

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NOS 829 OF 2019 WITH 346/2017**

**DISTRICT : MUMBAI**

**1) ORIGINAL APPLICATION NO 829 OF 2019**

1. Mr Arun P. Ghadge )
2. Mr Vipin R. Patil )
3. Mr Anand Motiram Giri. )
4. Mr Bharat Y. Kate )
5. Mr Rajendra S. Sonawane. )
- All the applicants are working as )
- Police Constables. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai 400 032. )
2. The Director General of Police, )  
M.S, Police Headquarters, Mumbai. )
3. The Addl. Director General of Police )  
Training & Special Squad, M.S, )  
Mumbai 400 005. )
4. The Addl. Director General of Police, )  
Establishment, Police Headquarters, )  
Mumbai. Maharashtra State 400 001. )
5. Mr Shijaji N. Wagh, )  
Presently R/at Room no. 5, )  
Bhima Building, Police Training Centre, )  
Bhabulgaon, Latur, Dist-Latur 413 531 )
6. Mr. Aba Gopal Boarde, )  
Police Head Constable, )  
R/o: Saravaibhav Reaighar, Jatwada Rd )  
Tal & Dist-Aurangabad. )



7. Mr Nanasaheb L. Gaikwad, )  
Police Naik/Constable [PTC], )  
R/o: Sainath Ngar, Mantha Chaufulli, )  
Jalna, Tal & Dist-Jalna. )
8. Mr. Laxman Narayan Sormare, )  
A.S.I, R/o: Sukhshanti Nagar, )  
Mantha Road, Jalna, Tal & Dist-Jalna. )
9. Mr. Gajanan Shivappa Parit. )  
Police Constable, Kolhapur. )
10. Mr Ramesh Digambar Shinde. )  
Police Constable, Solapur Rural. )
11. Mr Dhansing Ramsing Rathod )  
Police Constable, Akola. )
12. Mr. Kishaorsing S. Rathod. )  
Police Constable, Nagpur. )
13. Mr Prabhakar K. Sawde )  
Police Constable, Nagpur Loha Marg, )
14. Mr Ganesh N. Kamble, )  
Police Constable, Gadchiroli. )
15. Mr Eknath N. Gaikwad )  
Aurangabad Gramin. )...**Respondents**

Shri Mangal Bhandari with Shri M.M Deshmukh, learned advocate for the Applicants.

Ms Swati Manchekar, learned C.P.O for Respondents no 1 to 4.

Shri P.A Kulkarni, learned advocate for Respondents no 5 to 14.

Shri Akshay S. Tilve, learned advocate for Respondent no. 15.

**2) ORIGINAL APPLICATION NO. 346/2017 (AURANGABAD)**

- 1) Balaji Baburao Latpate )  
Age : 51 years, Occ. )  
Police Head Constable )  
With C.I.D. crime branch Latur, )  
R/o.Somvanshinagar, in front of )  
Medical college Ambejogayi Road, Latur.)

- 2) Manmath Baswant Swami. )  
 Age : 53 years, Occ. )  
 Police Head Constable )  
 RPTS Babalgaon Latur, )  
 R/o. Gawlinagar, Nanded Road, )  
 Near Bharat Society, Latur. )
- 3) Yeshwant Shivaji Munde, )  
 Age : 51 years, Occu. A S I, )  
 Motor Transport, Latur, )  
 R/o. Somvanshinagar, In front of )  
 Medical College, Ambejogayi Road, )  
 Latur. )...Applicants.

**Versus**

- 1) The State of Maharashtra, )  
 Through its Secretary, Mantralaya, )  
 Mumbai. )  
 Copy to be served on Presiding Officer, )  
 M.A.T. Bench at Aurangabad. )
- 2) The Director General of Police, )  
 Maharashtra State, Mumbai 400 001. )
- 3) The Spl. Inspector General of Police, )  
 Nanded Range, Nanded. )...Respondents.

Shri P.A Kulkarn, learned advocate for the applicants

Ms Swati Manchekar, learned C.P.O for Respondents no 1 to 3.

**CORAM** : **Justice Mridula R. Bhatkar (Chairperson)**  
**Shri P.N Dixit (Vice-Chairman) (A)**  
**Shri A.P Kurhekar (Member) (J)**

**DATE** : **25.02.2021**

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

**J U D G M E N T**

1. By order dated 8.2.2021 the D.B has referred this matter to larger Bench on the following issue.



“Whether the view taken by the earlier Division Bench in O.A 378, 38, 39 and 40/2016 decided on 24.3.2017 of Aurangabad Bench of this Tribunal is in consonance with Rule 180 (3)(e) of the Maharashtra Police Manual, 1959?”

2. This Original Application pertains to a matter of promotion of the Police Constables to the post of Reserved Sub Inspectors (R.S.I), the examination for which was conducted on 26.2.2014. Some candidates who were declared failed, earlier have moved the Tribunal, M.A.T, Aurangabad Bench in O.A nos 378/2016, 38/2016, 39 & 40/2016, thereby challenging the result regarding criterion namely allotment of marks in written and practical examinations. The Aurangabad Bench of this Tribunal, by judgment and order dated 24.3.2017 allowed the said Original Applications. They were accordingly declared passed. However, the present applicants moved this Tribunal at the Principal Bench by filing O.A 829/2019 on 19.8.2019. Notices were issued to the Respondents. Some of the private Respondents 5 to 8 & 15 were the original applicants in O.A 378/2016, 38/2016, 39 & 40/2016 and O.A 228/2019, before M.A.T, Aurangabad Bench. The Respondents challenged the maintainability of the present Original Application before the Division Bench on the ground that the issue pending before the D.B in the present O.A was already decided by M.A.T, Aurangabad Bench in the above referred Original Applications.

3. Mr Pramod Kulkarni, learned counsel for the Respondents contended that the Circulars date 30.1.2014 and 21.2.2014 pertaining to conducting examination of 2014 and correct method of allotment of marks were discussed at length by M.A.T, Aurangabad Bench in the above referred Original Applications, hence no other view can be taken by this Division Bench. There was appeal made to the Division Bench that this matter may be referred to larger bench so that the issue can be clarified. The learned counsel for the present applicants also agreed for the reference to the larger bench to avoid further illegality. The Division Bench accepted the prayer made by learned counsel and after reference the larger bench is constituted to decide the issue mentioned above as the challenge was raised on the point of law of precedent.



4. The Rule 180(3)(e) of Maharashtra Police Manual, 1959 states the pattern and allocation of marks in written as well as physical test for promotion to the post Reserve Sub Inspector. Hence, it is useful to reproduce the said rule.

*“180. Head Constables :- (1) Departmental Examination qualifying for promotion to Sub Inspector:-.....*

*(e) Candidates obtaining not less than 50 per cent marks in each of the three subjects will be considered to have passed the test.”*

5. Heard learned counsel for the Respondents 5 to 14 and also learned counsel for Respondent no. 15. We requested the learned counsel to point out whether Rule 180(3)(e) of Maharashtra Police manual 1959 is referred to or discussed in the judgment in O.A 378/2016, 38/2016, 39 & 40/2016 and O.A 228/2019, decided on 24.3.2017 and 7.3.2019 by M.A.T, Aurangabad Bench. Learned counsel for the Respondents have fairly conceded that neither the present Respondents nor the State have pointed out Rule 180(3)(e) of Maharashtra Police Manual, 1959.

6. Mr Bhandari, learned counsel for the applicants and Ms Swati Manchekar, learned C.P.O both have submitted to the orders of this Bench in view of the arguments advanced by Mr Pramod Kulkarni, learned counsel for the Respondents.

7. Thus, on perusal of the judgment and order dated 24.3.2017 in O.A Nos 378/2016, 38/2016, 39 & 40/2016 and 7.3.2019 in O.A 228/2019, passed by Division Bench of M.A.T, Aurangabad we found that the said bench had no opportunity to deal with Rule 180(3)(e) of Maharashtra Police Manual, 1959 as it was not pointed out or placed before by either of the parties.

8. Admittedly the examination was in two parts, one written of 100 marks and practical of 200 marks. On perusal of the judgment we found

that Rule 180(3)(e) of Maharashtra Police Manual, 1959 is not considered therein. The rule states that in written test minimum 50 marks out of 100 is required to be secured and similarly in practical test, which is divided in two subjects, i.e. physical training, musketry and drill a candidate has to secure 50 marks out of 100 and in the second subject, i.e. ability to impart instructions, the candidate should acquire 50 marks out of 100. Though the minimum percentage is 50% i.e. 150 marks out of 300, the candidate in all of the three subjects should secure minimum 50% in each subject. Thus, aggregate minimum 50% of the three subject is counted as in each subject minimum 50%. On perusal of the judgment and order we find that the D.B of M.A.T, Aurangabad has taken a contrary view. As per the said judgment, the aggregate of all the marks 150 to be considered and it is not necessary for candidates to secure 50 marks in each subject of the three subjects.

9. The said Rule is the basis of the both the Circulars dated 30.1.2014 and 21.2.2014. The Circulars open up with the statement where this Rule is mentioned. Therefore, we hold that the view taken by the earlier D.B in O.A 378/2016, 38/2016, 39 & 40/2016 and O.A 228/2019, decided on 24.3.2017 and 7.3.2019 has not addressed the said Rule 180(3)(e) of Maharashtra Police Manual, 1959 and therefore, view taken by the D.B is not in consonance with the said rule.

10. In view of the above, we hold that the issue referred to the larger bench:


Whether the view taken by the earlier  
Division Bench in O.A 378, 38, 39  
and 40/2016 decided on 24.3.2017  
of Aurangabad Bench of this Tribunal  
is in consonance with Rule 180 (3)(e)  
of the Maharashtra Police Manual, 1959? ..... Negative.

11. Shri Akshay S. Tilve, learned advocate for Respondent no. 15 is directed to file affidavit in reply before 1<sup>st</sup> March, 2021 and copy be served on the learned advocate for the applicants through email.

12. Both the Original Applications be placed before D.B on 2.3.2021 at 10.30 am.

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

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

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

**Place : Mumbai**  
**Date : 25.02.2021**  
**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><b>Date : 25.02.2021</b></p> <p align="center"><b>O.A.No.591 of 2020</b></p> <p><b>D. N. Gunjal</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre holding for Shri S.S. Dere, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.2. It is taken on record. No reply is filed on behalf of the Respondent No.1.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 12.03.2021.</p> <p align="right">Sd/- <b>(A.P. Kurhekar)</b> Member(J)</p> <p>vsm</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.02.2021</p> <p align="center">O.A.No.592 of 2020</p> <p>D. K. Valvi <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Learned P.O. for the Respondents submits that reply will be filed during the course of the day. Statement is accepted. It be taken on record.</li> <li>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</li> <li>4. S.O. to 15.03.2021.</li> </ol> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

of 20

I N

Original Application No.

of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.02.2021</p> <p align="center"><b>O.A.No.608 of 2020</b></p> <p>C. M. Kadam <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 U. V. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that the provisional pension is being granted to the Applicant.</p> <p>3. It appears from the letter dated 24.02.2021 tendered by learned P.O. today that some Departmental Enquiry (D.E.) is contemplated and the matter is pending at the level of the Government. It is really surprising that though the Applicant retired on 31.12.2018, his retiral benefits are not paid on the ground of contemplated D.E. which <sup>has</sup> not seen day of light till date.</p> <p>4. It is also not clear whether now the D.E. is permissible in the light of Rule 27 of Pension Rules which <i>inter-alia</i> provides limitation of four years from the alleged misconduct.</p> <p>5. In view of above, two weeks time is granted as a most last chance to make their stand clear and to file reply.</p> <p>6. S.O. to 18.03.2021.</p> <p align="right">Sd/-</p> <p align="right"><b>(A.P. Kurhekar)</b> Member(J)</p> <p align="right">[P.T.O.]</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 25.02.2021</b></p> <p align="center"><b>O.A.No. 574 of 2020</b></p> <p><b>L. D. Veer</b> <span style="float: right;"><b>....Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1 to 4, 6, 7 and 8. Respondent No.5 is served but nobody appears today on his behalf. Ms Kanchan, Tiwari, learned Counsel for the Respondent No.9.</li> <li>2. Learned Counsel for Respondent No.9 has filed reply. It is taken on record.</li> <li>3. The Applicant retired in 2009 <sup>20</sup> but raised grievance of non-payment of retiral benefits. Therefore, the matter needs to be expedited.</li> <li>4. On request of learned P.O., two weeks time is granted as a most last chance for filing reply.</li> <li>5. S.O. to 09.03.2021.</li> </ol> <p align="right">Sd/-</p> <p align="right"><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\_\_\_\_

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 : 25.02.2021</p> <p align="center">O.A.No.45 of 2021</p> <p>H.D. Patil <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. Today, learned P.O. has filed reply on behalf of the Respondent No.2. It is taken on record. No reply is filed on behalf of the Respondent No.1.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 16.03.2021.</p> <p align="right">Sd/-</p> <p align="right"><b>(A.P. Kurhekar)</b> Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 25.02.2021</b></p> <p align="center"><b>O.A.No.199 of 2020</b></p> <p><b>A. L. A. Mujawar</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. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed additional Rejoinder. It is taken on record.</p> <p>3. Learned P.O. for the Respondents has also filed Affidavit in Sur-Rejoinder. It is taken on record.</p> <p>4. The matter is adjourned for hearing at the stage of admission.</p> <p>5. S.O. to 18.03.2021.</p> <p align="right">Sd/-</p> <p align="right"><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 \_\_\_\_\_

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"><b>Date : 25.02.2021</b></p> <p align="center"><b>O.A.No.211 of 2020</b></p> <p><b>C. D. Tikekar</b> <span style="float:right"><b>....Applicant</b></span></p> <p align="center"><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float:right"><b>...Respondents.</b></span></p> <p>1. Heard Shri U. V. Bhosale, 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., two weeks time is granted for filing reply.</p> <p>3. S.O. to 09.03.2021.</p> <p align="right">Sd/- v <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\_\_\_\_

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 : 25.02.2021</b></p> <p align="center"><b>O.A.No. 426 of 2020</b></p> <p><b>A. S. Shaikh</b> <span style="float: right;"><b>....Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</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 requested of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 09.03.2021.</p> <p align="right">Sd/-</p> <p align="right"><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\_\_\_\_

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"><b>Date : 25.02.2021</b></p> <p align="center"><b>O.A.No.473 of 2020</b></p> <p><b>S. N. Maule</b> <span style="float: right;"><b>....Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>3. S.O. to 09.03.2021.</p> <p align="right">Sd/-</p> <p align="right"><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 \_\_\_\_\_

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 : 25.02.2021</b></p> <p align="center"><b>O.A.No.509 of 2020</b></p> <p><b>M. A. Damale</b> <span style="float: right;"><b>...Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <p>1. Heard Shri A. V. Bandiwadekar, 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.</p> <p>3. S.O. to 15.03.2021.</p> <p align="right">Sd/-</p> <p align="right"><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

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 : 25.02.2021</p> <p align="center">O.A.No.12 of 2021</p> <p>P. M. Auti <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra <span style="float:right">...Respondent.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondent.</li> <li>2. Today, learned P.O. has filed reply on behalf of the Respondent. It is taken on record.</li> <li>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</li> <li>4. S.O. to 16.03.2021.</li> </ol> <p align="right">Sd/-</p> <p align="right"><b>(A.P. Kurhekar)</b> Member(J)</p> <p>vsm</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

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

## FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p style="text-align: center;">Date : 25.02.2021</p> <p style="text-align: center;">O.A.No.49 of 2020</p> <p>Ramdas K. Mali <span style="float: right;">....Applicant</span></p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This is a Part-Heard matter which was adjourned for filing certain documents by learned P.O. However, learned P.O. requested for grant of short time to file the documents.</p> <p>3. S.O. to 04.03.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>	

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 25.02.2021</b></p> <p align="center"><b>M.A. No.141 of 2020 in O.A.No.936 of 2019</b></p> <p><b>The State of Maharashtra &amp; Ors. ....Applicants (Ori. Respondents)</b></p> <p><b>Versus</b></p> <p><b>A. B. Chavan ...Respondent (Ori. Applicant)</b></p> <p>1. Heard Smt.Kranti Gaikwad, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri A. V. Bandiwadekar, learned Counsel for the Respondent (Ori. Applicant).</p> <p>2. Learned P.O. submits that the Applicant is reposted in terms of the decision rendered by the Tribunal on 14.02.2020 in O.A.No.936/2019 and seeks permission to withdraw M.A.No.141/2020.</p> <p>3. Accordingly, M.A.No.141/2020 is disposed of with no order as to costs.</p> <p align="right">Sd/- <b>(A.P. Kurhekar) Member(J)</b></p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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 : 25.02.2021</p> <p align="center">O.A.No.385 of 2018</p> <p>S. S. Rawle .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</li> <li>2. On request of learned Counsel for the Applicant, two weeks time is granted.</li> <li>3. The matter is adjourned for final hearing.</li> <li>4. S.O. to 15.03.2021.</li> </ol> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.02.2021</p> <p align="center">O.A.No.724 of 2020</p> <p>M. B. Jadhav .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that the matter be adjourned to 01.03.2021 so as to decide the same along with connected O.A.No.739/2020.</p> <p>3. S.O. to 01.03.2021.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Date : 25.02.2021

O.A.No.753 of 2020

G. A. Kamble

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. This O.A. was basically filed for directions to Respondents to implement the order passed by the Government dated 13.08.2020 whereby the order of dismissal from service was modified and punishment of withholding of two increments was imposed.
3. However, during the pendency of O.A. the Applicant has been reinstated in service on 09.01.2021. As such, the grievance raised in O.A. for implementation of order dated 13.08.2020 is no more survives.
4. Learned Counsel for the Applicant submits that the order has been implemented belatedly, therefore, the Applicant is entitled for pay and allowances for the said period.
5. In so far as the issue of pay and allowances is concerned, the Applicant is at liberty to make representation within two weeks from today to the Respondent No.2 – Commissioner of Police, Pune and if such representation is made, the Respondent No.2 shall decide it within two months from the date of receipt of the representation.
6. If the Applicant felt aggrieved by the decision, he may again avail legal recourse of law.
7. No order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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"><b>Date: 25.02.2021</b></p> <p align="center"><b>O.A. No.934 of 2019</b></p> <p><b>Dr. A.B. Shinde</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Ms. Asawari Ghatе, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant seeks permission to withdraw the O.A. stating that during the pendency of O.A., the Applicant has been promoted and transferred to G.M.C., Baramati. She has tendered letter of the Applicant to that effect. It is taken on record and marked by letter 'X'.</p> <p>3. Thus, in view of above, O.A. has become infructuous and allowed to withdraw the O.A.</p> <p>4. Interim Relief granted by Tribunal stands vacated. No order as to costs.</p> <p align="right">Sd/-  <b>(A.P. Kurhekar)</b>  <b>Member (J)</b></p> <p align="center">NMN</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.02.2021</p> <p align="center">M.A. No.46 of 2021 in O.A. No.659 of 2020</p> <p><i>S.P. Aher</i> .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. M.A. No.46/2021 has been filed to implement the order passed by Tribunal on 22.12.2020. The O.A. was disposed of on the statement made by P.O. that the Applicant will be accommodated in Thane District.</p> <p>3. Since no steps were taken by the Respondent, the Applicant has filed this M.A. for implementation of the order dated 22.12.2020.</p> <p>4. However today, learned Advocate for the Applicant submits that Applicant is continued in Thane and seeks permission to withdraw the O.A. She has also tendered letter of the Applicant for withdrawal of O.A. It is taken on record and marked by letter 'X'.</p> <p>5. In view of above, M.A. is disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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
-------------------------------------------------------------------------------------------------------------	-------------------

Date: 25.02.2021

O.A. No.1215 of 2019

D.G. Kajave .....Applicant  
 Versus  
 The State of Maharashtra & Ors. ....Respondents.

1. Heard Ms. Asawari Ghatе, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents No.1 & 2.
2. Learned Advocate for the Applicant submits that Applicant has joined the post on which he is transferred and seeks permission to withdraw the O.A.
3. Allowed to withdraw the O.A.
4. O.A. is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)  
Member (J)

NMN

**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: 25.02.2021</p> <p align="center">O.A. No.1176 of 2019</p> <p>K.V. Gaikar .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. Asawari Ghate, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Advocate for the Applicant seeks permission to withdraw the O.A. since Applicant got posting as per his wish. She has tendered e-mail sent by the Applicant to that effect. It is taken on record and marked by letter 'X'.</p> <p>3. In view of above, the Applicant is allowed to withdraw the O.A.</p> <p>4. Accordingly the O.A. is disposed of with no order as to costs.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.02.2021</p> <p align="center"><b>O.A. No.157 of 2021</b></p> <p>R.R. Gabhale .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</li> <li>2. O.A. is filed simpliciter for direction to the Respondent to consider the representation.</li> <li>3. In my considered opinion, unless there is full-fledged dispute relating to service matter and there is a <del>lease</del> <sup>life</sup> before the Tribunal, such O.A. simpliciter for direction cannot be entertained.</li> <li>4. Indeed, matter pertains to dispute in seniority list. This being the position, the Applicant was required to file proper O.A challenging his placement in seniority list. However, without doing so the Applicant has filed this O.A. before Hon'ble Single Bench simpliciter for direction to decide his representation.</li> <li>5. In view of above, learned Advocate for the Applicant is directed to satisfy how O.A. is maintainable in its form. However, learned Advocate for the Applicant requested for one week time.</li> <li>6. S.O. to 09.03.2021.</li> </ol> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.02.2021</p> <p align="center">M.A. No.142 of 2020 in O.A. No.936 of 2019</p> <p>N.S. Palwe .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant in M.A.142/2020, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A.936/19.</p> <p>2. On request of learned Advocate for the Applicant appearing for the parties, adjourned for two weeks to facilitate them to take instructions from their client, in view of various subsequent development which has taken place after decision in O.A. 936/19.</p> <p>3. S.O. to 12.03.2021.</p> <p align="right">N Sd/-  (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.02.2021</p> <p align="center"><b>O.A. No.593 of 2020</b></p> <p>V.M. Sonawane .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that issue of reconsideration of transfer order dated 07.10.2020 is in consideration of Government and requested for two weeks time.</p> <p>3. S.O. to 15.03.2021.</p> <p align="right">Sd/- <b>(A.P. Kurhekar)</b> Member (J)</p> <p align="center">NMN</p>

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

Tribunal's orders

Date : 25.02.2021

O.A.No.156 of 2021

S. N. Ghuge

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan , learned Counsel for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 23.03.2021.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. 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.
7. In case notice is not collected within seven 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.
8. S.O. to 23.03.2021.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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
-------------------------------------------------------------------------------------------------------------------	-------------------

**25.02.2021**

**O.A 123/2021 (Aurangabad)  
Through Video Conference**

Shri G.P Swami ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The applicant, working as Executive Engineer, National Highway Division, Latur challenges the transfer order dated 22.2.2021, transferring him to Public Works Department, Zilla Parishad, Hingoli.

3. The order is challenged on the ground that it is mid-term and mid-tenure and issued without following the procedure under Sec 4(4)(ii) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity). Learned counsel for the applicant submits that the applicant joined at Latur on 30.12.2019.

4. Learned C.P.O submits that the applicant was relieved today morning. Learned C.P.O is directed to file short affidavit in reply within a week justifying there action of transfer and whether there is full compliance of Sec 4(4)ii) and 4(5) of ROT Act.

5. In the meantime, applicant is directed to join at the transferred place of posting under protest.

6. S.O to 5.3.2021.

Sd/-

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



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

Tribunal's orders

O.A. No.150 of 2021

Vijay B. Wakchaure ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The applicant an Accounts Officer prays for declaration that the denial of promotion to the applicant to the post of Assistant Director, Class-I is illegal and bad in law and also prays that his representation dated 2.1.2021 is also to be decided.

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

4. Issue notice before admission returnable on 1.4.2021. In the meanwhile the respondents may decide the representation of the applicant dated 2.1.2021.

5. 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.

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.

7. 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.

Sd/-

(P.N. Dixit)  
Vice-Chairman  
25.2.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
25.2.2021

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

Tribunal's orders

O.A. No.162 of 2021

Padmakar V. Parkhe ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.

2. The applicant, an Armed Police Inspector seeks directions to the respondents to consider the applicant for promotion to the post of Armed Deputy Superintendent of Police/Assistant Commandant, if he is found fit, along with his juniors.

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

4. Issue notice before admission returnable on 12.3.2021. The respondents to only inform the Tribunal whether the applicant's case was considered and it was denied.

5. 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.

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.

7. 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.

Sd/-

(P.N. Dixit)  
Vice-Chairman  
25.2.2021

(sgj)

Sd/-

(Mridula R. Bhakar, J.)  
Chairperson  
25.2.2021

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

Tribunal's orders

O.A. No.163 of 2021

Irshad A.K.A. Mahagami

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. Neelima Ghoad, learned Presenting Officer for the Respondents.

2. The applicant a Civil Engineering Assistant prays for a declaration that the applicant is entitled to count his seniority in the cadre of Civil Engineering Assistant w.e.f. his initial date of appointment and also is entitled to consequential service benefits. The applicant relies on circular dated 11.12.2020 and also the order dated 13.2.2020 passed by this Tribunal in OA No.848/2018.

3. Ld. Advocate for the applicant submits that similar matters viz. OAs. No.140/2021, 147/2021 & 163/2021 are adjourned to 16.3.2021. He prays that the present matter may also be adjourned to 16.3.2021. Prayer accepted.

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

5. Issue notice before admission returnable on 16.3.2021.

6. 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.

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

8. 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.

Sd/-

Sd/-

(P.N. Dixit)  
Vice-Chairman  
25.2.2021

(Mridula R. Bhatkar, J.)  
Chairperson  
25.2.2021

(sgj)

**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 style="text-align: center;"><u>O.A. No.83 of 2015</u> <u>(OA.133/2014-Aurangabad)</u></p> <p>Jivenrekha V. Jamdhade ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p style="text-align: center;">Heard Smt. Archana B.K., learned Presenting Officer for the Respondents. None for the applicant.</p> <p>2. The matter is dismissed for want of prosecution.</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman 25.2.2021</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 25.2.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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
-------------------------------------------------------------------------------------------------------------------	-------------------

**Date : 25.02.2021**

**O.A.No.61 of 2021**

S.S. Choudhari ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

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

2. The learned P.O. submits that in view of the earlier order passed by this Tribunal pointing out the provisions of enquiry that the enquiry cannot be handed over to the another enquiry officer, the Respondent has communicated their intention to modify the order dated 04.01.2021 to that effect. She submits that the respondent will issue the order within a week.

3. It is expected that the authority while passing the order should understand the difference between de nova enquiry and further enquiry or enquiry in continuation which is used in Rule 9(1) of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

4. In view of this matter is fixed on 09.03.2021.

Sd/-

(P.N. Dixit)  
Vice-Chairman

prk

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

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

Tribunal's orders

**Date : 25.02.2021**

**O.A.No.756 of 2020 with O.A.No.755 of 2020**

M.R. Sawant & Ors. (O.A.756/2020)

A.P. Sonawane & Ors. (O.A.755/2020) ... Applicants  
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Pursuant to the queries made by this Tribunal by order dated 18.02.2021, the learned C.P.O. submits that she has received one letter dated 24.02.2021 written by Desk Officer Mr. Makhena. She submits that the concerned Department has taken a survey about the regularization of the "बदली" employees. She further submits that the Respondent seeks some time to file their affidavit-in-reply for answering the three queries made by this Tribunal as the Department found total cases of 1486 "बदली" employees in all over the State and some time is required to examine their cases.

3. The Respondent may take survey and file their reply in detail after 5 weeks. However within 3 weeks the Respondents shall file reply answering the queries raised by this Tribunal in paragraph 5 (i), (ii) and (iii) of the order dated 18.02.2021. The said queries are directly pertaining to the applicants which are before the Tribunal.

4. No other Class IV employees to be appointed till then for 3 weeks in Medical Education and Drugs Department.

5. The Respondents to consider the order passed by the Hon'ble High Court in Writ Petition No.246 of 2015 dated 19.08.2016 in State of Maharashtra & Ors. V/s. Bhartiya Kamgar Sena and also consider the Government Resolution dated 29.01.2020.

6. Adjourned to 19.03.2021.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

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

Tribunal's orders

O.A. No.134 of 2021

Mukund H. More ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Ms. Neelima Gohad, learned Presenting Officer for the Respondents. None for the Applicant.

2. The applicant a retired Special Land Acquisition Officer (SLAO) prays for full pension.

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

4. Issue notice before admission returnable on 8.4.2021.

5. 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.

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.

7. 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.

Sd/-

(P.N.)  
Dixit  
Vice-Chairman  
25.2.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
25.2.2021

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.118 of 2021</u></p> <p>Shrikant S. Khaple ..Applicant Vs. The State of Maharashtra &amp; 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. The applicant a Police Naik challenges the Departmental Enquiry initiated against him on the basis of memorandum of charges dated 21.9.2020.</p> <p>3. The office objections, 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 25.3.2021.</p> <p>5. 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>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. 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 style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(P.N. Dixit) (Mridula R. Bhakar, J.) Vice-Chairman Chairperson 25.2.2021 25.2.2021</p> <p>(sgj)</p>



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

Tribunal's orders

O.A. No.117 of 2021

Harun B. Shaikh ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. The applicant a retired Talathi seeks declaration that applicant is eligible to have date of absorption in government service from 1.6.1989 and seeks this benefit on the basis of judgment and order dated 12.10.2018 passed by the Hon'ble High Court in W.P. No.8908 of 2015.

3. Ld. Advocate for the applicant submits that similar matters viz. OAs. No.726/2020, 727/2020 & 731/2020, which are on board today, are already adjourned to 18.3.2021. Therefore, he prays that present OA may also be adjourned to 18.3.2021. Prayer accepted.

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

5. Issue notice before admission returnable on 18.3.2021.

6. 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.

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

8. 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.

Sd/-

(P.N. Dixit)  
Vice-Chairman  
25.2.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
25.2.2021

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A. No.1120 of 2018

S.N. Salve ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.B. Kadam, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. At the request of Ld. Advocate for the applicant, adjourned to 15.3.2021.

Sd/- (P.N. Dixit) Vice-Chairman 25.2.2021	Sd/- (Mridula R. Bhatkar, J.) Chairperson 25.2.2021
----------------------------------------------------	--------------------------------------------------------------

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

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

**Date : 25.02.2021**

**O.A.No.782 of 2019**

Yeole S.B. ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. None for the Applicant.

2. The matter appeared on board on earlier occasions. However, neither the applicant nor the learned Counsel appeared. The last date adjourned was 22.02.2021.

3. Pursuant to the order dated 24.09.2019 passed by the Division Bench, the affidavit-in-reply dated 22.01.2020 was filed on behalf of Respondents no 2 and 3 through Dr. Sandep P. Suraywanshi, District Malaria Officer, office of District Malaria, Nashik, wherein at paragraph 6 of the above affidavit-in-reply it is mentioned that the applicant could not fulfill the criteria and so he is disqualified. However, the said decision was communicated to the applicant by RPAD dated 12.02.2019, it was refused by the applicant.

4. In view of above, the matter is dismissed.

Sd/-

(P.N. Dixit)  
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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
-------------------------------------------------------------------------------------------------------------	-------------------

**Date : 25.02.2021**

**O.A.No.588 of 2019**

M.B. Sonawane ... Applicant  
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Sanjay Kulkarni, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Admit. Adjourned to 29.04.2021.

Sd/-

(P.N. Dixit)  
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

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

**Date : 25.02.2021**

**O.A.No.537 of 2019 (Aurangabad)**

N.R. Thakur ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard M/S. Talekar & Asso., learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. This matter is transferred from Aurangabad to Principal Bench. However, it is to be freshly numbered at Principal Bench at Mumbai. In this matter Respondents no.1 to 4 have filed affidavit-in-reply dated 28.08.2019, through one Shri Mahendra R. Pawar, Tahsildar, Bhusawal.

3. Adjourned to 18.03.2021 under the caption 'For Final Hearing'.

Sd/-

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

Sd/-

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

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

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

**Date : 25.02.2021**

**O.A.No.542 of 2018 (Mumbai)  
O.A.No.829 of 2018 (Aurangabad)**

K.P. Kolte ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard M/S. Talekar & Asso, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The learned Counsel Mr. Talekar informs that this issue is decided by M.A.T. Bench Nagpur in O.A.No.972/2019, Viplove V. Tiwari V/s. State of Maharashtra & Ors. dated 13.04.2020. The copy of the said judgment is handed over to the learned C.P.O.

3. The learned C.P.O. to take instructions on the basis of the above judgment and file affidavit in reply.

4. Adjourned to 25.03.2021.

Sd/-

(P.N. Dixit)  
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

**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><u>O.A. No.130 of 2021 with M.A. No.139 of 2021</u></p> <p>Shamrao B. Khutale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Anil N. More, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Driver working in Sanjay Gandhi National Park, Borivali, Mumbai prays that he is to be given promotion considering the seniority from 10.5.1996 and he is also to be given consequential benefits and monetary benefits from 10.5.1996.</p> <p>3. OA and MA are filed on 21.1.2021. MA is filed for condonation of delay wherein he has mentioned that there is delay of 4 years and 3 months as he is challenging the GR dated 7.10.2016.</p> <p>4. Ld. PO points out that earlier OA No.590 of 2020 was filed by the same applicant through same Advocate and it was dismissed on 19.11.2020 as it was not maintainable.</p> <p>5. Ld. Advocate for the applicant submits that the said OA was dismissed on the ground that OA was filed without MA for condonation of delay but the present OA is filed along with MA for condonation and therefore it is maintainable.</p> <p>6. We have perused the said order dated 19.11.2020 passed by this Tribunal wherein the Tribunal has considered the delay of 24 years and further it was observed that OA is</p>

✓

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

Tribunal's orders

without MA for condonation of delay. Para 3 and 4 of the said order are reproduced below:

*"3. The applicant prays that the respondents be directed to consider him for promotion from 1996. It appears from the record that the applicant has not made representation to the respondent authority mentioning that he was denied promotion for 24 years.*

*4. The learned counsel submits that the cause of action occurred when the respondent issued Government Resolution pertaining to promotion related to the cadre of the applicant. However, there is considerable delay which is not explained. No application for condonation of delay is made. Hence, the present Original Application is not maintainable."*

7. The above quoted order was passed in the Open Court in the presence of Ld. Advocate for the applicant. At the time of passing the order it was necessary for the Ld. Advocate of the applicant to mention that he would file MA for condonation of delay and OA could be kept pending. However, it appears that no such prayer was made. Ld. Advocate for the applicant submits that he made such prayer orally. We make it clear that it was necessary for the Ld. Advocate for the applicant to make immediately a written application on record that he will be filing application for condonation of delay, which could have been considered at that time.

8. In view of the above, OA and MA are dismissed.

Sd/-

Sd/-

(P.N. Dixit)  
Vice-Chairman  
25.2.2021

(Mridula R. Bhatkar, J.)  
Chairperson  
25.2.2021

(sgj)



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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
-------------------------------------------------------------------------------------------------------------	-------------------

**Date : 25.02.2021**

**O.A.No.158 of 2021 with M.A.No.82 of 2021**

M.M. Dawane & Ors. ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Dr. Gunratan Sadavarte, learned Advocate with Dr. Jayshree Patil, learned Advocate for the Applicants, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri Vinod Sangvikar, learned Counsel for Respondent No.16

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

3. Issue notice before admission returnable on 02.03.2021.

4. Applicants are 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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

6. 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. Applicants are directed to file Affidavit of compliance and notice.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The applicants challenge the merit list published by the Government for the promotion of Police Sub-Inspector in view of Limited Departmental Competitive Examination conducted on 10.02.2021.</p> <p>8. The issue is pertaining to the reservation in promotion. As per the submissions of learned Counsel for the Applicants this issue is already settled by the Hon'ble Supreme Court in the case of <i>Jarnail Singh &amp; Ors. Versus Lachhmi Narain Gupta, reported in 2018 SCC online SC 1641</i>. He submits that the Hon'ble Supreme Court judgment in the case of <i>M.Nagaraj &amp; Others Versus Union Of India &amp; Others reported in (2006) 8 SCC 212</i> is overruled and therefore the judgment of the Bombay High Court in <i>Writ Petition No.2797/2015, The State Of Maharashtra Versus Shri Vijay Ghogare And Ors decided on 04.08.2017</i> is based on the case of <i>M. Nagaraj's case (supra)</i> and the same has attained the finality.</p> <p>9. The learned C.P.O. and learned Counsel Shri Vinod Sangvikar appearing for Respondent no.16 submits that State of Maharashtra has filed the S.L.P No.28306/2017 and the same is pending before the Hon'ble Supreme Court. As it pertains to the decision of the Bombay High Court, the State has issued Government Resolution (G.R.) dated 28.10.2020 and thereafter another G.R. dated 16.02.2021. Both the learned C.P.O. and learned Counsel seeks time to take instructions.</p> <p>10. The applicants may approach the Maharashtra Public Service Commission for the email addresses of the respondents, and M.P.S.C. to cooperate with the same.</p> <p>11. Matter is fixed on 02.03 2021 for instructions and interim relief.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p>
prk	

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

**R.A.10/2020 in O.A.837/2019**

**Smt. D.K. Pajai** ... Applicant  
**Vs.**  
**The State of Mah. & Ors.** ... Respondents

**SPEAKING TO MINUTES**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. N.G. Gohad holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The matter is taken on today's Board for Speaking to Minutes in view of Praeipie Note by the learned Advocate for the Applicant for correction of some dates in the Judgment dated 15.02.2021. There are certain typographical mistakes in the dates, which need to be corrected.

3. In Judgment, the following corrections be made.

In **Para No.2**, the date of communication is mentioned as 07.08.2019, which be corrected as 07.08.2018.

In **Para No.4**, the date of communication is mentioned as 07.08.2019, which also be corrected as 07.08.2018.

In **Para No.13**, the date of order is mentioned as 11.03.2019, which be corrected as 11.03.2019 and in same Para in last sentence, the date mentioned as 13.03.2010, which also be corrected as 13.03.2020.

In **Para No.20**, the O.A. is written as 590/1990, which be corrected as 590/2018.

In **Para No.26**, the O.A. is mentioned as 834/2019, which be corrected as 837/2019.

4. The above corrections be carried out in the Judgment and it be re-uploaded afresh.

Sd/-

(A.P. Kurhekar)  
Member-J  
25.02.2021