

Only Notes, Office Memoranda of Coram,
Appearances, Tribunal's orders or
Directives and Registrar's orders

Tribunal's orders

O.A. No.15 of 2021

K.M. Jagtap
Vs.

..Applicant

The State of Maharashtra & Ors.

..Respondents

Heard Shri R.L. Kulkarni, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.

2. Ld. PO on instructions from the department submitted that pension of the applicant is fixed in terms of his pay in 6th Pay Commission and after fixation of pay and its verification arrears will be paid in terms of 7th Pay Commission.

3. Applicant stand retired on 30.6.2017 as Assistant Police Sub Inspector. He was granted pension as per his pay scale in 6th Pay Commission. Admittedly, Government had accepted the recommendation of 7th Pay Commission and implemented the same w.e.f. 1.1.2016. This being the position, applicant's pay needs to be revised in terms of 7th Pay Commission and accordingly pension is also required to be refixed.

4. In view of above there is nothing to be adjudicated in the OA and it needs to be disposed of with suitable directions.

5. OA is disposed of with directions to respondent no.3 to take necessary steps to fix pay of the applicant in terms of 7th Pay Commission and release monetary benefits to him within six weeks from today.

6. Copy of the order be sent to respondent no.3 for necessary compliance.

7. No orders as to cost.

Sd/-

(A.P. Kurhekar)

Member (J)

22.3.2021

(sgj)

**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: 22.03.2021</p> <p align="center">O.A. No.318 of 2019</p> <p>B.N. KharkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of the Respondent No.1. It is taken on record.</p> <p>3. Adjourned to 19.04.2021 for Final Hearing.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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.379 of 2020</u></p> <p>R.M. Chavan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. The matter is for hearing at the stage of admission. Ld. Advocate for the applicant files affidavit in rejoinder. It is taken on record.</p> <p>3. S.O. to 8.4.2021 for hearing.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J) 22.3.2021</p> <p>(sgl)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p align="center">O.A. No.791 of 2020</p> <p>N.P. BhoyarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The matter is already adjourned to 09.04.2021, but today it is taken on board by circulation for hearing at the stage of admission by learned Advocate for the Applicant.</p> <p>3. Learned P.O. submits that since the matter is already kept on 09.04.2021, it be kept on that day for hearing at the stage of admission.</p> <p>4. No urgency to take hearing today.</p> <p>5. S.O. to 09.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p align="center">O.A. No.136 of 2020</p> <p>H.V. BhatApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Ms. N.G. Gohad, learned Presenting Officer for the Respondents is present. 3. Learned Advocate for the Applicant has sent her leave note. 4. S.O. to 01.04.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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:22.03.2021</p> <p align="center">O.A. No.113 of 2021</p> <p>V.R. RaskarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 15.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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:22.03.2021</p> <p align="center">O.A. No.106 of 2021</p> <p>H.P. KateApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Ms N.G. Gohad, learned Presenting Officer for the Respondents is present. 3. Learned Advocate for the Applicant has sent his Leave Note. 4. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply. 5. S.O. to 15.04.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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:22.03.2021</p> <p align="center">O.A. No.152 of 2021</p> <p>R.S. Vannam & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1.</p> <p>3. On request of learned P.O. one week time is granted for filing Affidavit-in-Reply on behalf of Respondent Nos.2 & 3, if any.</p> <p>4. S.O. to 31.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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">Date:22.03.2021</p> <p align="center">O.A. No.135 of 2021</p> <p>Smt. J.M. KawadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and her Advocate both are absent. 2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 3. Learned Advocate for the Applicant has sent her leave note. 4. On request of learned P.O. two weeks time is granted for filing Reply. 5. S.O. to 15.04.2021. <p align="right">Sd/- ✓ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p>O.A. No.734 of 2020</p> <p>Smt. M.H. GaikwadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant is widow of late Shri Hari Krishna Gaikwad who retired on 31.05.2019, but^{she} died on 20.02.2020. 3. The present O.A. is filed raising grievances for non-payment of pension till the date of death as well as non grant of family pension to the widow. 4. Learned P.O. submits that proposal is already sent to the Office of Accountant General for approval and the same is in process. 5. In view of above nothing is to be adjudicated in O.A. and matter needs to be disposed of with suitable direction. 6. O.A. is disposed of with direction to the Respondent No.5 to ensure release of pension as well as family pension within six weeks from today. 7. Respondent No.5 is further directed to depute official from his office for getting the pension papers approved from the office of Accountant General and to ensure compliance of this order within suitable period. 8. No order as to cost. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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:22.03.2021</p> <p align="center">O.A. No.118 of 2019</p> <p>S.B. Raghatwan & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents. 2. As per the relief clause, this O.A. was filed for direction to Respondent No.1 to consider the Applicants for promotion from Group 'D' to Group 'C' post with deemed date of promotion. 3. Indeed, admittedly there was no promotion order in favour of the Applicants, and therefore, question of seeking deemed date itself was premature. 4. Since the O.A. was filed for grant of promotion, it should have been placed before the Division Bench, as subject of promotion pertains to the Division Bench. However, it is continued before Single Bench and it is noticed when the matter is today taken for hearing. 5. Another important aspect is that after filing of this O.A., the Applicants were promoted by order dated 14.05.2020 (Page 105 of P.B.). As such, the grievances of promotion is already redressed. 6. In so far as, issue of deemed date of promotion is concerned, indeed there was no cause of action to claim such relief on the date of filing of O.A. <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Learned Advocate for the Applicant submits that the Applicants have already made representation dated 15.01.2021, but the same is not responded till date.</p> <p>8. In view of above, O.A. deserves to be disposed of with suitable direction.</p> <p>9. O.A. is disposed of with direction to the Respondent No.1 to decide the representation of the Applicants in accordance to law within two months from today. The decision as the case may be, shall be communicated to the Applicants within two weeks thereafter. No order as to costs.</p> <p style="text-align: right;">Sd/- <i>W</i> (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p align="center">O.A. No.224 of 2021</p> <p>B.N. SatheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. In present O.A. the Applicant has challenged notice dated 05.03.2021, issue by the Respondent No.2, whereby direction were given to pay Rs.7,32,570/- towards unauthorized occupation of service quarter and to vacate the same immediately. 3. Learned Advocate for the Applicant has prayed for interim relief in terms of G.R. dated 13.07.2020. 4. In terms of G.R. dated 13.07.2020, concession was granted to vacate service quarter in lockdown period. As per the said G.R., where period of three months has expired after date of lockdown (23.03.2020), in that situation period is extended till the continuation of lockdown subject to payment of license fee. 5. Whereas in present case the Applicant retired on 30.06.2019 and he was entitled to retain quarter upto 30.09.2019 only. As such, onwards 01.10.2019 possession of the Applicant over service quarter is unauthorized. Therefore, G.R. dated 13.07.2020 is not relevant, since period of three months had expired in 2019 itself. In view of above, I am not inclined to grant interim relief. <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Issue notice before admission returnable on 08.04.2021.</p> <p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>12. S.O. to 08.04.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 22.03.2021</p> <p style="text-align: center;">O.A.NO.25 OF 2021 (O.A.Stamp No.45 of 2021)</p> <p>S.P. Dange ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Ramchandra Nirmal, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant challenges the recommendation dated 23.12.2020 and he prays that the Respondent authority be directed to grant promotion to the applicant as the Joint Director (Dental).</p> <p>3. The Respondent No.4, Dean, Government Medical College, Mumbai, St. George Hospital is a private person. However he is not served.</p> <p>4. The learned C.P.O. informs that Respondent no.4 has already taken charge as a Joint Director (Dental) on 19.03.2021.</p> <p>5. The learned Counsel submitted that the Applicant though stands 1st in seniority list on 01.01.2018 and was holding the post as Dean, Government Dental College and also holding the additional charge of Joint Director (Dental), St. George Hospital.</p> <p>6. The learned Counsel submits that Respondent no.4 is junior to him. The learned Counsel points out the rules of the recruitment to the post of Joint Director and submits that the post of Dean is the ^e feder cadre to the ₁ post of Joint Director.</p> <p>7. The Applicant is working as a dean, since 2015, while the Respondent no.4 is appointed as Dean, St. George on 07.08.0020 on temporary basis.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. We direct the State-Respondent to file the affidavit-in-reply especially high lighting the seniority between the two i.e. applicant and Respondent no.4.</p> <p>9. It is further directed to the Applicant to produce a seniority list prior to 01.01.2015 as the committee has not recommended him (i.e. the present applicant) on the ground that availing promotion earlier on the basis of reservation.</p> <p>10. Adjourned 06.04.2021.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Original Application No.

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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22.03.2021

O.A 394/2020

V.S Karamble ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.

2. Affidavit in reply is already filed.

3. Admit. Place for hearing on 7.6.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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Original Application No.

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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22.03.2021O.A 114/2020

R.S Jikare ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Abhay Jadhavar, i/b Shri Sachin K. Hande, learned advocate for the applicant and Ms Neelima Gohad, learned P.O for the Respondents.

2. Learned counsel for the applicant submits that he want to file application for condonation of delay and seeks three weeks' time.

3. S.O to 15.4.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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22.03.2021

O.A 101/2020

Shri S.B Sabale ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. Affidavit in reply is filed. Same is taken on record.

3. S.O to 3.5.2021.

Sd/-

**(P.N Dixit)
Vice-Chairman (A)**

Akn

Sd/-

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

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22.03.2021

O.A 177/2021

J.M Mulani & Others ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Datta Mane, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Pursuant to order dated 1.3.2021, learned C.P.O informs that while making the queries made by the Court, as to whether the case of the applicants was considered for the promotion in consonance with G.R dated 18.2.2021, it is informed that the applicants are standing in que at serial nos 669 onwards and the last person who is given the promotion is at serial no. 664. In view of this learned C.P.O challenges the locus of the applicants as it is premature to challenge the promotions by the applicants.

3. Learned counsel for the applicants seeks time to take instructions.

4. S.O to 6.4.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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22.03.2021

**O.A 76/2018 with M.A 331/2020 (Aurangabad)
(Through Video Conference)**

P.S Andhale ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.S Deshmukh, learned advocate for the applicant and Shri M.S Mahajan, learned C.P.O for the Respondents.

2. In speaking to the minutes, at the instance of Shri Deshmukh, learned counsel for the applicant submits that in para 5, his opposition is to be recorded as he has not accepted the modification. Learned C.P.O submits to the order of the Court

3. In view of this we add a following sentence in the beginning para no. 5

“Learned counsel Mr. Deshmukh opposes the modification”

4. Correction to be carried out accordingly.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>22.03.2021</u></p> <p align="center"><u>C.A 169/2004 in O.A 846/2003</u></p> <p>V.A Pawar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to verify whether the order of this Tribunal regarding giving deemed date of promotion and seniority is complied with or not.</p> <p>3. S.O to 23.3.2021.</p> <p align="center">Sd/- (P.N¹Dixit) Vice-Chairman (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>22.03.2021</u></p> <p align="center"><u>O.A 162/2021</u></p> <p>Shri Padmakar V. Parkhe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Smt Punam Mahajan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O produces a letter dated 19.3.2021 sent by Shri Swapnil G. Borse, Desk Officer, Home Department, informing that the name of the applicant Armed Police Inspector was not considered for the post of Assistant Commandant in S.R.P.F in the select list of 2019-2020. However, Home Department has sent letter to the office of D.G.P, on 18.3.2021, whether the name of the applicant can be considered in the select list of 2020-2021.</p> <p>3. This Tribunal has in its order dated 15.3.2021 pointed out the request made by the applicant that he was not considered for promotion to the post of Assistant Commandant because of the communication by G.A.D on 29.12.2017. However, in view of the judgment given by the Tribunal at M.A.T, Nagpur in O.A 825 & 826/2020 dated 1.12.2020 and by the Principal Bench in O.A 730/2020 and O.A 526 to 530/2020 dated 3.12.2020, the case of the applicant needs to be reconsidered.</p> <p>4. The Respondents are therefore directed to revisit and examine non-consideration of the applicant for promotion. The action taken may be submitted in the form of affidavit along with any fresh select list, if prepared within two weeks.</p> <p>5. Suo Moto correction carried out in order of this Tribunal dated 15.3.2021, wherein there is typographical mistake in fourth line of para 4, the word 'signaled' is mentioned instead of 'singled'. The same should be corrected as 'singled'</p> <p>6. S.O 6.4.2021.</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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

Tribunal's orders

22.03.2021

O.A Stamp No. 324 & 325/2021 (Aurangabad)
(Through Video Conference)

S V Chivde ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.B Talekar, learned advocate for the applicant and Shri M.S Mahajan, learned C.P.O for the Respondents.

2. In both the matters the applicant who is differently abled challenges the recommendation made by Respondent, MPSC of the private Respondent mainly on the basis that the MPSC has not selected and recommended the candidates, Respondent no. 5 consistent with the advertisement, especially clause 4.5 and 4.8 of the advertisements dated 18.1.2016 and 17.2.2016.

3. Learned counsel Mr Talekar has submitted that though the applicant holds a Degree and a Degree in Law, the Respondent, MPSC has not given the preference to the applicant while recommending the name. Admittedly, the applicant has secured lesser marks in both the interviews. However, the Respondent, private persons whose names are recommended do not hold any Post Graduation or Degree in Law. He prays that therefore, by way of interim relief, the Respondents be restrained from giving the appointment order.

4. Learned C.P.O submits that the applicant had secured lesser marks in both the interviews and the MPSC has followed proper procedure consistent with both the advertisements. Learned C.P.O submits that the preference as contemplated under clause 4.8 of the advertisement can be considered only when two candidates has secured same marks and they are on the same footing. However the Applicant has secured basically less marks and therefore, he cannot be given any benefit of preference under clause 4.8 of the advertisement. He prays for time to file reply.

5. Learned C.P.O is granted one weeks' time to file interim reply. So also the notices are to be served on the private Respondents. MPSC to furnish the addresses of private Respondents to the applicant. The applicant is directed to amend the O.A by furnishing the address. Amendment allowed forthwith.

6. Learned counsel Mr Talekar in support of his submissions on the point of preferential treatment relied on the judgment of Hon. S.C in the case of **MPSC Vs. Sandeep S Warade and ors, reported in (2019) 6 SCC 362.**

7. S.O to 30.3.2021.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 22.03.2021</p> <p align="center">O.A.No.544 of 2018 with O.A.No.513 of 2019</p> <p>V.B. Shende (O.A.544/2018) S.V. Rane (O.A.513/2019) ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.G. Panchal, learned Advocate for the Applicant in O.A.No.544/2018, Shri C.T. Chandratre, learned Advocate for the Applicant in O.A.No.513/2019, Shri Bhushan A. Bandiwadekar, learned Advocate for the Respondent No.3 in O.A.No.544/2018, Shri K.R. Jagdale, learned Advocate for the Respondent No.4 in O.A.No.513/2019 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, after extensive hearing of the learned Counsel for the applicant and the learned C.P.O. for the Respondents, the learned C.P.O. points out the affidavit filed by Mr. Sudam Bhivaji Tavhare, Under Secretary, M.P.S.C. on behalf of Respondent no.1 (MPSC). As per his affidavit the case of the applicant did not fulfill the shortlisting criteria fixed for SC category and as he cannot be considered for the post in Open (female) category as per the provisions of the Government Circular dated 13.08.2014, therefore he could not be allowed to be interviewed for the post.</p> <p>3. The learned Counsel refers to the corrigendum issued by G.A.D. on 19.12.2018, the decision reads as under :-</p> <p>“(अ) - प्रथम टप्पा : खुल्या प्रवर्गातील (अराखीव पदे) उमेदवारांची गुणवत्तेच्या निकषानुसार निवडयादी तयार करावी. या यादीत खुल्या प्रवर्गात गुणवत्तेच्या आधारावर मागासवर्गीय उमेदवारांचाही (अनुसूचित जात अनुसूचित जमाती, वि.जा.भ.ज., वि.मा. प्र., इ.मा.व. व एसईबीसी) समावेश होईल. या यादीत समांतर आरक्षणानुसार उमेदवारांची संख्या पर्याप्त असेल तर कोणताही प्रश्न उद्भवणार नाही आणि त्यानुसार पदे भरावीत. जर या यादीत समांतर आरक्षणानुसार आवश्यक उमेदवारांची संख्या पर्याप्त नसेल तर समांतर आरक्षणाची पदे भरण्याकरीता सदर यादीतील आवश्यक पर्याप्त संख्येइतके शेवटचे उमेदवार वगळून पात्र उमेदवारांपैकी आवश्यक पर्याप्त संख्येइतके समांतर आरक्षणामधील गुणवत्तेनुसार पात्र उमेदवार घेणे आवश्यक आहे. हे शासन शुध्दीपत्रक निर्गमित झाल्याच्या दिनांकापासून अंमलात येईल.”</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. It is significant to note that this circular is dated 19.12.2018. The learned Counsel refers to Ghoshana (घोषणा) made by MPSC on 27.03.2019 (observation) the same reads as under :</p> <p style="text-align: center;">“-घोषणा-</p> <p>शासन शुध्दीपत्रक दि. १९ डिसेंबर, २०१८ नुसार समांतर आरक्षण कार्यान्वित करण्याबाबतच्या कार्यपध्दतीबाबत.</p> <p>शासनाच्या समांतर आरक्षणासंदर्भात दिनांक - १३ ऑगस्ट, २०१८ रोजीच्या शासन परिपत्रकास अनुसरून निर्गमित केलेल्या शासन शुध्दीपत्रक क्रमांक : संकीर्ण - १११८/प्र.क्र.३९/१६-अ, दिनांक १९ डिसेंबर, २०१८ मधील तरतुदी विचारात घेता ज्या पदाच्या परीक्षांची जाहिरात प्रसिध्द करण्यात आली आहे. तथापि, कोणतेही निकाल घोषित झालेले नाहीत, अशा परीक्षांचे तसेच यापुढील विज्ञापित होणा-या सर्व परीक्षांची निकाल प्रक्रिया शासनाच्या दिनांक - १९ डिसेंबर, २०१८ रोजीच्या शुध्दीपत्रकातील तरतुदी विचारात घेवून राबविण्यात येणार आहेत.</p> <p>तसेच ज्या पदाच्या परीक्षा दिनांक - १९ डिसेंबर, २०१८ पूर्वी झाल्या आहेत. परंतु सदर परीक्षांचे पूर्व /मुख्य /अंतिम अशा कोणत्याही टप्प्यावरील निकाल घोषित झालेले नाहीत. अशा परीक्षांची निकाल प्रक्रिया शासनाच्या दिनांक - १९ डिसेंबर, २०१८ रोजीच्या शुध्दीपत्रकातील तरतुदी विचारात घेवून राबविण्यात येत आहे.”</p> <p>5. The affidavit made by the MPSC on first reading indicates that the clarification issued by 19.12.2018 has not been applied in the present case even though the interview was held on 27.06.2018 and the results was declared on 13.08.2019. Ghoshana (घोषणा) made by MPSC has not been implemented.</p> <p>6. We therefore, direct the MPSC to make this exercise as per the clarification issued on 19.12.2018 and Ghoshana (घोषणा) made by MPSC on 27.03.2019. The outcome of this particular implementation should be reported to the Tribunal on 25.03.2021. Hamdast and Steno copy is allowed.</p> <p>7. S.O. to 25.03.2021.</p>
	<p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date:22.03.2021</p> <p align="center">O.A. No.32 of 2021</p> <p>S.B. SaliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.B. Sali, learned Applicant in Person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 08.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date:22.03.2021</p> <p align="center">O.A. No.50 of 2021</p> <p>A.N. BhalchandraApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. three weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 15.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p align="center">O.A. No.57 of 2021</p> <p>H.R. DevaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.R. Ghanavat, learned Advocate for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. three weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 15.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

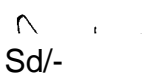

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date:22.03.2021</p> <p align="center">O.A. No.68 of 2021</p> <p>S.R. KoliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. The issue raised in O.A. pertains to non acceptance of notice of voluntary retirement which pertains to Division Bench, as per officer order dated 03.01.2018.</p> <p>3. Registrar is directed to place the matter before Division Bench.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p align="center">O.A. No.79 of 2021</p> <p>G.C. GawadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted as last chance.</p> <p>3. S.O to 08.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date:22.03.2021 Tribunal's orders</p>
	<p align="center">O.A. No.132 of 2021</p> <p>T.S. DeokarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2.</p> <p>3. It appears that Applicant was facing two Departmental Enquires and both remain un-concluded till his retirement. In one enquiry, enquiry officer has already submitted report and in the 2nd enquiry, it seems to be pending with the enquiry officer.</p> <p>4. Indeed the Applicant stands retired from the post of Executive Engineer from 31.05.2019, but till date his retrial benefits are withheld on account of pendency of Departmental Enquires.</p> <p>5. In view of above, Respondents are directed to explain why Departmental Enquires were not completed within reasonable time. Respondents should file their Reply about the status of the Departmental Enquires by next date, so that O.A. can be disposed with suitable direction.</p> <p>6. S.O. to 06.04.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date:22.03.2021</p> <p align="center">M.A. No.356 of 2020 in O.A. No.795 of 2020</p> <p>M.S. ShelakeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri N.L. Rajguru, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted as last chance for filing Reply in M.A.</p> <p>3. S.O. to 06.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>



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	<p>Date:22.03.2021</p> <p align="center">M.A. No.71 of 2021 in O.A. No.138 of 2020</p> <p>S.B. KumbharApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.K. Mishra, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted for Reply in M.A.</p> <p>3. S.O. to 30.03.2021.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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	<p>Date:22.03.2021</p> <p align="center">O.A. No.309 of 2020 with O.A. No.314 of 2020 with O.A. No.315 of 2020 with O.A. No.316 of 2020</p> <p>S.V. Raut D.B. Katkar B.S. Patil A.B. VasvadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. These matters are already fixed on 06.04.2021. But today, these matters are taken on board by way of circulation by learned Advocate, ^{Since} Since, for long time Reply is not filed by the Respondents. &</p> <p>3. Learned P.O. submits that Reply will be filed on next date, last chance.</p> <p>4. S.O. to 06.04.2021.</p> <p align="right">^ Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


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	<p>Date:22.03.2021</p> <p align="center">O.A. No.498 of 2020</p> <p>R.R. SalkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Advocate holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 2. It is taken on record.</p> <p>3. No Reply is filed on behalf of Respondent No.3.</p> <p>4. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>5. S.O. to 19.04.2021.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date:22.03.2021</p> <p align="center">O.A. No.549 of 2020</p> <p>S.G. TandaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record. 3. No Reply is filed on behalf of Respondent No.1. 4. On request on learned Advocate for the Applicant two weeks time is granted for filing Rejoinder. 5. S.O. to 15.04.2021. <p align="right"> [^] Sd/- Ww~ (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p align="center">O.A. No.601 of 2020</p> <p>U.P. UgaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today, matter is for filing Rejoinder, but the same is not filed.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 19.04.2021.</p> <p align="right"> [^] Sd/- ^v (A.P. Kurhekar) Member (J) </p> <p>NMN</p>


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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p align="center">O.A. No.611 of 2020</p> <p>R.S. KulatApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Shyamsunder Solanke, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 2. It is taken on record.</p> <p>3. No Reply is filed on behalf of Respondent No.3.</p> <p>4. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>5. S.O. to 08.04.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

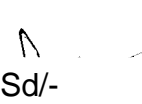
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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:22.03.2021</p> <p align="center">O.A. No.687 of 2020</p> <p>Dr. V.B. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that he will be filing Affidavit-in-Reply during the course of the day. Statement is accepted.</p> <p>3. On request of learned Advocate for the Applicant one week time is granted for filing Rejoinder.</p> <p>4. S.O to 31.03.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>


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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date:22.03.2021</p> <p>R.A. No.03 of 2021 in O.A. No.792 of 2019</p> <p>Dr. D.B. BamaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted.</p> <p>3. S.O. to 01.04.2021 for hearing.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>