

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 24.11.2022</b></p> <p><b>O.A. No.346 of 2017</b></p> <p><b>V.B. Pawar .....Applicant</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <p>1. Heard Shri R.G. Panchal, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant was selected on 20.10.2006 as Police Constable. Thereafter, by order dated 01.11.2006 issued by The Superintendent of Police, Solapur (Rural) he was sent to Police training for one year. While training his leg got fractured on 08.12.2006. He was hospitalized in Police hospital till 20.03.2007. He was advised to take bed-rest of three months. The Applicant considering his physical condition made representation to the State of Maharashtra that he was not able to perform duty due to injury. Pursuant to that representation, by order dated 03.12.2007 the Government informed The Director General of Police, State of Maharashtra that he is to be examined and after physical medical examination it is to be verified whether the Applicant is liable to work in the Police force and if he is found medically unfit then he can be absorbed in other category. Learned Advocate for the Applicant further submits that this order was never implemented till date.</p> <p>3. At the time of hearing of this matter, Smt. Medha Gadgil, learned Member (A) informs that she has handled this file when she was having charge of Principal Secretary (Home). Hence, she recuses from hearing the present O.A. Hence, not before this Bench.</p> <p>4. S.O. to 05.01.2023.</p> <p style="text-align: center;">Sd/-  (Medha Gadgil)  Member (A)</p> <p style="text-align: center;">Sd/-  (Mridula R. Bhatkar, J.)  Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 24.11.2022</b></p> <p style="text-align: center;"><b>C.A.No.52 of 2022 in O.A.No.52 of 2021</b></p> <p>A.D. Nagane .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Mr. Kolge request for three weeks time as the matter is pending before the Hon'ble High Court.</p> <p>3. Adjourned to 15.12.2022.</p> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(Medha Gadgil) <i>u</i> <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>24.11.2022</u></b></p> <p style="text-align: center;"><b><u>O.A 1001/2022</u></b></p> <p>Smt Shubhangi R. Sutar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant, Smt K.S Gaikwad, learned P.O for the Respondents 1 to 4 and Shri H.M Inamdar, learned counsel for Respondent no. 5.</p> <p>2. The applicant working as Workshop Assistant in the office of District Institute of Education and Training, Panvel, prays that the Respondents be directed to implement the transfer order of Respondent no. 5 dated 1.7.2022 under which he has been transferred from the post of Accountant, District Institute of Education and Training, Panvel to the post of Accountant in the office of Education Inspector, North Division, Chembur, Mumbai. She has further prayed that the Respondents be directed to constitute 'Vishakha Committee' and conduct enquiry on the applicant's complaint of sexual harassment.</p> <p>3. Shri Sandeep Sangve, Deputy Director, School Education, who is present, informs that Respondent no. 5, Mr Pradeep Wayal has been relieved on 24.11.2022. Further the internal Committee constituted as per the directions of this Tribunal has submitted its interim report on 20.10.2022.</p> <p>4. Learned counsel for the applicant states that two witnesses cited by the applicant vide her application dated 15.11.2022, Mrs Varsha Patil and Mr Sanjay Gavari are to be examined.</p> <p>5. We direct the Committee to examine the two witnesses as mentioned above by the applicant and given opportunity to cross examine the Respondent no. 5, Mr Pradeep Wayal and also Respondent no. 5 to give evidence if he wants.</p> <p>6. In view of the above, we direct the Committee to complete the enquiry and pass final orders within a period of one month, i.e., on or before 26.12.2022. Further, liberty is given to the applicant to take necessary steps under the Prevention of Women from Sexual Harassment Act (POSH Act) if required.</p> <p>7. With the above directions, the Original Application stands disposed of.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p><b>(Medha Gadgil)</b> <b>Member (A)</b></p> <p><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 24.11.2022</p> <p>O.A. No.919 of 2018 with O.A. No.1049 of 2018</p> <p>Y.L. Belgiri M.B. Pandit .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Matter is adjourned by three weeks.</p> <p>3. S.O. to 08.12.2022.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 24.11.2022</p> <p>O.A. No.215 of 2021</p> <p>P.S. Manjare .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>Shri J.S. Deshmukh, learned Advocate for the Applicant is absent.</li> <li>Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents is present.</li> <li>Adjourned by three weeks.</li> <li>S.O. to 15.12.2022.</li> </ol> <p style="text-align: center;"> Sd/- (Medha Gadgil) Member (A)                      Sd/- (Mridula R. Bhatkar, J.) Chairperson </p> <p>NMN</p>

