

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 1056 OF 2021

DISTRICT : SOLAPUR

Shri S.J Chavan & Ors)...**Applicants**

Versus

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

Shri S.S Dere, learned advocate for the Applicants.

Ms. Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mrs Medha Gadgil (Member) (A)

DATE : **24.12.2021**

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

ORDER

1. The applicants, Eighty eight in number have filed the present Original Application against the M.P.S.C and the State challenging the selection process carried out by M.P.S.C for filling up the post of P.S.I, pursuant to the advertisement dated 20.2.2020. The process is called illegal on the ground that M.P.S.C has taken decision of deleting Question Nos.17, 27 and 90 in the Paper of Preliminary Examination. This decision of deleting

the three question and consequently not considering the answers given to those questions according to the applicants have affected adversely on the result of the applicants which was declared on 3.12.2021.

2. Learned counsel for the applicants has submitted that the examination for the post of P.S.I was conducted on 4.9.2021 and the first answer key was published on 7.9.2021 thereby calling objections from the candidates, who have appeared in the examination. Then the second answer key was published on 17.11.2021 and while publishing the second answer key the candidates found the question Nos 87 and 92 were deleted and thereafter third answer key was published for deciding the objections of the candidates. The candidates realized that three questions, namely, 17, 27 and 90 were deleted and so answers given to these three questions were not to be counted. It is the case of the applicants that due to this decision of the M.P.S.C, the applicants who have given the correct answers to these questions have suffered loss in securing the marks. The learned counsel for the applicants pointed out the chart of all the candidates showing the category in which they have applied for the post of P.S.I and so also cut-off marks to a particular category and the actual marks obtained by the candidates. Learned counsel for the applicants submitted that each question is having one mark and if the chart is looked into then it discloses that the applicants have missed the cut-off marks and passing the Preliminary Examination just by difference of one or two marks or maximum three marks. Learned counsel for the applicants submitted that the action of MPSC is not legal. Learned counsel for the applicants pointed out that the three questions were correct and the options given to these three questions were also correct, wherein the correct answer was involved. He submitted that the candidates have answered

correctly on the basis of the option given and thus are entitled to secure the marks as per options given by the applicants against these three questions. He submitted that MPSC ought not to have deleted these three questions but MPSC should have corrected their answer sheets or should have filled the correct programme of the Optical Mark Recognition (OMR).

3. Learned counsel for the applicants in support of his submissions has relied on the following judgments:-

(i) Judgment of the Hon'ble Supreme Court in KANPUR UNIVERSITY, THROUGH VICE-CHANCELLOR & ORS Vs. SAMIR GUPTA & ORS, (1983) 4 SCC 309.

(ii) Judgment in the case of ANURAG TRIPATHI Vs. UTTAR PRADESH PUBLIC SERVICE COMMISSION, WRIT PETITION NO. 58554 OF 2015.

4. Learned counsel for the applicants has further submitted that the applicants are deprived of opportunity of public employment assured under Article 16 of the Constitution of India and therefore, the Tribunal is required to look into this matter. Thus, the merit is compromised. Therefore, the applicants are entitled to claim interim relief by way of allowing all the applicants to appear and fill up the forms for the Main Examination and they are to be allowed to appear for the Main Examination. He further submitted that the results of the applicant can be kept in a sealed cover, but if the applicants are not granted interim relief for the Main Examination, then the doors of getting employment in public service in near future are permanently shut. Learned counsel also submitted that M.P.S.C could have corrected the answer key and they should not have deleted the questions.

5. Learned C.P.O, while opposing the application for grant of interim relief has submitted that MPSC has power to correct the

