MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1066 of 2022

Shri K. D. Chavan)**.....Applicant**

V/s

State of Maharashtra & Ors.)**.....REspodnents**

Shri Arvind V. Bandiwadekar, Counsel for the Applicant

Shri A. J. Chogule, Presenting Officer for the Respondents

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

DATE : 21.10.2022

ORDER

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

2. The Applicant has challenged the suspension order dated 13.10.2022 issued by his appointing authority though he was on deputation on the establishment of Housing Department.

3. Learned Counsel for the Applicant sought stay to the suspension order *inter-alia* contending that in view of Rule 14 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 (hereinafter referred to as 'Rules 1979'), the powers of suspension are with the borrowing authority and the appointing authority is not empowered to suspend the Applicant in law.

4. In present case, the suspension order has been passed by his parent department – appointing authority though, admittedly the Applicant is working on deputation on the establishment of Housing Department.

5. Learned P.O. sought to contend that in terms of Rule 14 of 'Rules, 1979'. the powers to suspend vests with the appointing authority and the Respondents in Corporation/Marketing /Textile department being appointing authority is competent to suspend the Applicant. According to him, the powers of appointing authority are intact event if the Applicant is on deputation with the Housing Department.

6. Per contra, learned Counsel for the Applicant has pointed out that under Rule 14 of 'Rules 1979', the borrowing authority is the only competent authority for placing a Government servant under suspension. In this behalf, he referred to the decision of the Hon'ble High Court in ***W.P. No.2152/2016 Prajwal Narendra Bhoir V/s Chief Engineer Maharashtra Jeevan Pradhikaran, Thane and another***, decided on 06.09.2017. In that case the petitioner was Sectional Engineer (with Maharashtra Jeevan Pradhikaran Corporation). He was on deputation in Zilla Parishad Service. However, the Corporation suspended him in view of registration of crime under the provisions of Prevention of Corruption Act. The suspension order was challenged on the ground that the Corporation has no authority to suspend the Applicant and it is for borrowing authority only to suspend the petitioner.

7. The Hon'ble High Court while dealing with the Rule 14 of MCS (D & A) Rules, 1979 held as under :-

> "Rule 14*(1) of the Rules of 1979 lays down that if the services of an employee are lent by one department to another department or to any other Government in India or to an authority subordinate to it or to a local or other authority including any company or corporation owned or controlled by Government (hereinafter referred to as "the borrowing authority" for this Rule)' the borrowing authority shall have the powers of the appointing authority for placing the employee under suspension and the borrowing authority shall have the powers of the disciplinary authority for conducting a disciplinary proceeding against the employee. As the petitioner was working with Zilla Parishad, Palghar on the date when the impugned order*

suspending the petitioner with retrospective effect was issued, in view of Rule 14(1) of the Rules of 1979 the corporation had no power to place the petitioner under suspension and if at all the petitioner was to be place under suspension, the action should have been taken by Zilla Parishad, Palghar.

In view of above, we find that the impugned order issued by the Chief Engineer of corporation suspending the petitioner is without authority and is unsustainable in law."

8. Thus, in view of the Rule 14 of 'Rules, 1979' and the decision of the Hon'ble Supreme Court (cited supra) apparently it is for borrowing authority to suspend the Applicant and consequently the suspension order issued by the Respondents seems to be not legal.

9. For the aforesaid reasons the implementation of suspension order dated 13.10.2022 is stayed till filing of reply.

10. The borrowing authority is at liberty to take appropriate steps, if so advised.

11. Steno copy is granted.

12. S.O.to 23.11.2022.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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
	Date : 21.10.2022 **C.A.No.67 of 2022 in O.A.No.76 of 2022** Mr. B.K. Narale ....Applicant Vs. The State of Maharashtra & Ors. ....Respondents. 1. Heard Mr. Y.B. Lengare, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer holding for Mr. A.J. Chougule, learned Presenting Officer for the Respondents. 2. Today learned P.O. files affidavit-in-replies dated 20.10.2022 of Secretary, Water Resources Department and Additional Chief Secretary, Department of Planning. Taken on record. Copy is provided to learned Advocate. 3. Adjourned to 18.11.2022. Sd/- Sd/- **(Bijay Kumar) Member (A)** **(Mridula Bhatkar, J.) Chairperson** prk

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

M.A. No.622 of 2022 in O.A. No.1076 of 2022

S.G. Pujari & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.M. Thombre holding for Shri S.S. Thombre, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.

