

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

Tribunal's orders

Date: 20.06.2023

O.A. No.81 of 2017

R.V. KoliApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt Archana B.K., learned Presenting Officer for the Respondents and Shri D.B. Khaire, learned Advocate for the Respondent Nos. 2 & 3.

2. Matter is heard for quite sometime. The issue involved in the matter is whether the Applicant though belongs to S.B.C category he can claim appointment considering his marks on merit from open sports category. As per advertisement, 31 posts were reserved from open sports category, Applicant got 106 marks and cut off was 94 marks.

3. Learned Advocate for the Respondent Nos.2 & 3 also fairly concedes that though earlier migration was not permissible but now in view of series of Judgment migration is permissible and the Applicant is ought to have been considered from open sports category.

4. The advertisement was of 2016. The Applicant's candidature was rejected solely on the ground that he belongs to S.B.C. category. As such, if Tribunal came to the conclusion that the impugned order is incorrect in that event it is necessary to know present vacancy position so as to accommodate the Applicant on the post of Junior Engineer.

5. Learned Advocate for the Respondent Nos.2 & 3 is therefore directed to take instruction from the Respondents and to apprise the Tribunal about the vacancies for the post of Junior Engineer.

6. Matter is adjourned at 02.30 pm.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

P.T.O.

**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
---	-------------------

LATER ON

7. In afternoon session, Shri D.B. Khaire, learned Advocate for the Respondent Nos.2 & 3 states that he tried to contact ^{consent} person but he is not getting proper instruction, he therefore sought time.

8. One week time is granted to Shri D.B. Khaire, learned Advocate for the Respondent Nos.2 & 3 to file Affidavit to know whether all post advertised in 2016 were filled in and also to clarify as to whether at present there is vacancies to the post of Junior Engineer from ^{open} S.B.C Sports Category and further to clarify whether any recruitment drive is under process to fill in the said post.

9. S.O. to 28.06.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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>20.06.2023</u></p> <p style="text-align: center;"><u>O.A 553/2023</u></p> <p>Dr N.T Salunkhe ... Applicant\s Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Poonam Bodke Patil, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that as on today the applicant, Medical Officer is receiving pay scale in the pay band of S-20 (Rs. 56100-177500) and now on account of the transfer the applicant, Medical Officer is going to receive the pay scale in the pay band S-16 (Rs. 44900-142400).</p> <p>3. Learned P.O submits that at present the applicant is receiving the pay scale in the pay band S-16 (Rs. 44900-142400) and therefore, he will get the same pay scale. We direct the Respondents to make this statement on affidavit.</p> <p>4. If at there is reduction in the pay scale of the applicant, he will be brought back on the same pay scale which he is drawing at present.</p> <p>5. S.O to 27.6.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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>20.06.2023</u></p> <p style="text-align: center;"><u>M.A 399/2023 in O.A 550/2023</u></p> <p>Dr S.D Kulkarni ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Poonam Bodke Patil, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicants submit that Misc Application is moved for amendment in the Original Application in view of the impugned transfer order dated 9.6.2023.</p> <p>3. Learned P.O submits to the order of the Court.</p> <p>4. Misc Application seeking amendment is allowed. Amendment to be carried out and amended copy be served on the Respondents.</p> <p style="text-align: right;">Sd/- /v' (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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>20.06.2023</u></p> <p style="text-align: center;"><u>O.A 550/2023</u></p> <p>Dr S.D Kulkarni ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Poonam Bodke Patil, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submit that as on today the applicant, Medical Officers is receiving pay scale in the pay band of S-20 (Rs. 56100-177500) and now on account of the transfer the applicant, Medical Officer is going to receive the pay scale in the pay band S-16 (Rs. 44900-142400).</p> <p>3. Learned P.O submits that at present the applicant is receiving the pay scale in the pay band S-16 (Rs. 44900-142400) and therefore, he will get the same pay scale. We direct the Respondents to make this statement on affidavit.</p> <p>4. If at there is reduction in the pay scale of the applicant, he will be brought back on the same pay scale which he is drawing at present.</p> <p>5. S.O to 27.6.2023.</p> <p style="text-align: right;">Sd/- /v~ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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
---	-------------------

20.06.2023

M.A 400/2023 in O.A 553/2023

Dr Nitin T. Salunkhe ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms Poonam Bodke Patil, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.

2. Learned counsel for the applicant submit that Misc Application is moved for amendment in the Original Application in view of the impugned transfer order dated 9.6.2023.

3. Learned P.O submits to the order of the Court.

4. Misc Application seeking amendment is allowed. Amendment to be carried out and amended copy be served on the Respondents.

Sd/-

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

Akn

**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
---	-------------------

20.06.2023

M.A 387/2023 in O.A 597/2023

Shri R.N Andhale ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms Poonam B. Patil holding for Shri V.B Wagh, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.
2. Learned P.O submits that reply is filed and the same is taken on record.
3. This Misc Application is filed under Section 25 of the Administrative Tribunals Act for transferring the present Original Application from Mumbai to Aurangabad as one Original Application having one and the same issue is pending before the M.A.T, Aurangabad Bench.
4. Learned P.O submits to the orders of the Court.
5. In view of the above, record and proceedings in the O.A 597/2023 be transferred to M.A.T, Aurangabad Bench. Registry is directed to make arrangement to send the record and proceedings in O.A 597/2023 to M.A.T, Aurangabad.
6. Misc Application stands disposed of accordingly.