mistakes in the examination process. To that effect, she relied on the Rules of Procedure of M.P.S.C dated 3.9.2014. This Optical Mark Recognition (OMR) and answer key is a business done by the Committee of Experts appointed by MPSC. She submitted that after the examination, the MPSC, as per procedure declared the first answer key on 7.9.2021 and called the objections of the candidates. Learned C.P.O had submitted that the candidates have forwarded the objections and these objections were sent to the Expert Committee and the Expert Committee after going through the objections have arrived at the conclusion that the Question Nos.23 and 48 were wrong and therefore the Committee of Experts have recommended that these questions 23 & 48 are to be cancelled or deleted. The MPSC has published the second key on 17.11.2021 and it shows answer key of 98 questions as two questions were deleted. Again the candidates raised objections and these objections were communicated to the MPSC. The objections were raised again especially in respect of correctness of question Nos 17, 27 & 90. Coming across the objections and doubts raised from the various corners, the MPSC decided to refer and send those objections to another set of experts and accordingly the matter was referred to another set of experts in respect of those three questions. Learned C.P.O submitted that MPSC at that time has realized that second set of experts have given another opinion which is conflicting to the answer key of the first team of experts. Under such circumstances, it was difficult for the MPSC to decide which are the correct answers to question Nos.17, 27 & 90. Therefore, MPSC again published the modified answer key which is the third answer key wherein Question Nos. 17, 27 & 90 were deleted and so answers given to these Questions were also not considered. Thus, the MPSC by way of third modified key has come out with 95 questions on 25.11.2021. Thereafter, MPSC declared the results of the Preliminary

Examination on 3.12.2021. Learned C.P.O further submitted that MPSC has taken legal steps and neither the process of examination for the post of PSI could be stayed nor the relief as claimed by the applicants can be granted.

6. It is a very sorry state of affairs that the applicants who are candidates aspiring for the post of P.S.I and have worked hard and appeared for this examination have to face the disappointment at this stage, however on applying the legal parameters, we are unable to give them interim relief.

7. We have gone through the judgment of the Hon'ble Supreme Court in the case of **KANPUR UNIVERSITY, THROUGH VICE-CHANCELLOR & ORS Vs. SAMIR GUPTA & ORS, (1983) 4 SCC 309**. In the said case, key answer supplied by the paper-settler was wrong and the correct answer was given by the candidates. The Hon'ble Supreme Court held that if it is so, then it is the duty of the Commission to consider the correct answer and give the marks accordingly. The Hon'ble Supreme Court observed that the difficulty arose because the key answer furnished by the paper-setter turned out to be wrong. They key answers which are published by the University should be frank and fair. It was observed as under:-

“We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged textbooks, which are commonly read by students in U.P. Those textbooks leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.”

8. The case of **KANPUR UNIVERSITY & ORS** (supra) gives correct insight to look at the issue of examination of objective questions, the computerized answer keys and the problem arising due to incorrect answers in the answer keys from the given options. However, in the present case, the MPSC has not come out with the incorrect answers and is not saying that they are accepting the incorrect answers as correct one, but MPSC has decided to delete the three questions as MPSC is unable to decide the correctness of the answers or the options given. Thus, on this point, the present case is distinguishable from the decision in **KANPUR UNIVERSITY's** case.

9. Learned counsel for the applicant thereafter relied on the case of **ANURAG TRIPATHI Vs. UTTAR PRADESH PUBLIC SERVICE COMMISSION, WRIT PETITION NO. 58554 OF 2015**, wherein the Uttar Pradesh Public Service Commission, while conducting examination for appointment of Civil Judge, Junior Division have come across incorrect answers in the paper. In the said matter, the Division Bench of the Allahabad High Court relied on the ratio laid down by the Supreme Court in **KANPUR UNIVERSITY's** case and it was reiterated that the text books if referred to and placed by the students before the Court, those can be looked into for the purpose of verifying the correctness of the marks. We have also gone through the books placed before us.

10. Learned counsel for the applicants have produced the books of 12th standard Geography wherein he pointed out to the question No.17 and answer key as under:-

“17. Which of the following is the best quality iron ore?

- | | |
|---------------|------------------------|
| (1) Hematite | (2) Limonite |
| (3) Magnetite | (4) None of the above. |

Learned counsel for the applicants demonstrated from the book that Magnetite is the correct answer. However, in the answer key Hematite is shown. He also further pointed out the question No.27, which is reproduced below:-

“27. Observe the following statements:

- a. Verul caves is in Aurangabad district.
- b. Chambhar caves is in Pune district.
- c. Chikhaldars hill station is in Raigad district.
- d. Gautala National Park is in Jalgaon district.

Which of the above statement is/are correct?

- | | |
|------------------------------------------|------------------------------------------|
| (1) Only a statement is correct | (2) Only b and c statements are correct. |
| (3) Only a and d Statements are correct. | (4) All the above statements are correct |

Accordingly as per MPSC Option No. (3) is correct and according to the applicants Option No (1) is correct. The third question which is disputed is as under:-

“90. The Indian Space Organization (ISRO) will launch an unmanned campaign in December, 2020.