Sd/- Sd/-

(Bijay Kumar) (Mridula Bhatkar, J.)
Member (A) Chairperson
21.10.2022 21.10.2022

(sgj)

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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

Date : 21.10.2022

O.A.No.77 of 2021 with O.A.No.845 of 2022

D.D. Pujari ....Applicant
Vs.
The State of Maharashtra & Ors. ....Respondents.

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

2. Learned C.P.O. seeks time to file affidavit-in-reply in O.A.no.845/2022.

3. Time granted. O.A.s adjourned to 11.11.2022.

Sd/-
(Bijay Kumar)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

[*P.T.O.*

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.1076 of 2022

S.G. Pujari & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.M. Thombre holding for Shri S.S. Thombre, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Perused the documents. It is evident that applicants are not responsible for recruitment of excess number of employees to the extent of 123 against vacancies for 76. The process of recruitment was completed in 2007-08 and since then the applicants have been working on the post despite the fact that this irregularity came to the notice in the year 2012-13. However, decision to terminate the services of excess number of employees could not be enforced by the respondents for last 9-10 years. They have also considered the ground that there are judgments passed by the Hon'ble Supreme Court regarding recruitment of excess number of employees which amounts to denial and deprivation of the constitutional right under Article 14 read with Article 16(1) of the Constitution of those persons who acquired eligibility of the post in question in accordance with the statutory rules subsequent to the date of notification of vacancies.

3. Ld. PO submits that in view of judgment passed by the Hon'ble Supreme Court the interim relief prayed for may not be granted.

4. We have considered the submissions made by both the sides. The Aurangabad Bench of this Tribunal by order dated 18.10.2022 granted interim relief in OA No.1819/2022 (Shri Vasant S. Tupkari Vs. State of Maharashtra & Ors.). Therefore, we grant interim relief in the present matter until further orders.

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

[P.T.O.

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

6. Issue notice before admission returnable on 9.12.2022. The respondents are directed to file reply.

7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

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

10. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption **"For Dismissal"** and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-
(Bijay Kumar)
Member (A)
21.10.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
21.10.2022

(sgj)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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 : 21.10.2022

M. A. No.474 of 2022 in O.A.No.632 of 2022

G. M. Shakti **....Applicant**

Versus

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

1. Heard Shri Vishal Hegde, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned Counsel for the Applicant has filed additional Affidavit. It is taken on record.

3. S.O. to 16.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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 : 21.10.2022

O.A.No.322 of 2022

J. S. Surve **....Applicant**

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today learned P.O. has filed Affidavit in Sur-Rejoinder. It is taken on record.

3. S.O. to 25.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

O.A.763/2021

Shri Y.R. Hansekar ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

1. The Applicant and his Advocate both are absent. Smt. A.B. Kololgi, learned P.O. for Respondents is present.

2. Today, the matter is for hearing at the stage of admission, but Applicant and his Advocate both are absent.

3. In view of above, the O.A. is dismissed in default. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member-J
21.10.2022

(skw)

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

O.A.343/2022

Shri H.K. More ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

1. The Applicant and his Advocate both are absent. Smt. A.B. Kololgi, learned P.O. for Respondents is present.

2. Today, the matter is for hearing at the stage of admission.

3. The perusal of record reveals that Applicant and his Advocate were absent on previous date and matter was adjourned to give one more opportunity.

4. Today, again they are absent. They appear not interested in the matter.

5. In view of above, O.A. stands dismissed for default. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member-J
21.10.2022

(skw)

[P.T.O.

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

O.A.758/2019

Shri R.B. Bhosale & Ors. ... Applicants
Vs.
The State of Mah. & Ors. ... Respondents

1. Shri M.B. Kadam, learned Advocate for the Applicants and Smt. A.B. Kololgi, learned P.O. for Respondents is present.

2. In terms of order dated 30.09.2022, 7 days' time was granted to learned P.O. to file reply to the amendment made by the Applicant in this O.A. and matter was adjourned. However, no reply is filed to the amendment made in O.A.

3. Today, learned P.O. again sought time to file reply to the amendment made in O.A. Since enough time is granted, I am not inclined to grant further time and O.A. is taken up for hearing.

4. When the matter was being heard, it is pointed out by learned Advocate for the Applicant that Applicants have also filed one another O.A.No.404/2022 seeking declaration of absorption in service from 1997. According to him, Office has misplaced the file of the said O.A, and therefore, it is not listed before the Tribunal.

5. In this O.A, dispute is about the change in date of birth recorded in Service Book vis-à-vis qualified pensionable service.

6. Since in another O.A.No.404/2022 Applicant is claiming relief of permanency in service from 1997, the issue of pensionable service as well as change in date of birth being inter-linked is required to be decided together.

7. Registrar is, therefore, directed to trace the record of O.A.No.404/2022 and it be listed along with this O.A. on 14.11.2022 without fail.

8. S.O. to 14th November, 2022.

Sd/-

(A.P. Kurhekar)
Member-J
21.10.2022

(skw)

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

O.A.359/2022

Shri R.K. Tanpure ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

1. Smt. P.H. Hendre, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents is present.

2. Interim relief to continue. Part Heard.

3. S.O. to 9th November, 2022.

Sd/-

(A.P. Kurhekar)
Member-J
21.10.2022

(skw)

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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
	O.A. No.892 of 2022 S.M. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri Om M. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondent No.1 & 2 and Shri B.A. Bandiwadekar, learned Advocate for Respondent No.3. 2. Ld. PO seeks time to file reply. Ld. Advocate for Respondent no.3 files reply. 3. S.O. to 18.11.2022. Interim relief to continue. Sd/- Sd/- (Bijay Kumar) (Mridula Bhatkar, J.) Member (A) Chairperson 21.10.2022 21.10.2022 (sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

M.A. No.593 of 2022 in O.A. No.418 of 2020

S.P. Pathak ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri R.G. Panchal, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This MA is moved for expediting the hearing of OA on the ground that applicant is 69 years old and is a senior citizen.

3. Ld. PO submits to the order of the Court.

4. MA is allowed on this ground.

5. OA is adjourned on 25.11.2022 for final hearing.

Sd/- Sd/-

(Bijay Kumar) (Mridula Bhatkar, J.)
Member (A) Chairperson
21.10.2022 21.10.2022

(sgj)

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 21.10.2022

O.A.No.386 of 2022

R.P. Satpute ....Applicant
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. We are informed by learned Advocate and learned P.O. that letter dated 15.09.2022, Superintendent Engineer, P.W.D. has not prepared the seniority list as this matter is pending before the Tribunal.

3. We make it clear that pendency of this matter is not a hurdle and will come in the way of preparing or revising seniority list as per Rules.

4. Adjourned to 09.11.2022.

Sd/-
(Bijay Kumar)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk

[*P.T.O.*

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

C.A. No.68 of 2022 in O.A. No.818 of 2019

J.L. Mondkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant submits that applicant has been served with copy of order dated 6.10.2022 regularising the period of suspension.

3. We direct the respondents to pay monetary benefits as per aforesaid order dated 6.10.2022 regularising the period of suspension within a period of eight weeks from today. CA disposed off.

Sd/-
(Bijay Kumar)
Member (A)
21.10.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
21.10.2022

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

R.A. No.17 of 2022 in O.A. No.200 of 2020

M.P. Jamadar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Applicant in person and Smt. K.S. Gaikiwad, learned Presenting Officer for the Respondents.

2. Ld. PO submits that para wise remarks is submitted to the Dy. Director for approval and she seeks time.

3. S.O. to 2.12.2022.

Sd/- Sd/-

(Bijay Kumar)
Member (A)
21.10.2022

(Mridula Bhatkar, J.)
Chairperson
21.10.2022

(sgj)

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

O.A. No.453 of 2022

C.R. Sawant ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Admit.

3. S.O. to 25.11.2022 for final hearing.

Sd/- Sd/-

(Bijay Kumar)
Member (A)
21.10.2022

(Mridula Bhatkar, J.)
Chairperson
21.10.2022

(sgj)

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017)

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

O.A.988/2019

Shri V.Y. Mokashi ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

1. Ms. Savita Suryawanshi holding for Shri V.V. Joshi, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents is present.

2. The learned P.O. has filed Short Affidavit on behalf of Respondent Nos.2 & 3. It is taken on record.

3. S.O. to 18th November, 2022.

Sd/-

(A.P. Kurhekar)
Member-J
21.10.2022

(skw)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1066 of 2022

Shri K. D. Chavan)**.....Applicant**

V/s

State of Maharashtra & Ors.)**.....REspodnents**

Shri Arvind V. Bandiwadekar, Counsel for the Applicant

Shri A. J. Chogule, Presenting Officer for the Respondents

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

DATE : 21.10.2022

ORDER

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

2. The Applicant has challenged the suspension order dated 13.10.2022 issued by his appointing authority though he was on deputation on the establishment of Housing Department.

3. Learned Counsel for the Applicant sought stay to the suspension order *inter-alia* contending that in view of Rule 14 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 (hereinafter referred to as 'Rules 1979'), the powers of suspension are with the borrowing authority and the appointing authority is not empowered to suspend the Applicant in law.

4. In present case, the suspension order has been passed by his parent department – appointing authority though, admittedly the Applicant is working on deputation on the establishment of Housing Department.

suspending the petitioner with retrospective effect was issued, in view of Rule 14(1) of the Rules of 1979 the corporation had no power to place the petitioner under suspension and if at all the petitioner was to be place under suspension, the action should have been taken by Zilla Parishad, Palghar.

In view of above, we find that the impugned order issued by the Chief Engineer of corporation suspending the petitioner is without authority and is unsustainable in law."

8. Thus, in view of the Rule 14 of 'Rules, 1979' and the decision of the Hon'ble Supreme Court (cited supra) apparently it is for borrowing authority to suspend the Applicant and consequently the suspension order issued by the Respondents seems to be not legal.

9. For the aforesaid reasons the implementation of suspension order dated 13.10.2022 is stayed till filing of reply.

10. The borrowing authority is at liberty to take appropriate steps, if so advised.

11. Steno copy is granted.

12. S.O.to 23.11.2022.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

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

O.A. No.1038 of 2022 with O.A. No.1039 of 2022

Vijaysing R. Pawar
Vijay P. Wagh ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Sanjay Shinde, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicants prays for interim relief. However, affidavit in reply is filed today. The Govt. has explained the procedure on the basis of the judgment of the Hon'ble High Court in State of Maharashtra & Anr. Vs. Vijay Ghogre & Ors. W.P. No.2797 of 2015 decided on 25.7.2017 and also GR dated 7.5.2021.

3. It appears from the submissions and the averments made in the OAs and the contents in the affidavit, promotions cannot be stayed so also we are not touching the order of reversion of the applicants from the post of Assistant Superintendent to Senior Clerk. It appears that respondents-State has considered the GR dated 7.5.2021 as the cut-off date and if at all promotions are given prior to 7.5.2021 those promotions are not disturbed as per clause 4 of the said GR. However, if promotion orders are issued after 7.5.2021 those persons are reverted as orders of promotion are passed contrary to the law laid down in the case of Vijay Ghogre (supra) and so also the policy of the State as laid down in GR dated 7.5.2021. The applicants were promoted to the post of Assistant Superintendent by order dated 30.9.2021 and hence it appears that reversion is based on the reasoning and policy of the State which is expressed in GR dated 7.5.2021.

4. Ld. Advocate for the applicants submits that he wants to file rejoinder. However, promotions granted are subject to the outcome of SLP pending in the Hon'ble Supreme Court.

5. S.O. to 11.11.2022.

Sd/- Sd/-

(Bijay Kumar)
Member (A)
21.10.2022

(Mridula Bhatkar, J.)
Chairperson
21.10.2022

(sgj)

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 20.10.2022

O.A.No.1037 of 2022

K.B. Malani ....Applicant
Vs.
The State of Maharashtra & Ors. ....Respondents.

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

2. Collector, Sangli, Mr. Raja Dayanidhi is hereby directed to file the affidavit-in-reply stating why this person was not considered for promotion when four posts as mentioned in our earlier order dated 19.10.2022 were vacant.

