

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**M.A.NO.270 OF 2021 IN O.A.NO.236 OF 2021
with
M.A.NO.274 OF 2021 IN O.A.NO.237 OF 2021**

**WITH
M.A.NO.271 OF 2021 IN O.A.NO.236 OF 2021
with
M.A.NO.273 OF 2021 IN O.A.NO.237 OF 2021**

DISTRICT : MUMBAI

Mr. K. Suryakrishnamurthy
Mr. A.N Padwal

)...Applicants

Versus

The State of Maharashtra & Ors

)...Respondents

Mr. Akhilesh Dubey, learned Counsel along with Mr. Rajuram Kuteriya i/b. Troy Legal for the Applicants in M.A.No.270/2021 & M.A.No.271/2021 in O.A.No.236/2021.

Mr. Atul Rajadhyaksha, learned Senior Counsel along with Mr. Uttam Dubey, Mr. S. Rajput i/b. Law Counselors for the Applicants in M.A.No.273/2021 & M.A.No.274/2021 in O.A.No.237/2021.

Mr. R.S Apte, learned Senior Counsel with Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents No 1, 2 & 3.

Mr. B.S Shinde, learned Advocate for the Respondents No.9 in O.A.No.236/2021.

Ms. Punam Mahajan, learned Advocate for Respondents no.11 in O.A.No.237/2021.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Ms. Medha Gadgil, Member (A)

DATE : **23.08.2021.**


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

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ORDER

1. This pair of Miscellaneous Applications is moved on behalf of the Applicants to remove errors inadvertently crept into the order dated 27.07.2021 passed by this Tribunal in O.A.No.236/2021 and O.A.No.237/2021. It is prayed that the Tribunal be pleased to correct contents in the order dated 27.07.2021 and it is further prayed that the order dated 27.07.2021 be stayed. Both the Miscellaneous Applications are opposed by the State and private the Respondents. The Respondent-State did not file the affidavit-in-reply. However, Respondent No.9 and Respondent No.11 have filed affidavits-in-reply on 20.08.2021 and on 19.08.2021 respectively. All the Respondents set their initial challenge on the point of maintainability.

2. Learned Senior Counsel Mr. Rajadhyaksha and learned Counsel Mr. Dubey have submitted that this is neither review nor speaking to minutes, but these are the Miscellaneous Applications made under Section 152 of Civil Procedure Code as there are omissions to record the submissions in the order which were made by them at the time of arguments. The learned Senior Counsel has submitted that the Miscellaneous Applications are moved basically on the background of ratio laid down in the judgment of the Hon'ble Supreme Court in case of ***Daman Singh and Others Versus State of Punjab and Other reported in (1985) 2SCC 670***, wherein the Hon'ble Supreme Court expressed that if certain arguments are not recorded by the



subordinate Court then it is to be pointed out well within time before the Court by making the application for review or clarification, hence the applications for clarification. He further relied on the judgment of the Hon'ble Supreme Court in the case of ***Akhil Bhartvarshiya Marwari Agarwal Jatiya Kosh and others Versus Brijlal Tibrewal and Others reported in (2019) 2SCC 684*** and submitted that in the said judgment the Hon'ble Supreme Court has discussed the scope of speaking to minutes and expressed that the speaking to minutes is required to be entertained only for the limited purpose of correcting a typographical error or an error through oversight and otherwise the application for modification to be entertained. The learned Senior Counsel has submitted that certain arguments have been inadvertently, erroneously attributed to the applicants which are required to be corrected. The learned Counsel Mr. Dubey has adopted the submissions of the learned Senior Counsel.

3. The learned Senior Counsel for the Applicant has submitted that the applicants want these arguments are to be incorporated in the order as the submissions of the respective Counsel and also submitted that they do not press for any finding to be given further on the basis of these submissions.

4. The modifications / corrections mentioned in both the Miscellaneous Applications are as follows :-

In M.A.No.274/2021 in O.A.No.237/2021 at paragraph 5



5.1 Page No.9, Paragraph No.8 :

"The posts of Deputy Collectors are to be filled in either by promotion or by nomination or by deputation by maintaining the quota of direct recruits. Not less than 35% and not more than 50% candidates are to be appointed by nomination."

Whereas the Argument advanced by the Applicant was :

"The posts of Deputy Collectors are to be filled in either by promotion or by nomination or by deputation ~~by maintain the quota of direct recruit~~, as per the Rule 4(1) of the 1977 Rules the quota of Direct Recruits is not less than 35% and not more than 50% of permanent posts in the Cadre."

5.2 Page No.10, Paragraph No.8 (6th last line) :

"The Applicants were appointed as Deputy Collectors by the Respondents to meet the exigency of time."

