in the Court and submits that he has no objection to the result being declared.</p> <p>3. S.O. to 25.4.2023.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</p>

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MUMBAI**

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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.360 of 2022</u></p> <p>N.R. Pakhare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 19.6.2023 for final hearing.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</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 style="text-align: center;"><u>O.A. No.1033 of 2021</u></p> <p>S.B. Dabholkar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 22.6.2023 for final hearing.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</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 style="text-align: center;"><u>O.A. No.860 of 2021</u></p> <p>S.B. Karad & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 22.6.2023 for final hearing.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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.814 of 2021</u></p> <p>A.R. Patil & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 22.6.2023 for final hearing.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</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>C.A. No.32 of 2023 in O.A. No.496 of 2020</u></p> <p>A.B. Baviskar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that respondent no.2 has sent a proposal dated 17.4.2023 to the Additional Chief Conservator of Forest, Wild Life, Mumbai. Ld. PO is directed to file affidavit to that effect.</p> <p>3. S.O. to 27.4.2023.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</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 align="center"><u>C.A. No.29 of 2023 in O.A. No.552 of 2020</u></p> <p>A.D. Mehetre ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that proposal has been submitted to the Accountant General for approval.</p> <p>3. S.O. to 8.6.2023.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.422 of 2023</u></p> <p>Praveen A. Waidande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 13.7.2023. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. 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 is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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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 style="text-align: center;"><u>M.A. No.259 of 2023 in O.A. No.411 of 2023</u></p> <p>Shrikant N. Bagul & 3 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: justify;">Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, 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> <div style="text-align: right; margin-top: 20px;"> <p>Sd/-  (Medha Gadgil) Member (A) 20.4.2023</p> </div> <p style="margin-top: 20px;">(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.411 of 2023</u></p> <p>Shrikant N. Bagul & 3 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 13.7.2023. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. 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 is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 20.4.2023</p> <p>(sgj)</p>