3. We expect the Collector, Sangli to give the explanation without fail giving specific reasons.

4. Adjourned to 07.11.2022.

Sd/- Sd/-

(Bijay Kumar)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 21.10.2022

O.A.No.1073 of 2022

S.B. Gungewale ....Applicant
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate submits that the Applicant aspiring to become Police Constable in the Home Guard. There are 83 posts available. Applicant has cleared written examination as well as physical test. His name appears in the select list. However he is held disqualified and that disqualification is communicated by the Respondents by letter dated 03.10.2022. Learned Advocate Mr. Lonkar submits that the Criminal case is registered against the Applicant on 30.08.2015 vide FIR No.319/2015 under Section 143, 147, 149, 353, 332, 336, 337, 109 r/w Section 135 of I.P.C. He submits that as per Clause 3.1 of G.R. dated 19.07.2017 specific procedure is prescribed for the Committee to decide whether a person qualified or disqualified. He submits that from the communication sent to him he apprehends that the said procedure under Clause 3.1 of G.R. is not followed as this stage. He request for limited relief to kept one post of Police Constable vacant till next date and the said report is to be looked into by the Tribunal.

3. Learned P.O. opposes for any relief and she submits that the report will be produced in the next date for perusal of the Tribunal.

[*P.T.O.*

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

4. Applicant's name is appearing in the select list and the incident has taken place in the year 2015. We direct Respondents not to fill up one post of Police Constable in Home Guard till next date.

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

6. Issue notice before admission returnable on 10.11.2022.

7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

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

10. In case notice is not collected within seven days or service report on affidavit is not filed three 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.

11. Adjourned to 10.11.2022.

Sd/-

(Bijay Kumar)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLCIATION NO.1059 of 2022 WITH

O.A.NO.1062 OF 2022 WITH O.A.NO.1063 OF 2022

A.M. Gaikwad (O.A.No.1059/2022)
A.P. Sontakke (O.A.No.1062/2022)
M.M. Panse (O.A.No.1063/2022) ....Applicants

Vs.

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

Mr. M.D. Lonkar, learned Advocate for the Applicants

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mr. Bijay Kumar, Member (A)

DATE : **21.10.2022.**

PER : **Justice Mridula Bhatkar (Chairperson)**

O R D E R

1. Learned Advocate Mr. Lonkar seeks exception to the Departmental charge memo dated 25.05.2021. Learned Advocate submits that the group of Civil servants have faced similar issue in O.A.No.1016/2022 to O.A.No.1021/2022 with O.A.No.1026/2022 wherein interim relief order was passed on 14.10.2022.

2. Learned C.P.O. submits that she needs time to take instructions.

3. In view that the Applicants in the present O.As. stands on the similar footing as in earlier O.As, we pass the similar order.

4. In all these matters the challenge is initiation of Departmental Enquiry and issuance of charge memo issued on 25.02.2021 in respect of Applicant in O.A.No.1059/2022 and on 04.04.2022 in respect of Applicants in O.A.No.1062/2022 & O.A.No.1063/2022 who were working as Senior Clerk in Registration Department of Revenue and Forest Department. These Applicants are charged that they have deviated the circular dated 12.07.2021 whereby documents were registered under RERA of Bombay Tenancy of Agricultural Land. Thus the D.E. is initiated against all these Applicants.

5. Learned Advocate Mr. Lonkar submits that the said circular and the relevant provision in Rule 44(1)(i) of the Maharashtra Registration Rules of 1961 were challenged before the Bombay High court at Aurangabad Bench in Writ Petition No.2111 /2022, Govind R. Solpure & Ors. Versus The State of Maharashtra & Ors. and the Bombay High Court at Aurangabad Bench with the order dated 05.05.2022 has held that Rule 44(1)(i) is not applicable to this set of facts, which reads as below :

> *"(I) Writ petition is allowed in terms of prayer clause 'C'.*
> *(II) Rule 44(1)(i) of the Maharashtra Registration Rules, 1961 is read down and is declared that the same would not be applicable. The registering authority is not required to insist compliance of the conditions imposed under Rule 44(1)(i) while registering the document under section 34 r/w. section 35 of the Registration Act, 1908. The registering authority shall not reject any document on the ground of non compliance of the conditions set out in the impugned circular dated 12.7.2021 or for non compliance of Rule 44(1)(i).*

6. Learned Advocate submits that in view of this order of enquiry against the present Applicants should have been withdrawn. Learned

Advocate submits that by way of 2nd relief the applicants seek consideration of their names at the time of DPC and the promotions.

7. Five weeks time is granted to learned C.P.O. to file reply. If promotions are given and applicants' names are not considered for promotion or if they are not promoted, then promotions are subject to the outcome of this O.A. and also subject to Revenue Division Cadre allotment Rules. Learned Advocate is directed to serve copies of the O.As to Respondent No.2, Inspector General of Registration, Pune forthwith.