- (1) Gangayaan
- (2) Vyom Mitra
- (3) Robonaut
- (4) Fedor

According to the applicants, Gangayan was the correct answer and MPSC changed that answer in the second answer key as Gangayan and in the third answer key the question itself was deleted.

11. Assuming that we accept the answers given by the applicants as pointed out by the learned counsel for the applicants

for Question Nos.17, 27 and 90 however can we prevent the MPSC from deleting the Questions ? As per Rule 18 of the Rules of Procedure, 2014, MPSC has powers to take certain decision in respect of matters not regulated. Rule 18 of the Rules of Procedure, 2014 reads as under:-

“18. Matters not regulated. In dealing with the matters for which no provision is made in these Rules, the Commission may regulate the proceeding in such a manner as they deem fit.”

Thus, in respect of the issue of Questions or the Answer key the MPSC has powers to take decision to resolve the issue. We cannot guide or restrict the MPSC what Questions they should not delete or maintain.

12. Learned counsel for the applicants submitted that the Commission though has discretionary powers it should not be used arbitrarily. Though the submissions made by the learned counsel for the applicants are principally correct that discretionary powers are to be used judiciously and not arbitrarily, the fact is required to be answered as to how the discretionary powers can be called arbitrary in the present case. The arbitrariness can be ascertained on the basis of instances of inequality or the incidence of complete injustice and malice, which gives go by to the basic principles of natural justice. However, in the present case the MPSC has used one common yardstick that it deleted total five questions, where the MPSC felt that the answers to these questions cannot be said to be 100% correct and there is some ambiguity in the opinion of experts or two views in respect of the answers are expressed by the experts.

13. Under these circumstances, we do not want to interfere in the selection process of the MPSC. We are of the view that prima

facie no case is made out for granting interim relief to the applicants.

14. Hence, the prayer for grant of interim is rejected. The Respondents are directed to file affidavit in reply before the next date.

15. S.O to 21.1.2022.

Sd/-

**(Medha Gadgil)
Member (A)**

Sd/-

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

Place : Mumbai

Date : 24.12.2021

Dictation taken by : A.K. Nair.