Whereas the Argument advanced by the Applicant was :

"The Applicants were appointed as Deputy Collectors by the Respondents ~~to meet the exigency of time~~ as per Rule 10"

The Applicant states that the case urged on behalf of the Applicant was that he is appointed as Deputy Collector under the relevant Rules and that his promotion is not under challenge. The case of the Applicant was that the appointment of the Applicant was not on account of any "exigency" and in this regard the Hon'ble Tribunal will recollect the following :

- i. that Senior Counsel urged that the DPC/ promotion Committee was constituted in March 1999, that the said Committee met in April 1999 and the promotion order was dated 9 July 1999 and this time-lag showed conclusively that the promotion was not on account of any "exigency";*
- ii. That the dictionary meaning of the word "exigency" from the Oxford Concise Dictionary was produced before the Hon'ble Tribunal and its meaning which defines the said expression as "an urgent need or demand" was relied upon to show that there was no urgent need or urgent demand;*
- iii. That the same submission is to be found at para 6(g)(v) in the affidavit-in-reply dated 12/7/2021 filed by the Applicant.*

Hence the sentence in the said Order be corrected to as follows :

"The Applicants were appointed as Deputy Collectors by the Respondents as per Rule 10"

5.3 Page No.12, Paragraph No.11 :

"The applicants who are of 1999 and 2001 though were given promotions only on account of exigency, when the exigency was over they have not been put back to their positions, instead the Government continued them to the posts of Deputy Collector."

Whereas the Argument advanced by the Applicant was :

"The applicants who are of 1999 and 2001 though were given promotions ~~only on account of exigency, when the exigency was over they~~ under Rule 10 and they have not been ~~not been put back to their positions~~ reverted to their positions in Tahsildar cadre, instead the Government continued them to the post of Deputy Collector."

5.4 Page No.13, Paragraph No.13 :

"Mr. Rajadhyaksha and Mr. Dubey both have pressed the point that though the Tribunal had directed the Government while disposing off O.A.No.526/2004 to conduct the review, the Government did not do it till today."

The Applicant had not argued this point.

5.5 Page No.24, Paragraph No.21 :

"The State answered in negative to our question as to whether in this final select list of Tahsildars was prepared and the names of the applicants were included in it after the consultation of the Commission."

Whereas the question posted by this Hon'ble Tribunal vide its order dated 24/6/2021 was

"Whether the select list of the batch of applicants in O.A.236 & 237/2021 when working as Tahsildar was prepared at any time before or after they were given the promotion to the post of Deputy Collector ?" A copy of the order dated 24/6/2021 is annexed herewith and marked as Annexure-B."

5. In M.A.No.270/2021 in O.A.No.236/2021 at paragraph 4 the learned Counsel Mr. Dubey submitted as follows :-

"4. The Applicant states that the following arguments have been inadvertently erroneously attributed to the Applicant;

4.1 Page 13, para 13 :

"Mr. Rajadhyaksha and Mr. Dubey both have pressed the point that though the Tribunal had directed the Government

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while disposing off O.A.No.526 of 2004 to conduct the review, the Government did not do it till today."

*Whereas the Argument advanced by the Applicant was :
The Applicant had not argued this point :*

4.2 Page 15, para 14 :

"The promotees were always more in numbers than the posts sanctioned and they were always more than quota, but their appointments were made temporarily time to time as per the exigencies."

*Whereas the Argument advanced by the Applicant was :
The Applicant had not argued this point:*

4.3 Page 15, para 14 :

"He further submitted that in the judgment in O.A.No. 526/2004 the Tribunal had directed the Respondents to prepare the final seniority list and also follow the procedure. Instead of doing that the direct recruits filed O.A.No.916/2016 and thereafter filed O.A.No.1099/2016 and prayed that the adhoc promotions be given. By way of interim relief subject to the disposal of the said O.A. the permission to issue ad-hoc promotion was granted by this Tribunal by order dated 14.09.2018."

Whereas the Argument advanced by the Applicant was :

"direct recruits had filed O.A.No.916/2016 and had obtained interim orders by virtue of which they were granted ad-hoc promotions vide order dated 14/8/2019. Once O.A.916/2016 was withdrawn, all interim orders also needed to be quashed and set aside."

4.4 Page 16, para 14

"He submitted that final select list of the Tahsildars is not prepared in consultation with M.P.S.C. though selection list was prepared by the selection committee."

*Whereas the Arguments advanced by the Applicant was :
The Applicant had not argued this point.*

4.5. Page 21, para 14

"The State answered in negative to our question as to whether in this final select list of Tahsildars was prepared and the names of the applicants were included in it after the consultation of the Commission."

