

**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 : 25.06.2019.</p> <p align="center"><b>O.A.No.395 of 2019</b></p> <p><b>T. H. Gimbai</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This is an application made by widow of the deceased Government servant who died in harness on 20.04.2010. Perusal of record reveals that the husband of the Applicant was serving as Van Majoor and on 20.04.2010 while he was on duty in forest, he was attacked by lion and succumbed to the injuries on spot. After his death, the Applicant had made an application on 20.10.2012 for appointment on compassionate ground being sole heir and dependent of the deceased. However, nothing was communicated to the Applicant for seven years and, therefore, she has filed the present O.A..</p> <p>3. It is very unfortunate and disgusting that the Respondents have not taken any decision in the matter of providing appointment on compassionate ground to the Applicant and the very purpose of the scheme is being frustrated. The Applicant is the only surviving heir and dependent of the deceased. This being so, the Respondents ought to have pass appropriate order on the application made by the Applicant within reasonable time. However, for seven years no order is passed.</p>

Office Notes, Office Memoranda of Coram,  
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4. As such, the negligence and lethargy on the part of Respondents is obvious. The concerned officials seem to be totally insensitive to the matter, which in fact call for some enquiry against them for dereliction in duties. The Tribunal hopes that the Respondent No.1 should take note of such negligence and act accordingly.

5. Learned P.O. submitted on the basis of instructions from the department submitted that the meeting of the Committee constituted in this behalf was recently conveyed on 03.06.2019 and the Committee recommended for giving appointment to the Applicant on compassionate ground.

6. However, till date no such order has been issued. In fact, the application of the Applicant for grant of appointment on compassionate ground was filed on 20.10.2012 and the same was directly addressed to Respondent No.3 Chief Conservator of Forest & Director, Sanjay Gandhi National Park, Borivali (E) who was under obligation to take proper steps within reasonable time but failed to do so for seven years.