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

Akn

**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>20.06.2023</u></p> <p style="text-align: center;"><u>O.A 155/2023</u></p> <p>Shri N.B Waghela ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that as per the ratio only two posts were vacant in Kolhapur for transfer from SRPF to State Police Force and accordingly two posts are filled up. The name of the applicant could not reach up to that number and therefore he was not transferred to Kolhapur.</p> <p>3. Learned counsel for the applicant submits that as per the ratio there are 13 posts and accordingly the S.P, Kolhapur has written a letter on 9.12.2022 to Addl. D.G, S.R.P.F.</p> <p>4. The Respondents are directed to file a short affidavit accordingly as there is a word against word.</p> <p>5. S.O to 7.7.2023.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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 20.06.2023
	<p><u>O.A 151/2023</u></p> <p>Shri H.C Dasade & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.M Kakade, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Shri Anil Kulkarni, Joint Secretary, Home Department, Mantralaya, Mumbai, who is present, informs that the department and the Officers will follow clause 4 & 5 of G.R dated 12.5.2021, thus transferring S.R.P.F Police Personnel to the State Police Force. Shri Anil Kulkarni, Joint Secretary, submits that as per the guidelines in clause 4 & 5 of G.R dated 12.5.2021 the Home Department is going to instruct all the concerned Districts and the Officers about the transfers and thus the orders of transfer from S.R.P.F to the State Police Force of the applicants and the persons like them will be issued in 15 days.</p> <p>3. The statement of Joint Secretary is accepted and thus it is presumed that the order of such transfers will be issued on or before 7.7.2023.</p> <p>4. S.O to 7.7.2023.</p> <p style="text-align: right;">Sd/- /(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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	20.06.2023 Tribunal's orders
---	-------------------------------------

O.A 701/2023

Shri N.D Jodh ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.

2. The applicant is aggrieved by the impugned transfer order dated 17.6.2023 by which applicant has been transferred from the post of Circle Officer, Bhoze, Tal-Mangalwedha, Dist-Solapur to the post of Awal Karkun, EGS, Tal-Karmala. Learned counsel for the applicant submits that the applicant was due for transfer in May, 2023.

3. Learned counsel for the applicant submitted that the grievance of the applicant is twofold.

(a) The option given by the applicant is not considered by the Respondents.

(b) It is a malafide order because seniors to the applicant are allowed to continue as Circle Officer and the applicant is the only one who is transferred and posted as Awal Karkun.

4. As nobody is posted in place of the applicant, the parties are directed to maintain status quo as on today.

5. S.O to 27.6.2023. Hamdast.

Sd/-

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

Akn

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.06.2023</p> <p style="text-align: center;">O.A.No.703/2023 (Caveat No.29/2023)</p> <p>Dr. M.B. YadavApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. P.B. Patil, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate has submitted that the Applicant is a Medical Officer working in the office of Primary Health Center, Nimgao Save is transferred to Ayurvedic Dispensary, Ambegaon Khurd, Pune. She challenges the transfer on the following grounds:</p> <p>(i) Applicant is not transferred after considering the preferences given by him, though the preference No.1 is still vacant.</p> <p>(ii) Applicant is a heart patient. His heart is working only 40% since last three years.</p> <p>(iii) Applicant has annexed the records. It is difficult for the Applicant to go to Ruby Clinic at Pune from the place of his new posting i.e. Primary Health Center, Ambegaon.</p> <p>3. Learned Advocate has submitted that the Government of Maharashtra has issued the G.R. that the persons suffering from heart disease should not be transferred. She has further submitted that Applicant is getting the pay scale S-20 and now he will get the pay scale S-16. She has relied on the judgment in O.A.No.469/2012 with O.A.No.682/2013 with O.A.No.879/2015, Dr. Anilkumar R. Tarale Versus The State of Maharashtra & Ors. dated 04.01.2022.</p> <p>4. Learned P.O. has submitted that the ground of preference is not averred by the Applicant in the O.A. However, on record at page 56, out of his 10 choices, choice No.7 i.e. Primary Health Center, Ayurvedic Dispensary, Awasari Kh, Ambegaon, Pune is considered by the Respondent. Learned P.O. seeks time to file short reply.</p> <p>5. Learned Advocate is directed to produce the said G.R. on next date. The judgment dated 04.01.2022 relied by learned Advocate in O.A.No.469/2012 & Ors. is not related to transfer of Medical Officer, Group B. It has nothing to do with the transfer of Medical officer, Group-B.</p> <p>6. Applicant needs not be transferred till 22.06.2023. Maintain status quo till 22.06.2023.</p> <p>7. Adjourned to 22.06.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">prk</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>Date : 20.06.2023</p> <p>O.A.No.632/2023</p> <p>R.K. PawarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms Purva Pradhan, learned Advocate holding for Mr. D.B. Khaire, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Applicant challenges transfer order dated 04.05.2023. Learned Advocate for the Applicant seeks time to move M.A. for amendment to add Private Respondent in the array of Respondents.</p> <p>3. Time granted. Amendment be carried out forthwith and amended copy to be served upon the concern.</p> <p>4. Adjourned to 23.06.2023.</p> <p style="text-align: right;">Sd/- _____ / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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	20.06.2023 Tribunal's orders O.A 697/2023
---	--

Dr R.R Tryambake ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms Poonam Bodke Patil, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. Learned counsel for the applicant submits that the grievance of the applicant is that the preference given by the applicant is not taken into account by the Respondent-State while issuing the transfer order.