Whereas the question posed by this Hon'ble Tribunal vide its order dated 24/6/2021 was

“Whether the select list of the batch of applicants in O.A.236 & 237/2021 when working as Tahsildar was prepared at any time before or after they were given the promotion to the post of Deputy Collector ?” A copy of the order dated 24/6/2021 is annexed herewith as Annexure-A.”

6. The learned Senior Counsel Mr. Apte while opposing these Miscellaneous Applications has submitted that the order and the relevant paragraphs in the order and submissions recorded in fact unmistakably conveyed the arguments advanced by the learned Senior Counsel and learned Counsel for the Applicants in both the Original Applications. The learned Senior Counsel Mr. Apte for Respondents No.1 to 3, Mr. B.S Shinde, learned Advocate for the Respondents No.9 in O.A.No.236/2021 and Ms. Punam Mahajan, learned Advocate for Respondents no.11 in O.A.No.237/2021 have submitted that such applications are rarely made after the judgment is delivered or order is passed and much less after passing the interim order. The Respondent No.11 has not filed even the affidavit-in-reply at the time of hearing of interim relied as the matter was pressed for urgent relief and for urgent hearing but it was unnecessarily argued at length. The law relied by the applicants is mainly on the final judgment in ***Daman Singh (supra) and Akhil Bhartvarshiya (supra)*** and not at interim stage. There are no omissions in the order while recording the submissions made by the learned Counsel for the Applicants. It was further submitted that in the pretext of such application for modifications of the order the applicants in fact are trying to seek modifications in the findings and in the order itself

which is not permissible in law, hence such practice is to be deprecated.

7. Considered the submissions. In our interim order dated 27.07.2021 at paragraph 6 we have specifically mentioned that the matter was argued extensively by the learned Senior Counsel for the Applicants and it was made clear that we have considered the major relevant points and the law laid down by the Hon'ble Supreme Court. Therefore each and every argument by the learned Senior Counsel and learned Counsel which was repetitive not having direct bearing on the interim relief was not mentioned as it is not expected at interim stage. The interim order dated 27.07.2021 which runs in 50 pages is not a blanket order. All the major points advanced by the learned Senior Counsel for the Applicants in respect of the Rules, Seniority and precedent are considered.

8. The Hon'ble Supreme Court in **Daman Singh (supra)**, has held that,

"No party or counsel is thereafter entitled to make a grievance that the grounds not argued were not considered. If indeed any ground which was argued was not considered it should be open to the party aggrieved to draw the attention of the court making the order to it by filing a proper application for review or clarification. The time of the superior courts is not to be wasted in enquiring into the question whether a certain ground to which no reference is found in the judgment of the subordinate court was argued before that court or not ?"

Similarly, in view of the ratio laid down in the case of **Akhil Bhartvarshiya (supra)** we treat these applications under Section 152 of Civil Procedure Code read with Section 22 of the Administrative Act.

Admittedly, it is neither arithmetic nor clerical mistake but it can be only considered as error due to omission or accidental slip. We cannot invoke appellate powers under Section 152 Civil Procedure Code and Section 22 of the Administrative Act, Applicants if not satisfied may challenge before the Hon'ble High Court.

9. We have considered the paragraphs in the M.A.No.274/2021. However, we do not agree whatever the applicants have stated, except certain portion, which we add in the arguments in the interim order, which is as follows :-

In paragraph 5.1 of the M.A. it is stated that in paragraph 8, page 9 of the order the sentence,

"The posts of Deputy Collectors are to be filled in either by promotion or by nomination or by deputation by maintaining the quota of direct recruits.

To be read as

The posts of Deputy Collectors are to be filled in either by promotion or by nomination or by deputation by maintaining the quota of direct recruits in permanent posts.

In paragraph 5.2 of the M.A. it is stated that in paragraph 8, page 10 of the order the sentence,

"The Applicants were appointed as Deputy Collectors by the Respondents to meet the exigency of time."

To be read as

"The Applicants were appointed as Deputy Collectors by the Respondents as per the Rules 1977."

In paragraph 5.3 of the M.A. it is stated that in paragraph 11, page 12 of the order the sentence,

"The applicants who are of 1999 and 2001 though were given promotions only on account of exigency, when the

exigency was over they have not been put back to their positions, instead the Government continued them to the posts of Deputy Collector.”

To be read as

“The applicants who are of 1999 and 2001 though were given promotions they have not been put back to their positions, instead the Government continued them to the posts of Deputy Collector.”

The paragraph 5.4 & 5.5 of the M.A. cannot be considered as it is not found correct.

10. In M.A.No.270/2021 in O.A.No.236/2021

“The paragraph 4.1 of the M.A.No.270/2021 the submission is ditto as of paragraph 5.4 of the M.A.No.274/2021.