7. In view of above, present O.A. can be disposed of by giving suitable directions. Hence the following order.

**ORDER**

- (A) The Original Application is disposed of with direction to Respondent No.1 to issue appropriate order in reference to the application made by the Applicant for grant of appointment on compassionate ground within four weeks from today.
- (B) Tribunal hope that at least now Respondent No.1 would take prompt action in proper perspective and shall pass befitting order considering the object of scheme of compassionate appointment.
- (C) The decision as the case may be, shall be communicated to the Applicant within a week thereafter.
- (D) If the Applicant felt aggrieved by the decision, she can avail further legal remedy in accordance to law.
- (E) 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	Date : 25.06.2019 Tribunal's orders O.A.No.378 of 2019
	<p>Dr. S. A. Koli .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. The Applicant is also present in person.</p> <p>2. In the present matter, the Applicant has challenged the transfer order dated 31.05.2018 by filing O.A. on 09.05.2019.</p> <p>3. On hearing learned Counsel for the Applicant as well as learned P.O., it seems that the Applicant was not willing to join at transfer place and at the same time she is also not willing to continue the service in terms of extension of two years period to Medical Officer. She has completed of 58 years on 13.04.2018. In fact she had also made an application on 09.04.2018 for releasing retirement benefits.</p> <p>4. The Applicant is present before the Tribunal also fairly stated that she does not want further extension in the service and requested for direction to release her retiral dues. She has not joined the place where she has transferred by order dated 31.05.2018.</p> <p>5. In view of above, the Original Application challenging transfer order dated 31.05.2018 is infructuous as the Applicant wants to retire from service.</p> <p>6. For the aforesaid reasons, the O.A. deserves to be disposed of.</p> <p>7. The O.A. is disposed of with direction to the Respondents to pass appropriate order on her application dated 19.04.2018 within one month from today and consider her claim for retirement dues as per law.</p> <p>8. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 25.06.2019.
	<p align="center"><b>O.A.No.387 of 2019</b></p> <p><b>S. S. Jadhav</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the challenge is to the suspension order dated 09.04.2019. This Tribunal by deciding entitlement of the Applicant to the interim relief, has passed elaborate order and the suspension order was stayed by order dated 12.04.2019. Only ground for suspension was conviction of the Applicant in Criminal Case No.129/2010 by learned Judicial Magistrate First Class (JMFC) by judgment dated 27.03.2019. However, the order of conviction has been stayed by Sessions Court, Ahmednagar in Criminal Appeal No.79/2019 by order dated 10.04.2019. Besides, the Applicant was also released by learned Judicial Magistrate First Class on the date of judgment i.e. on 27.03.2019 itself. This being the position, there was no actual imprisonment of the Applicant as his sentence as well as conviction has been stayed by the Appellate Court. Resultantly, the conviction is not in force and it does not invite action of suspension as contemplated under Rule 4(2)(b) of Maharashtra Civil Services (Discipline &amp; Appeal) Rules, 1979. After grant of interim stay to the suspension, enough time was given to the Respondents to file reply. However, till date no reply is filed.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="1031 436 1063 459" style="text-align: center;">-2-</p> <p data-bbox="787 481 1364 683">3. Shri A. J. Chougule, learned P.O. for the Respondents submitted that appropriate orders be passed and O.A. be disposed of. He fairly stated that in view of interim stay to the suspension order, the Applicant has been reinstated in service.</p> <p data-bbox="787 705 1364 1276">4. True, learned Judicial Magistrate First Class, Jamkhed by judgment dated 26.03.2019 has sentenced the Applicant to suffer simple imprisonment of three months and fine of Rs.500/- for the offence u/s 323 r/w 34 of I.P.C. However, there is no denying that immediately he was released on bail and he was not required to place in jail. Besides, the order of conviction is also stayed by Appellate Court on 12.04.2019. Whereas, in terms of Rule 4(2) (b) of MCS (D &amp; A) Rules, 1979 there has to be actual imprisonment exceeding 48 hours to suspend such government servant which is completely absent in the present matter.</p> <p data-bbox="787 1299 1364 1724">5. This being the position, there was no reason much less sustainable in law to pass such suspension order which seems to have been issued without verifying factual aspect. As such there is no escape from the conclusion that the suspension order is issued in haste without bothering that the condition precedent i.e. actual imprisonment for the applicability of Rule 4(2)(b) of Rules, 1979 is missing in the present matter. The Impugned suspension order is, therefore, bad in law and deserves to be set aside.</p> <p data-bbox="998 1747 1079 1780" style="text-align: center;"><b>ORDER</b></p> <p data-bbox="787 1792 1274 1960">(A) The Original Application is allowed. (B) The impugned suspension order dated 09.04.2019 is quashed and set aside. (C) No order as to costs.</p> <p data-bbox="1104 1982 1169 2027" style="text-align: center;">Sd/-</p> <p data-bbox="1055 2038 1218 2116" style="text-align: center;">(A.P. Kurhekar) Member(J)</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 : 25.06.2019.</p> <p align="center"><b>O.A.No.1011 of 2017</b></p> <p><b>B. A. Khatik</b> .....Applicant Versus <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is seeking directions to the Respondents to transfer him in Central Division. During the pendency of this application, the request of one of the Applicant namely Shri L. P. Patil has been considered and he has been posted in Central Division. Apart three other employees namely Shri C.Shahane, Shri R. Jopale and Smt. S.P. Patil have also been transferred out of Division as per their choice. However, Applicant's request was not considered.</p> <p>3. On the above background, the Applicant has filed the present O.A.. He had also made representation dated 12.02.2019.</p> <p>4. This Tribunal in order dated 14.02.2019 observed all these aspects and directed the Respondent Nos.1 and 3 to consider the representation made by the Applicant and to pass appropriate order within one month. However, no such decision was taken.</p>

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5. Special Inspector General of Police (Jail) by his letter dated 16.03.2019 informed to the learned P.O. that request of the present Applicant namely Bilal Khatik will be considered sympathetically in general transfer of 2019. The copy of letter is on record.

6. Despite above position, no order has been passed on the representation or request of the Applicant for transfer out of Division.