3. The impugned transfer order dated 9.6.2023 is stayed for a period of two days.

4. The Respondents are directed to file affidavit in reply stating the reasons as to why the preference given by the applicant is not considered.

5. S.O to 22.6.2023.

Sd/-

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

Akn

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 702 OF 2023

DISTRICT : KOLHAPUR

Smt Mosammi Barde-Chougule)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents no. 1.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 20.06.2023

ORDER

1. The applicant who is working in the cadre of Deputy Collector is posted as Sub-Divisional Officer, Ichalkaranji, Dist-Kolhapur. By order dated 19.6.2023, in place of the applicant, Respondent no. 2 is transferred and posted and the applicant is not given any posting. Learned counsel for the applicant submitted that Respondent no. 2 is served by whatsapp and he has seen the same. Respondent no. is not present.

2. Learned counsel for the applicant challenges the transfer order on following grounds:-

(i) The transfer order is mid-term, mid-tenure transfer.

(ii) The transfer order is issued in violation of Section 4 (4)(2) & 4(5) of the Maharashtra Government Servants Regulation of

2

Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

- (iii) No special reason is mentioned in the impugned transfer order.
- (iv) No prior approval of the Civil Services Board is taken.
- (v) The transfer order of the applicant is not issued.

3. Learned P.O submits that Respondent no. 2, Mr Ajay Pawar who is transferred in place of the applicant has completed three years as Deputy Collector at Pune and so he was due for transfer. Learned P.O produced the file noting of transfer of Mr Ajay Pawar, Respondent n. 2 along with the minutes of the Civil Services Board, who have considered that Respondent no. 2 is due for transfer.

4. It is made clear that if 'A' is due for transfer in place of 'B', then 'B' also should be due for transfer, if 'B' is also to be transferred. Otherwise, there should be a special and valid reason for transferring 'B' which is to be mentioned in writing by the concerned authorities. No blanket order can be passed in matters of transfer. Further the competent authority is required to keep in mind the law laid down by the Hon'ble High Court in the case of S.B Bhagwat Vs. State of Maharashtra & Ors, 2012 (3) Mh.L.J 197, wherein it is observed as under:-

“Merely calling a case a special case does not constitute a sufficient reason. The rationale why the legislature has required that reasons be recorded in writing for transferring an employee even before completing his tenure is to bring objectivity and transparency to the process of transfers. Indeed, the matter of transfers has been brought within a regulatory framework laid down in the statute enacted by the State legislature. Section 4(5) permits as an exceptional situation, a transfer to be carried out, notwithstanding anything contained in section 3 or in section 4. The

exceptional power must be exercised strictly in accordance with sub-section (5) of section 4. It is settled position in law that when a statutory power is conferred upon an authority to do a particular thing, that exercise has to be carried out in the manner prescribed by the statute.”

5. Tribunal has come across other three O.As wherein similar orders are passed by the Hon’ble Minister for Revenue and Hon’ble Chief Minister on the same day and the orders are violative of the entire procedure prescribed under ROT Act. At this juncture Tribunal points out that the Respondent-State to take note of the ratio laid down in the case of T.S.R Subramanian & Ors Vs. Union of India & Ors, W.P (Civil) 82/2011 & Ors, is always to be kept in mind.

6. Considered the submissions. Learned counsel for the applicant has made out a case for grant of urgent interim relief.

7. In view of the above the impugned order dated 19.6.2023 is stayed until further orders and the applicant is hereby directed to join as Sub Divisional Officer, Ichalkaranji, Dist-Kolhapur, from where she is transferred.

8. S.O to 4.7.2023. Hamdast.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 20.06.2023
Dictation taken by : A.K. Nair.

**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 : 20.06.2023</p> <p align="center">O.A.No.811/2016</p> <p>R.S. PatilApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant to order dated 04.05.2023, learned Advocate files affidavit along with copy of letter dated 09.06.2023 sent to the Applicant and also acknowledgment of the same. It be taken on record and marked as Exhibit-I.</p> <p>3. Learned Advocate has submitted that he was not able to contact the Applicant. However, Applicant's maternal uncle was contacted who has informed that the applicant is in the Jail.</p> <p>4. Learned C.P.O. has informed that earlier Applicant's candidature was not considered for the post of Police Constable because there was Criminal complaint against the Applicant. She has further submitted that the Selection Process of the year 2004 for the post of Police Constable is over.</p> <p>5. In view of the above, as nothing remains in this O.A., hence, O.A. stands disposed of.</p> <p align="center">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p align="right">[P.T.O.]</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
---	-------------------

Date : 20.06.2023

O.A.No.679/2022 with O.A.No.734/2022

S.D. Satpute & Ors.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

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

2. In view that matter is of the year 2022, it is to be placed before the other Division Bench.

3. Not to be shown as HOB.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

ork

**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 : 20.06.2023</p> <p align="center">M.A.No.607/2022 in O.A.No.465/2022</p> <p>G.Y. DeshpandeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Prayers in M.A. and O.A. are same.</p> <p>3. In view that the reliefs prayed in M.A. and O.A. are same, M.A. is to be decided along with O.A.</p> <p>4. At the request of learned Advocate, Adjourned to 21.06.2023.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</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
---	-------------------

Date : 20.06.2023

O.A.No.243/2023

S.P. KhairnarApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. states that during the course of the day reply will be filed.