In paragraph 4.2 of the M.A.No.270/2021 it is stated that in paragraph 14, page 15 of the order the sentence,

“The promotees were always more in numbers than the posts sanctioned and they were always more than quota, but their appointments were made temporarily time to time as per the exigencies.”

To be read as

“The promotees were always more in numbers than the posts sanctioned and they were always more than quota, but their appointments were made temporarily time to time.”

In paragraph 4.3 of the M.A.No.270/2021 it is stated that in paragraph 14, page 15 of the order the corrections suggested were not argued or repetitive, hence, not taken.

In paragraph 4.4 of the M.A.No.270/2021 it is stated that in paragraph 14, page 16 of the order the sentence,

“He submitted that ~~final select list of the Tahsildars is not prepared in consultation with M.P.S.C.~~ though selection list was prepared by the selection committee.”

To be read as

“He submitted that selection list was prepared by the selection committee.”

In paragraph 4.5 of the M.A.No.270/2021 it is stated that in paragraph 21, page 24 of the order the correction suggested is not as per the facts, hence, not taken.

11. The final prayer (a) of the M.A.No.270/2021 and M.A.No.274/2021 is partly allowed to the effect of correction of some additions or deletion in the submission part of the learned Senior Counsel and learned Counsel for the Applicants in the concerned judgment. All other corrections / additions prayed as mentioned are rejected except as stated above. In view of this, M.A.No.270/2021 and M.A.No.274/2021 are disposed off. As both the M.A.s are disposed off prayer (b) in both does not survive.

12. Now we deal with other two Miscellaneous Applications i.e. M.A.No.271/2021 and M.A.No.273/2021 filed by the learned Senior Counsel and learned Counsel for the Applicants to place on record the submissions urged by the applicants during the hearing of the interim relief of the O.A. and not recorded and dealt with in the order dated 27.07.2021 passed by this Tribunal. In fact the M.A.No.270/2021 and M.A.No.274/2021 are on the same point and repetitive and the view taken by us is already mentioned above. The learned Sr. Counsel and learned Counsel both have submitted that certain arguments were missed by this Tribunal and they are required to be considered. As the applications are challenged by the Respondents on the point of maintainability learned Senior Counsel for the Applicant relied on the

three judgments of the Hon'ble Supreme Court in case of **Shankar K. Mandal & Ors V/s. State Of Bihar & Other reported in (2003) 9SCC 519, Urviben Chiragbhai Sheth V/s. Vijaybhai Shambhubhai Joranputra & Ors. reported in (2011) 12SCC 582** and also **Daman Singh (supra)**.

13. The learned Senior Counsel and the learned Counsel for the Applicants submit that if at all certain submissions are not mentioned in the order and the said order is challenged before the higher Courts, the higher Court will not hear the arguments of the learned Counsel for the Applicants unless the submissions find place in the judgment.

14. The learned Senior Counsel Mr. Ram Apte and Others Counsel for the Respondents while opposing have submitted that the allegations made in the applications should not be read as admissions on the part of the Respondents. In the case of **Shankar K. Mandal (supra)**, the Hon'ble Supreme Court has held that the fresh stand cannot be taken if there were any wrong recording. The Hon'ble Supreme Court in the case of **Urviben Chiragbhai Sheth (supra)** held,

"the principle of sanctity of recitals in Court proceedings is available to a Court of Record. This principle cannot be stretched to the proceedings of a tribunal.

Unfortunately the High Court failed to appreciate this."

15. We need to consider the legality and the factual correctness whether the submissions were made in fact in each case. We make it clear that this is the interim order and not the final judgment. Many

issues are kept open including the validity of G.R. dated 31.12.2020 though about it certain observations are made by us in our order. The matter was argued by the learned Senior Counsel and learned Counsel for the Applicant in 10 to 12 sittings and it was going on for a period of one month with periodical gaps. We do not want to mention, include or add these points No.A to G mentioned in paragraph 4 of the M.A.No.271/2021 so also points No. A to F of paragraph 3 of the M.A.No.273/2021. The paragraphs 5 and 4 of M.A.No.271/2021 and M.A.No.273/2021 respectively are basically ditto stating as below :

- “A. That this Application to be taken on record and deal with suitably in terms of its contents.
B. Any other order as deemed fit by this Hon’ble Tribunal;
C. Costs.”*

We make it clear that under the pretext of these Miscellaneous Applications no appellant powers can be invoked and we cannot rectify, add or delete any portion of our order once all the necessary required arguments and the factors were considered. Once the order is passed it cannot be rewritten.