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..... Respondent/s

(Presenting Officer.....)

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	<p><b>Date : 24.11.2022</b></p> <p style="text-align: center;"><b>O.A.No.1177 of 2022</b></p> <p>P.S. Kowli .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant is working as a Captain (Staff Officers Safety) in Indian Navy. He has applied for the post of Director Group 'A' in Department of Sainik Welfare Board, Pune in open category. He has applied for the post in response to the advertisement dated 11.05.2022. Pursuant to that advertisement he pointed out the relevant Clause No.7.2 &amp; 7.2.1 of age limitation. The date for considering upper age limit is fixed as on 01.09.2022. On 01.09.2022 maximum age limit is 55 years for the open category, and as per Clause 7.2.1 it is more clear that for the candidates from all the categories should not be more than 55 years as on 01.09.2022.</p> <p>3. Learned Advocate for the Applicant submits that the Applicant's Date of Birth is 25.04.1972. Thus on the date i.e. 01.09.2022 he will be 50 years 04 months and 07 days and he will be within the age limitation. He pointed out the select list which is at Pg.24, Exhibit 'F'. Candidates at Sr. No.1 - Shri Rajesh K. Gaikwad who has secured 70 marks his Date of Birth is 21.08.1966. Learned Advocate for the Applicant submits that Shri Rajesh K. Gaikwad at Sr. No.1 has completed his age as 56</p>

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	<p>years and 11 days on 11.11.2022. The verification of documents of all the candidates took place on 11.11.2022 and interview was conducted on 15.11.2022. Learned Advocate for the Applicant submits that there is no corrigendum which can be considered as rider to the Clause No.7.2.1 to this advertisement so that any relaxation can be given to the age criteria.</p> <p>4. Learned C.P.O. on instructions produces corrigendum dated 19.09.2022 in respect of giving relaxation of age in the advertisement No.046/2022 which was issued on 11.05.2022. She submits that on account of COVID 19 pandemic during the period from 01.03.2020 to 17.12.2022 the period of 1 year 9 month and 17 days is excluded for giving age relaxation to Government servants in view of the G.R. dated 17.12.2021. Therefore Mr. Rajesh K. Gaikwad who stands at Sr.No.1 in the merit list and who has secured 70 marks got benefit of this G.R. and therefore though his actual age was 56 years and 11 days as on 08.11.2022, he was found eligible.</p> <p>5. In view of the relief prayed and information given by learned C.P.O. by tendering document corrigendum which is marked as Exhibit-1, we are of the view that nothing remains in the matter. Hence, O.A. stands disposed of.</p> <p style="text-align: center;">Sd/- <b>(Medha Gadgil)</b> Member(A)</p> <p style="text-align: center;">Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p>

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	<p><b>Date : 24.11.2022</b></p> <p><b>O.A.No.197 of 2022</b></p> <p>D.S. Tike &amp; Ors. ...Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. None for the Applciant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit. Adjourned to 05.01.2023.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>



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	<p><b>Date : 24.11.2022</b></p> <p><b>O.A.No.198 of 2022</b></p> <p>C.S. Lokhande &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. None for the Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit. Adjourned to 05.01.2023.</p> <p>Sd/- <b>(Medha Gadgil)</b> Member(A) prk</p> <p>Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p>

