

**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 align="center"><b><u>M.A.219/2020 in O.A.1007/2018</u></b></p> <ol style="list-style-type: none"> <li>1. Heard Ms. S.P. Manchekar, learned C.P.O. for Applicants (Ori. Respondents) and Shri A.V. Bandiwadekar, learned Advocate for the Respondent (Ori. Applicant).</li> <li>2. O.A.1007/2018 was disposed of by this Tribunal by order dated 16.12.2019 directing reinstatement in service and for completion of D.E. within three months from the date of order. The period given by Tribunal expired on 16.04.2020.</li> <li>3. As no final order was passed in D.E. within stipulated period, the Respondents have earlier filed M.A.189/2020 for extension of time which was disposed of on 18.08.2020 granting extension of one month for passing final order in D.E. Now, again this second M.A.219/2020 is filed for extension of time contending that the D.E. is completed and matter is referred to MPSC on 11.09.2020 for its concurrence on the proposed punishment. The learned CPO has also tendered a copy of letter dated 11.09.2020 for perusal of Tribunal and after perusal, it was returned back. In letter dated 11.09.2020, there is reference for earliest decision in view of direction given by this Tribunal.</li> <li>4. The learned CPO therefore submits that time be extended for passing final order, as it was only after opinion of MPSC, final order needs to be passed in terms of G.R. dated 07.04.2008.</li> <li>5. Whereas, Shri Bandiwadekar, learned Advocate strongly opposed the application contending that the Government is not serious and there is delay at every stage. He further submits that if the Tribunal is inclined to grant some time, then it should be subject to condition that in case final order is not passed within the specific time, the D.E. should stand quashed.</li> <li>6. True, there is delay in completion of D.E. but the fact remains that now the matter is at the fag end at the doorstep of MPSC for its concurrence.</li> </ol>


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7. The original Applicant is already reinstated in service by the order of this Tribunal dated 16.12.2019. I am, therefore, inclined to extend the period for compliance of direction given in O.A.1007/2018. The Respondents shall depute responsible Officer to pursue the matter with MPSC and shall obtain necessary orders from MPSC on priority basis. The MPSC should not take longer usual period it being the issue of compliance of directions issued by the Tribunal. The Tribunal hope and expect that MPSC will give priority to the matter and shall pass orders in accordance to law without loss of time.

8. In so far as the conditional order of quashing D.E. if final order is not passed within stipulated time as sought to be canvassed by the learned Advocate for the Applicant is concerned, the issue of quashing of D.E. always subject matter of Division Bench. The orders to that effect, he has pointed out are of Division Bench. Therefore, it would not be appropriate on the part of this Tribunal to pass any such conditional order.

9. In view of above, I am inclined to grant three weeks' time from today for passing final order in D.E. making it clear that no further time will be granted. M.A. is accordingly disposed of.

Sd/-

  
(A.P. Kurhekar)  
Member-J  
25.09.2020

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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of 20

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**FARAD CONTINUATION SHEET No.**

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	<p><u>25.09.2020</u></p> <p><u>O.A.No.493 of 2020</u></p> <p>S.M. Khillare ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Bhushan V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O. is directed to file short reply on the next date.</p> <p>3. S.O. to 01.10.2020.</p> <p style="text-align: right;">Sd/- (Mridula R. 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 align="center"><u>O.A.1231/2019</u></p> <ol style="list-style-type: none"> <li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned CPO holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. The learned CPO submits that she proposes to adopt the reply of Respondents filed in O.A.1000/2018 in this O.A. but waiting for written instruction of the Department to that effect.</li> <li>3. The issue raised in the present O.A. is similar to the issue raised in O.A.No.1000/2018, and therefore, on last date, directions were given to list O.A.No.1000/2018 today with this O.A, but not listed. Often despite directions given by the Tribunal, the matters are not listed.</li> <li>4. Smt. Alka Masal, Research Officer along with Shri Sunil More, Superintendent (Board Section) are present. Smt. Masal admits that she is Incharge of pending O.A. and O.A.No.1000/2018 is not traceable. Shri More submits that he only prepares the Board of the matters received from Office.</li> <li>5. Smt. Masal being Incharge of pending O.A. needs to ensure that matters are listed before the Tribunal as per the dates given and no matter should remain pending unattended. However, there is lack of supervision which results in non-listing of the matter before the Tribunal.</li> <li>6. In the present case, despite specific direction given by the Tribunal on 08.09.2020, O.A.No.1000/2018 is not listed before the Tribunal.</li> <li>7. Smt. Masal is directed to trace the matter i.e. O.A.No.1000/2018 and it should be listed before this Tribunal along with this O.A. on 6<sup>th</sup> October, 2020 without fail.</li> </ol>

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8. The Registrar is also directed to look into the matter and evolve some permanent mechanism so that such instances should not occur and issue necessary directions to the Office. The copy of direction he proposes to issue should be also placed before this Tribunal on next date for consideration.