Prayer A is drafted craftily as well as is vague and hence is rejected.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**M.A.NO.270 OF 2021 IN O.A.NO.236 OF 2021
with
M.A.NO.274 OF 2021 IN O.A.NO.237 OF 2021**

**WITH
M.A.NO.271 OF 2021 IN O.A.NO.236 OF 2021
with
M.A.NO.273 OF 2021 IN O.A.NO.237 OF 2021**

DISTRICT : MUMBAI

Mr. K. Suryakrishnamurthy
Mr. A.N Padwal

)...Applicants

Versus

The State of Maharashtra & Ors

)...Respondents

Mr. Akhilesh Dubey, learned Counsel along with Mr. Rajuram Kuteriya i/b. Troy Legal for the Applicants in M.A.No.270/2021 & M.A.No.271/2021 in O.A.No.236/2021.

Mr. Atul Rajadhyaksha, learned Senior Counsel along with Mr. Uttam Dubey, Mr. S. Rajput i/b. Law Counselors for the Applicants in M.A.No.273/2021 & M.A.No.274/2021 in O.A.No.237/2021.

Mr. R.S Apte, learned Senior Counsel with Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents No 1, 2 & 3.

Mr. B.S Shinde, learned Advocate for the Respondents No.9 in O.A.No.236/2021.

Ms. Punam Mahajan, learned Advocate for Respondents no.11 in O.A.No.237/2021.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Ms. Medha Gadgil, Member (A)

DATE : **23.08.2021.**

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

ORDER

1. The learned C.P.O. for the Respondents has placed praecipe dated 06.08.2021 for speaking to minutes in respect of the order dated 27.07.2021 passed in the above O.A.No.236/2021 and O.A.No.237/2021. The learned Counsel for the Applicants have no objection and hence being typographical errors, by consent it is allowed.

2. The following corrections are made in order dated 27.07.2021 :-

Sr. No.	Para. No.	Line No.	Text quoted as per Hon. M.A.T. order dated 27.07.2021	Corrected text
1	13	17	30.12.2020	31.12.2020
2	14	04	19.09.2009	14.08.2019 and 02.09.2020
3	15	19	Shri Madhav Veer, Under Secretary, dated 16.04.2021	Shri Madhav Veer, Deputy Secretary, dated 26.04.2021
4	15	38	83 posts	80 posts
5	19	08	Mr. Padwal was not appointed as Tahsildar	Mr. Padwal was appointed as Tahsildar.
6	23	01	30.12.2020	31.12.2020
7	23	02	30.12.2020	31.12.2020
8	34	02	541	514
9	35	15	MSC Rules	MCS Rules
10	36	04	541	514
11	36	10	30.12.2020	31.12.2020
12	38	10	30.12.2020	31.12.2020.

The corrected order will be uploaded.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. The Respondents have not yet filed their Affidavit-in-Reply to O.A. only short Affidavit in terms of order passed by the Tribunal is filed to clarify about minutes of PEB.</p> <p>7. Initially, learned P.O. has tendered the extract of information which was placed before the PEB. However, the minutes of PEB are produced today along with Affidavit of SP, Sangali.</p> <p>8. Perusal of minutes of PEB reveals that meeting was conveyed on 02.07.2021 to consider the transfer of some police personnel including Applicant. In so far as the Applicant is concerned, there was complaint of lady constable alleging that Applicant abused her in indecent manner and subjected her to mental torture.</p> <p>9. The preliminary enquiry was conducted by PI who found substance in the complaint. It is on the basis of complaint and report of enquiry, the PEB found the conduct of Applicant is unbecoming for police constable and recommended for his transfer.</p> <p>10. True, it appears that the said lady constable later withdrawn the complaint. In her statement, she stated that the Applicant apologized for his alleged misdeed and requested to close the complaint. However, the fact remains that complaint was there and it was inquired with.</p> <p>11. The PEB was also conscious about withdrawal of complaint. However, the PEB observed that to maintain discipline in the department, the transfer of Applicant was necessitated. It is on this background, the PEB had recommended for transfer of the Applicant.</p> <p>12. As such, prima-facie, the PEB had invoked Section 22N(2) of Maharashtra Police Act in view of the material available on record. Therefore, I am not inclined to grant interim relief.</p> <p>12. Interim relief is rejected.</p> <p>13. The Respondents to file Sur-Rejoinder, if so advised.</p> <p>14. S.O. to 07.09.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurnekar) Member(J)</p> <p>vsm</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 : 23.08.2021</p> <p align="center">O.A.No.288 of 2021</p> <p>R. V. KothmireApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed copies of complaints referred in PEB meeting along with annexures in additional Affidavit in terms of order passed by this Tribunal on 20.08.2021. It is taken on record.</p> <p>3. Shri K.R. Jagdale, learned Counsel for the Applicant requested for grant of time to take instructions from the Applicant on documents produced by the Respondents today.</p> <p>4. S.O. to 24.08.2021.</p> <p align="right">A</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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
	<p>Date : 23.08.2021</p> <p align="center">O.A.No.557 of 2015</p> <p>B. G. WaghApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. In the present case, the Applicant is seeking deemed date of promotion in the cadre of Additional Collector. 3. Learned P.O. has tendered order dated 07.11.2016 which shows that the relief claimed by the Applicant has already granted by the Government. 4. Order dated 07.11.2016 is taken on record and marked by letter 'X' for identification. 5. Learned Counsel for the Applicant, therefore, submits that O.A. be disposed of since grievance of the Applicant is already redressed. 6. In view of above, O.A. has become infructuous and disposed of with no order as to costs. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 style="text-align: center;"><u>23.08.2021</u></p> <p style="text-align: center;"><u>O.A 628/2021</u></p> <p>Shri R.B Chavan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahaj, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant, working as Professor, Skin and VD Medical Education and B.J Government Medical Colelge, Pune is aggrieved by the transfer order dated 20.8.2021, by which the applicant is transferred from B.J Government Medical Hospital, Pune to Government Medical College, Baramati.</p> <p>3. Learned counsel for the applicant challenges the transfer order on the following grounds:-</p> <p>(a) Transfer order has been issued under Section 4(4)(2) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. (hereinafter referred to ROT Act, 2005).</p> <p>(b) The Government has not complied with the provisions of the Transfer Act.</p> <p>(c) The applicant is a Group-A Officer and the immediate superior Competent Transferring Authority is Hon'ble Chief Minister. Prior approval of the immediate superior Competent Transferring Authority, i.e. Hon'ble Chief Minister is not taken.</p> <p>4. Learned P.O submits that the case of the applicant was placed before the Civil Services Board on 5.8.2021 and thereafter the approval of the Hon'ble Chief Minister was obtained on 18.8.2021. The applicant was in B.J Medical College, Pune since 25.6.2015 with a gap of 7 ½ months from 12.6.2018 to 6.2.2019, when he worked at Miraj.</p> <p>5. It appears from the record that earlier the Government has transferred the applicant to Miraj in place of Dr. Shekhar Pradhan. However, the said transfer order was quashed and set aside by this Tribunal by order dated 19.11.2018 in O.A 527/2018 and confirmed by the Hon'ble High Court on 21.1.2019.</p> <p style="text-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. Learned counsel for the applicant states that the applicant is not relieved.</p> <p>7. Learned P.O seeks time to take instructions in the matter.</p> <p>8. Issue notice before admission returnable on 25.8.2021.</p> <p>9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>10. 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>11. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>12. In view of the above, the applicant is not to be relieved from his present place of posting till the next date.</p> <p>13. S.O to 2.9.2021. Hamdast.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 627 OF 2021

DISTRICT : PUNE

Shri Pravin D. Pawar)...**Applicant**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **23.08.2021**

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant, Head Constable working in the Economic Offences Wing, Pune, challenges the order dated 19.8.2021, whereby heh is transferred to Otur Police Station, Tal-Junnar, Dist-Pune.

3. Learned counsel for the applicant challenges the transfer order on following grounds:-

(a) The transfer order issued is mid-term and mid-tenure. The applicant has put in 2 years and 9 months at the present place of posting and the statutory tenure is of 5 years for Police Constable. The applicant

has a good service record as 'A', 'A' and 'A+'. The applicant is recipient of various awards and rewards.

- (b) Section 22(N) of the Maharashtra Police (Amendment) Act, 2005 is not followed while issuing the transfer order.
- (c) Neither exceptional circumstances, nor administrative exigencies or public interest is spelt out in the impugned order.
- (d) No show cause notice was given to the applicant for the misconduct before issuing the transfer order.
- (e) The wife of the applicant is working at Lashkar Police Station, Pune City.

4. Learned counsel for the applicant relies on the judgment of this Tribunal dated 11.12.2020 in O.A 493/2020, Smt S.M Khillare Vs. The State of Maharashtra & Ors, wherein the Tribunal observed as under:-

“10. In view of the submissions of both the learned counsel for the applicant and learned Presenting Officer for the Respondents, prima facie the case is made out by the applicant to give interim relief. Though the Government is empowered to transfer the Government servant even mid-term or mid-tenure or after completion of the regular tenure. Such power should not be used arbitrarily. If the State wants to transfer any Government servant on the basis of the complaint, then the opportunity to explain the allegation made therein is required to be given to the said Government servant. The principles of equity and natural justice are to be followed by the State before taking decision against any Government servant.