**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 : 24.12.2021</p> <p style="text-align: center;">O.A.No.16 of 2020</p> <p>Ms S. A. Talekar ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is for hearing submission of learned P.O. However, learned P.O. submits that he wants to file additional affidavit along with annexure which are remained to be filed with affidavit in reply.</p> <p>3. Indeed, all such documents ought to have been placed on record along with affidavit in reply but now at the fag end of hearing, learned P.O. realised necessity of filing certain documents to controvert the recommendations ^{arguments} advanced by learned Counsel for the Applicant.</p> <p>4. In the interest of justice, allowed to file affidavit.</p> <p>5. However, learned P.O. again requested for short time stating that concerned officer has not come.</p> <p>6. S.O. to 03.01.2022.</p> <p style="text-align: right;">^ Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 24.12.2021</p> <p align="center">O.A.No.1052 of 2021</p> <p>Dr. V. K PatneApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The O.A. is filed for direction to Respondents to treat leave period from 04.06.2018 to 20.07.2018 as medical leave and further to treat leave from 21.07.2018 to 04.12.2018 as earned leave.</p> <p>3. The Applicant is working as medical officer and presently posted at Panvel, Dist. Raigad. Perusal of record reveals that he was on leave from 04.06.2018 to 04.12.2018. The Civil Surgeon, Alibag by order dated 09.05.2019 bifurcate the said period treating leave period from 04.06.2018 to 20.07.2018 (47 days) as commuted leave on medical ground and the period from 21.07.2018 to 04.12.2018 (137 days) as earned leave on medical ground. However, later Medical Superintendent, Sub-District Hospital, Panvel where Applicant is serving has sent letter dated 16.09.2021 to Civil Surgeon, Alibag stating that since leave period is exceeding 180 days, the competent authority for grant of leave exceeding 180 days is the Government in terms of G.R. dated 16.07.1994. He, therefore, requested to Civil Surgeon, Alibag to refer the matter to the Competent Authority. However Civil Surgeon, Alibag did not take any steps. The Applicant then made representation on 01.11.2021 to Director of Health Services, Aarogya Bhavan, Mumbai but in vain. It is on the above background, the Applicant has filed this O.A.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. In the first place, there is no order by the competent authority i.e. Government taking decision either of the way. Since leave exceeding 180 days, the competent authority is the Government in terms of G.R. dated 16.07.1994. This being the position, the Respondent No.4 Civil Surgeon, Alibag ought to have moved the proposal through Deputy Director, Thane Division, Thane but he is sitting over the matter.</p> <p>5. In view of above, O.A. deserves to be disposed by suitable direction. Hence, O.A. is disposed of with following terms :-</p> <p>(A) Respondent No.4 –Civil Surgeon, Alibag is directed to forward the proposal in the matter of leave of the Applicant to Deputy Director, Thane Division, Thane within two weeks from today.</p> <p>(B) Respondent No.3- Deputy Director, Thane Division, Thane shall forward the proposal received from Civil Surgeon, Alibag to Director of Health Services, Aarogya Bhavan within a week from receipt of it.</p> <p>(C) Respondent No.2- Director of Health Services, Aarogya Bhavan, Mumbai in turn shall then forward the proposal to Respondent No.1 –Government of Maharashtra within a week from receipt of the same.</p> <p>(D) Respondent No.1- Government of Maharashtra shall then take the decision on leave on proposal made by Director of Health Services Aarogya Bhavan, Mumbai within two weeks from the date of receipt of proposal of Respondent No.2.</p> <p>(E) Respondent No.1 –Government of Maharashtra shall communicate the decision to the Applicant within a week from the date of decision.</p> <p>(F) Time limit given as above should be followed scrupulously.</p> <p>(G) If the Applicant felt aggrieved by the decision, he may avail further legal recourse.</p> <p>(H) No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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 : 24.12.2021</p> <p align="center">M. A. No.601 of 2021 in O.A.No.608 of 2019</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>Dr. M. V. Pande ...Respondent (Ori. Applicant)</p> <p>1. Heard Smt. Kranti Gaikwad, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri K. R. Jagdale, learned Counsel for the Respondent (Ori. Applicant).</p> <p>2. This M.A. is filed for grant of two months to take necessary action in terms of the decision rendered by Tribunal on 18.10.2021 in O.A.No.608/2019. O.A.608/2019 was heard on merit and decided. Following is the operative order of the said O.A.</p> <p align="center"><i>“(A) The Original Application is allowed partly. (B) The impugned communications dated 30.09.2015 and 11.12.2018 are quashed and set aside. (C) The absence period from 10.06.1985 to 11.08.1997 shall be treated as Extra-Ordinary Leave without pay and allowances with further rider that the said period will not be counted for any service benefits like increment, pension and gratuity, etc. (D) Pension and other retiral benefits be granted considering Applicant's remaining qualifying service from 26.10.1971 to 09.06.1985 and from 12.08.1997 to 31.12.2003. (E) Respondents are, therefore, directed to grant pension and other retiral benefits as per his entitlement within two months from today. (F) No order as to costs.”</i></p>

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

Tribunal's orders

3. The said O.A. was filed by the Applicant who was 74 years old at the time of filing of O.A. and by decision he was given certain pensionary benefits. Two months time given for grant of pension and other retiral benefits.

4. The period of two months is expired on 18.12.2021. Whereas, this M.A. was filed on 23.12.2021 i.e. after expiration of time limit given by the Tribunal.

5. The ground mentioned in M.A. that file is moved from one department to another department and it is pending in Law & Judiciary Department for seeking opinion for challenging the decision cannot be the ground for extension of time since enough time of two months was granted for compliance and if Respondents wanted to challenge the decision, it would have been done within time granted by the Tribunal.

5. I am, therefore, not inclined to extend the time further.

6. Misc. Application is, therefore, dismissed with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

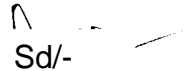
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 24.12.2021</p> <p align="center">O.A.No.742 of 2021</p> <p>S. R. WavreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. B. Thorat , learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.2 and 3. It is taken on record. No separate reply is filed on behalf of Respondent Nos.1 and 4.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 25.01.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1055 OF 2021

Maina Sukhdev Mhaske & Ors. **...Applicants**
Versus
The State of Maharashtra & Ors. **...Respondents**

Mr. L.S. Deshmukh, learned Advocate for Applicants.

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

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

DATE : **24.12.2021**

PER : **Justice Ms. Mridula Bhatkar, Chairperson**

J U D G M E N T

1. In this matter, the Applicants have appeared for the common examination for the post of PSI (Police Sub Inspector) and STI (Sales Tax Inspector) pursuant to the advertisement dated 28.02.2020 for the examination which was scheduled on 03.05.2020. All the three applicants have appeared in the reserved category of Orphan.

2. The learned Advocate submits that all the three Applicants have stayed and brought-up in NGO/Associations and Children's Home. They moved their representations for obtaining the Orphan certificates on 14.08.2019, 21.01.2019 and 12.03.2020. However, they received their Orphan certificates after the cut-off date which is mentioned through the

publication by M.P.S.C. and wherein the last date for submission of orphan certificate was 19.03.2020. However, they all obtained their Orphan certificates after the cut-off date and they submitted their certificates thereof. It is the case of the applicants that they all have cleared the preliminary examination after the cut-off date i.e. 09.01.2021, 18.10.2021 and 07.09.2021.

3. The learned Advocate submits that the last date for submission of the applications for the main examination is 27.12.2020. He submits that though the Applicants have cleared the preliminary examination having the certificate of Orphan, they are in-fact Orphans; they are not allowed to appear for the main examination. The learned Advocate submits that these three candidates are to be allowed to submit their application forms and be allowed to appear for the main examination, if the applications are found correct.

4. The learned C.P.O. opposes the O.A. mostly on the ground that the certificates were to obtained and submitted by the Applicants after the cut-off date i.e. 19.03.2020. She submits that when there is rule it is not to be breached and the Respondent has taken correct decision of holding the applicants from appearing for the main examination.

5. We have considered the submissions of both the parties. In view of the dates when the applications were made by the applicants for getting orphan certificate and the actual date of issuance of the orphan's certificate, we are of the view that, prima facie, there is the case for the

applicants to grant interim relief. Hence, we allow these applicants to full-up the application forms and submit the same for the main examination of PSI and STI. We direct the Respondent-M.P.S.C. to give link today itself and accept the applications in the channel and if the applications are found correct the Applicants are to be allowed to appeared for the main examination.

6. At the request of learned Advocate permission granted to add Divisional Deputy Commissioner, Woman and Child Development, Nashik, Nagpur and Aurangabad Division as Party Respondents.

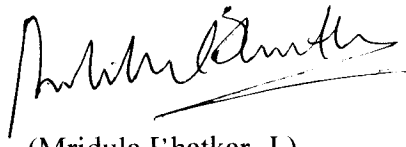
7. Amendment to be made forthwith and copy to be served to the amended Respondents and also to the office of C.P.O. M.A.T., Mumbai today itself. Added Respondents are directed to file affidavit-in-reply without fail after five weeks.

8. Adjourned to 13.01.2022.

Sd/-
(Medha Gadgil)
Member(A)

Sd/-
(Mridula Bhatkar J.)
Chairperson

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.154 of 2021</u></p> <p>Shri Shridhar S. Samant ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.B. Kale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant to our order dated 22.12.2021, Shri Rajendra Bhimrao Chavan, Tahsildar (Revenue), Office of Collector, Thane has filed short affidavit dated 23.12.2021 on behalf of respondent no.3 wherein in para 5 it is stated as under:</p> <p style="text-align: center;"><i>"5. It is submitted that the post from EWS category horizontal reservation for Ex-Serviceman is vacant and remaining two posts are filled in vide appointment orders dated 7.1.2020."</i></p> <p>3. The applicant had applied for the post of Talathi in Thane District vide advertisement dated 28.2.2019. The applicant belongs to EWS category and had applied for the post reserved for EWS. Ld. Advocate for the applicant specifically mentioned that EWS certificate was to be given within six months from the date of GR dated 12.2.2019 or from the date of application whichever was later. Further GAD relaxed this time period by letter dated 14.9.2020 and allowed the candidates to submit EWS certificate after six months for the reason that it was newly created category.</p> <p>4. The applicant was meritorious in the examination and secured 154 marks which were highest in the category of EWS while the other candidate secured 114 marks.</p> <p>5. In view of this we direct the GAD to consider whether they can de-reserve the post of Talathi reserved for Ex-Serviceman, which is still vacant.</p> <p>6. S.O. to 21.1.2022.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>(Medha Gadgil) Member (A) 24.12.2021</p> <p>(sgj)</p> </div> <div style="text-align: center;">  <p>(Mridula Bhatkar, J.) Chairperson 24.12.2021</p> </div> </div>

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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>M.A. No.449 of 2021 in O.A. No.88 of 2020</u></p> <p>Dr. Vilas R. Bhailume ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicant has filed this MA praying that the DE initiated against the applicant vide charge sheet dated 3.9.2019 be stayed.</p> <p>3. Ld. Advocate for the applicant submits that applicant retired on superannuation on 28.2.2019 from the post of Medical Superintendent at Regional Mental Hospital, Ratnagiri. Ld. Advocate for the applicant further submits that an order of suspension dated 28.2.2019 was pasted on the door of residential service quarter of the applicant at 11.15 p.m. on 28.2.2019 when he was not available at service quarter in Ratnagiri (para 6.9 at page 4-5 of OA).</p> <p>4. Ld. Advocate for the applicant submits that DE was initiated against the applicant vide charge-sheet dated 3.9.2019. He pointed out that Rule 27(2)(b) of MCS (Pension) Rules, 1982 provides that a DE initiated before retirement shall continue after retirement only if charge-sheet is served before retirement. In the present case applicant stood retired on 28.2.2019 on superannuation and charge sheet was served on the applicant on 3.9.2019. He further pointed out that in the present case alleged incident for which DE has been initiated is four years before his retirement.</p> <p>5. Moreover, he pointed out the issue of discrimination that the then Medical Superintendent, Dr. Donglikar and Mrs. Ghotkar (Administrative Officer) were issued memo about alleged incident. However, no DE was initiated against Dr. Donglikar and no charge-sheet was served on Dr. Donglikar and Mrs. Ghotkar. DE against Dr. Donglikar was</p>

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closed on 9.10.2019 because he retired on 31.12.2018. On the contrary DE was initiated against the applicant after his retirement without applying the same yardstick like Dr. Donglikar and this act of the respondents was arbitrary and discriminatory.

6. Short affidavit dated 1.12.2021 is filed by Shri Shivdas Mahadeo Dhule, Deputy Secretary, Public Health Department, Mantralaya on behalf of respondent in MA. Para 3 of the said affidavit reads as under:

"3. I submit that in MCS (Pension) Rules, 1982 - 27(6)(a) it is specifically mentioned that, departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner or if the Government servant has been placed under suspension earlier then on such date. In the present case though the charge-sheet is served on 3.9.2019 to applicant, as per above rule it is deemed that Departmental Enquiry was initiated on 28.2.2019 by which he was placed under suspension and therefore it is not true that respondent has deliberately taken action against the applicant."

7. Id. Advocate for the applicant failed to give us any case law showing that suspension order served after he handed over charge at 5.30 p.m. on superannuation on 28.2.2019 amounts to issuing suspension order after retirement. We are of the view that date of birth decides the date of retirement and not the time of handing over of charge. Hence, suspension order was issued in time i.e. on 28.2.2019. Therefore, we are not inclined to grant interim relief.

8. MA for grant of interim relief is rejected.

9. OA Adjourned to 17.1.2022.

Sd/-

(Medha Gadgil)
Member (A)
24.12.2021

(sgl)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
24.12.2021

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	<p>Date : 24.12.2021</p> <p align="center">M.A.No.599 of 2021 in O.A.No.1056 of 2021</p> <p>S.J. Chavan & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere & Asso, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member(A)</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 24.12.2021</p> <p align="center">M. A. No.594 of 2021 in O.A.No.1050 of 2021</p> <p>S.M. Padwal ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for condonation of delay without specifying the extent of delay.</p> <p>3. Learned Counsel for the Applicant is, therefore, directed to correct the pleading in M.A.</p> <p>4. On request of learned Counsel for the Applicant, the matter is adjourned to 04.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">M. A. No.276 of 2021 in O.A.No.489 of 2021</p> <p>Dr. R. R. AsawaApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. R. Asawa, the Applicant in person and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of Applicant in person, the matter is adjourned for hearing of M.A.</p> <p>3. S.O. to 14.01.2022.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.269 of 2021</p> <p>P. G. SaliApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Balraj Kulkarni, 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., two weeks time is granted for filing reply by way of last chance.</p> <p>3. S.O.to 17.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.458 of 2021</p> <p>A. R. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Nagesh Khedkar holding for Shri S. K. Hande, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On previous two dates, last chance was granted for filing reply but he same is not filed.</p> <p>3. Hence, I am not inclined to grant further time as sought by learned P.O.</p> <p>4. O.A. be kept for hearing at the stage of admission with liberty to file reply one week advance of the next date with service on other side.</p> <p>5. S.O. to 21.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>


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	<p>Date : 24.12.2021</p> <p>O.A.No.719 of 2021</p> <p>U. S. SorateApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant, Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri C. T. Chandratre, 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. On request of Shri C. T. Chandratre, learned Counsel for Respondent No.2, one weeks time is granted for filing reply.</p> <p>4. S.O. to 04.01.2022.</p> <p style="text-align: right;">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.779 of 2021</p> <p>S. S. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam holding for Shri S. S. Dere, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing reply.</p> <p>3. S.O. to 14.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 24.12.2021</p> <p>O.A.No.762 of 2021 with O.A. No.585 of 2021 with O.A.No.601 of 2021</p> <p>K. J. Patki & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant (O.A.762/2021), Shri M. D. Lonkar, learned Counsel for the Applicants (O.A.585 & 601/2021) and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents and Shri M. D. Lonkar, learned Counsel for Respondent No.2 (O.A.762/2021).</p> <p>2. Today, learned P.O. has filed additional affidavit on behalf of Respondent No.1 to explain the minutes of CSB and to justify the transfer orders. It is taken on record.</p> <p>3. S.O. to 05.01.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 24.12.2021</p> <p>O.A. No.784 of 2019 with O.A. No.100 of 2021 with O.A. No.101 of 2021 with O.A. No.113 of 2021</p> <p>J.R. Kumbhar Y.K. Potekar A.Y. Sakpal V.R. RaskarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. In these O.As. reliance is placed on the decision rendered by this Tribunal which is under challenge before Hon'ble High Court and in one of the matter Hon'ble High Court has granted stay, therefore these O.As. will be heard after the decision of Hon'ble High Court on the issue.</p> <p>3. S.O. to 01.02.2022.</p> <p align="right">Sd/- ✓ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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
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	<p>Date: 24.12.2021</p> <p align="center">O.A. No.962 of 2014</p> <p>D.B. ChitaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Perusal of record reveals that this O.A. was before Division Bench and by order dated 08.12.2021 it was ordered to be placed before Single Bench. Indeed, board section ought to have placed before Single Bench much earlier but kept pending in board section.</p> <p>3. Be that as it may, O.A. is ripe for Final Hearing.</p> <p>4. Learned Advocate for the Applicant submits that since matter is listed for the first time before Single Bench it be adjourned for Final Hearing.</p> <p>5. Matter be kept for Final Hearing on first date after reopening and High On Board since it needs to be expedited.</p> <p>6. S.O. to 03.01.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

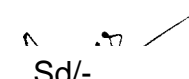
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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.784 of 2021</p> <p>D. T. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing reply.</p> <p>3. S.O. to 14.01.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p>O.A.No.812 of 2021</p> <p>P. G. SoudeApplicant</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 Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 14.01.2022.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.858 of 2021</p> <p>V. T. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. N. Vaidya, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 to 4. It is taken on record.</p> <p>3. Two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 14.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.894 of 2021</p> <p>V. D. Salok & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam holding for Shri S. S. Dere, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 17.01.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.922 of 2021</p> <p>A. G. ChoudhariApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted for filing reply.</p> <p>3. S.O. to 07.01.2022.</p> <p>4. Interim relief to continue till next date.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p>O.A.No.335 of 2020</p> <p>S. M. Sathe ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. M. Sathe, the Applicant in person and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted for filing reply on behalf of the Respondent No.2 by way of last chance with specific instruction that no further time will be granted.</p> <p>3. S.O. to 04.01.2022.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 24.12.2021</p> <p align="center">O.A.No.1001 of 2021</p> <p>Dr. U. S GutteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri D B. Khaire, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This O.A. is filed by Medical Officer for direction to release salary for the period from 08.04.2021 to 07.07.2021 and also for direction to release salary onward 07.07.2021. 3. Perusal of record reveals that the Applicant was serving as Medical Officer at Yerwada, Central Jail, Pune -6 but surprisingly he was unilaterally relieved by Superintendent, Central Jail, Pune -6 on 07.04.2021 without there being any transfer order by competent authority. Thereafter, he seems to have absorbed/adjusted in Open Jail, Yerwada, Pune and joined on 07.07.2021. 4. As such, apparently the Applicant was relieved on 07.04.2021 and was not paid salary from 08.04.2021 to 07.07.2021 which is <i>prima-facie</i> wrong. 5. Learned P.O. is, therefore, directed to take instructions as to why Applicant is not paid salary from 08.04.2021 to 07.07.2021 and apprise the Tribunal on next date so that O.A. can be disposed of by suitable order. 6. In the meantime, issue notice before admission returnable on 03.01.2022. 7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. <p align="right">[P.T.O.]</p>

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8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. S.O. to 03.01.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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	<p align="center"><u>C.A. No.50 of 2021 in O.A. No.294 of 2020</u></p> <p>M.A. Kute ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Purva Pradhan holding for Shri D.B. Khaire, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that W.P. No.5530 of 2021 has been filed on 14.9.2021 in the Hon'ble High Court.</p> <p>3. S.O. to 4.2.2022.</p> <p align="center"> <table border="0"> <tr> <td align="center">Sd/- (Medha Gadgil) Member (A) 24.12.2021</td> <td align="center"> <i>in /</i> Sd/- _____ (Mridula Bhatkar, J.) Chairperson 24.12.2021</td> </tr> </table> </p> <p>(sgj)</p>	Sd/- (Medha Gadgil) Member (A) 24.12.2021	<i>in /</i> Sd/- _____ (Mridula Bhatkar, J.) Chairperson 24.12.2021
Sd/- (Medha Gadgil) Member (A) 24.12.2021	<i>in /</i> Sd/- _____ (Mridula Bhatkar, J.) Chairperson 24.12.2021		


**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 : 23.12.2021</p> <p align="center">O.A.No.330 of 2021</p> <p>S.N. JoshiApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. submits the document dated 22.12.2021, wherein the Applicant has been given the benefit of 2nd Time Bound Promotion. Taken on record and marked as Exhibit-A. Copy be served upon learned Advocate for the Applicant.</p> <p>3. We, therefore, direct that the monetary benefits should be given to the applicant by 15.04.2022.</p> <p>4. In view of the above, O.A. is disposed of.</p> <p align="center"> Sd/- (Medha Gadgil) Member(A) </p> <p align="center"> Sd/-  (Mridula Bhatkar, J.) Chairperson </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 align="center"><u>O.A. No.1040 of 2021</u></p> <p>Maharashtra State Gazetted Medical Officer's Federation ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 21.1.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="center">Sd/-  (Medha Gadgil) Member (A) 24.12.2021</p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson 24.12.2021</p> <p>(sgj)</p>

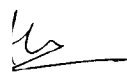
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.1045 of 2021</u></p> <p>M.M. Shaikh ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 4.2.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 24.12.2021 24.12.2021</p> <p>(sgi)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>CA No.129 of 2015 in OAs. No.142, 143 & 144 of 2015</u></p> <p>Dr. S.S. Deshpande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.P. Nalavade, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This is Contempt Application and it is to be heard by Division Bench. My sister Smt. Medha Gadgil, Hon'ble Member (A) has recused herself from this matter.</p> <p>3. S.O. to 14.1.2022.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 24.12.2021</p> <p>(sgj)</p>

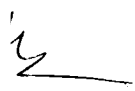
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.1090 of 2019</u></p> <p>D.B. Shinde & 4 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Not on board. Mentioned and taken on board at the request of Ld. Advocate for the applicants.</p> <p>3. Ld. Advocate for the applicants submits that applicants No.1, 2, 3 & 5 have requested him to withdraw the above OA. Ld. Advocate for the applicants further submits that case against the applicant no.4 has become infructuous and he wants to withdraw the OA.</p> <p>4. In view of the above, OA is allowed to be withdrawn and disposed off as such.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 24.12.2021 24.12.2021</p> <p>(sgj)</p>