THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.251 OF 2020

R.R. Pol ....Applicant
Versus
The State of Maharashtra & Ors. ...Respondents.

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

DATE : 21.07.2020.

ORDER

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Applicant has challenged order dated 08.08.2019, whereby punishment of 10% permanent reduction is imposed against him in D.E. The Applicant has raised the grievance that he has not received retiral benefits in terms of punishment order dated 08.08.2019 and deprived of retiral benefits. Indeed this is second round of litigation. Earlier the Applicant has filed O.A.No.734/2019 ~~in~~ raising grievance that he retired on 31.07.2015, but retiral benefits were withheld. In O.A.No.734/2019 he has further raised grievance that D.E. initiated in 2012 though show cause notice was issued on 31.08.2018 as to why 10% pension should not be deducted permanent no further orders were passed by the Department.

3. O.A.No.734/2019 was disposed of by this Tribunal on 05.08.2019 directing the Respondents to pass final order in pending D.E. within two weeks and to pay retiral benefits within two weeks thereafter in terms of order in D.E. Besides costs of Rs.10,000/- was saddled on the Respondent/ Government.

4. On the above background this O.A. is filed challenging the punishment order dated 08.08.2019 whereby 10% pension has been deducted permanently. Learned Advocate submits that costs imposed in O.A.No.734/2019 is not paid and other retiral benefits are still withheld. Respondent have not filed reply in this O.A. Learned C.P.O. however, submits that regular pension and commutation pension has been sanctioned. She further submits that the subject matter of O.A. about challenge to punishment pertains to Division Bench.

5. Learned Advocate however, submits that it pertains to Single Bench in view of office order dated 10.10.2019 about the allotment of subjects. Perusal of order dated 10.10.2019 reveals that subject of minor punishment pertains to this Bench. At the same time subject to reduction in pension is assigned to another Single Bench headed by Hon'ble Administrative Member.

6. Whereas perusal of Rule 5(1) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 [hereinafter referred to as 'MCS (Discipline and Appeal) Rules, 1979' for brevity] reveals that only following penalties are minor penalties :-

"(i) censure ;
(ii) withholding of his promotion;
(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to Government, by negligence or breach of orders ;
(iv) withholding of increments of pay; "

7. In view of above, it is necessary to find out whether the matter pertains to Division Bench or Single Bench. Registrar is directed to examine the matter and to place it before appropriate Bench. In the meantime, Respondents shall file reply to O.A.

8. Adjourned to 04.08.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

21.07.2020

O.A 219/2020

Shri R.A Nagare ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Mrs Punam Mahajan , learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. A short issue involved in this O.A is the interpretation of the G.Rs dated 19.3.2003, 4.2.2013 and 8.1.2018 in context with the advertisement 9.1.2019 for the post of Junior Accountant.

3. Admittedly the applicant was not holding MSCIT Certificate when he submitted the application. However, thereafter within two months, he cleared the examination and secured MSCIT Certificate. However he has cleared the examination and when he was called for the document verification, his candidature was rejected on the ground that he was not holding MSCIT Certificate as per the requirement of advertisement.

4. Learned Counsel submits that she will produce the two G.Rs dated 4.2.2013 and 8.1.2018 as she has enclosed only one G.R of 19.3.2003.

5. Learned Counsel for the applicant seeks to amend the O.A. Amendment allowed. To be carried out forthwith.

6. Issue notice returnable on 6.8.2020.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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

9. 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.

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

11. Ld. CPO waives service of notice.

12. S.O to 6.8.2020

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

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

Akn

21.07.2020

M.A 150/2020 in O.A 220/2020

Shri D.N Taware & Others ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Mrs Punam Mahajan , learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Application to peruse the matter jointly is allowed.

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

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

Akn

21.07.2020

O.A 220/2020

Shri D.N Taware & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Mrs Punam Mahajan, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Issue notice returnable on 11.8.2020.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. Ld. CPO waives service of notice.