11. The reliance is placed by the judgment of this Tribunal dated 29.9.2020 (Shri Sanjay Rambhau Kadam) in O.A 404 of 2020. The Respondent in the case in hand, matter ought to have issued notice and have called the applicant to explain the allegations and thereafter should have taken the decision. Thus the impugned transfer order in the present O.A is hereby cancelled and the applicant is directed to report back till 8.12.2020.”

5. Learned counsel for the applicant points out to Circular dated 7.10.2016, wherein it is mentioned that if the transfer of Police Personnel is made on the ground of his default of misconduct, he should be given show cause notice and truthfulness of the complaint is to be verified before he is transferred. The same is not done in the present case.

6. Learned P.O submits that there are serious complaints against the applicant. The meeting of the Police Establishment Board was scheduled on 19.8.2021 and the said subject was tabled before the Committee. The Committee has taken a decision in public interest to transfer the applicant from Economic Offences Wing, Pune to Otur Police Station. Learned P.O produces copy of the minutes of the Police Establishment Board dated 19.8.2021. Learned P.O seeks time to verify the facts.

7. In view of this submission and the facts, matter is fixed tomorrow and till then the applicant is not to be relieved.

8. S.O to 24.8.2021. Hamdast.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 23.08.2021
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center"><u>O.A. No.563 of 2021</u></p> <p>A.V. Pardeshi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Status quo granted on 12.8.2021 to continue till next date.</p> <p>3. S.O. to 25.8.2021.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 23.8.2021</p> <p>(sgj)</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"><u>O.A. No.571 of 2021</u></p> <p>Atul S. Thool ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Prima facie it appears that prior approval of the immediately superior Transferring Authority mentioned in the table of Section 6 has not been taken, this being the mid-term transfer. Hence, it is violative of Section 4(5) of the Transfer Act.</p> <p>3. After hearing both the sides, the impugned transfer order dated 9.8.2021 is stayed till next date.</p> <p>4. S.O. to 7.9.2021. Hamdast.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 23.8.2021</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No. 573 of 2021</u></p> <p>Manisha P. Igave ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Prima facie it appears that prior approval of the immediately superior Transferring Authority mentioned in the table of Section 6 has not been taken, this being the mid-term transfer. Hence, it is violative of Section 4(5) of the Transfer Act.</p> <p>3. After hearing both the sides, the impugned transfer order dated 9.8.2021 is stayed till next date.</p> <p>4. S.O. to 7.9.2021. Hamdast.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 23.8.2021</p> <p>(sgj)</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"><u>O.A. No. 572 of 2021</u></p> <p>Asmita N. Bhagat ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Prima facie it appears that prior approval of the immediately superior Transferring Authority mentioned in the table of Section 6 has not been taken, this being the mid-term transfer. Hence, it is violative of Section 4(5) of the Transfer Act.</p> <p>3. After hearing both the sides, the impugned transfer order dated 9.8.2021 is stayed till next date.</p> <p>4. S.O. to 7.9.2021. Hamdast.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 23.8.2021</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.318 of 2021</u></p> <p>C.J. Yemal ..Applicant Vs. The State of Maharashtra & Ors. ' ..Respondents</p> <p>Heard Ms. Savita Suryawanshi holding for Shri V.B. Dhage, learned Advocate for the Applicant and Smt. K.S. Gaikwad holding for Smt. Archana B.K.. learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that she has received parawise remarks and seeks two weeks time to file reply.</p> <p>3. S.O. to 7.9.2021.</p> <p align="right">Sd/- (Medha/Gadgil) Member (A) 23.8.2021</p> <p>(sgj)</p>

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	<p align="center"><u>23.08.2021</u></p> <p align="center"><u>O.A 623/2021 with Caveat No. 20/2021</u></p> <p>Shri P.T Bhoir ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant, working as Sub-Inspector prays for modification of the impugned order dated 9.8.2021, passed by Respondents as per preferential posting in view of G.R dated 9.4.2018.</p> <p>3. Learned counsel for the applicant submits that the applicant was transferred from Pandharpur-2, Dist-Solapur to M/s Greater Maharashtra Sugar Syndicate Ltd (Brima Sagar Maharashtra Distillery Ltd, Solapur). Learned counsel for the applicant points out that the applicant has not given the option of Solapur in his 10 preferences given by the applicant to the Respondents. Not a single option is considered by the Respondents.</p> <p>4. Learned counsel for the applicant submits that till today preference given at B-2, Division-Thane , Panvel Division Beat No. 2, Dist-Raigad, D-Division Beat No. 2, Thane or T-Division Beat No. 1, Mumbai Suburban are lying vacant.</p> <p>5. Learned counsel for the applicant prays for modification of the transfer order on the following grounds:-</p> <p>(a) The applicant's father is suffering from Paralysis and staying at Nerul and the wife of the applicant is looking after the father-in-law. Children of the applicant are also staying at Nerul.</p> <p>(b) That the seniority of the applicant is also to be considered while taking into account the preferential options given by him.</p> <p>6. Issue notice before admission returnable on 25.8.2021.</p> <p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are</p>