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	<p align="center"><b>Date : 24.11.2022</b></p> <p align="center"><b>C.A.No.72 of 2022 in O.A.No.334 of 2022</b></p> <p>S.N. Raktate .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. S. Raktate, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. Mr. Chougule submits that the Department has sent the proposal regarding interest to the office of Accountant General on 03.11.2022. He submits that generally 15 days are required for A.G. to process the matter. Copy taken on record and marked as Exhibit-A.</p> <p>3. At the request of learned Advocate adjourned to 16.12.2022.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member(A)</p> <p align="center">prk</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p>

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	<p><b>Date : 24.11.2022</b></p> <p align="center"><b>C.A.No.78 of 2022 in O.A.No.89 of 2020</b></p> <p>P.R. Acharekar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. U.V. Bhosale, learned Advocate for the Applicant and Mr. A.J. Chougale, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. informs that all the pensionary benefits are given to the Applicant. He has produced the report and the amount given in tabular form. The same is taken on record and marked as Exhibit-A. He submits that in respect of D.E. the Department is going to pass order today. The Enquiry Officer has proposed the punishment of 6% deduction from the pension for 4 years to the Applicant.</p> <p>3. In view of above, C.A. stands disposed of.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member(A)</p> <p align="center">prk</p> <p align="center">Sd/-</p> <p align="center">/ (Mridula Bhatkar, J.) Chairperson</p>

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	<p><b>Date : 24.11.2022</b></p> <p><b>O.A.No.361 of 2022 with O.A.No.362 of 2022 with O.A.No.505 of 2022 with O.A.No.506 of 2022 with O.A.No.108 of 2020 with O.A.No.109 of 2020 with O.A.No.468 of 2020 with O.A.No.469 of 2020 with O.A.No.569 of 2022 with O.A.No.570 of 2022</b></p> <p>L.K. Shinde &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Learned Advocate request for time to file rejoinder.</p> <p>3. Last chance granted to learned Advocate to file rejoinder.</p> <p>4. Adjourned to 15.12.2022. Interim relief to be continued till next date.</p> <p align="center">Sd/-</p> <p align="center"><b>(Medha Gadgil)</b> Member(A)</p> <p align="center">prk</p> <p align="right">Sd/-</p> <p align="right"><b>(Mridula Bhatkar, J.)</b> Chairperson</p>

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	<p><b>O.A.No.381 of 2022</b></p> <p>P.G. Dalvi .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Admit. Adjourned to 05.01.2023.</p> <p>Sd/- <b>(Medha Gadgil)</b> Member(A) prk</p> <p>Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p>

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	<p><b>O.A.No.467 of 2022</b></p> <p>R.B. Kokpak .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. None for the Applicant. Heard Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Admit. Adjourned to 12.01.2023.</p> <p>Sd/- <b>(Medha Gadgil)</b> <b>Member(A)</b> prk</p> <p>Sd/- <b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p>

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	<p><b>Date : 24.11.2022</b></p> <p><b>O.A.No.488 of 2021 with O.A.No.660 of 2021</b></p> <p>S.C. Patil &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. None for the Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Last chance granted to learned Advocate to file reply, otherwise matter will proceed without reply.</p> <p>3. Adjourned to 15.12.2022.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p><b>O.A.No.562 of 2022</b></p> <p>V.W. Hirlekar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Rejoinder is filed. Admit. Adjourned to 12.01.2023.</p> <p>Sd/- <b>(Medha Gadgil)</b> Member(A)</p> <p>Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p>



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	<p><b>Date : 24.11.2022</b></p> <p align="center"><b>O.A.No.758 of 2022</b></p> <p>V.V. Mali .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Mr. R.B. Khot appearing for Respondent No.2 is absent.</p> <p>3. We make it clear that learned Advocate Mr. Khot to remain present on the next date, otherwise matter will proceed without his presence.</p> <p>4. Adjourned to 08.12.2022.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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**Date : 24.11.2022**

**O.A.No.460 of 2021**

M.D. Jadhav .....Applicant

Vs.