3. At the request of learned Advocate, adjourned to 04.07.2023 for rejoinder.

Sd/-

(Medha Gadgil
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.06.2023</p> <p align="center">O.A.No.862/2016</p> <p>A.J. Telvekar & Ors.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicants, Mr. A.J. Chougule, learned Presenting Officer for the Respondents, Ms. Purva Pradhan, learned Advocate for the Respondent no.1 and Mr. S.S. Dere, learned Advocate for the Respondents No.73, 74, 75, 83, 87, 90, 101, 110, 114, 116, 118, 124, 125, 131, 132 and 134.</p> <p>2. Learned Advocates Mr. Dere and Ms. Pradhan have submitted that yesterday learned Advocate Mr. Lonkar has served copy of rejoinder to them and hence they seek time to file reply to the same. Learned P.O. Mr. Chougule prays for the same.</p> <p>3. Time granted. Adjourned to 27.06.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil Member (A)) (Mridula Bhatkar, J.) Chairperson</p>

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

Tribunal's orders

Date : 20.06.2023

O.A.No.682/2023

S.D. RajputApplicant
Vs.

The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate challenges promotion given to the juniors of the Applicant on 18.05.2023 and hence Applicant is to be given promotion and deemed date as on 18.05.2023. She has further submitted that the case of the Applicant was kept in sealed cover on the ground that FIR has been lodged against the Applicant. Learned Advocate has submitted that the case of the applicant cannot be side tracked or kept in sealed cover in view of the law laid down by the Hon'ble Supreme Court in the case of **Union of India and Other Versus K.V. Jankiraman and Others reported in AIR 1991 SC 2010**. Learned Advocate has further submitted that the representation made by the Applicant dated 12.04.2023 is not yet decided.

3. Learned P.O. for the Respondents seeks time.

4. Time granted. Meanwhile the Respondents may decide the representation made by the Applicant.

5. Adjourned to 04.07.2023.

Sd/-

(Medha Gadgil
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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
---	-------------------

Date : 20.06.2023

C.A.No.46/2023 in O.A.No.931/2022

Shah A.A.G. DastagirApplicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. states that pursuant to order dated 19.06.2023 today Ms. Sarita Bandekar, Joint Secretary was directed to remain present, however, in view that she is busy in meeting with the Hon'ble Minister she is not able to attend the Court today.

3. In view above, we directed Ms. Bandekar, Joint Secretary to remain present tomorrow.

4. Adjourned to 21.06.2023.

Sd/-

(Medha Gadgil
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.06.2023</p> <p>O.A.No.670/2023</p> <p>R.H. MetkarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Applicant prays for directions to Respondent no.1 to include his name in the recommendation list dated 02.06.2023. Further Applicant prays for directions to Respondent no.3 to suitably amend paragraph 5 of the G.R. dated 04.05.2023 making in applicable to the Recruitment Process as on the date of issuance of G.R.</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 27.06.2023.</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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.</p> <p>9. Adjourned to 27.06.2023.</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 Bhatkar, J.) Chairperson</p> <p style="text-align: left;">pk</p>

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

Tribunal's orders

Date : 20.06.2023

O.A.No.147/2016

Dr. N.N. RamrajeApplicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. V.B. Joshi, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Ms. Purva Pradhan, learned Advocate for the Respondent No.6.

2. Applicant aspiring for the post of Dean, Government Medical College seeks direction against Respondents No.1 and 2 i.e. M.P.S.C. to allow him to appear for the interview scheduled on 10.02.2016 considering his 13 year experience as the Professor and Head of the Department. By way of amendment he prays that recommendation of Respondent No.5, Kananbala Wamanrao Korpe and Respondent no.6, Minaxi Laldas Wahane be quashed and set aside. He also prays that Respondent be directed to conduct the fresh interview for the said post and scrap the entire advertisement.

3. In view of this prayer we made query to learned C.P.O. whether the interview scheduled on 10.02.2016 were conducted or not. Learned C.P.O. answers that the interviews were conducted on the same date. Hence, Prayer (a) become infructuous. We are of the view that since the interviews were conducted all other reliefs prayed at (a-1) and (a-2) have become in infructuous. It is to be noted that no interim relief was granted by this Tribunal. Further no legal recourse before the Hon'ble High Court was taken by the Applicant.

4. Learned Advocate has submitted that the issue remains today that whether the M.P.S.C. can commit any mistake and whether it can be tolerated. Our simple answer is, we are not here to decide such vague questions.