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

9. Issue notice before admission returnable on 18.11.2022.

10. Applicants are authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.As. 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.

11. 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.

12. 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. Applicants are directed to file Affidavit of compliance and notice.

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

14. Adjourned to 18.11.2022. To be tagged along with O.A.No.1016/2022 to O.A.No.1021/2022 with O.A.No.1026/2022.

Sd/-

(Bijay Kumar)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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

Date : 21.10.2022

O.A.No.1068 of 2022

Dr. C. B. Valkunde **....Applicant**

Versus

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

1. Heard Smt. Advaita Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. The Applicant is serving as Medical Officer. She contends that her ward is suffering from Autism and entitled to Special Child Care Leave in terms of G.R. dated 21.09.2016. The Respondent No.5 – Medical Superintendent, Regional Mental Hospital, Thane forwarded the proposal dated 29.10.2018 to Respondent No.4- Deputy Director, Heath Services, Mumbai Circle, Thane for grant of leave but no decision was taken. She again made various representations, but it is not responded. Ultimately, she has filed the present O.A.

3. Learned Counsel for the Applicant, therefore, submits that Respondents be directed to take appropriate decision about the leave in terms of G.R. dated 21.09.2016.

4. Learned P.O. also concedes that O.A. be disposed by giving suitable directions.

5. Thus, what transpires from the record that the competent authority is not yet taken decision about entitlement of the Applicant to leave in terms of G.R. dated 21.09.2016, and therefore, O.A. deserves to be disposed of with suitable directions.

6. In view of above, O.A. is disposed of with direction to Respondent No.3 and 4 to ensure appropriate decision in the matter of leave claimed by the Applicant in terms of G.R. dated 21.09.2016 within 6 weeks from today and the decision as the case may be, shall be communicated to the Applicant.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 21.10.2022

O.A.No.1069 of 2022

S. P. Raut **....Applicant**

Versus

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

1. Heard Shri L. S. Deshmukh, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant is serving as a Teacher in Higher Secondary School namely Government Ashram School, Taluka Dahanu, Dist. Palghar. The Respondent No.3 by order dated 16.11.2021 gave additional charge of Head Master of the said school to him. He is discharging additional duties for more than one year. His grievance is that because of this additional responsibility, he could not concentrate on teaching which is his primary duty. He made various representations dated 13.06.2022, 19.08.2022 and lastly 19.09.2022 to the Respondent Nos.2 and 3 requesting them to withdraw his additional charge. His representations are not responded, and therefore, he has filed the present O.A.

3. Thus, it appears that for long period, the additional charge is kept with the Applicant and regular post of Head Master seems to have been not filled in. No decision has been taken on the representations made by him from time to time.

4. In view of above, the Original Application is disposed of with direction to Respondent No.2 to look into the matter and to pass appropriate order on representations made by the Applicant referred to above within six weeks from today and the decision as the case may be, shall be communicated to the Applicant.

5. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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 : 21.10.2022

O. A. No. 675 of 2022

P. P. Karote **....Applicant**

Versus

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

1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed reply on behalf of the Respondent No.5. It is taken on record.

3. The matter is adjourned for hearing at the stage of admission.

4. S.O. to 28.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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 : 21.10.2022

O. A. No.757 of 2022

V. K. Dhumal **....Applicant**

Versus

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

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

2. Today, the matter is for filing Rejoinder but the same is not filed.

3. The matter is adjourned for hearing at the stage of admission.

4. S.O. to 18.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

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

Date : 21.10.2022

O.A.No.1071 of 2022

V. S. Kamble **....Applicant**

Versus

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

1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant has challenged the communication dated 22.06.2020 whereby recovery is sought from the arears of 7th Pay Commission.

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

4. Issue notice before admission returnable on 24.11.2022.

5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

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

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

9. S.O. to 24.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2737 (50,000—4-2019) [Spl.- MAT-F-2 E.

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 : 21.10.2022

R. A. No.18 of 2022 in O.A.No.188 of 2022

S. P. Kalgutkar ....Applicant

Versus

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

1. Heard the Applicant in person and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Learned P.O. submits that reply will be filed during the course of the day. Statement is accepted. It be taken on record.