7. Learned P.O. submitted that no transfer has taken place in May, 2019 and, therefore, the representation of the Applicant was kept pending. He further made a statement that now the Applicant's matter will be considered as a special case and appropriate order will be passed.

8. Learned Counsel for the Applicant has pointed out that the Applicant has been subjected to discrimination as his colleagues namely Shri L. Patil, Shri Shahane though not completed four years required tenure, they have been transferred on the request but Applicant who has completed for more than 12 years is left out and this is violation of right to equality guaranteed under Article 16 of the Constitution.

9. In view of above, the present O.A. needs to be disposed of with suitable directions. Hence the following order.

**ORDER**

- (A) The Respondent No.3 is directed to consider the representation of the Applicant dated 12.02.2019 in light of the letter of Special Inspector General of Police dated 16.03.2019 referred to above wherein it was ensured that Applicant's case will be considered sympathetically in general transfer of 2019.
- (B) Respondent No.3 is, therefore, directed to pass appropriate order within four weeks from today.
- (C) The order as the case may be, shall be communicated to the Applicant within a week thereafter.
- (D) If the Applicant is felt aggrieved by the decision, he may avail legal remedy in accordance to law.
- (E) Original Application is accordingly disposed of 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><b>DATE :</b> 25/6/19</p> <p><b>CORAM :</b> B.P. Patil (V.C.-J) Hon'ble Justice Shri A. H. Joshi (Chairman) Shri P.N. Dixit (V.C.-B)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>K.R. Jagdale</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./R.O. for the Respondent/s</p> <p>Adj./S.O. to <u>Heard</u> order passed in tribunal column. OA is disposed of accordingly with directions. no order as to costs.</p>	<p><b>Date : 25.06.2019.</b></p> <p><b>O.A.No.822 of 2017</b> <b>(Subject : Promotion)</b></p> <p><b>M.S. Kulthe</b> ..... Applicant <b>Versus -</b> <b>The State of Maharashtra &amp; Ors.</b> .... Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li> <li>2. Learned Advocate Shri K.R. Jagdale for the Applicant has submitted that during the pendency of the O.A. the Applicant has been promoted on the post of Tahsildar by order dated 16.11.2018 and accordingly the Applicant joined the promotional post. It is further submitted by the Applicant that he has made representation with the Respondent for claiming the deemed date of promotion in the cadre of Tahsildar on 17.01.2019 and the same is pending with the Respondents.</li> <li>3. Learned Advocate for the Applicant has produced the copy of the said representation and the same is taken on record and marked as 'X' for identification.</li> <li>4. Learned Advocate has submitted that in view of the above, this O.A. may be disposed of with a direction to the Respondents to take appropriate decision on the representation filed by the Applicant on 17.01.2019</li> <li>5. Learned P.O. has prayed to dispose of the O.A. accordingly by giving reasonable time to the Respondents to decide the representation.</li> <li>6. Since the applicant does not want to proceed with the O.A., O.A. is disposed of accordingly with directions to Respondent No.1 to take decision on the representation dated 17.01.2019 filed by the Applicant, within 4 months on merit as per the rules and to give intimation in writing to the Applicant. No order as to costs.</li> </ol> <p style="text-align: center;">Sd/- <span style="margin-left: 200px;">Sd/-</span></p> <p style="text-align: center;">(P.N. Dixit) <span style="margin-left: 200px;">(B.P. Patil)</span> Vice-Chairman(A) <span style="margin-left: 200px;">Vice-Chairman(I)</span></p> <p>prk</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE : 25/6/19.</p> <p>CORAM : B.P. Patil (Vice-Chairman) Hon'ble Justice Shri A.H. Jeehi (Chairman) — V Shri P.N. Dixit (Vice-Chairman)</p> <p>APPEARANCE: Smt. Punam Mahajan</p> <p>Advocate for the Applicant K.S. Gaikwad</p> <p>Advocate for the Respondent/s Head</p> <p>order passed in Tribunal column O.A. is disposed of accordingly.</p>	<p>Date : 25.06.2019.</p> <p>O.A.No.823 of 2017 (Subject : Absorption &amp; Challenging of G.R.)</p> <p>A.N. Pasalkar &amp; Ors. .... Applicants Versus The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. Smt. K.S. Gaikwad for the Applicant has produced the copy of communicated dated 27.02.2019 along with Government Resolution dated 08.02.2019 regarding absorption and posting of the Applicants in Pune Division. The same is taken on record and marked 'X' for identification.</p> <p>3. Learned P.O. has also prayed to dispose of the O.A.</p> <p>4. Learned Advocate for the Applicant has submitted that since the Government has decided to absorb Applicants and posted them in Pune, the O.A. may be disposed of.</p> <p>5. In view of the G.R. dated 08.02.2019 all the Applicants have been absorbed in Pune Division and posting have been given to them. Therefore nothing remains in the O.A. The purpose of filing the O.A. is served. Hence, O.A. is disposed of accordingly.</p> <p>Sd/- (P.N. Dixit) Vice-Chairman(A)</p> <p>Sd/- (B.P. Patil) Vice-Chairman(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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><b>DATE :</b> 25/6/19</p> <p><b>CORAM :</b> B.P. Patil (V.C.-J) Hon'ble Justice Shri A.N. Joshi (Chairman) Shri P.N. Dixit (V.C.-J)</p> <p><b>APPEARANCE:</b> Shri A.V. Bandiwadekar</p> <p>Ad. by the Applicant</p> <p>Shri K.S. Gaikwad C.P.O./P.O. for the Respondent/s</p> <p>Adj. S.O. to Head.</p> <p>order passed in Tribunal. 01444. O.A. is disposed of.</p>	<p>Date : 25.06.2019.</p> <p>O.A.No.449 of 2017 (Subject : Promotion)</p> <p>V.S. Waigankar Ors. .... Applicants Versus The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri A.V. Bandiwadekar has produced copy of instructions. The same is taken on record and marked as 'X' for identification. On instructions from all three applicants, the learned Advocate for the Applicants prays for disposing off the O.A.</p> <p>3. In view of the submission made by the learned Advocate for the Applicants, the O.A. is disposed of.</p> <p>Sd/- (P.N. Dixit) Vice-Chairman(A)</p> <p>Sd/- (B.P. Patil) Vice-Chairman(J)</p> <p>prk</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><b>DATE :</b> <u>25/6/19.</u></p> <p><b>CORAM :</b> <u>B.P. Patil (Vc-J)</u> Hon'ble Justice Shri A. H. Joshi (Chairman) <u>—  —</u> <u>Smt. P.N. Dixit (Vc-A)</u></p> <p><b>APPEARANCE:</b> Sd/- <u>S.S. Dere</u> Advocate for the Applicant</p> <p>Sd/- <u>K.S. Gaikwad</u> C.P.O/R.O for the Respondent/s</p> <p>Adj./S.O. to _____ <u>Leave as prayed is granted.</u></p> <p style="text-align: center;"><u>2</u></p>	<p><b>Date :</b> 25.06.2019.</p> <p style="text-align: center;"><b>O.A.No.574 of 2019</b></p> <p><b>B.P. Nagamwar</b> ..... Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors.</b> .... Respondents</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri S.S. Dere for the Applicant submitted that the Applicant intends to amend the Prayer Clause including interim relief suitably and therefore he seeks leave to this Tribunal.</p> <p>3. Leave as prayed is granted.</p> <p style="text-align: center;">Sd/- <b>(P.N. Dixit)</b> Vice-Chairman(A)</p> <p style="text-align: center;">Sd/- <b>(B.P. Patil)</b> Vice-Chairman(J)</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>25/6/19.</u></p> <p>CORAM: <u>B.P. Patil (Vice-S)</u> Hon'ble Justice Shri A. H. Joshi (Chairman) <u>Shri P.N. Dixit (Vice-D)</u></p> <p>APPEARANCE: <u>Shri S.S. Dere</u></p> <p>For Applicant <u>Shri S.S. Dere</u></p> <p>For Respondent/s <u>Head</u></p> <p>Adj./S.O. to <u>Head</u></p> <p><u>order passed in Tribunal column</u> <u>S.O. 317/19.</u></p> <p style="text-align: right;"><u>2</u></p>	<p>Date : 25.06.2019.</p> <p style="text-align: center;">O.A.No.574 of 2019</p> <p><b>B.P. Nagamwar</b> ..... Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors.</b> .... Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</li> <li>2. Issue notice before admission returnable on 03.07.2019.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>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 O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>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.</li> <li>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.</li> <li>7. 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.</li> <li>8. S.O. to 03.07.2019.</li> </ol> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman(A)</p> <p style="text-align: center;">Sd/- (B.P. Patil) Vice-Chairman(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.06.2019.</p> <p>M.A. No.614 of 2018 in O.A.No.1054 of 2018</p> <p>S. B. Phadatare .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard the Applicant and her Counsel are absent. Heard Ms N. G. Gohad, learned Presenting Officer for the Respondent 3 to 5 and Shri S.A. Chavan, learned Counsel for Respondent Nos.1 and 2. None for Respondent No.6.</p> <p>2. The Applicant has filed the present M.A. for condonation of 23 years in filing O.A.. However, the Applicant and her Counsel both are absent. They seem not interested in the matter</p> <p>3. Hence, Misc. Application is dismissed in default.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Date : 25.06.2019 Tribunal's orders

M.A. No.317 of 2019 in O.A.No.955 of 2018

R. D. Gavit .....Applicant  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. O.A.No.955/2018 has been disposed of by this Tribunal on 20.03.2019 with the following directions:-

- (A) *The Applicant shall make representation to the Disciplinary Authority within a month from today requesting the Disciplinary Authority to pass appropriate order about regularization of suspension period in terms of Rule 72(1) and (6) of Rules, 1981.*
- (B) *Disciplinary Authority shall decide the representation in terms of law laid down by the Hon'ble Supreme Court in (2015) 7 SCC 291 (Ajay Kumar Choudhory V/s Union of India & Ors) as well as Rule 72(1) and (6) of Rules, 1981 and shall pass appropriate order within three months from the date of receipt of representation of the Applicant.*
- (C) *If the Applicant feels aggrieved by such decision, he can avail the legal remedy in accordance to law."*

3. In view of above directions, the Applicant was required to make representation to Disciplinary Authority within a month from the date of order. However, he could not make a representation within one month on the ground that he was engrossed in election work and, therefore, could not file a representation within one month time granted by the Tribunal. The Applicant has, therefore, filed the present M.A. for extension of time.

4. No prejudice will be caused to the Respondents if the period is extended. The reasons given by the Applicant in application for not filing application within one month are acceptable.

5. In view of above, one month time is granted from today for making representation to the Disciplinary Authority and on receipt of it, the Disciplinary Authority shall pass appropriate order about regularization of suspension period in terms of Rule 72(1) and (6) of Maharashtra Civil Services (Joining Time, Foreign Service, and Payments during Suspension, Dismissal and Removal), Rules 1981.

6. In view of above, Misc. Application is disposed of with no order as to costs.

7. Hamdast and steno copy is granted.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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>Date : 25.06.2019.</p> <p>O.A.No.224 of 2019</p> <p>S. D. Patil .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; 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. Today, learned P.O. has filed reply on behalf of the Respondent No.2 and the same is adopted on behalf of Respondent Nos.1, 3 and 4. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 16.07.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

Date : 25.06.2019.

O.A.No.1130 of 2018

U. B. Dhumal & Ors. ....Applicants

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Ms N. G. Gohad, learned Presenting Officer for the Respondents.
2. Today, learned Counsel for the Applicants has filed additional Affidavit-in-Rejoinder. It is taken on record.
3. As per instructions given by the Tribunal in order dated 04.06.2019, learned P.O. was directed to apprise the Tribunal about the finality of the judgment delivered in O.A.No.975/2018 as prima-facie, the Applicant's case seems to have been covered by the said judgment.
4. Today, learned P.O. submits that file is forwarded to the Law and Judiciary Department for the opinion and the decision about implementing the judgment in O.A.No.975/2018 ought to challenge the same before higher forum will be taken soon.
5. O.A.No.975/2018 is decided on 16.04.2019. As such, enough time is availed by the Respondents to take call about the decision in O.A. No.975/2018.
6. However, one week's time is granted to learned P.O. to apprise the Tribunal about finality of the judgment delivered in O.A.No.975/2018 so that this O.A. can be disposed of expeditiously.
7. This O.A. be kept along with other connected O.A.Nos.989 and 990/2018 for final hearing at the stage of admission.
8. S.O. to 02.07.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm



**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
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Date : 25.06.2019.

O.A.No.301 of 2019

K. O. Likhar .....Applicant

Versus

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

1. The Applicant and his Counsel both are absent. Heard Shri S. D. Dole holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today, learned P.O. for the Respondents has filed reply on behalf of the Respondent Nos.1 to 3. It is taken on record.

3. The matter is adjourned for final hearing at the stage of admission.

4. S.O. to 17.07.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

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

Tribunal's orders

Date : 25.06.2019.

O. A. No.586 of 2019

D. R. Shetake

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 16.07.2019.

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 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.

8. S.O. to 16.07.2019.

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

Date : 25.06.2019.

O. A. No.587 of 2019

G. N. Garad

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 16.07.2019.

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 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.

8. S.O. to 16.07.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

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

Tribunal's orders

Date : 25.06.2019.

M.A. No.267 of 2019 in O.A.No.383 of 2019

V. G. Patil

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. Pawar holding for Shri D. B. Khaire, learned Counsel for the Applicant, Smt. Punam Mahajan, learned Counsel for the Respondent No.1 and Smt Kranti Gaikad, learned Presenting Officer for the Respondent Nos.2 and 3.

2. This M.A. has been filed by Shri V. G. Patil who is Respondent No.3 in O.A.No.383/2019.

3. In O.A.No.383/2019, the Tribunal has granted interim stay to the transfer order on 26.04.2019. Thereafter, the present M.A. is filed by Shri V. G. Patil to vacate the order dated 26.04.2019.

4. However, in the meantime, being aggrieved by the order dated 26.04.2019, the State Government had filed W.P. before the Hon'ble High Court.

5. Learned Counsel for the Respondent No.1 (Ori. Applicant) submitted that the W.P. is disposed of with certain directions.

6. This being the position, M.A. filed by the Applicant (Private Respondent No.3 in O.A.) has become infructuous and accordingly disposed of.

7. M.A.No.267/2019 is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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>Date : 25.06.2019.</p> <p>O.A.No.530 of 2019</p> <p>R. R. Dhaktode .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ... Respondents.</p> <p>1. Heard Shri A. Pawar holding for Shri D. B. Khaire, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. for the Respondents has filed reply on behalf of the Respondent. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission on 17.07.2019.</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**

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>Date : 25.06.2019.</p> <p>O.A.No.367 of 2017</p> <p>S. M. More .....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 Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.</p> <p>3. The matter is adjourned for hearing on 27.06.2019.</p> <p>Sd/-</p> <p>(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
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M.A. No.132 of 2019 in O.A. No.245 of 2018

S.S. Ahamed & Anr. ..Applicants  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO states that copy of MA has not been served. Ld. Advocate for the applicant is directed to provide copy of the same which she promises to do so.

3. Ld. Advocate for the applicant prays that OA and MA be placed before the Division Bench headed by Hon'ble Chairman.

4. To be placed before the Division Bench.

Sd/-  
(P.M. Dixit)  
Vice-Chairman (A)  
25.6.2019

(sgj)


DATE: 25/6/19.

CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri P. N. Dixit Member (A) (115-0)

APPEARANCE: Shri/Smt. Punam Mahajan

Advocate for the Applicant

Shri/Smt. S.P. Manchekar  
C.P.O. for the Respondent/s

Adj./S.O. to .....  
To be placed before  
the Division Bench  
O.A. and M.A. 

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A. No.559 of 2018

A.R. Khatavkar ..Applicant  
 Vs.  
 The State of Maharashtra & Ors. ..Respondents

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

2. Issue fresh notice returnable on 25.7.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

Sd/-

(P.N. Dixit)  
 Vice-Chairman (A)  
 25.6.2019

(sgj)

DATE: 25/6/19.

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)  
 Hon'ble Shri P. N. Dixit Member (A) (11C-A)

APPEARANCE:

Shri/Sr. S.S. Dere

Advocate for Applicant

Shri/Smt. S.P. Manchekar  
 C.O./P.O. for the Respondent/s

Adj./S.O. to 25/7/19

Heard

order passed in  
 Tribunal G14mm

R.



**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
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DATE: 24/6/19.

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri P. N. Dixit Member (A) (V/C-A)

APPEARANCE:

Shri Smt. S.S. Dere.....

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

C.A. P.O. for the Respondent/s

Adj./S.O. to Heard

MA is allowed.

OA is restored to file.

M.A. No.205 of 2019 in O.A. No.559 of 2018

A.R. Khatavkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. This MA is for recalling the order of dismissal in default dated 13.3.2019 and restoring the OA to file.

3. For the reasons stated therein, MA is allowed and OA is restored to file.

Sd/-

(P.N. Dixit)  
Vice-Chairman (A)  
25.6.2019

(sgl)

**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
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DATE: 25/6/19

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri P. N. Dixit Member (A) (v/c - B)

APPEARANCE:

Shri/Smt. Ketan Dabke for P.

Sorankar  
Advocate for Applicant

Shri/Smt. L. S. Gaikwad

C. P.O. for the Respondent/s

Adj./ S.O. to Admit

due case with liberty  
to be rejoined and  
circulate

O.A. No.308 of 2019

M.B. Sonawane ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Ketan Dabke, learned Advocate holding for Shri Rajendra Sorankar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO has filed reply on behalf of respondent no.1 and 2 and the same is taken on record.

3. Admit. To come up for final hearing in due course with liberty to file rejoinder and circulate.

Sd/-

(P.N./Dixit)  
Vice-Chairman (A)  
25.6.2019

(sg)

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

Tribunal's orders

O.A. No.247 of 2019

Komal P. Jadhav ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

DATE: 25/6/19

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Justice P. N. Dixit Member (A) (V.C.P.)

APPEARANCE:

Shri S. S. Dere ..Applicant

Advocate ..Applicant

Shri/Smt. S. P. Manchekar ..

C. P.O. for the Respondent/s

Adj./S.O. to ..H.C.O.

order passed in  
Tribunal Column.  
5020 817/19,  
steno copy and  
handast is granted.

2. On 17.6.2019 this Tribunal had asked the Respondent  
(MPSC) to clarify whether the applicant falls in the category of  
candidates who are already covered by order dated 13.2.2019  
passed by this Tribunal in OA No.933 of 2018.

3. Ld. Advocate for the applicant submits that the candidates  
being similarly situated are interviewed and recommended but the  
applicant is interviewed but not recommended even though the Ld.  
Advocate for the applicant claims that applicant is meritorious.

4. Nagpur Bench of this Tribunal in OA No.780 of 2018 had  
directed on 4.10.2018 the MPSC to process the result as per rules  
and regulations. This Bench had directed in OAs No.933/18, 6/19  
& 20/19 to ignore the proclamation subject to applicant fulfilling  
all other conditions as to eligibility.

5. Ld. CPO is directed to inform the respondents to file reply  
regarding legal impediment in following the same ratio mentioned  
above.

6. Ld. Advocate for the applicant meanwhile prays for  
interim relief directing the respondents to keep one post vacant  
from the Open Sports Category.

7. As prima facie there is enough material to justify the  
claim of the applicant, the respondents are directed to keep vacant  
one post from Open Sports Category, pending the final order.

8. At the request of Ld. CPO adjourned to 8.7.2019.

9. Steno copy and handast is granted. Ld. CPO is directed  
to communicate this order to the respondents.

Sd/-

(P.N. Dixit)  
Vice-Chairman (A)  
25.6.2019

(sgj)