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

1. Heard Mr. C.K. Bhangoji, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. At the request of learned Advocate Mr. Bhangoji adjourned to 29.11.2022. H.O.B.

Sd/-

Sd/-

(Medha Gadgil)  
Member(A)

(Mridula Bhatkar, J.)  
Chairperson

prk

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	<p><b>Date : 24.11.2022</b></p> <p><b>C.A.No.49 of 2022 in O.A.No.992 of 2019</b></p> <p>Dr. P.N. Chaudhari .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents submits that the pensionary benefits have been granted to the applicant. Proposal regarding final pension has been sent by the office of Accountant General on 15.11.2022 to the Treasury office. Copy is taken on record and marked as Exhibit-I.</p> <p>3. Adjourned to 15.12.2022.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member(A)</p> <p style="text-align: center;">prk</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>

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	<p><b>Date : 24.11.2022</b></p> <p align="center"><b>C.A.No.35 of 2021 in O.A.No.229 of 2019 With O.A.No.408 of 2022</b></p> <p>A. Nazirkar &amp; Ors. ....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate Mr. Dere adjourned to 12.12.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Medhã Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p align="center">prk</p>

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b>Date : 24.11.2022</b></p> <p align="center"><b>O.A.No.963 of 2022 with O.A.No.980 of 2022 with O.A.No.1005 of 2022 with O.A.No.1010 of 2022</b></p> <p>S.S. Mahajan &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that applicants in these four matters are identically placed with the Applicants in O.A.No.557/2022 &amp; O.A.No.676/2021. She further submits that in O.A.No.1005/2022 &amp; O.A.No.1010/2022, prima facie, it is found that the applicants have not completed their training of PSI. She states that the concerned Department has asked for opinion from the Law and Judiciary Department regarding challenging the orders passed in O.A.No.557/2022 &amp; O.A.No.676/2021. Copy taken on record and marked as Exhibit-I.</p> <p>3. Learned Advocate submits that in O.A.No.1005/2022 &amp; O.A.No.1010/2022 Applicants are already discharging their duties as PSI.</p> <p>4. Adjourned to 08.12.2022.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center"><b>(Medha Gadgil)</b> <b>(Mridula Bhatkar, J.)</b> <b>Member(A)</b> <b>Chairperson</b></p> <p align="left">prk</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 24.11.2022</b></p> <p style="text-align: center;"><b>O.A.No.1161 of 2022</b></p> <p>B.S. Narale .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Gosavi, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents on the basis of written communication submits that they are allowing the Applicant to appear for the examination subject to verification of documents. Copy taken on record and marked as Exhibit-I.</p> <p>3. Respondents are directed to issue hall ticket and admit card to the applicant by tomorrow i.e. 25.11.2022.</p> <p>4. In view of the above, as interim relief is allowed and nothing survives in the O.A., O.A. is disposed of as allowed.</p> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p>prk</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

## FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><b><u>24.11.2022</u></b></p> <p style="text-align: center;"><b><u>O.A 1025/2022</u></b></p> <p>Shri Ajay D. Gangawane ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the Director General of Police is the competent authority to grant deemed date to the Police Sub Inspector. Hence, the D.G.P has taken decision on 6.6.2022 that the seniority of the applicant will be reckoned on the basis of month and year when he will complete his training as P.S.I. The applicant states that his seniority should be fixed as per Batch no. 104 while the applicant's seniority is fixed as per his training in Batch no. 107. The decision is communicated to the applicant on 15.6.2022.</p> <p>3. Learned counsel for the applicant submits that the competent authority to grant deemed date to the post of P.S.I is the Government, i.e, the Home Department and not the Director General of Police, in view of Rule 5 of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1981. Learned counsel for the applicant further submits that this view is taken by Division Bench of this Tribunal by order dated 7.6.2017 in O.A Nos 918 &amp; 1094/2015.</p> <p>4. The Respondents are directed to file affidavit in reply after considering the relevant provisions of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1981 and the judgment of this Tribunal dated 7.6.2017 in O.A Nos 918 &amp; 1094/2015</p> <p>5. S.O to 15.12.2022</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p><b>(Medha Gadgil)</b> Member (A)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p><b>(Mridula Bhatkar, J.)</b> Chairperson</p> </div> </div>

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[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>O.A.1179/2022</u></b></p> <p><b>Shri V.B. Helavi (Reddy)      ... Applicant</b> <b>    Vs.</b> <b>The State of Mah. &amp; Ors.      ... Respondents</b></p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents is present.</p> <p>2. The Applicant has challenged the order dated 09.11.2022 whereby he is transferred from the post of Principal, Elphinstone College, Mumbai to the post of Examination Coordinator, State Common Entrance Examination Cell <i>inter-alia</i> contending that he is transferred mid-term and mid-tenure and secondly out of cadre. He seeks interim relief.</p> <p>3. The learned P.O. sought short time to show that there is no prejudice to the service conditions of the Applicant.</p> <p>4. O.A. be kept on 28<sup>th</sup> November, 2022.</p> <p style="text-align: right;">Sd/- <b>(A.P. Kurhekar)</b> <b>Member-J</b> <b>24.11.2022</b></p> <p>(skw)</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>O.A.858/2022</u></b></p> <p><b>Smt. R.R. Rane &amp; Ors.                    ... Applicants</b> <b>    Vs.</b> <b>The State of Mah. &amp; Ors.                ... Respondents</b></p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned P.O. for Respondents is present.</p> <p>2. Interim relief to continue till next date.</p> <p>3. S.O. to 06.12.2022.</p> <p style="text-align: right;">Sd/- <b>(A.P. Kurhekar)</b> <b>Member-J</b> <b>24.11.2022</b></p> <p>(skw)</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b><u>O.A.1184/2019</u></b></p> <p><b>Shri D.J. Sonawane</b>                                 ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; Ors.</b>                         ... Respondents</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. for Respondents is present.</p> <p>2. The learned Presenting Officer has filed Additional Affidavit on behalf of Respondent Nos.1 to 3. It is taken on record.</p> <p>3. The Applicant sought time on the ground that his Advocate is unable to remain present.</p> <p>4. Adjourned to 2<sup>nd</sup> December, 2022.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member-J 24.11.2022</p> <p>(skw)</p>

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.1180 of 2022**

Dr. Ajit M. Zende )..... ....Applicant

**Versus**

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

Shri Arvind V. Bandiwadekar, Counsel for the Applicant

Smt. Kranti Gaikwad., Presenting Officer for the Respondents

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

DATE : 24.11.2022

**ORDER**

1. Heard Shri A. V. Bandiwadeakr, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. The Applicant has challenged the transfer order dated 07.10.2022 from Government Medical College, Alibaug to Government Medical College, Jalgaon *inter-alia* contending that he is transferred mid-term and mid-tenure under the garb of change of posting order.
3. While Applicant was serving as a Lecturer at Kolhapur, he was promoted as Associate Professor and by order dated 10.08.2022 posted at Government Medical Collage & Hospital, Alibaug. Notably, that time the process to fill in the said post of Government Medical College and Hospital, Alibaug was underway with M.P.S.C. and one candidate namely Dr. Vishal Ubale (Respondent No.2) was already recommended by the M.P.S.C. by letter dated 02.08.2022. The Applicant brought to the notice of the Government that since the Respondent No.2 is already selected will be posted soon at Alibaug, he be given some other post preferably at Kolhapur which was vacant. However, the Government did not respond it. Thereafter, Government by



order dated 07.10.2022 posted Respondent No.2 at Government Medical College and Hospital, Alibaug and he joined there on 20.10.2022. Therefore, on the same day, the Applicant was relieved for joining at Jalgaon.

4. In view of aforesaid factual aspect, learned Counsel for the Applicant prayed for interim relief which is opposed by learned P.O. on the ground that Applicant is already relieved and has not challenged the order of transfer dated 07.10.2022 immediately.

5. True, since the Applicant is already relieved on 20.10.2022 and the period of near about two months is already over from the date of transfer order, this is not a case to grant interim relief.

6. However, it needs to be noted that though the Applicant by his representation dated 17.08.2022 has brought to the notice of the Government that Respondent No.2 is already selected for the post at Alibaug, he should be given other post. The Government ignored it and later changed his posting. That time itself, the Government would not have made haste of giving posting to the Applicant at Alibaug so that this situation could have avoided. Even after relieving, the Applicant has made representation for getting posting at Kolhapur on vacant post on 11.10.2022 which is not yet responded. It is, therefore, desirable that Respondent No.1 should consider the representation dated 11.10.2022 by next returnable date and apprise the tribunal about the decision.

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

8. Issue notice before admission returnable on 15.12.2022.

9. 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.

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.

11. 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.

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

13. S.O. to 15.12.2022.

Sd/-

v`

(A. P. KURHEKAR)  
MEMBER (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.1187 OF 2022**

**DISTRICT : THANE**

Shri Kiran A. Sonawane. )...**Applicant**

**Versus**

1. The State of Maharashtra & Anr. )...**Respondents**

**Mr. M.D. Lonkar, Advocate for Applicant.**

**Mr. A.J. Chougule, Presenting Officer for Respondent No.1.**

**Mr. A.V. Bandiwadekar, Advocate for Respondent No.2.**

**CORAM : A.P. KURHEKAR, MEMBER-J**

**DATE : 24.11.2022**

**ORDER**

1. The Applicant has challenged the transfer order dated 23.11.2022 whereby Government posted Respondent No.2 in his place as District Deputy Registrar, Cooperative Societies, Thane *inter-alia* contending that it amounts to unceremonious ouster and it is in contravention of the provisions of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act 2005' for brevity).

2. The Applicant is presently working as District Deputy Registrar, Cooperative Societies, Thane in view of his posting order dated 07.08.2020. Thus, he has not completed normal tenure of three years and was not due for transfer. Despite this position, he is displaced in view of posting of Respondent No.2 in his place by order dated

*h. Am*

23.11.2022 which is impugned in the present O.A. Notably, in impugned order, it is stated that transfer and posting orders of Applicant will be issued independently. Thus, it has effect of ouster and relieving of the Applicant from his post unilaterally and without making of any such case of his mid-term or mid-tenure transfer.

3. Needless to mention, now transfers of Government servants are not left with the whims or caprice of the Government and it is regulated by the 'Transfer Act 2005' which *inter-alia* provides complete mechanism and procedure for general transfer as well as mid-term transfers. The Applicant is entitled to three years' tenure in terms of Section 3(1) of 'Transfer Act 2005'. Whereas Section 4(5) provides for mid-tenure transfer only in a special case after recording reasons in writing and with the prior approval of competent transferring authority. No doubt, Hon'ble Chief Minister is the competent authority for such mid-term transfer, but his approval alone is not enough as happened in the present case. There has to be special case making out necessity of mid-term transfer and reasons for such mid-term transfer are required to be mentioned, which is completely absent in the present case.

4. The learned Presenting Officer has tendered file which reveals that Respondent No.2 through certain politicians sought posting at Mumbai on the post held by the Applicant though not due for transfer and he was obliged by the Hon'ble Chief Minister. Indeed, the Department has categorically noted that since Applicant has not completed normal tenure, he cannot be displaced. Despite the note of Department, the Hon'ble Chief Minister obliged Respondent No.2 by giving him posting in place of Applicant only to oblige him. Matter was not even placed before Civil Services Board as mandated by Hon'ble Apex Court in **(2013) 15 SCC 732 (T.S.R. Subramanian and Ors. Vs. Union of India & Ors.)**.