5. In view of above, O.A. stands dismissed.

Sd/-

(Medha Gadgil
Member (A))

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

Date : 20.06.2023

O.A.No.862/2016

A.J. Telvekar & Ors.Applicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicants, Mr. A.J. Chougule, learned Presenting Officer for the Respondents, Ms. Purva Pradhan, learned Advocate for the Respondent no.1 and Mr. S.S. Dere, learned Advocate for the Respondents No.73, 74, 75, 83, 87, 90, 101, 110, 114, 116, 118, 124, 125, 131, 132 and 134.

2. Learned Advocates Mr. Dere and Ms. Pradhan have submitted that yesterday learned Advocate Mr. Lonkar has served copy of rejoinder to them and hence they seek time to file reply to the same. Learned P.O. Mr. Chougule prays for the same.

3. Time granted. Adjourned to 27.06.2023.

Sd/-

(Medha Gadgil
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

Date : 20.06.2023

O.A.No.459/2023

M.U. HarpalkarApplicant

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. to file reply on the next date.
If reply is not filed on or before next date, matter
shall proceed without reply.

3. Adjourned to 04.07.2023.

Sd/-

(Medha Gadgil
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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
---	-------------------

Date : 20.06.2023

C.A.No.54/2022 in O.A.No.248/2014

I.S. MulgaonkarApplicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In view that the Writ Petition is challenged before the Hon'ble High Court and the same is adjourned to 27.06.2023, O.A. stands adjourned to 01.08.2023.

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
---	-------------------

Date : 20.06.2023

M.A.No.229/2023 in O.A.No.428/2021

S.A. KambleApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. M.A. is filed seeking expedite hearing in O.A.

3. In view that learned C.P.O. is busy in another Court, matter is fixed after one week.

4. M.A. is allowed. O.A. Adjourned to 27.06.2023.

Sd/-

Sd/-

(Medha Gadgil
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.06.2023</p> <p>M.A.No.303/2023 in O.A.No.491/2021</p> <p>Dr. S.V. SambhareApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. M.A. is moved for expedite hearing of O.A.</p> <p>3. In O.A. Applicant prays to quash and set aside the final seniority list as on 01.01.2019 for the post of Assistant Commissioner, Animal Husbandry qua the Applicant and revise the said list and direct the respondent to remove the name of the Applicant from Serial No.186 and there place the applicant at serial No.107 in the said list. Applicant further prays for direction to the Respondent no.2, M.P.S.C. applicant having scored 60 marks in the interview test he may be declared eligible to get selected from Open category and M.P.S.C. to remove the name of the Applicant from non recommended list and add in the revised recommended list as per his merit.</p> <p>3. Learned Advocate has submitted that on 22.06.2023 the DPC is going to be held. Learned Advocate prays that Applicants name is to be considered for the post of Assistant Commissioner, Animal Husbandry.</p> <p>4. We direct that the name of the Applicant can be considered, if he is found eligible.</p> <p>5. Learned Advocate draws our attention to the affidavit-in-reply dated 06.04.2022 filed on behalf of Respondent No.1, through Dr. Popat Laxman Sawant, Senior Administrative Officer, in the office of Regional Joint Commissioner of Animal Husbandry Department, Mumbai. He states that at paragraph 7 of the said affidavit the name of the Applicant is pushed down from Serial No.107 to 186 in the final seniority list as on 01.01.2019 published on 16.03.2021. It is further mentioned that the final seniority list dated 16.03.2021 is the result of compliance of operative order dated 06.01.2017 passed in O.A.No.662/2012.</p> <p>6. Learned Advocate has submitted that the Applicant was appointed to the post of Assistant Commissioner, Animal Husbandry in the year 2012</p> <p>7. At the request of learned P.O., Adjourned to 11.07.2023. To be shown under the same caption i.e. 'M.A. for order'.</p> <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: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 20.06.2023

O.A.No.346/2016

V.V. Dusane & Ors.Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Applicant in person and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents and Mr. C.T. Chandratre, learned Advocate for the Respondents No.4, 6, 8 and 9.

2. Applicant No.1 Mr. V.V. Dusane is present in person. Applicant No.2, Mr. Kondiba Govind Gadewar and Applicant No.3, Mr. Rajesh P. Chaudhari are not present. Applicant No.1, Mr. Dusane makes statement that none of the Applicant in this O.A. has engaged learned Advocate Mr. S.S. Dere.

3. Registry is directed not to show the name of Mr. S.S. Dere on the board.

4. Applicants challenge the Selection Process of M.P.S.C. for the 12 posts of Assistant Commissioner (Drugs) pursuant to the advertisement dated 04.01.2012 and the select list published on 18.03.2016 be quashed and set aside. Applicant No.1, Mr. Dusane, party in person informs that he is retired.