8. Applicants have raised the objection in respect of the seniority list which was published on 12.2.2020 pursuant to provisional seniority list dated 18.1.2020. It is submitted that on 9.2.2020 the applicants have submitted their objection to the Respondents. However, it was not considered and the seniority list was published wherein the applicants are shown at serial nos 35, 36 & 41. It is submitted by the learned counsel for the applicants that post of Supply Inspecting Officer and Zonal Officer is a Divisional cadre as per Recruitment Rules of 11.2.1998 and therefore the list should have been prepared at Division level and not State level.

9. The learned counsel for the applicants are directed to submit the acknowledgement of the representation /objection made by the applicants.

10. S.O to 11.8.2020.

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

Sd/-
(Mridula R. Bhatkar, J.)
Chairperso

Akn

21.07.2020

O.A 284/2020

Shri A.B Gadhave ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Abhijeet Pawar i/b Shri D.B Khaire, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O seeks time for filing reply. Time sought for is granted.

3. S.O to 11.8.2020.

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

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

Akn

21.07.2020

O.A 310/2020 with O.A 257/2020

Shri P.D Padwal ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. Club matters O.A 257/2020 with the present O.A as the issue involved in both the matters are same. In addition to the order passed dated 9.6.2020, in O.A 257/2020, it is pointed out by learned counsel that the present applicant was appointed in 2006 as a Forest Guard and therefore, the Rules of 1987 are applicable to him. As per those rules, the seniority is the main criterion for the promotion from the post of Forest Guard to Forester. He submitted that the Rules dated 30.6.2011 also states the same criterion for seniority. However, the three years' experience in the post of Forest Guard is necessary in addition to seniority. He submits that the Respondents though has promoted the applicant to the post of Forester on 13.4.2020, now has reverted him to the post of Forest Guard relying on the Rules of 2011, which are applicable to the candidates/employees who are to be appointed by nomination.

3. Place present O.A along with O.A 257/2020 on 11.8.2020.

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

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

Akn

21.07.2020

O.A 321/2020

Shri K.R Jadhav ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Issue notice returnable on 11.8.2020.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. Ld. CPO waives service of notice.

8. The applicant challenges his rejection in view of the lapsing of the select list for the post of Clerk-Typist issued by Respondent no. 3, G.A.D.

9. Admittedly, the applicant belongs to NT(B) group. He was selected for the post by Respondent no. 1, Commissioner, F.D.A and his name appeared in the select list dated 5.1.2017, which was valid up to 4.1.2018. The applicant on enquiry found that the Respondents have not filled up the post in NT(B) category and two posts were kept vacant. Our attention

was drawn to the communication and the office noting of the Respondent especially a letter dated 26.2.2019 sent by Commissioner, Food and Drugs Department and the noting dated 24.10.2019 of G.A.D. In the noting and the letter sent by G.A.D, it is specifically mentioned that the post of Clerk-Typist in NT(B) category should have been filled up by giving appointment to the present applicant earlier, however, the list is lapsed, his name cannot be considered. It is also communicated that till today the said post in the category of NT(B) is still vacant.

10. The learned P.O is directed to file affidavit to this effect.

11. S.O to 11.8.2020.

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

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

Akn

21.07.2020

M.A 27/2020 in O.A 13/2020

Shri R.S Pawar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. O.A 13/2020 is taken on Board as it is clubbed with present O.A 325/2018.

3. Shri Desai, learned counsel for MPSC submits that MPSC wants to file reply in this matter and seeks time. Respondent no. 2 does not want to file reply as it pertains to selection process by MPSC. Respondent no. 3, Shri D.A. Dalvi, Assistant Director, Directorate of Vocational Education and Training is present personally. He submits that he has been served.

4. The interview was conducted for the post on 12.4.2018 and so there is a delay of nine months in filing this O.A. MPSC to file reply to the delay application.

5. Learned counsel for the applicant submits that he came across one document which is obtained under the RTI by the other candidate, i.e. applicant in O.A 325/2018 on 18.6.2019. And if at all it is considered as per the learned counsel for the applicant there is no delay.

6. Respondent no. 3 wants to file reply and also wants to seek counsel's advice.

7. S.O to 28.7.2020.

Sd/- Sd/-

(P.N Dixit) **(Mridula R. Bhatkar, J.)**

Vice-Chairman (A) **Chairperson**

Akn

21.07.2020

O.A 1186/2019

Shri R.R Mulani & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri G.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Admit. To be heard in due course.

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

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

Akn

21.07.2020

O.A 215/2020

Smt Varsha N Dixit ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.

2. The short issue for consideration is as follows:-
The applicant joined service on 24.12.1990. By letter dated 16.7.2011, she informed the Respondent that she has completed qualifying period of 20 years 1 month and 25 days and therefore, she wanted to take V.R.S. However, the Accountant General informed her that her period of leave i.e. from 1.8.2002 to 31.3.2003 this period of 7 months cannot be considered as qualifying service and therefore on the date of the notice, he qualifying service was only 19 years, 10 months and 23 days and not 20 years and therefore, she is not eligible for pensionary benefits which are to be given after V.R.S.

3. Learned counsel for the applicant submits that this fact of inadequacy of qualifying service of 20 years was not communicated to her at the time of taking V.R.S. and her V.R.S was accepted. However, on the date when she was relieved, i.e. on 17.10.2011 she had completed 20 years of qualifying service. Learned Counsel for the applicant submits that the applicant has filed representations from 16.1.2015, 6.4.2015, 10.4.2015, 29.6.2015, 26.8.2015, 28.9.2015, 5.4.2016, 24.6.2016, 18.11.2016, 6.12.2016, 9.5.2017, 27.8.2018, 17.10.2018, 19.4.2019, 10.10.2019 and 17.1.2020. However, her representations were not rejected by the Respondents till today.

4. Respondents to file reply.

5. S.O to 13.8.2020.

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

Akn

21.07.2020

O.A 311/2020

Shri S.J Awale ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.

2. The learned counsel for the applicant submits that applicant is challenging suspension order dated 28.11.2019. Applicant is accused in FIR no. 844/2019 registered on 21.11.2019 under the Prevention of Corruption Act.

3. Respondents to file affidavit in reply in view of decision of the Hon. Supreme Court in the case of Ajay Kumar Choudhary Vs. Union of India, reported in (2015) 7 SCC 291 and G.R of State of Maharashtra dated 9.7.2019.

4. S.O to 6.8.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Akn

21.07.2020

O.A 312/2020

Shri S.K Nara ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. Applicant was appointed on the post of Medical Officer on 14.5.1984. From 15.6.1997 to 30.6.2011 applicant was on medical leave. The applicant was superannuated on 30.6.2011. Applicant claims regular pension and other pensionary benefits with interest and the communication dated 20.5.2019 is to be rejected.

3. Learned counsel submits that applicant has filed O.A 257/2018 in which this Tribunal has passed order dated 5.4.2019, relevant portion of which is reproduced below:-

O R D E R

"(A) The Original Application is disposed of with direction to the Respondent no. 1 to take decision about the leave of the applicant from 5.6.1997 to 30.6.2011 within four weeks from today.

(B) The order as the case may be, be communicated to the Applicant within a week thereafter.

(C) On receipt of the order from the Respondent no. 1, as the case may be, the Respondent no. 2 shall pass appropriate orders about entitlement of the pension and other retiral benefits of the applicant accordingly within two week from the date of receipt of the order from the Respondent no. 1.

(D) If the applicant felt aggrieved by the order passed by the Respondent no. 1 about absent period from 5.6.1997 to 30.6.2010, he can avail legal remedy in accordance to law.

(E) No order as to costs."

4. The learned counsel for the applicant submits that there is no compliance of sub clause (C) of the order dated 5.4.2019 passed by this Tribunal in O.A 257/2018.

5. Respondents are directed to file reply.

6. S.O to 18.8.2020.

Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

Akn

21.07.2020

M.A 183/2020 in O.A 327/2020

Smt S.S Kamathe & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Permission to sue jointly is allowed. M.A allowed.

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

Akn

21.07.2020

O.A 327/2020

Smt S.S Kamathe & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.

2. The applicants pray that the proposal submitted by Respondent no. 2 dated 29.7.2019, regarding grant of deemed date of promotion in the cadre of Tahsildar in Konkan Division is to be considered.

3. Issue notice returnable on 18.8.2020.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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

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

8. Ld. CPO waives service of notice.

9. S.O to 18.8.2020.

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

Akn

21.07.2020

O.A 328/2020

Shri P.S Kavate … Applicant
Vs.
The State of Maharashtra & Ors … Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The applicant was suspended on 20.11.2018 as he is prosecuted under the Prevention of Corruption Act in C.R 349/2019, ACB, Pune. It is prayed that the applicant be reinstated in service in the post of Deputy Commissioner, Social Justice and Special Assistance, Pune.

3. Learned counsel relied on the ratio laid down by the Hon'ble Supreme Court in State of Tamil Nadu Vs. Pramod Kumar & Other (2018) 17 SCC 677, which is based on Ajay Kumar Choudhary's case, (2015) 7 SCC 291. Learned counsel for the applicant states that there is no review conducted by the Respondents and no reasons stated for continuing the suspension of the applicant.

4. Learned C.P.O seeks time to file reply.

5. S.O to 13.8.2020.

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

Akn

21.07.2020

O.A 331/2020

Shri H.R Thube ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicant and Shri A.J Chougule, learned C.P.O for the Respondents.

2. Applicant challenges the order dated 14.7.2020 of his transfer from B.J Medical College, Pune to Government Medical College, Baramati in Forensic Department. It is pointed out that earlier the applicant was transferred to Baramati in the same post in Forensic Department in March, 2019. Accordingly he had joined the post at Baramati. But by order dated 20.6.2020 he was transferred back to B.J Medical College, Pune as one Dr Hemant Vaidya has joined the said post at Baramati on 20.6.2020. Accordingly, the orders were issued on 20.6.2020. However in the order dated 14.7.2020, though the Government has invoked its powers under Rule 4(4)(2) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, in the order Government has referred to the proposal to order dated 6.5.2020, Hence it is necessary for Respondents to verify while passing order dated 14.7.2020, the order dated 20.6.2020 was taken into account or not.

3. S.O to 23.7.2020. Hamdast allowed.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Akn

21.07.2020

M.A 184/2020 in O.A 66/2018 (Aurangabad)

Shri D.P Kadam ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicants and Ms Swati Manchekar , learned C.P.O for the Respondents.

2. This M.A is filed under Sec 25 of the Administrative Tribunals Act for transferring the Original Application no 66/2018 from Aurangabad bench to the Principal Bench at Mumbai as no D.B is available at Aurangabad Bench.

3. Learned C.P.O seeks time to file reply.

4. S.O to 28.7.2020.

Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

Akn

21.07.2020

O.A 285/2020

Dr R.H Patale ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.U Pawar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. This application is filed for speaking to the minutes. Learned counsel for the applicant submits that there is typographical mistake in the order passed by this Tribunal dated 9.7.2020 in para 2, wherein O.A no 63 of 2019 is mentioned instead of O.A 633/2019. Hence, O.A no. 63/2019 be corrected as O.A 633/2019.

Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

Akn

21.07.2020

M.A 181/2020 in R.A 8/2020 in O.A 399/2018

Shri P.V Korpale ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. Issue notice returnable on 20.8.2020.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. Ld. CPO waives service of notice.

8. S.O to 20.8.2020.

Sd/-
(Pravin Dixit)
Vice-chairman (A)

Akn

Date : 21.07.2020

O.A.NO.1174 OF 2019

V.V. Panse ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

1. Applicant and his Advocate are absent. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.

2. It appears that due to COVID-19 pandemic situation and lockdown Applicant and his Advocate are unable to attend the matter.

3. Enough time is granted for filing reply. However, on request of learned P.O. two weeks time is lastly granted for filing reply.

4. S.O. to 04.08.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Date : 21.07.2020

O.A.NO.31 OF 2020

D.K. Zote ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.

2. Learned Advocate Shri Arvind V. Bandiwadekar pointed out that notice was issued to the Respondents by order dated 16.01.2020, but till date no reply is filed. He therefore submits that the matter be taken up for hearing.

3. Whereas, learned P.O. Shri A.J. Chougule seeks two weeks time to file reply stating that there is no communication from the Department.

4. In view of the above, two weeks time is granted as last chance to file reply failing to which matter will be taken up for hearing.

5. S.O. to 04.08.2020.

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

prk

Date : 21.07.2020

O.A.NO.107 OF 2020

J.B. Tupe ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

1. Applicant and his Advocate are absent. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.

2. Learned P.O. Shri A.J. Chougule has filed affidavit-in-reply on behalf of Respondent. It is taken on record.

3. Adjourned for hearing at the stage of admission, with liberty to the Applicant to file rejoinder, if any.

4. S.O. to 18.08.2020.

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

prk

Date : 21.07.2020

O.A.NO.128 OF 2020

M.D. Kale ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

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

2. Learned P.O. Shri A.J. Chougule submits that reply is ready but due to non-availability of the concerned Official, it is not affirmed. He therefore seeks one week time.

3. Adjourned to 28.07.2020

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

prk

Date : 21.07.2020

O.A.NO.233 OF 2020

D.S. Mane ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned P.O. Smt. K.S. Gaikwad submits that affidavit will be filed during the course of the day. Statement is accepted. It be taken on record.

3. On request of learned Advocate Shri Arvind V. Bandiwadekar two weeks time is granted for filing rejoinder, if any.

4. S.O. to 04.08.2020.

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

prk

Date : 21.07.2020

M.A.NO.180 OF 2020 IN O.A.NO.60 OF 2020

The State of Maharashtra & Ors.
...Applicant (Ori. Resp)

Versus
Shri N.P. Bhoyar ...Respondents (Ori. Appl)

1. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicant (Original Respondent) and Shri Arvind V. Bandiwadekar, learned Advocate for the Respondents (Original Applicant).

2. Learned P.O. Smt. K.S. Gaikwad has filed present M.A. seeking extension of time to implement the order passed by this Tribunal on 30.06.2020, whereby transfer order dated 09.01.2020 was quashed and directions were issued to reinstate the Applicant within two weeks from the date of order.

3. Two weeks time was expired on 14.07.2020 and on the same day present M.A. is filed seeking extension.

4. Learned Advocate Shri Arvind V. Bandiwadekar opposed the application contending that as the transfer order was quashed Applicant is entitled for reinstatement since there is no stay from the higher forum.

5. Whereas, learned P.O. Smt. K.S. Gaikwad submits that file is placed before Home Department as well as Law and Judiciary Department seeking opinion for challenging the judgment passed by this Tribunal.

6. In view of the above, I am inclined grant one week time from today to implement the order passed by this Tribunal in O.A.No.60/2020 decided on 30.06.2020. M.A. is disposed of with no order as to costs. Hamdast granted.

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

prk

Date : 21.07.2020

M.A.No.164 of 2020 with O.A.NO.236 OF 2020

D.H. Patil ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Shri Arvind V. Bandiwadekar, learned Advocate for Respondent No.2 and Smt. K.S. Gaikwad, learned Presenting Officer holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate Shri M.D. Lonkar submits that the Government has modified transfer order and applicant is posted at Kolhapur. He therefore submits that he does not want to continue M.A. as well as O.A. and seeks permission to withdraw M.A. and O.A.

3. Since the grievance of the Applicant is redressed by issuance of modified posting order, M.A. as well as O.A. deserves to be disposed of.

4 M.A. and O.A. is disposed of with no order as to costs.

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

Prk

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

Date : 21.07.2020

O.A.NO.229 OF 2020

D.B. Marale ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

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

2. Today learned Advocate for the Applicant filed affidavit-in-rejoinder of the Applicant. It is taken on record.

3. As the Applicant is retiring at the end on August, 2020, matter will be heard at the stage of admission on next date.

4. Adjourned to 28.07.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

PTO