5. Thus, *ex-facia*, impugned transfer order is in blatant violation of 'Transfer Act 2005' and Applicant is displaced only to favour Respondent No.2.
6. The submission advanced by Shri A.V. Bandiwadekar, learned Advocate for Respondent No.2 that his client has already taken charge and time be given to file Affidavit-in-reply is not acceptable. Since impugned order is *ex-facia* illegal, the Applicant is required to be reinstated in his place otherwise such practice of passing orders in contravention of 'Transfer Act 2005' would continue.
7. In view of above, interim relief as prayed in Clause 10(b) of O.A. is granted. The Respondents are directed to allow the Applicant to continue as District Deputy Registrar, Cooperative Societies, Thane.
8. Issue notices to the Respondents as to why interim relief should not be made absolute and why O.A. should not be allowed with costs.
9. Issue notices to the Respondents made returnable on 22.12.2022.
10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
11. 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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
12. 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.



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

14. The service may be done by Hand Delivery/Speed Post/Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

15. S.O. to 22<sup>nd</sup> December, 2022.

Sd/-

✓  
**(A.P. KURHEKAR)**  
**Member-J**

skw

**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 : 24.11.2022</p> <p align="center">O.A.No.1071 of 2022</p> <p>V. S. Kamble <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., three weeks time is granted to file reply.</p> <p>3. S.O. to 15.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 24.11.2022</p> <p style="text-align: center;">O.A.No.1166 of 2022</p> <p>G. N. Kamble .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. The Applicant has challenged the orders dated 21.02.2022 and 01.08.2022 regarding refixation of pay and allowances and also sought directions to refund the amount of Rs.61,830/- recovered from him with interest.</li> <li>3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>4. Issue notice before admission returnable on 22.12.2022.</li> <li>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</li> <li>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</li> <li>7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.</li> <li>9. S.O. to 22.12.2022.</li> </ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 24.11.2022</b></p> <p style="text-align: center;"><b>O.A.No.1170 of 2022</b></p> <p><b>Y. P. Bhoi</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri L. S. Deshmukh, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the order dated 23.03.2022 issued by the Respondent No.2 thereby treating the period from 29.09.2021 to 29.11.2022 as a duty period for pay and allowances. By impugned order, it is treated as compulsory waiting period.</p> <p>3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 22.12.2022.</p> <p>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.</p> <p>9. S.O. to 22.12.2022.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar)  Member(J)</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><b>Date : 24.11.2022</b></p> <p align="center"><b>O.A.No.948 of 2022</b></p> <p><b>C. B. Gavhankar</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondent No.1. None for Respondent No.2.</p> <p>2. Learned Counsel for the Applicant submits that Applicant's posting is now changed and as per his representation, by order dated 17.11.2022 he is posted at Mumbai. He, therefore, sought permission to withdraw the O.A.. The Applicant is also present before the Tribunal and states that he has already joined at Mumbai. Thus, the grievance of the Applicant is redressed.</p> <p>3. In view of above, allowed to withdraw O.A.</p> <p>4. O.A. is disposed of with no order as to costs.</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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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><b>Date : 24.11.2022</b></p> <p align="center"><b>O.A.No.1012 of 2022</b></p> <p><b>K. D. Dongare</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Ms Purva Pradhan holding for Shri D. B. Khaire, learned Counsel for the Respondent No.2.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record.</p> <p>3. Learned Counsel for the Respondent No.2 has also filed reply. It be taken on record with correct pagination.</p> <p>4. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if necessary.</p> <p>5. S.O. to 12.12.2022.</p> <p align="right">Sd/- W <b>(A.P. Kurhekar)</b> <b>Member(J)</b></p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 24.11.2022</p> <p align="center">O.A.No.1065 of 2022</p> <p>N. R. Dodake <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri R. M. Kolge, learned Counsel 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 to file reply.</p> <p>3. S. O. to 15.12.2022.</p> <p align="right">Sd/- V (A.P. Kurhekar) Member(J)</p> <p>vsm</p>