9. S.O. to 8<sup>th</sup> October, 2020.

Sd/-

(A.P. Kurhekar)

Member-J

25.09.2020

(skw)

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	<p align="center"><u><b>O.A.594/2018</b></u></p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned PO for Respondents.</p> <p>2. After hearing the matter for some time, it was pointed out by the learned Advocate for the Applicant that Earned Leave of 215 days which was cancelled by order dated 11.10.2017 has not been re-credited to the E.L. Account of the Applicant. According to him, if 215 E.L. was re-credited to his account, there would have been enough balance of E.L. and the situation of adjustment of 149 days E.L. and to treat 66 days as Extra-Ordinary Leave as done by order dated 23.07.2018 would not have occurred.</p> <p>3. The perusal of extract of Service Book (Page No.115 of P.B.) prima-facie reveals that 215 days E.L. was credited but it is not clear as to on which date it was credited. This ambiguity needs to be cleared by filing Affidavit.</p> <p>4. The learned P.O. is therefore directed to file Affidavit of responsible Officer from the Office of Respondent No.1 – Additional Director General of Police, CID, Pune and to clarify the above issue. The said Affidavit be filed on 6<sup>th</sup> October, 2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p><b><u>M.A.223/2020 in R.A.09/2029 in O.As.536 to 538/2018</u></b></p> <ol style="list-style-type: none"> <li>1. Heard Ms. S.P. Manchekar, learned C.P.O. for Applicants (Ori. Respondents) and Shri Bhosale, learned Advocate for the Respondent (Ori. Applicant).</li> <li>2. O.As. 536 to 538/2018 decided by this Tribunal on 10.10.2019. Issue Notices of M.A.223/2020.</li> <li>3. Shri Bhosale, learned Advocate on behalf of original Applicants waives service of notice and sought time to file reply. He has further pointed out that similar review is pending in this Tribunal for hearing. He gave reference of R.A.No.21/2019 in O.A.No.238/2016 and requested to keep this matter along with R.A.No.21/2019.</li> <li>4. This M.A. is adjourned for filing reply and be kept on 15<sup>th</sup> October, 2020 along with R.A.21/2019.</li> </ol> <p align="right">Sd/- ✓ (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>25.09.2020</b></p> <p><b>O.A.No.317/2017 with O.A.No.318/2017 with O.A.No.319/2017 with O.A.No.320/2017 with O.A.No.321/2017</b></p> <p>V.P. Rajput (O.A.317/2017)  A.S. Shirsat (O.A.318/2017)  A.B. Sonawane (O.A.319/2017)  S.Z. Rite (O.A.320/2017)  H.M. Hendre (O.A.321/2017) ... Applicants  Vs.  The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicants in these five Original Applications want to withdraw their respective Original Applications. The learned Counsel for the applicants produces affidavit of all the five applicants to that effect. The reason given for withdrawal is also mentioned in their respective affidavits. The learned Counsel submits that all the applicants are challenging their dismissal orders of 2017 in these Original Applications under Article 311(2)(ii) of the Constitution of India. He further submits that the applicants however have filed appeals before the Government challenging those dismissal orders. He submits that therefore the withdrawal of these five Original Applications is sought with liberty to challenge the order of the appellate authority if it goes against the applicants.</p> <p>3. On query by us, learned Counsel submits that the appeals are filed in on or before 30.07.2019. On perusal of the record of the orders passed in these appeals it is found that though these appeals were filed by the applicants, this fact was not disclosed before this Tribunal till today and during the period of one year the Original Applications appeared before the Division Bench and time to time some orders were passed. In November 2019 the Original Applications were taken for final hearing, however, not heard completely. Under such circumstances, it was a duty of all the applicants to mention the fact of the pendency of the appeal before this Tribunal well in time. Thus the applicants were pursuing the matters before two Forum simultaneously which is not permissible. However, now the applicants want to pursue the appeals and wants to withdraw the Original Applications with liberty. Hence, following order is passed:-</p> <p>Allowed to withdraw with liberty and with costs Rs.7000/- to each applicant and this cost is to be deposited with the Police Welfare Fund and receipt of which is to be produced before the Registrar of M.A.T. on 20.10.2020. On production of the receipt of the payment of cost certified copy of the order will be issued.</p> <p>Sd/- / Sd/-  (P.N Dixit) / (Mridula R. Bhatkar J.)  Vice-Chairman (A) / Chairperson</p> <p>prk</p>



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25.09.2020

O.A.No.485 of 2020

S.P. Vidhate ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O for the Respondents.

2. The applicant working as the Circle officer at Kalawadi, Taluka Malegaon, District Nashik prays that he be transferred to the post of Circle Officer at Trimbakeshwar Tal. Trimbakeshwar, District Nashik as the said post is vacant. He is the Government Servant falling in Class II category and has completed one tenure of three years i.e. from 02.08.2016 at the present posting. He has completed more than three years i.e. four years (approx.). The main reason for seeking transfer to Trimbakeshwar is that he hails from Nashik his 19 years old daughter who is 75% mentally retarded girl also stays at Nashik along with mother i.e. his wife so it will be convenient for the applicant to travel to Trimbakeshwar render his service and also to take care of his daughter. He has made three representations viz. 16.02.2020, 15.07.2020 and 04.08.2020. The respondent i.e Nashik Collector who is the competent authority to consider this positively and sympathetically and also taking into account of G.R. dated 09.04.2018.

3. To be decided within four weeks and till then the said post at Trimbakeshwar is not to be filled in by anybody's transfer order.

4. S.O. to 22.10.2020.

Sd/-

(Mridula R. Bhatkar J.)  
Chairperson

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	<p align="center"><u>M.A.219/2020 in O.A.1007/2018</u></p> <ol style="list-style-type: none"> <li>1. Heard Ms. S.P. Manchekar, learned C.P.O. for Applicants (Ori. Respondents) and Shri A.V. Bandiwadekar, learned Advocate for the Respondent (Ori. Applicant).</li> <li>2. O.A.1007/2018 was disposed of by this Tribunal by order dated 16.12.2019 directing reinstatement in service and for completion of D.E. within three months from the date of order. The period given by Tribunal expired no 16.04.2020.</li> <li>3. As no final order was passed in D.E. within stipulated period, the Respondents have earlier filed M.A.189/2020 for extension of time which was disposed of on 18.08.2020 granting extension of one month for passing final order in D.E. Now, again this second M.A.219/2020 is filed for extension of time contending that the D.E. is completed and matter is referred to MPSC on 11.09.2020 for its concurrence on the proposed punishment. The learned CPO has also tendered a copy of letter dated 11.09.2020 for perusal of Tribunal and after perusal, it was returned back. In letter dated 11.09.2020, there is reference for earliest decision in view of direction given by this Tribunal.</li> <li>4. The learned CPO therefore submits that time be extended for passing final order, as it was only after opinion of MPSC, final order needs to be passed in terms of G.R. dated 07.04.2008.</li> <li>5. Whereas, Shri Bandiwadekar, learned Advocate strongly opposed the application contending that the Government is not serious and there is delay at every stage. He further submits that if the Tribunal is inclined to grant some time, then it should be subject to condition that in case final order is not passed within the specific time, the D.E. should stand quashed.</li> <li>6. True, there is delay in completion of D.E. but the fact remains that now the matter is at the far end at the doorstep of MPSC for its concurrence.</li> </ol>

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7. The original Applicant is already reinstated in service by the order of this Tribunal dated 16.12.2019. I am, therefore, inclined to extend the period for compliance of direction given in O.A.1007/2018. The Respondents shall depute responsible Officer to pursue the matter with MPSC and shall obtain necessary orders from MPSC on priority basis. The MPSC should not take longer usual period it being the issue of compliance of directions issued by the Tribunal. The Tribunal hope and expect that MPSC will give priority to the matter and shall pass orders in accordance to law without loss of time.

8. In so far as the conditional order of quashing D.E. if final order is not passed within stipulated time as sought to be canvassed by the learned Advocate for the Applicant is concerned, the issue of quashing of D.E. always subject matter of Division Bench. The orders to that effect, ~~he~~ has pointed out are of Division Bench. Therefore, it would not be appropriate on the part of this Tribunal to pass any such conditional order.

9. In view of above, I am inclined to grant three weeks' time from today for passing final order in D.E. making it clear that no further time will be granted. M.A. is accordingly disposed of.

Sd/-

(A.P. Kurhekar)  
Member-J  
25.09.2020

(skw)

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	<p style="text-align: center;"><u>O.A.200/2020</u></p> <ol style="list-style-type: none"> <li>1. Heard Shri J.N. Kamble, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. The perusal of record reveals that till date, there is no order of notice to the Respondents. Hence, it is necessary to issue notice to the Respondents.</li> <li>3. Issue notice to the Respondents made returnable on 20<sup>th</sup> October, 2020.</li> <li>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.</li> <li>7. 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>8. 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>9. S.O. to 20<sup>th</sup> October, 2020.</li> </ol> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><b><u>O.A.1133/2019</u></b></p> <ol style="list-style-type: none"><li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li><li>2. Today, the learned Advocate for the Applicant has filed Affidavit-in-rejoinder. It is taken on record.</li><li>3. Pleading is complete. Admit.</li><li>4. Adjourned for final hearing to 20<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.As.230 to 232/2020</u></p> <ol style="list-style-type: none"><li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</li><li>2. Today, the learned Advocate for the Applicants has filed Affidavit-in-rejoinder of the Applicants in all these O.As. It is taken on record.</li><li>3. Adjourned for hearing at the stage of admission on 20<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">A Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p><u>O.A.1058/2016 with O.As.471 to 475/2017 with O.As.538 to 542/2017 with O.A.544/2017 with O.As.1154 to 1158/2017</u></p> <ol style="list-style-type: none"><li>1. Heard Shri A.V. Bandiwadekar holding for Shri C.T. Chandratre, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li><li>2. Shri Bandiwadekar, learned Advocate submits that Advocate Shri C.T. Chandratre, learned Advocate for the Applicant is unable to attend the Tribunal for two weeks in view of spread of Covid-19 in his building.</li><li>3. Adjourned for two weeks. S.O. to 13<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p><u>M.A.102/2020 in R.A.04/2020 in O.A.697/2019</u></p> <ol style="list-style-type: none"><li>1. Heard Shri A.J. Chougule, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri M.B. Kadam, learned P.O. for Respondent (Ori. Applicant).</li><li>2. The learned P.O. files Rejoinder in M.A. as well as in R.A. It is taken on record.</li><li>3. Adjourned to 29<sup>th</sup> September, 2020 for hearing.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>



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	<p style="text-align: center;"><b><u>O.A.1179/2019</u></b></p> <ol style="list-style-type: none"><li>1. Heard Shri R.M. Kolge, learned Advocate for the Applicants and Mrs. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li><li>2. Enough time is granted for filing reply. However, on request of learned P.O, two weeks' time is granted as last chance.</li><li>3. S.O. to 6<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><b><u>O.A.1184/2019</u></b></p> <ol style="list-style-type: none"><li>1. Applicant and his Advocate absent. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li><li>2. On request of learned P.O, two weeks' time is granted for filing reply.</li><li>3. S.O. to 6<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.1199/2019</u></p> <ol style="list-style-type: none"><li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li><li>2. On request of learned P.O, one week time is granted for filing reply.</li><li>3. S.O. to 1<sup>st</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.09/2020</u></p> <ol style="list-style-type: none"><li>1. Heard Mrs. V.K. Jagdale holding for Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li><li>2. On request of learned P.O, two weeks' time is granted for filing reply.</li><li>3. S.O. to 6<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- * (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.47/2020</u></p> <ol style="list-style-type: none"><li>1. Heard Shri M.B. Kadam learned Advocate for the Applicant and Mrs. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li><li>2. On request of learned P.O, two weeks' time is granted for filing reply.</li><li>3. S.O. to 8<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.58/2020</u></p> <ol style="list-style-type: none"><li>1. Applicant and his Advocate absent. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</li><li>2. On request of learned P.O, two weeks' time is granted for filing reply.</li><li>3. S.O. to 8<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">N Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.144/2020</u></p> <ol style="list-style-type: none"><li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent No.1 and Shri U.V. Bhosale, learned Advocate for Respondent No.2.</li><li>2. Shri Bandiwadekar, learned Advocate for the Applicant has filed Affidavit-in-rejoinder. The same is taken on record.</li><li>3. Adjourned for hearing at the stage of admission to 15<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>

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	<p style="text-align: center;"><u>O.A.199/2020</u></p> <ol style="list-style-type: none"><li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Mrs. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li><li>2. On request of learned P.O, two weeks' time is granted for filing reply.</li><li>3. S.O. to 8<sup>th</sup> October, 2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.09.2020</p> <p>(skw)</p>



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	<p align="center"><u>M.A.152/2019 in O.A.279/2019</u></p> <ol style="list-style-type: none"> <li>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</li> <li>2. O.A.279/2019 is filed for appointment on compassionate ground along with M.A.152/2019 for condonation of delay.</li> <li>3. The husband of Applicant No.1 and father of Applicant No.2 deceased Bhorilal was in service on the establishment of Respondents. He died on 01.10.2007. After his death, his elder brother Prashant applied for appointment on compassionate ground on 08.07.2009. However, he died on 17.05.2017. The Respondent No.2 by order dated 28.06.2017 informed to the Applicant that the widow of deceased is in Government service and secondly, since Applicant Prashant died on 17.05.2017, the claim for appointment on compassionate ground is not maintainable and stands rejected. This order is challenged by the Applicants i.e. widow and her daughter Pallavi in the present matter.</li> <li>4. The Respondents resisted the M.A. contending that O.A. is barred by limitation and delay is not sufficiently explained. Secondly, it is contended that it was already communicated to the Applicants by letter dated 23.03.2015 that Prashant is not entitled to appointment on compassionate ground, and therefore, O.A. is barred by limitation.</li> <li>5. During hearing of M.A, it was transpired that Applicant No.2 Pallavi, daughter of deceased had made an application on 28.06.2017 for appointment to her on compassionate ground in view of death of Prashant who had earlier applied for appointment on compassionate ground.</li> <li>6. The position thus now emerges that Prashant who had claimed appointment on compassionate ground is no more. Significantly, the application made by Pallavi on 28.06.2017 claiming appointment for herself is not yet decided by the Respondents. Therefore, the Tribunal</li> </ol>

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raised query to the learned Advocate for the Applicants about cause of action of the matter.

7. It is on the above background, Shri Bandiwadekar seeks permission to withdraw O.A. as well as M.A. and requested for direction to the Respondents to decide the application of Smt. Pallavi within reasonable time.

8. In view of above, allowed to withdraw O.A. and M.A. with no order as to costs.

9. The Respondents are directed to decide the application made by Applicant No.2 Pallavi on 28.06.2017 in accordance to law within three months and the decision shall be communicated to her within two weeks thereafter.

Sd/-  
W  
(A.P. Kurhekar)  
Member-J  
25.09.2020

(skw)

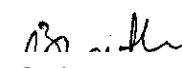
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	<p><u>25.09.2020</u></p> <p><u>O.A.No.423 of 2020</u></p> <p>P.L. Gavali ... Applicant Vs. The State of Maharashtra &amp; Ors. ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O for the Respondents.</p> <p>2. At the request of learned Counsel Shri Bandiwadekar adjourned to two weeks.</p> <p>3. S.O. to 08.10.2020.</p> <p style="text-align: right;">   Sd/-  <b>(Mridula R. Bhatkar J.)</b>  <b>Chairperson</b> </p> <p>prk</p>

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	<p><u>25.09.2020</u></p> <p><b>O.A.No.34 of 2020</b></p> <p>S.B. Salunke ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O. mentions on instructions from Shri Shaikh, J.H., Sr. Clerk, office of Director General of Police i.e. respondent no.4 that the applicant's details have been verified and Respondent No.4 has proposed to provide communication to the applicant stating that he will be sent for training in the next batch starting approximately from February, 2020. She further clarifies that the communication will be handed over before 01.10.2020.</p> <p>3. Adjourned to 01.10.2020.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula R. Bhatkar J.) Chairperson</p> <p>prk</p>

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25.09.2020

O.A 469/2020

Shri P.P Shinde ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. In both the matters, the order of cancellation of certificate in Sports, namely, Fencing is challenged. However, in O.A 469/2020, the applicant prays for further relief of appointment in Sports category. Learned counsel submits that the candidates who were below to him in performance are now appointed and taken in Government service.