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put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

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

10. Learned P.O seeks time to take instructions in the matter.

11. S.O to 25.8.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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	<p style="text-align: center;"><u>23.08.2021</u></p> <p style="text-align: center;"><u>O.A 624/2021 with Caveat No. 20/2021</u></p> <p>Shri V.V Sakpal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant, working as Sub-Inspector prays for modification of the impugned order dated 9.8.2021, passed by Respondents as per preferential posting given by the applicant in view of G.R dated 9.4.2018.</p> <p>3. Learned counsel for the applicant submits that the applicant was transferred from Khed-1, Dist-Ratnagiri to Gulshan Trader F1-1, Dist-Nasik ignoring his preferential options given by the applicant.</p> <p>4. Learned counsel for the applicant submits that till today preference given at Flying Squad, Konkan Division, Thane, Kalyan-1 Division, Dist-Thane, B-1 Division, Dist-Thane, K-Division Beat No. 1, Mumbai Suburban, Bhiwandi-2, Division, Dist-Thane and Ambernath No. 2, Thane Division are lying vacant.</p> <p>5. Learned counsel for the applicant prays for modification of the transfer order on the following grounds:-</p> <p>(a) The applicant's mother is suffering from various ailments and his mother is staying at Kalyan with the family of the applicant.</p> <p>(b) Six posts are lying vacant out of 10 preferential choices given by the applicant.</p> <p>6. Issue notice before admission returnable on 25.8.2021.</p> <p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p style="text-align: right;">[P.T.O.]</p>

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	<p>9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>10. Learned P.O seeks time to take instructions in the matter.</p> <p>11. S.O to 25.8.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p style="text-align: center;"><u>23.08.2021</u></p> <p style="text-align: center;"><u>M.A 233/2020 in O.A 511/2020</u></p> <p>Ms Prajakta S.Sawant ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, holding for Shri A.A Desai, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O files affidavit in reply.</p> <p>3. Learned counsel for the applicant prays for time. Time granted.</p> <p>4. S.O to 28.09.2021.</p> <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p align="center">Date: 23.08.2021</p> <p align="center">O.A. No.467 of 2021</p> <p>A.A. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, 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. three weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. S.O. to 14.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 23.08.2021</p> <p align="center">O.A. No.263 of 2019</p> <p>D.B. KodagApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. 3. In this Part Heard matter time was granted to produce the Judgment of Industrial Court. However, it is not produced and Advocate and Applicant both are absent. 4. Learned P.O. also assures to produce the same if available with the Department. 5. Adjourned for Final Hearing. 6. S.O. to 23.09.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 23.08.2021</p> <p align="center">M.A. No.09 of 2021 in O.A. No.25 of 2021 with M.A. No.10 of 2021 in O.A. No.26 of 2021</p> <p>W.B. Pawar S.A. BachhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri C.T. Chandratre, 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. two weeks time is granted for filing Affidavit-in-Reply in O.A.</p> <p>3. S.O. to 07.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 23.08.2021</p> <p align="center">M.A. No.269 of 2021 in O.A. No.103 of 2021</p> <p>R.M. SatheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Vaishnavi Sholave, learned Advocate holding for Shri V.P. Sangvikar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for restoration of O.A. which was dismissed in default for not filing service Affidavit three days before returnable date. Learned Advocate for the Applicant has filed Affidavit in service along with record of service of summons.</p> <p>3. In view of above, delay is Condoned and O.A. is restored.</p> <p>4. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply on behalf of Respondents in O.A.</p> <p>5. M.A. No.269/2021 is accordingly disposed of with no order as to costs.</p> <p>6. S.O. to 07.09.2021.</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 align="center">Date: 23.08.2021</p> <p align="center">O.A. No.1032 of 2019</p> <p>R.S. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S.B. Rohile, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Shri A. Kaningdhawaj, learned Advocate for private Respondent No.2 is absent. Respondent No.2 in person is present. 3. Today, learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record. 4. Adjourned for hearing at stage of admission. 5. S.O. to 17.09.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 23.08.2021</p> <p align="center">O.A. No.394 of 2021</p> <p>S.H. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, 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 the Respondent. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant three weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 14.09.2021</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">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: 23.08.2021</p> <p align="center">O.A. No.420 of 2021</p> <p>M.S. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, 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 07.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">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 align="center">Date: 23.08.2021</p> <p align="center">O.A. No.465 of 2021</p> <p>S.M. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, 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. It be taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>4. S.O. to 17.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>