

**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 : 22.02.2023</p> <p align="right">O.A.No.43 of 2020</p> <p>H. R. DasApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard the Applicant in person. Ms S. P.Manchekar, learned C.P.O. for the Respondents is present. 2. When the matter is taken up for hearing, the Applicant has raised the issue of competency of Respondent No.4- Additional Commissioner of Police, Pune. 3. The Tribunal raised query to learned C.P.O. as to whether the appellate authority has dealt with the issue of competency of Respondent No.4. However, learned C.P.O. fairly stated that she has not read the file. 4. This is the matter in which Applicant is dismissed from service and Tribunal needs proper assistance from the Applicant as well as learned C.P.O. 5. We are, therefore, unable to proceed with the matter today. O.A. be kept for hearing in next sitting. <p align="center">Sd/- Sd/-</p> <p align="center">(Bijay Kumar) (A.P. Kurhekar) Member (A) Member(J)</p> <p>vsm</p>

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.43 of 2021

Smt. M. B. Sonavane

)...Applicant

Versus

The State of Maharashtra & Ors.

) ...Respondents.

Shri V. P. Potbhare, Counsel for the Applicant

Smt. Archana B. K. holding for Smt. Kranti Gaikwad., Presenting Officer for the Respondent No.1 & 2.

Shri U. V. Bhosale, Counsel for Respondent No.3.

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

DATE : 22.02.2023.

PER : A.P. KURHEKAR, MEMBER (J)

ORDER

1. Heard Shri V. P. Potbhare, learned Counsel for the Applicant, Smt. Archana B. K., learned P.O. holding for Smt. Kranti Gaikwad and Shri U. V. Bhosale, learned Counsel for the Respondent No.3

2. In this second round of litigation, the Applicant has again challenged promotion of Respondent No.3 on the post of Principal, Institute of Nursing Education, J. J. Hospital Premises, Byculla, Mumbai.

3. Earlier the Applicant has filed O.A.No.1123/2016 challenging promotion given to Respondent No.3 - Smt Reshma Rafiq Desai (who was Respondent No.4 in O.A.1123/2016) on the ground that she was not possessing requisite qualification particularly four years experience on the post of Professor. According to her, she was eligible for promotion but wrongly deprived of the promotion. The Tribunal decided O.A.1123/2016 on merit and recorded specific

findings that the Respondent No.3 -Smt. Reshma Desai was not possessing requisite qualification of four years on the post of Professor. She was under suspension from 03.02.2010 to 06.07.2015 for near about five years and five months in view of registration of crime under the provision of Prevention of Corruption Act. She was appointed as Professor on 07.05.2009. The D.P.C was held on 13.06.2016. Thus, on the date of D.P.C. Respondent No.3 was required to possess requisite qualification of four years experience of teaching as a Professor. The Tribunal has recorded specific finding that suspension period has to be excluded and her teaching experience as a Professor comes to one year, 8 months and 15 days only. Thus, the Tribunal concluded that she was not at all eligible for promotion. Consequent to it, the promotion order of Respondent No.4 dated 18.06.2016 was set aside. Simultaneously, Respondents were directed to hold fresh DPC to consider the case of the applicant on merits for her promotion and to pass appropriate orders.

4. We are now aghast to see despite specific findings recorded by the Tribunal as discussed above, the DPC in its meeting dated 24.10.2019 again recommended for promotion of Respondent No.3 stating that she had six years, 11 years experience. Notably, it was including suspension period. This being so, the suspension period from 03.02.2010 to 06.07.2015 should not have been considered at all and it was required to be excluded from consideration. It is more so since Tribunal has recorded specific findings that her teaching experience is 1 year, 8 months and 15 days only. The decision given by the Tribunal in O.A.1123/2016 was not challenged by any of the parties and had attained finality. It being so. Needless to mention, the findings recorded by the Tribunal is binding upon the Respondents and DPC ought to have been held keeping in mind the conclusion recorded by the Tribunal. However, DPC headed by Shri Sanjay Mukharji the then Secretary totally ignored the material aspect of the matter which shows that he has no regard to the orders of the Tribunal and prima-facie this amounts to contempt of the order of the Tribunal.

5. We are, therefore, proposed to take *suo motu* cognizance of the contempt of the order of the Tribunal and to take appropriate steps in the matter since contempt is prima-facie made out.

6. There is absolutely no justifiable reasons in the affidavit in reply filed by the Government in support of minutes of DPC. Furthermore, Respondent No.3- Reshma Desai has also not filed affidavit in reply in the matter. Shri U.V. Bhosale, learned Counsel for the Respondent No.3 is also not in position to justify the order of promotion of his client.

7. Whether Applicant was eligible and entitled for promotion is totally different aspect but here what is apparent is *prima-facie* contempt of the order of the Tribunal and appointment order of Respondent No.4 as a Principal is also *prima-facie* unsustainable in law.

8. At this juncture, learned P.O. submitted that she would call the concerned officials in the Tribunal on 24.02.2023 and requested to adjourn the matter without going ahead in the matter at this stage.

9. Learned P.O. is directed to communicate this order to Respondent No.1 as well as Shri Sanjay Mukharji immediately so that further orders could be passed in the matter on 24.02.2023.

10. Steno copy granted.

Sd/-

lc
(Bijay Kumar)
Member (A)

120
Sd/-

JW
(A.P. Kurhekar)
Member (J)

**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 : 22.02.2023</p> <p>O.A.No.22/2023</p> <p>M.P. BagulApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Purva Pradhan, learned Advocate holding for Mr. D.B. Khair, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. None for Respondent No.3.</p> <p>2. Learned C.P.O. has submitted that she requires time as file is moved before the Hon'ble Deputy Chief Minister.</p> <p>3. Adjourned to 03.03.2023. Interim relief to be continued till next date.</p> <p style="text-align: right;">Sd/- (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
	<p style="text-align: center;"><u>O.A. No.211 of 2023</u></p> <p>Rupali I. Madrap ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Smt. Punam Mahajan, learned Advocate for the applicant has filed leave note.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 24.3.2023. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 22.2.2023</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.163 of 2023</u></p> <p>Dr. S.A. Panchbhai ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.R. Kori, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant is working as Associate Professor in Govt. Institute of Forensic Science since 1.7.2008 and in 2016 he was suspended. He prays for rectifying the date of placement of Associate Professor as on 19.12.2016 instead of 20.2.2018 and also prays for promotion entitlement as per CAS.</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 29.3.2023. The respondents are directed to file reply.</p> <p>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. 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 seven days or service report on affidavit is not filed three days before returnable date, the Original/Misc. Application shall be placed on board before the concerned Benches under the caption "For Dismissal" and thereafter on the subsequent date the Original/Misc. Applications shall stand dismissed.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson 22.2.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.592 of 2015</u></p> <p>J.S. Shinde ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. V.K. Jagdale i/b. Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Though this matter is of 2015, judgment on which the applicant is relying is challenged before the Hon'ble High Court and stay has been granted. Hence, this matter cannot be heard though it is old matter of 2015.</p> <p>3. Hence, S.O. to 21.6.2023.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson 22.2.2023</p> <p>(sgj)</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.623 of 2018</u></p> <p>Dr. D.J. Chaurasia ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Avinash Bailmure holding for Shri M.V. Thorat, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant produces copy of email dated 4.12.2022 received by him from the applicant requesting for withdrawal of the above OA. The copy of email is taken on record and marked Court Exhibit 'X' for identification.</p> <p>3. In view of the above, OA is allowed to be withdrawn and disposed off as such.</p> <p align="right">Sd/-</p> <p align="right">(Mridula Bhatkar, J.) Chairperson 22.2.2023</p> <p>(sgj)</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 : 22.02.2023</p> <p align="center">O.A.No.559 of 2015 With O.A.No.802 of 2015</p> <p>Dr. D. N. Mhaske & Ors. Dr. S. B. Mane & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Y. P. Deshmukh, learned Counsel for the Applicants. Shri A. J. Chougule, learned P.O. for the Respondent Nos.1 and 2 is present. However, Shri D. B. Khaire, Special Counsel for Respondent No.3 has sent leave note for today and tomorrow. He requested to adjourn the matter.</p> <p>2. On request of learned Counsel for Respondent No.3, the matters are adjourned to 24.02.2023.</p> <p align="center">Sd/- Sd/- (Bijay Kumar) (A.P. Kurhekar) Member (A) Member(J)</p> <p>vsm</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 : 22.02.2023</p> <p>M.A.No.130/2023 in O.A.No.2/2023</p> <p>State of Maharashtra & Ors.Applicant (Org. Resp.)</p> <p>Vs. M.K. SirsatRespondents. (Org. Appl)</p> <p>1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Applicant (Org. Respondents). None for the Respondent (Org. Applicant).</p> <p>2. Adjourned to 15.03.2023.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">/(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	Tribunal's orders
	<p>Date : 22.02.2023</p> <p>O.A.No.719/2018</p> <p>Dr. M.A. JadhavApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to construct the brief as the brief is not available.</p> <p>3. Last chance granted to file affidavit.</p> <p>4. Adjourned to 15.03.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>pk</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 : 22.02.2023</p> <p>O.A.No.253/2022 to O.A.No.258/2022</p> <p>S.L. Salukhe & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Mr. S.S. Dere, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today Respondent No.1, Deputy Secretary is present. However, Deputy Director is required to remain present tomorrow.</p> <p>3. Adjourned to 23.02.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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	Tribunal's orders
	<p>Date : 22.02.2023</p> <p>O.A.No.809/2022</p> <p>N.D. Tasgaonkar.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. By way of last chance adjourned to 23.03.2023 for filing reply.</p> <p style="text-align: right;">AA Sd/-</p> <p style="text-align: right;">/ (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	Tribunal's orders Date : 22.02.2023
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O.A.No.1306/2022

S.A. More & Ors.Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Dilip Jadeja, learned Advocate holding for Mr. A.A. Desai, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents

2. By way of last chance adjourned to 21.03.2023 for filing reply.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
	<p>Date : 22.02.2023</p> <p>O.A.No.1321/2022</p> <p>M.K. GamreApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. O.M. Lonkar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents</p> <p>2. Learned P.O. has submitted that today during the course of the day she will file reply on behalf of Respondents No.1 to 3.</p> <p>3. At the request of learned Advocate Mr. Lonkar adjourned to 08.03.2023 with liberty to file rejoinder.</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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p style="text-align: center;">Tribunal's orders Date : 22.02.2023</p>
	<p style="text-align: center;">O.A.No.679/2022 to O.A.No.734/2022</p> <p>S.D. Satpute & Ors.Applicants 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. Plcadings are complete. Adjourned to 01.03.2023 for hearing on interim relief.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.212 OF 2023**

DISTRICT : NASHIK

Shri Shrinivasrao V. Kadari

..Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Smt. V.K. Jagdale i/b. Shri K.R. Jagdale – Advocate for the Applicant

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson

DATE : 22nd February, 2023

ORDER

1. The matter is called out at 11.00 a.m. and no officer from the respondents is present in the Court, though served.
2. The applicant prays that he be allowed to work on the post of Junior Geophysicist with other consequential service benefits. He challenges the order of removal/termination dated 9.2.2023 passed by respondent no.1 and consequential order dated 10.2.2023 passed by respondents no.2 & 3.
3. Ld. Advocate for the applicant submits that the course of Geophysicist was not available in State of Maharashtra and today also it is not routinely available in all the colleges. In 2004 advertisement was

issued and as no candidate was available, the posts were not filled. In April 2006 Directorate, Groundwater Surveys and Development Agency (GSDA), Maharashtra State, Pune issued advertisement for the post of Junior Geophysicist. In clause 13 it was specifically mentioned that, if Maharashtra state domiciled candidates are not available, then these posts will be filled by eligible non Maharashtra State domiciled candidates. The applicant is a domicile of Andhra Pradesh and he had applied for the said post in Open Category though he belongs to SC category. He was selected and appointed by order dated 1.9.2007 from SC category. In between he applied for the post of Project Assistant, Level-II National Geophysicist Research Institute, Hyderabad. However, after receiving order on 1.9.2007 in Maharashtra he resigned on 22.9.2007. He joined on 24.9.2007 at Mumbai in the State Government and he was given posting in the office of Deputy Director, Amravati. He passed Marathi Language Examination and MSCIT. Thereafter the respondents insisted him to give caste validity certificate of SC. The applicant submitted caste validity certificate dated 30.12.2013 issued by Govt. of Andhra Pradesh belonging to 'Mala' community. There is no caste scrutiny committee regularly available in Andhra Pradesh like in Maharashtra. After persuasion he produced caste validity certificate from Andhra Pradesh and asked for promotion. Instead of promoting him show cause notice dated 12.7.2019 was served on him for non production of caste validity certificate. The applicant replied to the show cause notice on 26.7.2019. Thereafter on 9.2.2023 termination order was issued. Ld. Advocate for the applicant prays for interim relief for staying the operation of the impugned order dated 9.2.2023.

4. Ld. Advocate for the applicant has shown service on the respondents that respondent no.1 was served on 20.2.2023 and respondents no.2 & 3 were served on 21.2.2023.

✓

5. Ld. PO while opposing interim relief has submitted that Government has followed proper procedure and it was necessary for the applicant to give caste validity certificate when he was asked to produce. She further submits that show cause notice was issued to the applicant on 12.7.2019 and his reply was considered. She prays that the matter be kept back for taking instructions.
6. Ld. PO submits that she has contacted respondents on phone however they are not present and the matter may be kept back.
7. Request made by Ld. PO is rejected. This Tribunal starts functioning at 10.30 a.m. Matter is called out at 11.00 a.m. and still no officer from the respondents is present. This happens in number of matters, though matters are listed as per the order of the Tribunal in consultation with Mantralaya on the day fixed for every department. This matter is under the caption of Urgent Admission. Hence, requirement of previous service at least one day earlier is complied by applicant. Hence, matter cannot be kept back.
8. Considering the facts of the case, specially clause 13 of the advertisement he was appointed. As per the statement of the Ld. Advocate the applicant had applied in Open category however, he was appointed in SC category. The reason given in the termination order is that he could not produce valid caste validity certificate and therefore his services are terminated. The submission of the Ld. Advocate for the applicant that there is no caste scrutiny committee in State of Andhra Pradesh like Maharashtra, is noted. The applicant belongs to 'Mala' community and this is SC caste in Andhra Pradesh. Moreover the applicant has served on the post of Junior Geophysicist since 2007 till today. His services cannot

be terminated abruptly in such a manner for this reason. The applicant is fully justified in praying for interim relief. Prima facie case is made out to grant interim relief. Balance of convenience lies in favour of the applicant.

9. The respondents are directed to reinstate the applicant forthwith in service and latest by tomorrow.

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

11. Issue notice before admission returnable on 8.3.2023. The respondents are directed to file reply.

12. 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.

14. 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.

15. 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.

16. 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/-

(Mridula Bhatkar, J.)
Chairperson
22.2.2023

Dictation taken by: S.G. Jawalkar.

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**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
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Date : 22.02.2023

**M.A.No.129/2023 in M.A.No.638/2018 in
O.A.No.887/2018**

J.R. BankapureApplicant
Vs.

The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate Mr. Kolge has moved the application for amendment in M.A. and also amendment in O.A.

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

4. M.A. seeking amendment is allowed.

5. M.A.No.129/2023 & M.A.No.638/2018 are allowed. O.A. adjourned to 08.03.2023.

Sd/-

/ (Mridula Bhatkar, J.)
Chairperson

prk

**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
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Date : 22.02.2023

**C.A.No.35/2021 in O.A.No.229/2019 with
O.A.No.408/2022**

A. Nazirkar & Ors.Applicants
Vs.
The State of Maharashtra & Ors.Respondents.

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

2. Matter already adjourned to 27.02.2023 for hearing. HOB.

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

prk

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>22.02.2023</u></p> <p><u>O.A 1227/2022</u></p> <p>Shri V.V Chandole ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri N.D Pote, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O submits he needs one week time to verify the facts as per order of this Tribunal dated 17.1.2023. Already last chance was given. However, in all fairness one weeks' time is granted.</p> <p>3. S.O to 1.3.2023.</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>Date : 22.02.2023</p> <p>M.A.No.734/2022 in O.A.No.1273/2022</p> <p>P.N. BhandareApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.J. Kamble, learned Advocate along with Mr. N. Pawar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Learned C.P.O. has submitted that today during the course of the day she will file affidavit in reply.</p> <p>3. Adjourned to 08.03.2023.</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	Tribunal's orders
	<p>Date : 22.02.2023</p> <p>O.A.No.82/2017</p> <p>D.K. KhairnarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Anjali S. Kolapkar, learned Advocate holding for Mr. A.S. Gaikwad, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Ms. V.K. Jagdale, learned Advocate for the Respondents No.3 to 14.</p> <p>2. Matter is taken on Board at the request of learned Advocate Ms. Kolapkar though it was shown adjourned to 29.03.2023. Learned Advocate has submitted that pursuant to the order dated 19.01.2023 Respondents to make statement whether two posts of Respondent No.4 and 14 are still vacant on account of their non-joining. Already the order is passed to that effect on 19.01.2023.</p> <p>3. Adjourned to 24.02.2023.</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	Tribunal's orders Date : 22.02.2023
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C.A.No.50/2022 in O.A.No.493/2021

S.G. ParabApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate Mr. Bandiwadekar has submitted that the order is stayed. Matter is already adjourned to 23.03.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**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 : 22.02.2023
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C.A.No.49/2022 in O.A.No.992/2019

Dr. P.N. ChaudhariApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. V.K. Jagdale, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned Advocate has submitted that no D.E. was ever conducted against the applicant.

3. Learned P.O. has submitted that during the period from 2007 to 2015 the applicant was dismissed from service. She has submitted that the Applicant retired on 31.01.2015. She has submitted that the Applicant is given pensionary benefits pursuant to the order given by the Hon'ble High Court.

4. Learned Advocate is directed to verify the affidavit of learned P.O. Applicant is directed to go to the office tomorrow to verify his details.

5. Adjourned to 08.03.2023.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

**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 : 22.02.2023
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C.A.No.45/2022 in O.A.No.65/2020

S.P. KapdneApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. None for the Applicant. Heard Mr. A.J. Chougule, learned Presenting Officer for the Respondents.

2. In view of the pendency of the Writ Petition before the Hon'ble High Court, C.A. stands adjourned to 20.03.2023.

Sd/-

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

prk

**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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
	<p>Date : 22.02.2023</p> <p>C.A.No.27/2022 in O.A.No.645/2017 with O.A.No.509/2020</p> <p>M.A. DamaleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In view of the pendency of the Writ Petition before the Hon'ble High Court, C.A. stands adjourned to 28.03.2023.</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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 22.02.2023</p>
	<p>C.A.No.25/2022 in O.A.No.503/2020</p> <p>V.S. PandhareApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate has submitted that consequently benefits are not paid as per 7th Pay Commission, so also D.E. is required to be completed within two weeks.</p> <p>3. Matter already adjourned to 28.02.2023.</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	Tribunal's orders Date : 22.02.2023
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C.A.No.38/2022 in O.A.No.265/2022

S.C. GaikwadApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Kanchan Phatak, learned Advocate holding for Mr. N.P. Deshpande, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that copy of Contempt Petition is not served to the office of CPO.

3. Learned Advocate is directed to serve the copy of Contempt Petition.

4. Adjourned to 01.03.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**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 : 22.02.2023</p> <p>C.A.No.16/2022 in O.A.No.223/2020</p> <p>D.N. Kamble & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate has submitted that pursuant to the order dated 01.02.2023 he has filed affidavit giving details of the amount received and paid.</p> <p>3. We direct the concerned Department to verify the said affidavit and take necessary steps.</p> <p>4. Adjourned to 15.03.2023.</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	Tribunal's orders
	<p align="center">Date : 22.02.2023</p> <p align="center">C.A.No.6/2022 in O.A.No.574/2020</p> <p>L.D. VeerApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant, Ms. Archana B.K., learned Presenting Officer for the Respondents and Ms. A.M. Lonkar, learned Advocate for the Respondents No.1 to 3.</p> <p>2. Learned Advocate Ms. Lonkar has submitted that the compliance on the part of Respondents No.1 to 3 is complete. She has submitted that the proposal is sent to the office of Accountant General on 10.02.2023.</p> <p>3. Education Department is directed to follow the matter in the office of A.G. for further compliance of the order.</p> <p>4. Adjourned to 03.03.2023.</p> <p 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	Tribunal's orders
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Date : 22.02.2023

**C.A.No.47/2021 in O.A.No.280/2017 with
O.A.No.241/2019**

V.V. PunathilApplicant
Vs.

The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate submits on instructions
that the applicant does not want to commute
pension.

3. Hence, the applicant is entitled to full
pension. Respondent is directed to comply with the
order forthwith.

4. In view of above, C.A. stands disposed of.

Sd/-

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

prk

**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 : 22.02.2023
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**C.A.No.42/2021 in O.A.No.678/2020 with
O.A.No.679/2020 with O.A.No.680/2020**

S.S. MujawarApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar,
learned Advocate for the Applicant and Mr. A.J.
Chougule, learned Presenting Officer for the
Respondents.

2. In view of the pendency of the Writ Petition
No.8655/2021 before the Hon'ble High Court, C.A.
stands adjourned to 24.03.2023.

Sd/-

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

prk

**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 : 22.02.2023</p> <p align="center">C.A.No.36/2021 in O.A.No.1029/2014 with C.A.No.37/2021 in O.A.No.1030/2014 with C.A.No.38/2021 in O.A.No.1031/2014 with C.A.No.39/2021 in O.A.No.1032/2014 with C.A.No.40/2021 in O.A.No.1033/2014 with C.A.No.05/2021 in T.A.No.1/2020</p> <p>R.S. Bidkar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicants. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant in C.A.No.5/2021 in T.A.No.1/2020, Mr. M.D. Lonkar, learned Special Counsel for the Respondents and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Mr. Lonkar has submitted that in view of the pendency of the Writ Petition wherein the orders of the Tribunal are challenged, matter be adjourned.</p> <p>3. Adjourned to 24.03.2023.</p> <p 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	Tribunal's orders
	<p>Date : 22.02.2023</p> <p style="text-align: center;">C.A.No.30/2021 in O.A.No.970/2014</p> <p>V.D. ShindeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. has submitted that she will file affidavit-in-reply during the course of the day. She has submitted that the applicant does not come in the zone of consideration therefore the order cannot be complied with.</p> <p>3. Adjourned to 08.03.2023.</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	Tribunal's orders
	<p style="text-align: center;">Date : 22.02.2023</p> <p style="text-align: center;">C.A.No.20/2021 in O.A.No.55/2018 with O.A.No.56/2018</p> <p>A.T. Mane & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate has submitted that the order dated 01.03.2021 passed by the Hon'ble Single Bench was challenged before the Hon'ble High Court by the State and the Hon'ble High Court vide order dated 20.02.2023 passed in Writ Petition No.8302 & 8303/2021 has remanded the matter to the Tribunal. He has submitted that the O.A. is therefore required to be reheard by the Single Bench, hence, C.A. can be disposed of.</p> <p>3. In view above, C.A. stands disposed of.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>