5. Under such circumstances, matter has become infructuous. Hence, O.A. stands disposed of.

Sd/-

(Medha Gadgil
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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"><u>O.A. No.568 of 2022</u></p> <p>K.N. Dombale & 2 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Arvind G. Ambetkar holding for Shri A.P. Avhad, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants submits that Applicant no.1 who is working as Assistant Teacher in District Technical Services (DTS) is aspiring to be Dy. Education Officer and appeared for the examination of 2017. The cut off for DTS is 150 and he has secured 142 marks. Therefore, his name is not included in the list of eligible candidates. In this OA the cause of action of applicant no.1 is different. The Ld. Advocate for the applicants should have filed separate OA for this applicant no.1. The cause of action for remaining respondents no.2 & 3 is different as they have secured more marks than the cut off but they are not found eligible on different ground. Ld. Advocate submits that applicant no.1 has applied under NT-C quota and in the advertisement 3 posts are reserved for NT-C.</p> <p>3. In continuation of earlier order dated 19.6.2023, Ld. Advocate for the applicants prays for reservation in promotion. He submits that Government has made policy that there will be reservation while appointment in this examination. Ld. PO pointed out that by Circular dated 16.10.2018 Government has taken policy decision not to give reservation in promotion. We make it clear that candidates from feeder cadre of DTS and MES are allowed to appear for the examination if they hold necessary eligibility. Thus, we hold that that these are promotional post and as per this circular the government has taken policy decision not to provide reservation in promotions. Hence, it is up to applicant no.1 to take necessary steps.</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 align="center"><u>O.A. No.622 of 2023</u></p> <p>Sanjay D. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Shubham Vasekar holding for Shri Vaibhav Ugle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant tenders a copy of letter dated 19.6.2023 sent by the applicant to the Ld. Advocate requesting to withdraw the above OA. The said letter is taken on record and marked Exhibit 'X' for identification. On the basis of the said letter the Ld. Advocate of the applicant seeks leave to withdraw the above OA.</p> <p>3. OA is allowed to be withdrawn and disposed off as such.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 20.6.2023</p> <p>(sgj)</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 align="center"><u>O.A. No.273 of 2023</u></p> <p>B.R. Ghadge ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Applicant in person and Smt. Archana B.K. holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. S.O. to 22.6.2023. Part heard.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 20.6.2023</p> <p>(sg)</p>

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</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

**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
---	-------------------

Date : 20.06.2023

C.A. No.28 of 2023 in O.A.No.101 of 2022

S. T. Ghawali ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Today, learned P.O. has filed Affidavit in Reply of Contemnor No.1. It is taken on record.
3. At the request of learned P.O., the matter is kept at 2.30 p.m. for hearing.

Sd/-

(Debashish Chakrabarty)
Member (A)

vsm

^

Sd/-

(A.P. Kurhekar)
Member(J)

P.T.O
→

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

Tribunal's orders

LATER ON

4. The perusal of record reveals that the Tribunal has not yet issued notice to the contemnor.

5. In view of above, issue notices to contemnor as to why action for the contempt of order passed by the Tribunal passed in O.A. No.101/2022 on 03.01.2023 should not be taken.

6. Issue Contempt notice.

7. S.O. to 18.07.2023.

Sd/-
(Debashish Chakrabarty)
Member (A)

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

NMN

**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: 20.06.2023</p> <p align="center">O.A. No.59 of 2017</p> <p>Y.A. DesaiApplicant 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. Today learned P.O. has filed short Affidavit-in-Reply on behalf of Respondent No.1 along with Annexure. It is taken on record. 3. During the course of hearing learned Advocate for the Applicant has raised issue of notification of the Rules of 1984 in official gazette and also raised issue of interpretation of word 'chances'. 4. Learned P.O. is directed to file Additional Affidavit to clarify about the notification of Rules 1984 official gazette and also to clarify as in how many examination the Applicant appeared from time to time with result so as to interpret word 'chance'. 5. S.O. to 28.06.2023. <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 20.06.2023</p> <p align="center">O.A. No.795 of 2022</p> <p>B.B. ThiteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. On request of learned Advocate for the Applicant one week time is granted for Final Hearing. 3. Learned C.P.O. submits that the examination and selection process for the year 2022 is cancelled. 4. Learned C.P.O. is directed to file additional Affidavit to that effect to clarify whether the process is stalled or completely cancelled. 5. S.O. to 27.06.2023. <p align="center">Sd/- D. 2023 ✓ Sd/-</p> <p align="center">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</p>

NMN

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

DISTRICT : THANE

ORIGINAL APPLICATION NO 688 OF 2023

Smt Vaishali Y. Waghmare)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents no. 1 & 2.

Shri M.D Lonkar, learned counsel for Respondent no. 3.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 20.06.2023

ORDER

1. Learned counsel for the applicant Mrs Punam Mahajan has moved application for speaking to the minutes.

2. In the order dated 19.6.2023 in the cause title the name of Shri B.A Bandiwadekar, learned counsel for Respondent no. 3 is wrongly shown. His name is not to be shown. None for Respondent no. 3.

3. In para 8 of the order, the applicant is directed to join as Tahsildar, Collector Officer, Court Naka, Thane, is to be replaced by Tahsildar, Khed. Hence ordered accordingly.

4. Matter is taken on Board today at the request of Shri M.D Lonkar, learned counsel for Respondent no. 3, who has filed his Vakalatnama, Tahsildar in whose favour the order of transfer which is under challenge is passed. Learned counsel Mr Lonkar submits that Respondent no. 3 is transferred from Mohol, Dist-Solapur to Khed, Dist-Pune on 16.6.2023. Respondent no 3, was relieved from Mohol, Dist-Solapur on 16.6.2023 and joined as Tahsildar at Khed, Dist-Pune on the same day, i.e., 16.6.2023 and as on today he is working on the said post. Learned counsel Mr Lonkar further submits that till today Respondent no. 3 is not served with copy of the Original Application and Respondent no. 3 has also not received notice from the applicant. Therefore, he submits that the order directing the applicant to work as Tahsildar, Khed, Dist-Pune is to be withdrawn. Learned counsel seeks one weeks' time to file reply. Learned counsel for Respondent no. 3 further submits that since he is already relieved from Mohol, Dist-Solapur, in view of the interim order, he will be without posting. A question is put to learned counsel Mr Lonkar at present who has joined in place of Respondent no. 3 at Tal-Mohol, Dist-Solapur. Learned counsel informs that no regular Tahsildar is yet posted. Thus, it appears that the regular post of Tahsildar at Mohol, Dist-Solapur as on today is vacant.

5. It is to be noted that at the time of passing the order and granting interim stay to the said order, the Tribunal has gone through the record and file containing the notings of the transfer order and it is found that the contentions raised by the learned counsel for the applicant are correct.

6. Applicant is directed serve copy of the Original Application to Respondent no. 3. Considered the submissions. The order of transferring the applicant mid-term, mid tenure without reasoned

order and without approval of the Civil Services Board shows that the order is grossly illegal. Such order of transfer is grossly illegal and it is required not only to be stayed but it is to be given the ante dated effect. Respondent no. 3 also shall not be without work or without posting and therefore Respondent no. 3 shall join the post of Tahsildar, Mohol, Dist-Solapur, as the order of transfer is found prima facie, illegal.

7. In view of the above, Respondent-State, is directed to implement the order of this Tribunal with immediate effect.

8. S.O to 17.7.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 20.06.2023
Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 700 OF 2023

DISTRICT : SANGLI

Smt Bai S. Mane)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents no. 1.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 20.06.2023

ORDER

1. The applicant is aggrieved by the mid-term and mid-tenure order dated 16.6.2023 by which Respondent no. 2 is transferred in place of the applicant, even though applicant is not due for transfer.

2. Learned counsel for the applicant submits that the applicant was transferred from the post of Tahsildar, Mann,.Dist-Satara to the post ofo Tahsildar, Atpadi, Dist-Sangli by order dated 6.8.2021. Learned counsel for the applicant further submitted that Respondent no. 2 was transferred by order dated 16.6.2023 in place of the applicant. Hence, both the applicant as well as Respondent no. 2 have not completed the normal tenure of 3 years at their present place of posting and they are not due for transfer. In support of her contentions, learned counsel for the applicant has relied on the decision of the Hon'ble Bombay High Court in the

case of S.B Bhagwat Vs. State of Maharashtra & Ors, 2012 (3) Mh.L.J 197.

3. Learned counsel for the applicant challenges the transfer order on following grounds:-

- (i) The transfer order is mid-term, mid-tenure transfer.
- (ii) The transfer order is issued in violation of Section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.
- (iii) No special reason is mentioned in the impugned transfer order.
- (iv) No prior approval of the Civil Services Board is taken.
- (v) The transfer order of the applicant is not issued.

4. Learned Presenting Officer is called upon to show the reasons under which the Respondent-State has issued the transfer order. The file is produced before the Tribunal. On perusal of the file, it reveals that the Hon'ble Revenue Minister has signed the proposal and it has approval of the Hon'ble Chief Minister without giving any reason and following the procedure of law. Learned P.O for the Respondents while defending the transfer order has submitted that the competent authority, that is the Hon'ble Chief Minister has approved the order and therefore the transfer order is valid.

5. In case of Shri S.B Bhagwat (supra), it is observed as under:-

“Merely calling a case a special case does not constitute a sufficient reason. The rationale why the legislature has required that reasons be recorded in writing for transferring an employee even before completing his tenure is to bring

objectivity and transparency to the process of transfers. Indeed, the matter of transfers has been brought within a regulatory framework laid down in the statute enacted by the State legislature. Section 4(5) permits as an exceptional situation, a transfer to be carried out, notwithstanding anything contained in section 3 or in section 4. The exceptional power must be exercised strictly in accordance with sub-section (5) of section 4. It is settled position in law that when a statutory power is conferred upon an authority to do a particular thing, that exercise has to be carried out in the manner prescribed by the statute.”

6. Tribunal has come across other three O.As wherein similar orders are passed by the Hon'ble Minister for Revenue and Hon'ble Chief Minister on the same day and the orders are violative of the entire procedure prescribed under ROT Act. At this juncture Tribunal points out that the Respondent-State to take note of the ratio laid down in the case of T.S.R Subramanian & Ors Vs. Union of India & Ors, W.P (Civil) 82/2011 & Ors, is always to be kept in mind.

7. Considered the submissions. Learned counsel for the applicant has made out a case for grant of urgent interim relief.

8. In view of the above the impugned order dated 16.6.2023 is stayed until further orders and the applicant is hereby directed to join as Tahsildar, Atpadi, Dist-Sangli, from where she is transferred.

9. S.O to 25.7.2023. Hamdast.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 20.06.2023
Dictation taken by : A.K. Nair.