3 R.A. be kept for hearing.

4. S.O. to 16.11.2022

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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 : 21.10.2022

M. A. No.316 of 2021 in O.A.No.658 of 2021

P. R. Kshirsagar ....Applicant

Versus

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

1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. In terms of order dated 18.08.2022 passed by the Tribunal, two weeks time was granted to Applicant to file the M.A. for amendment so as to claim promotion on the post of PSI.

3. Learned Counsel for the Applicant today again requested for time to file M.A. for amendment.

4. This O.A. has been filed claiming relief of deemed date of promotion for the post of PSI. In fact the Applicant stands retired as ASI on 31.10.2018. However, the Applicant's grievance in O.A. is that he was temporarily promoted to the post of PSI on some occasions.

5. Having noted so, the Tribunal found that this is not a case of deemed date of promotion, but it is a case for claiming promotion to the post of PSI for retiral benefits. It is on this background, liberty was granted to the Applicant to file M.A. for amendment.

6. In view of above, two weeks time is granted to take necessary steps by way of last chance.

7. S.O. to 18.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

[P.T.O.

vsm

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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 : 21.10.2022

M. A. No.485 of 2022 in O.A.No.563 of 2022

V. D. Panvalkar ....Applicant

Versus

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

1. Heard Ms Aishwarya Belhekar holding for Smt. Preeti Walimbe, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. On request of learned P.O., two weeks time is granted for filing reply by way of last chance.

3. S.O. to 21.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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 : 21.10.2022

O.A.No.1061 of 2021 with O.A.No.195 of 2022

B. G. Karde
T. S. Sable **....Applicants**

Versus

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

1. Shri K. R. Jagdale, learned Counsel for the Applicant has sent leave note. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.

2. In view of leave note of learned Counsel for the Applicant, the matter is adjourned.

3. S.O. 10.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2737 (50,000—4-2019)

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 : 21.10.2022

O.A.No.30 of 2022

D. W. Wadhel ....Applicant

Versus

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

1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant submits that he has filed M.A. for amendment so as to challenge the order dated 30.05.2022 issued by the Respondents rejecting his request for transfer of Quarter in his name.

3. The Registry is, therefore, directed to list the M.A. along with this O.A. for hearing.

4. S.O. to 14.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019) [Spl.- MAT-F-2 E.

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

Date : 21.10.2022

M.A.No.618 of 2022 in O.A.No.1064 of 2022

M.S. Jamdade & Ors. ....Applicant
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. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/- Sd/-

(Bijay Kumar)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

[P.T.O.

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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

Date : 21.10.2022

O.A.No.1064 of 2022

M.S. Jamdade & Ors. ....Applicant
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. 6. Learned Advocate Ms. Mahajan submits that Respondent No.2, G.A.D. Desk 16B is served on 19.10.2022 and other Respondents No.1 to 4 are served on 20.10.2022 yesterday. None present from the Department.

3. Learned Advocate Ms. Punam Mahajan seeks leave to amend to add 'Additional Chief Secretary (Services) Desk 14B, G.A.D. Mantralaya' as Respondent in the array of Respondents. She further seeks leave to amend Respondent No.2 'Additional Chief Secretary (Services), General Administration Department, Desk 16-B, Mantralaya' as 'Secretary, S.D.C. Desk No.16B, G.A.D., Mantralaya'.

4. Permission granted. Amendment to be carried out forthwith. Amended copy to be served upon the concerned.

5. Learned Advocate Mr. M.D. Lonkar submits that he has filed Caveat which is numbered as 103/2022 on 26.08.2022. However, it is not attached with the O.A. Record is called from the registry. It appears that in the Caveat name of the Applicant is appearing as Caveatee and there are

[*P.T.O.*

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

four Caveators. As per Section 148(A) of C.P.C. it is binding on the Caveator to serve the Caveat on the Respondents. Here no service is shown. Therefore we consider the Caveators as Interveners. Learned Advocate Mr. Lonkar submits that this application is moved for promotion as per seniority. Learned Advocate Mr. Lonkar submits that if the application is decided in favour of the applicant, then the Intervenors are going to be affected.

6. In view of above, Caveat is considered as Intervention Application. Caveators are to be treated as Intervenors and they are to be added as Party Respondent. Learned Advocate Mr. Lonkar to serve the copy of Caveat on the Applicants to enable the applicants to added Caveator in the Array of Respondents.

7. Adjourned to 11.11.2022.

Sd/-

(Bijay Kumar)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk