

**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 : 25.03.2022</p> <p align="center">O.A.No.1189 of 2019</p> <p>D. J. AmbilwadeApplicant</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 Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the order dated 31.07.2017 as well as 17.04.2018 whereby recovery of some pay and allowances were sought from him. It appears that recovery was on account of re-fixation of pay.</p> <p>3. According to Respondents, the Applicant himself got fixation done on higher side which was noticed later on.</p> <p>4. Whereas, the Applicant's contention is that he was rightly entitled to the said pay and it was in pursuance of the directions by the Director.</p> <p>5. When the matter is taken up for hearing, learned Counsel for the Applicant submits that his O.A. be disposed of since the departmental enquiry initiated for the same reason by charge sheet dated 21.02.2018 is already completed and at the verge of passing final order.</p> <p>6. He, therefore, submits that subject to outcome of final order in D.E., this Original Application be disposed of keeping contentions raised in this O.A., open.</p> <p>7. In view of above, Original Application is disposed of. The Applicant is at liberty to challenge the final order in D.E. if felt aggrieved by the same.</p> <p>8. No order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p align="right">[P.T.O.]</p>

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	<p>Date : 25.03.2022</p> <p style="text-align: center;">O.A.No.860 of 2017 with M.A.No.588 of 2021</p> <p>S.S. BhosaleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant is an ex-serviceman having served in the Indian Army. Pursuant to his discharge from his earlier job due to medical reasons he was selected for Group-C on the post of Clerk-typist in the office of Executive Engineer, P.W.D., Chiplun. He was initially appointed as Male Mazdoor on 20.11.2015 at Chiplun. Thereafter he was selected for the post of typist. However he was not allowed to join as he had earlier availed the benefits of the ex-serviceman when he was selected for the post of Male Mazdoor. He now seeks continuity of his service. He has already been re-appointed to the post of Male Mazdoor as per interim order of the Tribunal dated 22.11.2017. However there is a gap from 15.05.2017 till when he has tendered his resignation i.e. on 30.11.2017. The learned Advocate for the Applicant prays for regularization of the period between 15.05.2017 to 30.11.2017.</p> <p>3. The learned C.P.O. vehemently opposed the O.A.</p> <p>4. The G.R. dated 02.12.1997, Exhibit-5, clause 2(b)(1) reads as below :-</p> <p style="margin-left: 40px;">“(1) या राज्य शासनाच्या सेवेत असणा-या शासकीय अधिका-याने/ कर्मचा-याने याच राज्य शासनाच्या सेवेतील किंवा केंद्र शासनाच्या सेवेतील अन्य पदावरील नियुक्तीकरिता विहित कार्यपध्दतीचा अवलंब करून अर्ज केला असेल, तर नवीन पदावरील नियुक्तीकरिता निवड झाल्यावर त्याने पूर्वीच्या पदाचा राजीनामा देण्याची आवश्यकता असणार नाही. अशा अधिका-याला/ कर्मचा-याला नवीन पदाचा कार्यभार घेण्यासाठी कार्यमुक्त कृत्या येवे.</p>

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	<p>5. It is clear that he was not required to resign. Hence we regularize the period between 15.05.2017 to 30.11.2017. This continuity period be counted for pecuniary benefits except salary. However no salary should be paid for the period when he has not worked relying on the principle of 'no work, no pay'.</p> <p>6. In view of above, O.A. and M.A. are disposed of.</p> <p>Sd/- Sd/-</p> <p> (Medha Gadgil) Member(A)</p> <p> (Mridula Bhatkar, J.) Chairperson</p> <p>prk</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 style="text-align: center;"><u>O.A. No.652 of 2015</u></p> <p>Shivaji K. Nikalje, since deceased by heirs, Smt. Hemlata S. Nikalje, widow ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Not on board. Mentioned and taken on board.</p> <p>3. Pursuant to our order dated 25.1.2022, Ld. PO submits that they have sent the papers to the office of Accountant General on 9.2.2022, which is mentioned in our order dated 10.2.2022.</p> <p>4. Ld. Advocate for the applicant submits that matter can be disposed off by giving directions to the respondents.</p> <p>5. Ld. PO has no objection.</p> <p>6. Hence, we direct the respondents to pursue the matter with the Accountant General and pay dues to the widow of the deceased applicant within one month from today. OA disposed off accordingly.</p> <p>7. Ld. PO is directed to report compliance to the Tribunal whether heir of the applicant has received dues or not within six weeks from today.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>25.3.2022</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula Bhatkar, J.)</p> <p>Chairperson</p> <p>25.3.2022</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>Date : 25.03.2022</p> <p align="center">M.A.No.591 of 2021 in O.A.No.1016 of 2021</p> <p>S.R. KasarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.S. Gaikwad, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Order passed on 28.02.2022 is extended till next date.</p> <p>3. Adjourned to 18.04.2022.</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 align="center"><u>25.03.2022</u></p> <p align="center"><u>O.A 273/2022</u></p> <p>Shri Y.B Gangurde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.B Jadhav, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Issue notice before admission Issue notice made returnable on 8.4.2022.</p> <p>3. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>4. 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>5. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>6. S.O to 8.4.2022. Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p align="right">Sd/-  (Mridula Bhatkar, J.) Chairperson</p>

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.15 of 2020</u></p> <p>Dr. B.T. Karavekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Not on board. Mentioned and taken on board.</p> <p>3. Ld. Advocate for the applicant submits that there is some development and he wants to update the latest position since the applicant retired on 31.5.2018. He prays that by vacating the interim relief granted by this Tribunal on 18.2.2020, this matter can be disposed off by giving directions to the respondent-Additional Chief Secretary, Public Health Department to take decision on the enquiry report dated 17.3.2018 and show cause notice dated 25.11.2019 to which reply dated 16.12.2019 is filed by the applicant.</p> <p>4. Ld. PO has no objection. However, he submits that minimum six weeks be granted.</p> <p>5. In view of the submissions of Ld. PO, we dispose off the above OA with the following directions:</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Additional Secretary, Public Health Department, Mantralaya, Mumbai is hereby directed to pass final order pursuant to the enquiry report, show cause notice mentioned above after considering the reply given by the applicant and communicate the decision to the applicant within six weeks from today. OA disposed off accordingly.</p> <p style="text-align: center;">Sd/- / Sd/-</p> <p style="text-align: center;">(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 25.3.2022 25.3.2022</p> <p>(sgj)</p>

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	<p align="center"><u>25.03.2022</u></p> <p align="center"><u>O.A 499/2021</u></p> <p>Smt A.D Ghodke ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Purva Pradhan holding for Shri V.B Wagh, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Admit with liberty to file affidavit in rejoinder.</p> <p>3. Place for final hearing on 15.6.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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	<p>Date : 25.03.2022</p> <p align="center">O.A.No.508 of 2021 with O.A.No.509 of 2021</p> <p>B.J. Girase (O.A.508/2021) S.S. Girase (O.A.509/2021)Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ms. Savita Suryawanshi, learned Advocate for the Applicants is absent.</p> <p>3. The learned C.P.O. files affidavit-in-reply. Taken on record. Copy be served upon learned Advocate for the Applicant.</p> <p>3. Adjourned to 22.04.2022</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 25.03.2022

M.A.No.157 of 2022 in O.A.No.748 of 2021

R.N. Dakhole & Ors.Applicants
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. R.V. Bansode, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 31.03.2022.

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.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. Applicant is directed to file Affidavit of compliance and notice.

7. Adjourned to 31.03.2022.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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	<p>Date : 25.03.2022</p> <p align="center">O.A.No.24 of 2022</p> <p>M.S. AitawadeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned C.P.O. adjourned for filing affidavit-in-reply. However, learned C.P.O. to serve the copy of reply at least three days in advance to learned Advocate.</p> <p>3. Adjourned to 13.04.2022.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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	<p>Date : 25.03.2022</p> <p align="center">O.A.No.185 of 2022</p> <p>Mohammed A. SiddiquiApplicant 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. The learned Advocate for the Applicant submits on instructions from the Applicant that the Applicant wants to withdraw the O.A.</p> <p>3. In view of above, O.A. is disposed of as allowed.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>


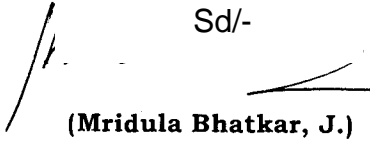
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	<p align="center">Date : 25.03.2022</p> <p align="center">O.A.No.1044 of 2021</p> <p>R.B. KolpeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. If affidavit-in-reply is not filed by Respondent No.2 on the next date, matter will proceed without reply of Respondent No.2.</p> <p>3. Adjourned to 22.04.2022.</p> <p align="center">Sd/-  (Medha Gadgil) Member(A)</p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>


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	<p>Date : 25.03.2022</p> <p align="center">O.A.No.1002 of 2021</p> <p>U.R. BharatiApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere & Asso., learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Matter is admitted and kept for final hearing.</p> <p>3. Adjourned to 18.04.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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<div style="text-align: center; margin-top: 20px;"> <p>Date : 25.03.2022</p> <p>O.A.No.733 of 2019</p> </div> <div style="margin-top: 10px;"> <p>M.R. RathodApplicant</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors.Respondents.</p> </div> <ol style="list-style-type: none"> <li style="margin-bottom: 20px;">1. Heard Mr. S.A. Valimbe, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Mr. S.S. Dere & Asso., the learned Advocate for the Respondents No.8 & 9. <li style="margin-bottom: 20px;">2. The three applicants have filed this O.A. against 642 Respondents in which Respondents No.7 to 642 are the Private Respondents. The Applicants challenge the legality of the G.R. dated 24.04.2019 by which the Government has increased nearly 636 promotional posts and decided to give promotion and accommodate 636 candidates on the promotional posts of PSI from the open category. The G.R. was challenged on the ground to absorb 636 candidates is arbitrary exercise of powers in violation of Articles 14 and 16 of the Constitution of India. Thus having a very serious ramification the appointments of 636 candidates in excess of earlier selected candidates, the appointment in excess is illegal as it violates the quota of 25% prescribed as per the Recruitment Rules of 1995 and it would also curtail further promotional opportunity of the candidates like the Applicants. 3. Thus the issue is no more <i>res integra</i> as it is decided by the judgment and order dated 04.03.2022 in O.A.No.722/2019 (G.B. Bansode Ors. Versus The State of Maharashtra & Ors.) by the Division Bench at Aurangabad. The O.A. involving similar issue was filed by the applicants having similar footing. The Tribunal has allowed the said 	<div style="text-align: center; margin-top: 20px;"> <p>Date : 25.03.2022</p> <p>O.A.No.733 of 2019</p> </div> <div style="margin-top: 10px;"> <p>M.R. RathodApplicant</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors.Respondents.</p> </div> <ol style="list-style-type: none"> <li style="margin-bottom: 20px;">1. Heard Mr. S.A. Valimbe, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Mr. S.S. Dere & Asso., the learned Advocate for the Respondents No.8 & 9. <li style="margin-bottom: 20px;">2. The three applicants have filed this O.A. against 642 Respondents in which Respondents No.7 to 642 are the Private Respondents. The Applicants challenge the legality of the G.R. dated 24.04.2019 by which the Government has increased nearly 636 promotional posts and decided to give promotion and accommodate 636 candidates on the promotional posts of PSI from the open category. The G.R. was challenged on the ground to absorb 636 candidates is arbitrary exercise of powers in violation of Articles 14 and 16 of the Constitution of India. Thus having a very serious ramification the appointments of 636 candidates in excess of earlier selected candidates, the appointment in excess is illegal as it violates the quota of 25% prescribed as per the Recruitment Rules of 1995 and it would also curtail further promotional opportunity of the candidates like the Applicants. 3. Thus the issue is no more <i>res integra</i> as it is decided by the judgment and order dated 04.03.2022 in O.A.No.722/2019 (G.B. Bansode Ors. Versus The State of Maharashtra & Ors.) by the Division Bench at Aurangabad. The O.A. involving similar issue was filed by the applicants having similar footing. The Tribunal has allowed the said

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	<p>O.A. and cancelled the G.R. of 22.04.2019. Thus, we are on the same line and allow this O.A. and allow the reliefs (a), (b) and (c) which reads as follows :-</p> <p>(a) <i>to quash and set aside the G.R. dated 22/4/2019.</i></p> <p>(b) <i>hold and declare that the action of Respondent filling the posts under GR dated 22/014/2019 is ultra vires of the Constitution and the prevalent legal position.</i></p> <p>(c) <i>Recall all the acts done by the Police department in furtherance of the implementation of the G.R. dated 22.01.2019.</i></p> <p>4. Thus, O.A. is disposed of as allowed.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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	<p>Date: 25.03.2022</p> <p align="center">O.A. No.646 of 2021</p> <p>T.A. SayyadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Nagnath Bhumkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record.</p> <p>3. S.O. to 29.04.2022 along with O.A. No.731/2021.</p> <p align="right">Sd/- _____</p> <p align="right">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 25.03.2022</p> <p align="center">O.A.No.461 of 2022</p> <p>D. J. AmbilwadeApplicant</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 Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., the matter is adjourned for a week.</p> <p>3. S.O. to 08.04.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date: 25.03.2022</p> <p>O.A. No.987 of 2021</p> <p>B.A. YadavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.L. Kulkarni, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. three days is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 29.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 25.03.2022</p> <p>O.A. No.128 of 2022</p> <p>M.N. KatteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.D. Gugale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two days is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 07.04.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

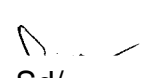
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	<p>Date: 25.03.2022</p> <p align="center">M.A. No.581 of 2021 in O.A. No.1018 of 2021</p> <p>S.S. SutarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Shankar Katkar, learned Advocate holding for Shri S.R. Ghanavat, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri Shankar Katkar stated that Shri S.R. Ghanavat, learned Advocate is unable to attend the matter and requested for adjournment.</p> <p>3. S.O. to 21.04.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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	<p>Date: 25.03.2022</p> <p>O.A. No.657 of 2020</p> <p>S.A. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of the Respondent Nos.3 to 5. It is taken on record.</p> <p>3. S.O. to 22.04.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Date: 25.03.2022

M.A. No.412 of 2021 in O.A. No.781 of 2021

S.A. DmelloApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Savita Suryawanshi, learned Advocate holding for Smt. P.H. Hendre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. M.A. is filed for condonation of delay of 1 year 9 months but in reality it is 1 year and 4 months. The Applicant is pensioner and claimed pension on the basis of average pay of last 10 months. He was temporarily promoted to the post of P.S.I. However, he was given pension on the post of A.S.I. The Applicant's contend is that there is recurring cause of action since he is getting less pension, and therefore there being continuous cause of action O.A. is within limitation.
3. Though enough time was granted, no Reply is filed by Respondent till date and matter was kept for hearing without Reply.
4. Though Reply is not filed, learned P.O. submits that no sufficient cause is made out to condone delay and O.A. was to be filed within 1 year from P.P.O. dated 04.05.2018.
5. Having considered that the Applicant is pensioner and his grievance is of less pension, I am inclined to condone delay so as to decide O.A. on merit.
6. M.A. is therefore allowed with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.03.2022</p> <p style="text-align: center;">O.A. No.781 of 2021</p> <p>S.A. DmelloApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. Savita Suryawanshi, learned Advocate holding for Smt. P.H. Hendre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Delay is condoned in view of order passed in M.A. No.412/2021 for filing this O.A. 3. Issue notice before admission returnable on 21.04.2022. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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 Original Application. 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. 8. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 9. S.O. to 21.04.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 25.03.2022</p> <p align="center">O.A.No.266 of 2022</p> <p>D. B. RajbanshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. B. Rajkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant was appointed as Canal Inspector from Reserved Category (Scheduled Tribe). However, the Caste Scrutiny Committee invalidated his cast certificate. Consequent to it, the Applicant's services were terminated on 25.10.2012. Being aggrieved by it, the Applicant had filed W.P.No.9914/2012 before the Hon'ble High Court which came to be disposed of by order dated 16.07.2013 thereby giving directions the Scrutiny Committee to decide the issue of cast certificate within six months. Thereafter, the Scrutiny Committee by decision dated 09.01.2020 validated his cast certificate. The Applicant was thereafter reinstated in service by order dated 13.01.2020.</p> <p>3. The Respondent No.3 – Superintending Engineer, Kolhapur Irrigation Division, Kolhapur by order dated 25.02.2021 communicated to the Applicant that his period out of service from 25.10.2012 till reinstatement will not be considered as service period and he will not be entitled for any service benefits.</p> <p>4. The Applicant then made representation to the Respondent No.1.</p> <p>5. Indeed, the Competent Authority for condonation for break in service is Government.</p> <p align="right">[P.T.O.]</p>

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6. ~~Learned Counsel for the Applicant submits~~ that permission be granted to make proper representation to the Government through official channel to redress his grievance of continuity in service and direction be given to Respondent No.1 to decide the same within stipulated period.
7. Learned P.O. also concedes that the Competent Authority is Respondent No.1- Government.
8. In view of above, the Applicant is allowed to withdraw O.A. with liberty to make representation within one month from today and if any such representation is made, the Respondent No.1 shall decide the same within two months from the date of receipt of representation.
9. Respondent No.1 shall communicate the decision thereon as the case may be to the Applicant within a week thereafter.
10. It is the Applicant felt aggrieved by the decision, he may avail further legal remedy in accordance to law.
11. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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	<p>Date : 25.03.2022</p> <p style="text-align: center;">O.A.No.752 of 2021</p> <p>R. J. BhosaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the transfer order dated 09.08.2021 whereby he is transferred from the post of Circle Officer, Wadala, Tahsil Office, Dist. Solapur to Circle Officer, Ghodegaon Circle, Tahsil Office, Barshi, Dist. Solapur. 3. The Applicant contends that he is physically disabled having 41 % visual disability and has given options of Mardi, Shetphal, Gaudgaon. He was due for transfer but his options were not considered and his preference being physically disable person which ought to have been given in terms of G.R. dated 09.04.2018 as well as Circular dated 15.04.2004 was not given to him. Mardi was given to Respondent No.3, Avinash Gaikwad and Shetphal was also given to somebody else. He was given option no.4 –Guadgaon. 4. The Applicant has also produced physical disability certificate. As such, in terms of G.R. dated 09.04.2018 and Circular dated 15.04.2004 his preference and options were required to be considered but those were not given to him. 5. Now, since general transfers of May, 2022 are ensuing, without prejudice to the contentions raised by the Applicant, it would be appropriate to explore possibilities to accommodate the Applicant at some other nearer place. 6. Learned P.O. is, therefore, directed to apprise the Tribunal about probable vacancy in general transfers of May, 2022 as well as learned Counsel for the Applicant is also asked to furnish the information which are the places convenient to him, out of places likely to fall vacant in general transfers. 7. The matter be kept on 28.03.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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	<p data-bbox="760 741 922 777"><u>25.03.2022</u></p> <p data-bbox="1029 826 1230 862"><u>O.A 432/2016</u></p> <p data-bbox="764 904 1448 1009">Shri P.P Lokhande ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p data-bbox="769 1025 1507 1136">1. Heard Shri R.M Kolge, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p data-bbox="769 1154 1513 1385">2. The prayers are not made properly in hand written application. Learned counsel for the applicant submits that he will file a fresh application as his client wants to take back his prayer of withdrawal of the Original Application. He wants to move the application that the said order of withdrawal is to be modified and the matter is to be restored.</p> <p data-bbox="776 1401 1513 1478">3. Learned counsel for the applicant is directed to file proper application.</p> <p data-bbox="867 1522 932 1558">Sd/-</p> <p data-bbox="1289 1488 1354 1524">Sd/-</p> <p data-bbox="781 1591 987 1669">(Medha Gadgil) Member (A)</p> <p data-bbox="1198 1591 1497 1653">(Mridula Bhatkar, J.) Chairperson</p> <p data-bbox="781 1669 824 1695">Akn</p>

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	<p><u>25.03.2022</u></p> <p><u>O.A 72/2021</u></p> <p>Shri M.D Shevare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that the applicant has communicated to him on 2.3.2022 that the applicant has been appointed by order dated 3.2.2022 to the post of Superintendent, State Excise. Hence, he has no grievance and he may be allowed to withdraw the Original Application.</p> <p>3. Original Application disposed of as withdrawn.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p><u>25.03.2022</u></p> <p style="text-align: center;"><u>O.A 491/2021</u></p> <p>Dr S.V Sambhare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Purva Pradhan i/b Shri D.B Khaire, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Last chance is given to the Respondents to file affidavit in reply.</p> <p>3. S.O to 8.4.2022.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>25.03.2022</u></p> <p><u>O.A 483/2021</u></p> <p>Shri A.F Murde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mrs Punam Mahajan, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant states that the applicant retired on 31.8.2018. However, the Departmental Enquiry was initiated on 7.8.2020. When the applicant retired, no D.E was pending against the applicant. Therefore, he was entitled to gratuity and other pensionary benefits.</p> <p>3. Learned P.O submits that she has received para-wise comments and states that reply will be filed on the next date.</p> <p>4. Respondents are directed to verify the position and if the facts as stated by the learned counsel for the applicant are correct, then the gratuity and other pensionary benefits as per Rules are to be released immediately without waiting for further orders from the Court.</p> <p>5. S.O to 8.4.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p><u>25.03.2022</u></p> <p><u>O.A 477/2021</u></p> <p>Shri S.R Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Savita Suryavanshi, holding for Shri V.V Joshi, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O files affidavit in reply.</p> <p>3. Learned counsel for the applicant seeks time.</p> <p>4. Interim relief to continue till next date.</p> <p>5. S.O to 22.4.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson Akn</p>

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	<p><u>25.03.2022</u></p> <p><u>O.A 37/2022</u></p> <p>Shri M.P Nagare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.L Kulkarni, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents. Shri B.A Bandiwadekar, learned counsel states that he will file Vakalatnama on behalf of the private Respondents during the course of the day.</p> <p>2. Learned C.P.O submits that affidavit in reply has already been filed by Respondents 2 & 3 on 15.2.2022.</p> <p>3. Learned counsel Mr Bandiwadekar is directed to file affidavit in reply within two weeks.</p> <p>4. Interim relief to continue till next date.</p> <p>5. S.O to 4.4.2022.</p> <p>Sd/- </p> <p>(Medha Gadgil) Member (A) Akn</p> <p>Sd/- </p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>25.03.2022</u></p> <p><u>C.A 10/2020 in O.A 434/2014</u></p> <p>Smt M.C Gosavi ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, holding for Shri K.R Godbole, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the Respondents have filed Writ Petition (St) No. 12910/2021 before the Hon'ble Bombay High Court.</p> <p>3. In view of the above, matter is adjourned to 17.6.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p><u>25.03.2022</u></p> <p><u>M.A 337/2017 in O.A 35/2017</u></p> <p>Shri S.A Adake ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that he will produce the seniority list during the course of the day and copy of the same will be given to the learned P.O.</p> <p>3. S.O to 8.4.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gaugil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

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	<p><u>25.03.2022</u></p> <p><u>C.A 50/2021 in O.A 294/2022</u></p> <p>Shri M.A Kute ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Purva Pradhan i/b Shri D.B Khaire, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that the Writ Petition No. 5530/2021 filed by the Respondents before the Hon'ble Bombay High Court is dismissed on 16.3.2022.</p> <p>3. In view of the above, learned P.O is directed to comply with the order of this Tribunal dated 20th July, 2021 within two weeks.</p> <p>4. S.O to 8.4.2022.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>25.03.2022</u></p> <p style="text-align: center;"><u>O.A 219/2022</u></p> <p>S.R Waghmare & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri Krishna Agarwal i/b Talekar & Associates, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents. 2. Learned counsel for the applicants pray to modify the prayer clause. 3. Permission granted. Amendment to be carried out forthwith. 4. Issue notice before admission Issue notice made returnable on 22.4.2022. 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 may 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 8. S.O to 22.4.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p align="center"><u>25.03.2022</u></p> <p align="center"><u>M.A 133/2022 in O.A 219/2022</u></p> <p>S.R Waghmare & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Krishna Agarwal i/b Talekar & Associates, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application to sue jointly allowed, subject to payment of court fees, if not already paid.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha) Gadgil (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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 style="text-align: center;"><u>25.03.2022</u></p> <p style="text-align: center;"><u>O.A 219/2022</u></p> <p>S.R Waghmare & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Krishna Agarwal i/b Talekar & Associates, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicants pray to modify the prayer clause.</p> <p>3. Permission granted. Amendment to be carried out forthwith.</p> <p>4. Issue notice before admission Issue notice made returnable on 8.4.2022.</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 may be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. S.O to 8.4.2022.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A) Akn</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.03.2022</p> <p>M.A. No.111 of 2022 in O.A. No.124 of 2022</p> <p>S.B. SawantApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed M.A. No.111/2022 challenging order dated 13.02.2019 thereby downgrading the pay of the Applicant after withdrawal of benefits of Time Bound Promotion, since O.A. was not filed within the period of limitation of one year from the impugned order dated 13.02.2019. This M.A. is filed for condonation of delay.</p> <p>3. In M.A. his specific contention is that for the first time the Applicant came to know about the deduction in pay from pay slip of month May 2019 and there was no service of order dated 13.02.2019 to the Applicant. As such, according to the Applicant limitation starts from June 2019 and O.A. ought to have been filed on or before June 2020. However, it is not filed due to COVID-19 Pandemic situation, and therefore prayed for condonation of delay.</p> <p>4. Learned Advocate for the Applicant has also referred to the order passed by <i>Hon'ble Supreme Court in Sua Moto Writ Petition (Civil) No.03/2020</i> whereby it was directed that the period from 15.03.2020 till 02.10.2021 shall stand excluded for the purposes of limitation as prescribed under any law or special law in judicial or constitutional proceedings in view of COVID-19 Pandemic situation.</p> <p>5. In view of above, delay deserves to be condone.</p> <p>6. M.A. is accordingly allowed with no order as to costs.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 25.03.2022</p> <p>O.A. No.124 of 2022</p> <p>S.B. SawantApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. In view of order passed in M.A. No.111/2022, delay caused in filing this O.A. is condoned today. 3. Issue notice before admission returnable on 21.04.2022. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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 Original Application. 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. 8. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 9. S.O. to 21.04.2022. <p style="text-align: right;">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.03.2022</p> <p align="center">M.A. No.604 of 2021 in O.A. No.979 of 2021</p> <p>V.K. HasageApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Abhijeet U. Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. This M.A. is filed for restoration of O.A. No.979/2021, which was dismissed in default for non filing of service Affidavit before 3 days of returnable date in terms of condition order dated 10.12.2021 passed in O.A. 3. Learned Advocate for the Applicant has now filed Affidavit of service. 4. In the interest of justice, order of dismissal of O.A. in default is recalled and O.A. is restored to decide it on merit. 5. M.A. is accordingly allowed with no order as to costs. <p align="right">Sd/- WV (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 25.03.2022</p> <p align="center">O.A. No.979 of 2021</p> <p>V.K. HasageApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Abhijeet U. Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. was dismissed in default but it is today restored in view of order passed in M.A. No.604/2021.</p> <p>3. On request of leaned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>4. S.O. to 20.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 25.03.2022</p> <p align="center">O.A. No.40 of 2020</p> <p>D.K. WaghmodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Rahul Khot, learned Advocate holding for Shri N.Y. Chavan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri Rahul Khot states that learned Advocate Shri N.Y. Chavan is unable to remain preset due to personal difficulties of illness of his wife and requested for adjournment.</p> <p>3. Perusal of record reveals that enough chances are granted on the ground of personal difficulties of the Applicant's counsel. However, in the interest of justice, most last chance with specific direction that no further time will be granted for hearing and he can make alternate arrangement for hearing.</p> <p>4. S.O. to 19.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 25.03.2022</p> <p align="center">O.A. No.282 of 2022 with M.A. No.158 of 2022</p> <p>V.S. SawantApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. O.A. is filed for direction to the Respondents to appoint the Applicant on Group 'D' post on compassionate appointment. The perusal of record reveals that the Collector (Respondent No.3) by letter dated 20.02.2017 had taken the name of the Applicant on waiting list and directed Respondent No.1 – Police Surgeon, J.J. Post Mortem Centre to take further steps for appointment of the Applicant on his establishment. However, thereafter no further steps were taken and the Applicant was waiting for appointment order. 3. Issue notice before admission returnable on 19.04.2022. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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 Original Application. 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.

[P.T.O.]

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	<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>8. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>9. S.O. to 19.04.2022.</p> <p>10. In the mean time, P.O. is directed to take instructions from Respondent No.1 as to why no further action is taken in furtherance of order of the Collector.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 25.03.2022</p> <p align="center">O.A. No.285 of 2022</p> <p>S.S. KaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is seeking inter district transfer from Mumbai to Nashik City. She has made an application on 05.10.2012 and her name was taken on the list of Police Personal to be transferred from Mumbai to Nashik City on request.</p> <p>3. Learned Advocate for the Applicant submits that though the Applicant has made application in 2012, it is kept pending and other Police Personal who have filed application later on were relieved for inter district transfer to Nashik City. According to him still there are some vacancies on the establishment of the Commissioner of Police, Nashik City (Respondent No.4).</p> <p>4. Learned P.O. submits that if the Commissioner of Police, Nashik City is ready to absorb the Applicant on his establishment, the Commissioner of Police, Mumbai will relieve her.</p> <p>5. In view of above, it is necessary to know whether there is a vacancy on the establishment of Respondent No.4 - The Commissioner of Police, Nashik City.</p> <p>6. Learned P.O. is therefore directed to take instruction form Respondent No.4 and to appraise the Tribunal on next date so that O.A. can be disposed of.</p> <p align="right">[P.T.O.]</p>

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7. In the mean time, Issue notice before admission returnable on 01.04.2022.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
11. 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.
12. 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.
13. S.O. to 01.04.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN