(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

22.12.2022

O.A 1299/2022

Shri Uttam H. Bhosale ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Learned P.O on instructions from Mrs Jyoti C. Punwatkar, Senior Tribal Development Inspector, from the office of Respondent no. 2, submits that the Respondents need time to look into the matter as per Rule 9(7) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

3. S.O to 5.1.2023. In the meanwhile, the department not to proceed with the departmental enquiry.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

[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: 22.12.2022

O.A. No.768 of 2022

K.L. Vartak .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. On previous date i.e. 14.12.2022 directions were given to learned P.O. to ensure that commutation Pension is sanctioned by the Office of Accountant General.

3. Today learned P.O. submits that the Office of Accountant General as sanctioned commutation value of Pension amount to Rs.14,50,527/- (Rupees Fourteen Lakhs Fifty Thousand Five Hundred and Twenty Seven Only). Thus, the grievance of non-payment of commutation of Pension is redressed.

4. Now, issue remains about recovery of Rs.4,36,706/- (Rupees Four Lakhs Thirty Six Thousand Seven Hundred and Six Only) already effected from Gratuity which needs to be adjudicated on merit.

5. The Applicant in person requested for adjournment on the ground that his Advocate is unable to attend today.

6. S.O. to 06.01.2023.

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

[*P.T.O.*

NMN

(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

Date : 22.12.2022

C.A.No.25/2022 in O.A.No.503/2020

V.S. Pandhare ....Applicant
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. Learned P.O. submits that as regards compliance of consequential service benefits the order has been issued on 21.12.2022. With regard to regularization of the period of suspension the bill has been submitted to the Treasury on 18.10.2022. Regarding the issue of D.E., learned P.O. submits that the matter is now with M.P.S.C. which requires a period of four weeks.

3. Learned Advocate opposes to the same. He submits that in the absence of M.A. seeking extension of time beyond the period of four months, he feels enquiry cannot proceed with legally.

4. In view of the above, the very fact that the approval has been given to the D.E. by the Hon'ble Minister, we adjourned the matter to 19.01.2023

Sd/- Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

prk

(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

Date : 22.12.2022

M.A.No.744/2022 in O.A.No.1288/2022

S.J. Tarhal & Ors. ....Applicants
Vs.
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. Sachin Gita, learned Advocate for the Applicants 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/-

(Medha Gadgil) Member(A)

(Mridula Bhatkar, J.) Chairperson

prk

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

O.A. No.1252 of 2022

Mohd. T.A. Gani ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 31.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(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: 22.12.2022

O.A. No.424 of 2021 with O.A. No.990 of 2021 with O.A. No.494 of 2022 with O.A. No.876 of 2022

P.P. Kashid
C.V. Potdar
P.V. Nikam
R.V. Mukane **.....Applicant**
Versus
The State of Maharashtra & Ors. **.....Respondents.**

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

2. Learned Advocate for the Applicant submits that the issue pertains to compassionate appointment ~~were~~ where deceased have three children in the family. He has pointed out that in view of conflicting Judgment of co-ordinate Bench (Single Bench) he had filed praecipe before Division Bench for deciding the issue in one O.A. and that O.A. is pending before Division Bench. He therefore requested to adjourn the matter. Indeed, if one O.A. involving same issue is pending before Division Bench, all these O.As are also required to be decided along with that O.A.

3. Three weeks time is granted to take necessary steps.

4. S.O. to 19.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[*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: 22.12.2022

O.A. No.1146 of 2022

R.G. Mamoo .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri K.R. Jagdale, learned Advocate for the Respondent No.2.

2. Shri K.R. Jagdale, learned Advocate for the Applicant submits that he has received instruction to file Vakalatnama and sought time to file Affidavit-in-Reply on behalf of Respondent No.2.

3. The Tribunal has passed reasoned order dated 17.11.2022 granting interim relief and in view of the observations and facts brought on record that time. O.A. is to be disposed of finally and expeditiously.

4. However, in the interest of justice one week time is granted to Respondent No.2 to file Affidavit-in-Reply.

5. O.A. be kept for filling Reply as well as for final disposal at the stage of admission.

6. S.O. to 05.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[*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: 22.12.2022

O.A. No.1210 of 2022

V.G. Karandikar .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondent.

2. Today learned P.O. again sought time to file Reply. The matter pertains to Inter District Transfer from the establishment of The Commissioner of Police, Mumbai to the establishment of Deputy Inspector General of Police – Nanded Range, Nanded who has already given NOC. The Director General of Police has not taken decision for more than six months, and therefore the Applicant is not relieved. Indeed, the Director General of Police ought to have taken appropriate decision expeditiously but he fail to do so.

3. Learned P.O. submits that file is in process and decision is likely to be taken within a week.

4. In view of above, O.A. be kept on 02.01.2023 for filing of Reply as well as for Final Hearing at the stage of admission with specific direction that no further time will be granted.

5. S.O. to 02.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

[*P.T.O.*

NMN

(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: 22.12.2022

O.A. No.711 of 2019 with O.A. No.741 of 2021 with O.A. No.437 of 2021

M.N. Gaikwad
C.P. Yelve
S.A. Chavan .....**Applicant**
Versus
The State of Maharashtra & Ors. .....**Respondents.**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In all these O.As issue is whether the person carrying pay scale of Rs.5,500 to 9,000 falls in Group 'B' or Group 'C' which is under consideration before Division Bench in view of reference made by the Tribunal.

3. Learned Advocate for the Applicant submits that issue is not yet decided by Division Bench.

4. In view of above, these matters are required to be adjourned.

5. S.O. to 07.02.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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: 22.12.2022

O.A. No.1305 of 2022

A.A. Kale .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. The Applicant is Police Constable on the establishment of the Commissioner of Police, Mumbai seeking transfer to the establishment of the Commissioner of Police, Pune for Inter District Transfer in terms of regulation dated 26.10.2017.

3. Respondent No.2 – The Commissioner of Police, Pune issued NOC in the month of June 2022 asking the Applicant to join on or before 15.02.2022. However, Respondent No.1 – The Commissioner of Police, Mumbai ~~have~~ has not relieved her. Hence, she filed this O.A.

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

5. Issue notice before admission returnable on 09.01.2023.

6. 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.

7. 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.

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

8. 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.

9. 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 Applications shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

10. This O.A. be kept with the connected O.As.

11. S.O. to 09.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(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

O.A. No.1281 of 2022

R.D. Agarwal & 11 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Sakolkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicants seeks leave to add one line in para 17 as "The Applicants do not belong to SEBC category". This being the crux of the matter, we allow the amendment at this stage forthwith and it is to be carried out immediately.

3. All the 12 applicants have sought reservation under the Economically Weaker Section (EWS) in the Maharashtra Engineering Services (MES). The applicants are meritorious candidates and they are toppers in the list if EWS candidates. Ld. Advocate for the applicants submits that applicants were to be appointed on 1.12.2022 and the respondents wanted to give appointment on 1.12.2022 to all the persons who are eligible for various posts. However, the issue was raised before the Hon'ble Bombay High Court in W.P. No.14772 of 2022 (Amarnath Madhukar Havshett & Anr. MPSC & Ors.) as there was clash between Socially and Educationally Backward Classes (SEBC) candidates and EWS and therefore the Hon'ble High Court by its order dated 1.12.2022 stayed the appointments of 111 candidates on the posts reserved for the candidates in EWS category. Thus, the applicants are not appointed though all other from the said category were appointed.

4. Being aggrieved by said order dated 1.12.2022 the applicants approached the Hon'ble High Court by filing W.P. No.15549 of 2022 and the Hon'ble High Court by its order dated 19.12.2022 directed the applicants to approach the Tribunal as the Tribunal is already ceased with the matter on the issue of EWS and SEBC reservation. Pursuant to the said order the applicants have filed the present OA ON 19.12.2022.

5. Ld. Advocate submits that out of 111 appointments in MES under EWS category, 94 candidates are from SEBC and

[P.T.O.

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

therefore assuming even they are allowed to be accommodated in EWS category yet there are 17 posts available for original EWS candidates. 17 candidates who are to appear from EWS category are to be accommodated irrespective of SEBC candidates claiming reservation under EWS. These 11 candidates are out of 17. Therefore, these applicants are to be given appointment orders.

6. Ld. CPO on instructions from Ms. Pallavi Palande, Desk Officer, GAD-16A, confirms that out of 111, 17 candidates are found from original EWS and therefore, they can be given appointment and their cases can be treated separately.

7. Considering the submissions of Ld. Advocate for the Applicants and Ld. CPO, whether SEBC candidates who subsequently opted for EWS can be given benefit in EWS category for the MES Examination of 2019 is the issue pending before us. Ld. Advocate for the applicants has stated that applicants do not belong to SEBC category and they are from the original EWS category. Under such circumstances, we do not find any legal impediment and in any manner said order dated 19.12.2022 passed by the Hon'ble High Court will not come in way of the applicants.

8. As stated before us by both the parties out of 111 candidates, 17 candidates belong to original EWS category and they do not come within the ambit of dispute of SEBC and therefore we are of the view that these 12 applicants so also other 5 candidates can be given appointment. We make it clear that these 5 candidates from 17 are not before us. However, some of them may be meritorious than these applicants so to avoid further conflict between all these 17 candidates, we direct the GAD and MPSC to consider their inter se merit while issuing appointment orders.

9. MPSC is directed to verify the details of 17 candidates whether they are from original EWS category including these 12 applicants and accordingly inform the concerned department immediately on or before 27.12.2022 and the concerned department to take steps immediately for issuing appointment orders thereafter within ten days. OA disposed off.

Sd/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(sgj)

(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: 22.12.2022

O.A. No.1274 of 2022

B.S. Kapse .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.S. Dhannawat, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant stands retired on 31.05.2020 as A.P.I. He has now filed this O.A. for travelling allowance bill etc. without filing M.A. for condonation of delay. When this aspect is brought to the notice of learned Advocate for the Applicant he sought short time to file M.A. for condonation of delay.

3. Two weeks time is granted to file M.A. for condonation of delay.

4. If M.A. is filed within two weeks O.A. be listed for admission with M.A. failing to which O.A. will stand dismissed without reference to the Tribunal.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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: 22.12.2022

O.A. No.1290 of 2022

P.S. Choughule .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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 stands retired on 28.02.2020 and filed this O.A. with prayer for direction to pay retirement dues on the basis of pay of Rs.76,200/- (Rupees Seventy Six Thousand Two Hundred Only).

3. When specific query is raised to learned Advocate for the Applicant he admits that certain dues towards retiral benefits are already received. In view of submission his claim is for following amount:-

a) Gratuity with interest.

b) Regular Pension.

4. He submits that there is no D.E. or criminal case against the Applicant so as to withhold the payment.

5. Learned P.O. is directed to take instruction from the Respondents who are from Mumbai to find out why there is inordinate delay for grant of Gratuity and Pension so that O.A. could be disposed of with suitable direction.

6. S.O. to 23.12.2022.

Sd/-

(A.P. Kurhekar) [*P.T.O.*
Member (J)

NMN

(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: 22.12.2022

M.A. No.752 of 2022 in O.A. No.1300 of 2022

P.N. Avhad & Anr. .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., 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/-

(A.P. Kurhekar)
Member (J)

NMN

[P.T.O.

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

Date: 22.12.2022

O.A. No.1300 of 2022

P.N. Avhad & Anr. .....Applicant

Versus

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

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

2. The Applicant has challenged suspension order dated 03.09.2021 whereby they are suspended in view of registration of crime under the Prevention of Corruption Act, 1988.

3. Learned Advocate for the Applicant has challenged prolong suspension stating that though period of more than one year is over neither D.E. is initiated nor chargesheet is filed in criminal case.

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

3. Issue notice before admission returnable on 11.01.2023.

4. 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.

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

6. 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.

7. 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 Applications shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

8. S.O. to 11.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

(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 : 22.12.2022

O.A.No.1016 of 2018

C. S. Atkar ....Applicant

Versus

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

1. Heard Shri Deshmukh holding for Shri Sanjay Ranjane, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant submits that Applicant's mother is serious, and therefore, he is unable to come for filing M.A. He, therefore, sought time.

3. S.O. to 12.01.2023.

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: 22.12.2022

O.A. No.1182 of 2022 to O.A. No.1185 of 2022

S.A. Mali
M.A. Jadhav
B.K. Bhamre
P.L. Gangode .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri C.T. Chandratre, 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 is all these matters. It is taken on record.

3. O.A. be kept for hearing at the stage of admission.

4. S.O. to 12.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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: 22.12.2022

O.A. No.1298 of 2022

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

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

2. The Applicant stands retired on 31.12.2018 on attaining age of superannuation but his retiral benefits are not paid therefore he had filed O.A. No.562/2019 which was decided by the Tribunal on 28.11.2019 with direction to release retiral benefits within six weeks. That order has been complied with but belatedly.

3. Now, the Applicant has filed this O.A. raising grievance of refixation of Pension and other benefits in terms of 7th Pay & Commission which is made applicable to the Government servant from 01.01.2016.

4. Indeed, it was responsibility of head of the office to revise the Pension at its own but it seems to have been neglected.

5. Learned P.O. is therefore directed to take instruction as to why Pension is not revised in terms of 7th Pay Commission.

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

NMN

[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

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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

Date : 22.12.2022

O.A.No.1298 of 2022

D. B. More ....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 finally at the stage of admission.

2. In afternoon session, learned P.O. on instructions submits that department had sent proposal in terms of 7th Pay Commission on 06.07.2020 but Pay Verification Unit has raised objection on 05.10.2021 on the ground that the Applicant has not passed Marathi Typewriting Examination within six months from the date of his promotion order dated 21.03.1994 and further stated that it requires exemption order from the Government.

3. According to learned P.O. thereafter department had sent proposal to the Government on 13.01.2022 for exemption from passing Marathi Typewriting examination, and therefore, the matter is stuck.

4. Indeed, this is 2nd round of litigation. Earlier the Applicant has filed O.A. 562/2019 raising grievance that though he retired on 31.12.2018, he was not paid retiral benefits. The O.A. was resisted by the Respondents *inter-alia* contending that when the Applicant was promoted by order dated 21.03.1994, he was required to pass Marathi Typewriting Examination within six months but he failed to do so. The Pay Verification Unit had also raised objection on 05.11.2011 when the service book was sent for verification. In O.A., it was further contended that the proposal for grant of exemption was rejected by the Government vide letter dated 19.12.2018. In view of pleading in O.A.562/2019, the Tribunal formulated the question for consideration as to whether withholding of retiral benefit is sustainable, reasonable and fair. The Tribunal noted that the Applicant is

[P.T.O.

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

75% visually impaired employee and Government ought to have granted exemption under Rule 10 of Maharashtra Civil Services (Compulsory Marathi Shorthand and Marathi Typing Examination for English Stenographer and English Typist) Rules, 1991. The Tribunal further held that because of 75% visual disability, the Applicant could not have pass Marathi Typewriting Examination and it would be denial of promotion to a person with disability, which is impermissible in view of Section 20(3) of Rights of Persons with Disabilities Act, 2016. The Tribunal, therefore, allowed the O.A. and directed the Respondents to release the retiral benefits as per his entitlement within six weeks by order dated 28.11.2019. Thereafter, admittedly, the Applicant was paid retiral benefits in terms of 6th Pay Commission. This being the position, consequently the Applicant will have to be paid difference in terms of 7th Pay Commission whereby the pay is revised w.e.f. 01.11.2016.

5. As such, the Tribunal has already rejected the contentions of Respondents on the point of non-passing of examination. The said judgment is not challenged by the Respondents, on the contrary, it is implemented. This being so, the objection now again raised by the Pay Verification Unit for not passing of Marathi Typewriting Examination is absolutely erroneous. They seems to have raised objection mechanically in total disregard of the order dated 28.11.2019 passed in O.A.562/2019.

6. In view of above, the Respondents are directed to pay difference of retiral benefits to the Applicant in terms of 7th Pay Commission within a month from today.

7. 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: 22.12.2022

O.A. No.1023 of 2021

A.T. Ingawale .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. On request of learned Advocate for the Applicant adjourned for hearing at the stage of admission with specific instruction that no further time will be granted.

3. S.O. to 03.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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: 22.12.2022

O.A. No.1221 of 2022

V.L. Dharne .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri K.S. Jadhav, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondent.

2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.

3. S.O. to 10.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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

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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.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: 22.12.2022

O.A. No.1187 of 2022

K.A. Sonawane .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri Om M. Lonkar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent No.1 and Shri A.V. Bandiwadekar, learned Advocate for the Respondent No.2.

2. On request of learned P.O. and learned Advocate for the Respondent No.2, one week time is granted to file Affidavit-in-Reply as last chance.

3. S.O. to 04.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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

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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

Date: 22.12.2022

O.A. No.1180 of 2022

Dr. A.M. Zende .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. submits the C.S.B. has already recommended the Transfer of the Applicant to Kolhapur but the final order is not yet passed and sought time.

3. S.O. to 05.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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

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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

Date: 22.12.2022

O.A. No.1170 of 2022

Y.P. Bhoi .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri L.S. Deshmukh, learned Advocate 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 to file Affidavit-in-Reply.

3. S.O. to 11.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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

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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

Date: 22.12.2022

O.A. No.1166 of 2022

G.N. Kamble .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

1. Heard Shri Om M. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.

3. S.O. to 10.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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

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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

Date: 22.12.2022

O.A. No.907 of 2022

S.P. Malusare .....Applicant
Versus
The State of Maharashtra & Ors. .....Respondents.

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

2. Today matter is for filing Rejoinder but it is not filed.

3. O.A. be kept for hearing at the stage of admission.

4. S.O. to 17.01.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

[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.604/2022

Shri S.R. Nalavade ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

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

2. Today, Learned P.O. has filed Affidavit-in-reply on behalf of Respondent No.4. Earlier it was filed by Respondent Nos.1 to 3. It is taken on record.

3. Learned P.O. has also filed Sur-rejoinder on behalf of Respondent No.4 to the Rejoinder filed by the Applicant. It is taken on record.

4. S.O. to 13.01.2023.

Sd/-

(A.P. Kurhekar)
Member-J
22.12.2022

(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.214 to 216/2022 **Shri S.T. Motkari & 2 Ors. ... Applicants** **Vs.** **The State of Mah. & Ors. ... Respondents** 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 2. Today, Learned P.O. has filed Affidavit-in-sur-rejoinder in all matters on behalf of Respondent No.1. It is taken on record. 3. S.O. to 24.01.2023. Sd/- **(A.P. Kurhekar)** **Member-J** **22.12.2022** (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.380/2022

Shri O.G. Taware ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

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

2. Learned P.O. has filed Additional Affidavit on behalf of Respondent Nos.1 & 2. Allowed to file the same to decide the matter on merit. It is taken on record.

3. O.A. be kept for hearing at the stage of admission on 25.01.2023.

Sd/-

(A.P. Kurhekar)
Member-J
22.12.2022

(skw)

(G.C.P.) J 2737 (50,000—4-2019)

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

Date : 22.12.2022

O.A.No.95 of 2021

G. N. Dongarkar ....Applicant

Versus

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

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

2. Today, learned P.O. has filed Affidavit in Sur-Rejoinder on behalf of the Respondent No.1. It is taken on record.

3. S.O. to 23.01.2023.

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

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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

Date : 22.12.2022

O.A.No.535 of 2022

Sana R. Shaikh ....Applicant

Versus

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

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Today, learned Counsel for the Applicant has filed Affidavit in Rejoinder, it is taken on record.

3. S.O. to 25.01.2023.

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 : 22.12.2022 **O.A.No.743 of 2022 & 744 of 2022** **Dr. K. S. Madar ....Applicant** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Interim relief to continue till next date. 3. S.O. to 19.01.2023. 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

O.A. No.1252 of 2022

Mohd. T.A. Gani ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 31.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(sgj)

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

O.A. No.1264 of 2022

R.B. Kale ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Trunal Tonape and Ms. Nikita Anandache i/b. M/s. Asim Sarode & Associates, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 12.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(sgj)

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

O.A. No.1266 of 2022

G.A. Khekar & 2 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Trunal Tonape and Ms. Nikita Anandache i/b. M/s. Asim Sarode & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 3.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(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

M.A. No.729 of 2022 in O.A. No.1266 of 2022

G.A. Khekar & 2 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Trunal Tonape and Ms. Nikita Anandache i/b. M/s. Asim Sarode & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief 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/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(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

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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

22.12.2022

O.A 1299/2022

Shri Uttam H. Bhosale ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Learned P.O on instructions from Mrs Jyoti C. Punwatkar, Senior Tribal Development Inspector, from the office of Respondent no. 2, submits that the Respondents need time to look into the matter as per Rule 9(7) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

3. S.O to 5.1.2022. In the meanwhile, the department not to proceed with the departmental enquiry.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Akn

(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

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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

O.A. No.1095 of 2022

M.S. Thorave ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Ld. Advocate for the Applicant is not present.

2. Ld. PO produces a copy of letter dated 16.12.2022 and submits that representations of the applicant have been rejected. The said letter is taken on record and marked as Court Exhibit '1' for identification.

3. S.O. to 27.1.2023.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(sgj)

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

CA.47/2021 in OA.280/2017 with OA.241/2019

V.V. Punathil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Shri Madhav Govind Satale, Sub Divisional Officer, Urmodi Irrigation Sub Division, Vaduj, Taluka Khatav, District Satara is present in the Court and we find that he has tried his level best to comply the order dated 25.6.2021 passed in the above OAs. However, the order is not implemented completely since 25.6.2021.

3. Hence, issue Contempt notice to Shri Dipak Kapur, Additional Chief Secretary, Water Resources Department, Mantralaya, Mumbai returnable on 25.1.2023.

4. S.O. to 25.1.2023.

Sd/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(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

O.A. No.343 of 2021

S.G. Rajput & 15 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In this OA the applicants have sought directions to the respondents to raise the quota and promote the applicants to the post of Assistant Commissioner.

3. Ld. CPO produces copy of order dated 15.12.2022 issued by respondent no.3 and submits that out of 16 applicants, 11 have been promoted vide order dated 15.12.2022 in accordance with rules and quota. She further submits that remaining 5 applicants will be promoted as and when the vacancies are available as per rules and quota.

4. In view of the above, OA is disposed off.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(sgj)

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

O.A. No.1291 of 2022

K.A.H. Mehvi ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 31.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(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
	O.A. No.1284 of 2022 R.J. Kerkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Ld. PO to take instructions how many days are needed to decide the representation. 3. S.O. to 23.12.2022. Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 22.12.2022 22.12.2022 (sgj)

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

O.A. No.1267 of 2022

S.D. Tekam & 25 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Trunal Tonape and Ms. Nikita Anandache i/b. M/s. Asim Sarode & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 3.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(sgj)

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

O.A. No.1283 of 2022

Dr. D.V. Menkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 31.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(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

M.A. No.730 of 2022 in O.A. No.1267 of 2022

S.D. Tekam & 25 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Trunal Tonape and Ms. Nikita Anandache i/b. M/s. Asim Sarode & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief 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/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(sgj)

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

O.A. No.1287 of 2022

D.B. Karande & 118 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Trunal Tonape and Ms. Nikita Anandache i/b. M/s. Asim Sarode & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 3.1.2023. The respondents are directed to file reply.

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.

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

6. 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.

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.

Sd/- Sd/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(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

M.A. No.743 of 2022 in O.A. No.1287 of 2022

D.B. Karande & 118 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Trunal Tonape and Ms. Nikita Anandache i/b. M/s. Asim Sarode & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief 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/-

(Medha Gadgil) (Mridula Bhatkar, J.)
Member (A) Chairperson
22.12.2022 22.12.2022

(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

C.A. No.14 of 2022 in O.A. No.343 of 2021

S.G. Rajput & 15 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO produces copy of order dated 15.12.2022 issued by respondent no.3 and submits that orders dated 29.10.2021 and 10.12.2021 passed in MA No.441 of 2021 in OA No.343 of 2021 has been complied with wherein 30 employees have been promoted after maintaining quota as per existing rules of 33%. Copy of order dated 15.12.2022 is taken on record and marked as Court Exhibit '1' for identification.

3. Ld. CPO further submits that now that quota of State Intelligence Department has been exhausted, remaining will be considered for promotion as and when the vacancies are available in accordance with rules and quota.

4. In view of the above, CA is disposed off.

Sd/-
(Medha Gadgil)
Member (A)
22.12.2022

Sd/-
(Mridula Bhatkar, J.)
Chairperson
22.12.2022

(sgj)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

O.A.No.775/2022 with O.A.No.776/2022 with O.A.No.777/2022 with O.A.No.778/2022 with O.A.No.779/2022 with O.A.No.790/2022 with O.A.No.791/2022 with O.A.No.793/2022 with O.A.No.796/2022 with O.A.No.830/2022

WITH

ORIGINAL APPLICATION NO.144 OF 2022 WITH O.A.NO.145 OF 2022 WITH O.A.NO.146 OF 2022 WITH O.A.NO.167 OF 2022 WITH O.A.NO.203 OF 2022 WITH O.A.NO.300 OF 2022 WITH O.A.NO.301 OF 2022 WITH O.A.NO.321/2022

1. ORIGINAL APPLICATION NO. 775 OF 2022

Vijay R.Sarole)
Occ – Service, R/o: At Post-Andhori,)
Tal-Ahmedpur, Dist-Latur.)...Applicants

Vs.

1. The Superintendent of Police,)
Latur, Dist-Latur.)

2. The Additional Director General)
of Police, [Training and Special Unit])
M.S, Mumbai, having office at)
Director General and Inspector)
General of Police, M.S, Mumbai,)
Old Council Hall, S.B Hall,)
Mumbai 400 039.)

3. Dhanraj D. Shinde)
R/O : At Dagal, Post Sawagi Mali,)
Ta;-Mehkar, Dist-Buldhana.)...Respondents.

2. ORIGINAL APPLICATION NO. 776 OF 2022

Sumit K. Rathod)
Occ – Service, R/o: Mandwa,)
Post-Wanola, Tal-Mahur, Dist-Nanded)...Applicants

Vs.

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

3. ORIGINAL APPLICATION NO. 777 OF 2022

Shrikrushna N. Damre)
Akola.)...Applicants
Vs.
The State of Maharashtra & Ors)...Respondents.

4. ORIGINAL APPLICATION NO. 778 OF 2022

Shankar B. Survase)
Parbhani.)...Applicants
Vs.
The State of Maharashtra & Ors)...Respondents

5. ORIGINAL APPLICATION NO. 779 OF 2022

Sham L. Takle)
Nanded.)...Applicants
Vs.
The State of Maharashtra & Ors)...Respondents

6. ORIGINAL APPLICATION NO. 793 OF 2022

Mahadeo D. Patil)
Kolhapur)...Applicants
Vs.
The State of Maharashtra & Ors)...Respondents

7. ORIGINAL APPLICATION NO. 796 OF 2022

Vijay A. Bhowad)
Ratnagiri)...Applicants
Vs.
The State of Maharashtra & Ors)...Respondents

8. ORIGINAL APPLICATION NO. 830 OF 2022

A.B Pakhare & Ors)...Applicant
Vs.
The State of Maharashtra & Ors)...Respondents

9. O.A.No.144/2022

Shri Amit Harischandra Daphal)...Applicant

VERSUS

The Superintendent of Police & Ors)...**RESPONDENTS**

WITH

10. O.A.No.145/2022

Abaso Dattatraya Nazirkar & Ors)...**APPLICANTS**

VERSUS

The Commissioner of Police & Ors) ....**RESPONDENTS**

WITH

11. O.A.No.146/2022

Shri Tanaji Ramdhan Andhale & Ors)...**APPLICANTS**

VERSUS

The Superintendent of Police & Ors)...**RESPONDENTS**

WITH

12. O.A.No.167/2022

Satyawan Bhairavnath Godase)...**APPLICANT**

VERSUS

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

WITH

13. O.A.No.203/2022

Ashok Mallinath Halasangi)...**APPLICANT**

VERSUS

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

WITH

14. O.A.No.300/2022

Shri Shubham Janardan Sawant)...**APPLICANT**

VERSUS

The Commissioner of Police & Ors)...**RESPONDENTS**

WITH

15. O.A.No.301/2022

Sandip Dilip Shinde & Ors)...**Applicants**

Vs.

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

Mr. Akash Reddy, learned Advocate i/b Mr. Talekar, learned Counsel for the Applicants in O.A.No.775/2022, O.A.No.776/2022, O.A.No.777/2022, O.A.No.778/2022, O.A.No.779/2022, O.A. No.793/2022 & O.A.No.796 /2022.

Mr. P. Avhad, learned Advocate along with Ms. Naval, learned Advocate for the Applicants in O.A.No.790/2022 and O.A.No.791 /2022.

Ms. Amrita Chaware, learned Advocate for Respondent No.4 in O.A.No.777/2022.

Mr. Bhushan A. Bandiwadekar, learned Advocate for the Respondent No.3 & 4 in O.A.No.775/2022 & O.A.No.776/2022, 144, 145, 146, 300, 301 and 321/2022 and for Respondents No.4 & 9 in O.A.No.790/2022, and for Respondents No.4 & 5 in O.A.No.791/2022.

Shri S.S Dere, learned advocate for the applicants in O./A 167/2022 and 203/2022.

Mr. S.S. Dere, learned Advocate for Respondents No.4 in O.A.No.778/2022 & O.A.No.779/2022, and for Respondents No.5 & 6 in O.A.No.790/2022.

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

CORAM : JUSTICE MS. MRIDULA BHATKAR, CHAIRPERSON
MS. MEDHA GADGIL, MEMBER(A)

DATE : 22.12.2022

PER : JUSTICE MS. MRIDULA BHATKAR, CHAIRPERSON

REFERENCE

1. Today, we have recalled our order dated 11.4.2022 in OA 144/2022 and ors and the matters are restored to the original file.

2. We have extensively heard the learned counsel for the applicants and also called the relevant information from the Respondent-State. We have also considered the submissions of the original applicants. The information given by the learned C.P.O were considered. We have also called the applicants in OA 144/2022 and ors to give the details furnished by them in their application form and that is to be tallied with the information which is available with the Respondent-State. We clarify that the learned counsel for the applicants have argued all these matters on merit while pressing their point on recalling the orders. Similarly, the learned C.P.O for the Respondents have also made the submissions at the time of hearing these matters on the point of recalling the order and maintainability. However, the orders of two benches, i.e. M.A.T, Nagpur and Aurangabad are consistent with the order which is earlier passed by this Bench.

3. The judgment and order dated 5.5.2022 in O.A nos 411/2022 & Ors passed by the Maharashtra Administrative Tribunal, Aurangabad Bench, in a group of matters addressing the same issue is also placed before us. We have gone through that order minutely and so also the observations made by the Division Bench in the later part of the order, which is reproduced below:-

"12. The applicants were admittedly called upon by the computer system to submit an undertaking that information submitted by them is correct. The text of undertaking reads as under:-

> "Undertaking before logging on to the registration portal—
>
> 1. I have read and understood the advertisement carefully before filling in the form.
>
> 2. I have scanned my photograph and signature ready on my desktop confirming to the specified standards as mentioned in the advertisement.
>
> 3. I have downloaded the online advertisement and read it carefully before filling the form.
>
> 4. I have the details for payment (Credit Card/Debit Card/Internet Banking) available with me for making online payment.
>
> 5. I agree that my application form will be treated as complete only if I finally submit the application along with the payment of necessary fees.
>
> 6. I agree to bear the payment gateway additional charges.
>
> 7. Candidates are advised that before filling online application, they should first check the vacancy statement of the concerned Unit and category in which they wants to apply and should verify that such vacancy exists. Application and candidature of candidates applying to categories which are not available in particular Unit are liable to be rejected at any stage of recruitment. Such candidates will also not be able to claim any refund of the application fee made in such case.
>
> 8. I accept to receive messages from MAHA-IT even if my mobile number falls under Opt-in and/or DND (Do not Disturb)/DNC (Do Not Call) category.
>
> Before submitting the form – Undertakings
>
> 1. I fulfill the conditions as specified in the eligibility criteria and registration guidelines.

2. All the particulars provided by me in this application are true, correct and complete to the best of my knowledge and belief.

3. I shall produce all the original documents along with the attested copies as and when required, failing to which I will be considered as blacklisted and debarred.

4. In case any particulars given by me in this application are found to be false, incorrect and/or misleading, I shall be liable for being blacklisted or debarred from all further examinations and selection process of the Home Department, District and Railway Police Constable Driver and SRPF armed Police Constable Recruitment-2019."

13. As per the text of warning in the form, which appeared on computer screen while applicants were filling in duplicate applications, if it is found that duplicate registration was deliberately created, the Department holds a right to disqualify the candidature of the concerned candidate. The text of warning reads as under:-

> "Warning: A similar record was found in applicants list. If identified that the duplicate registration was deliberately created, the Departments holds the authority to reject/disqualify the candidate and no refund shall be provided. Please ignore the message and continue your registration if this is your only registration profile."

14. However, having regard to the orders passed by the Principal Bench at Mumbai and at Nagpur Bench, we may not take any different view. We have referred to the above provisions with an intent to express our concern about the candidates, who followed the condition incorporated in the advertisement and refrained themselves from making more than one application. We feel that care and caution is to be taken to safeguard the interest of such candidates also and preventing occurrence of what may be called as changing rule of game after results are known. We reiterate that we are not taking contrary view insofar as the final orders passed at Principal Bench at

Mumbai and Nagpur Bench of this Tribunal in view of judicial propriety and discipline and rule laid down by the Hon'ble Apex Court in the case of State of Bihar Vs. Kalika Kuer @ Kalika Singh and others, AIR 2003 S.C 244.

4. Considering the facts placed before us, the applicants in O.A 775/022 and ors were not before us and they were not heard and they have suffered on account of order passed by all the Division Benches at Mumbai, Nagpur & Aurangabad. Certain facts regarding filling up Forms at more than one Unit are placed with us. We think that it is proper to refer the matter to the larger bench of three Members (Chairperson and two Members).

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

ank/prk

D:\Anil Nair\Judgments\2022\01.11.2022\O.A 775.22, NOTES, Chairperson and Member, A.doc