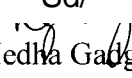
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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"><u>O.As. No.317/2023, 1306/2022 & 1064/2022</u></p> <p>N.B. Pokale & Ors. S.A. More & Ors. M.S. Jamdade & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants in OA No.317/2023, Smt. Punam Mahajan, learned Advocate for Applicants in OA No.1064/2022, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri M.D. Lonkar, Ld. Advocate for private Respondents in OA No.1064/2022.</p> <p>2. Ld. Advocates for the applicants submits that matters of 2022 are placed before the 2nd Division Bench. Hence, these matters may be placed before 2nd DB.</p> <p>3. All the above 3 matters may be placed before the 2nd DB as they are connected.</p> <p align="center">Sd/- Sd/-  (Mridula Bhatkar, J.) (Medha Gadgil) Chairperson Member (A) 20.6.2023 20.6.2023 20.6.2023</p> <p>(sgj)</p>

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

Tribunal's orders

Date: 20.06.2023

O.A. No.81 of 2017

R.V. KoliApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt Archana B.K., learned Presenting Officer for the Respondents and Shri D.B. Khaire, learned Advocate for the Respondent Nos. 2 & 3.

2. Matter is heard for quite sometime. The issue involved in the matter is whether the Applicant though belongs to S.B.C category he can claim appointment considering his marks on merit from open sports category. As per advertisement, 31 posts were reserved from open sports category, Applicant got 106 marks and cut off was 94 marks.

3. Learned Advocate for the Respondent Nos.2 & 3 also fairly concedes that though earlier migration was not permissible but now in view of series of Judgment migration is permissible and the Applicant is ought to have been considered from open sports category.

4. The advertisement was of 2016. The Applicant's candidature was rejected solely on the ground that he belongs to S.B.C. category. As such, if Tribunal came to the conclusion that the impugned order is incorrect in that event it is necessary to know present vacancy position so as to accommodate the Applicant on the post of Junior Engineer.

5. Learned Advocate for the Respondent Nos.2 & 3 is therefore directed to take instruction from the Respondents and to apprise the Tribunal about the vacancies for the post of Junior Engineer.

6. Matter is adjourned at 02.30 pm.

Sd/-

Sd/-

(Debashish Chakrabarty)
Member (A)

(A.P. Kurhekar)
Member (J)

**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
---	-------------------

Date : 20.06.2023

C.A. No.28 of 2023 in O.A.No.101 of 2022

S. T. Ghawali

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Today, learned P.O. has filed Affidavit in Reply of Contemnor No.1. It is taken on record.
3. At the request of learned P.O., the matter is kept at 2.30 p.m. for hearing.

Sd/-

(Debashish Chakrabarty)
Member (A)

vsm

Sd/-

(A.P. Kurhekar)
Member(J)

**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 : 19.06.2023</p> <p align="center">O.A.No.360 of 2022</p> <p>N. R. PakhareApplicant</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. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant as well as learned P.O. requested for grant of time to go through the enquiry papers and to make submission.</p> <p>3. S.O. to 03.07.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

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

Date: 20.06.2023

O.A. No.271 of 2017

M.R. DeshmukhApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The matter pertains to appointment and after several rounds of litigation the issue is again subjudice before Hon'ble Supreme Court challenging the judgment of Hon'ble High Court arising from this O.A. Hon'ble Supreme Court has stayed the termination of the employees in whose place now the Applicant is to be appointed.

3. In view of above, learned Advocate for the Applicant as well as learned C.P.O. requested to adjourn the matter for four weeks awaiting the decision of Hon'ble Supreme Court.

4. S.O. to 25.07.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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
---	-------------------

Date : 20.06.2023.

O.A.No.997 of 2017

A. K. GharatApplicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned P.O. holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents for quite some time.

2. On request of learned Counsel for the Applicant, the matter is adjourned for tomorrow for completion of submission.

3. S.O. to 21.06.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 20.06.2023</p> <p align="center">C. A. No.34 of 2023 in O.A.No.838 of 2022</p> <p>C. M. SanhalApplicant</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 Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant fairly concedes that gratuity is paid with interest as directed by the Tribunal in order dated 08.09.2022 passed in O.A.No.838/2022. However, he raised grievance of non-payment of interest on pension. According to him, interest is paid only on basic pension and not paid on D.A. payable on pension.</p> <p>3. The Tribunal in order dated 08.09.2022 directed the Respondents to pay gratuity as well as pension with interest at the rate applicable to G.P.F. This being so, apparently the interest was also to be paid on D.A. but not paid. Thus, prima-facie, it is a case of contempt of order of the Tribunal.</p> <p>4. Issue notice to the contemnors as to why proceedings under contempt of Court Act, 1971 should not be initiated against them for contempt of the order passed by the Tribunal.</p> <p>5. S.O. to 18.07.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) 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

L.O.

6. Learned P.O. sought permission to file Affidavit of Smt. Rupali Patil, Executive Engineer (Contemnor No.2). It is taken on record.

7. Learned P.O. fairly concedes that interest is not paid on D.A. She, therefore, sought one week time to take necessary steps for compliance of the order passed by the Tribunal.

8. S.O. to 27.06.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.P. Kurhekar)
Member(J)

vsm