3. Learned C.P.O to file reply. as it is a matter of appointment.

4. Issue notice returnable 22.10.2020.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

9. S.O to 22.10.2020.

Sd/-

Sd/-

(P.N DIXIT)  
Vice-Chairman (A)  
Akn

(Mridula R. Bhatkar J.)  
Chairperson

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	<p><b><u>25.09.2020</u></b></p> <p><b><u>O.A.No.218 of 2020</u></b></p> <p>Shri K.B. Vaidya ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri A.J. Chougule, learned P.O for the Respondents. Shri Mahesh Thorat, learned Advocate for the Applicant is absent.</p> <p>2. Learned Advocate Ms. Shardha Vavhal files vakalatnama with no objection from Advocate Shri Mahesh Thorat. The same is taken o record.</p> <p>3. Matter is already fixed on 13.10.2020.</p> <p>Sd/- Sd/-</p> <p>(P.N Dixit) (Mridula R. Bhatkar J.) Vice-Chairman (A) Chairperson</p> <p>prk</p>

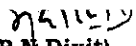
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	<p><b><u>25.09.2020</u></b></p> <p><b><u>M.A 216/2020 in T.A 01/2020 with T.A 08/2018 (Aurangabad)</u></b></p> <p>Shri K.C Pawar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O to verify the parity of the present matter and the matter decided by the earlier Division bench.</p> <p>3. S.O to 27.10.2020.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p align="center">   <b>(P.N Dixit)</b>  <b>Vice-Chairman (A)</b> </p> <p align="center"> <b>(Mridula R. Bhatkar J.)</b>  <b>Chairperson</b> </p> <p>Akn</p>

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	<p><b><u>25.09.2020</u></b></p> <p><b><u>M.A 198/2020 in O.A 933/2018</u></b></p> <p>Shri L.N Sargar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar learned C.P.O for the Respondents.</p> <p>2. Learned counsel Mr Bandiwadekar submits that he seeks permission to withdraw his appearance from the matter as the applicant Mr Sargar has informed that he wants to engage another Advocate in the matter.</p> <p>3. Learned Counsel Mr Bandiwadekar to submit written instructions of the applicant, if any, received on the next date.</p> <p>4. Learned Counsel Mr Lonkar informs that he has been instructed by the applicant to appear in the matter and he will file Vakatalnama.</p> <p>5. S.O 27.10.2020.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A) Akn</p> <p>Sd/- (Mridula R. Bhatkar J.) Chairperson</p>



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	<p><b><u>25.09.2020</u></b></p> <p style="text-align: center;"><b><u>O.A 256/2020</u></b></p> <p>Dr. (Smt) Snehal A Trimbake ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B. A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant claims Voluntary Retirement w.e.f 26.2.2015 in terms of the provisions of Rule 66 of Maharashtra Civil Services (Pension) Rules, 1982. The applicant joined service on 16.9.1992. However, her service was regularized from 27.9.1995. The Respondents to take note and give reply especially on the point of compliance of the judgment dated 26.8.2016 passed by Division Bench of this Tribunal in O.A 885/2014, where the same issue of V.R.S was placed before the D.B and D.B has allowed the said application with specific directions to the Respondents.</p> <p>3. S.O to 15.10.2020.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

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	<p><b><u>25.09.2020</u></b></p> <p align="center"><b><u>O.A 88/2020</u></b></p> <p>Dr V. R Bhailume ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Smt K.S Gaikwad, learned C.P.O for the Respondents.</p> <p>2. Learned P.O submits that three weeks' time may be granted to take instructions.</p> <p>3. The applicant prays that the charge sheet of D.E dated 3.9.2019 issued by Respondents be quashed and set aside and the orders of granting regular pension to the applicant from 1.3.2019 along with Gratuity, leave encashment and arrears of 7<sup>th</sup> Pay Commission to be given. Learned counsel submits applicant retired on 28.2.2019 and <del>he was</del> he was given provisional pension for six months till August, 2019.</p> <p>4. The Respondents are directed to continue granting provisional pension to the applicant from September, 2019 till today and thereafter till finalization of the O.A.</p> <p>5. S.O 5.11.2020. Hamdast allowed.</p> <p align="right">Sd/-</p> <p align="center">Sd/-</p> <p>(P/N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

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	<p><b><u>25.09.2020</u></b></p> <p><b><u>O.A 359/2020</u></b></p> <p>Shri D.V Bhise ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri A.D Gugale, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O files affidavit in reply on behalf of the Respondents. Same is taken on record.</p> <p>3. <u>G.R dated 7.8.2001 is to be produced.</u></p> <p>4. This matter is clubbed along with O.A 291/2020.</p> <p>5. S.O to 13.10.2020.</p> <p>Sd/-</p> <p>(P.N. Dixit) Vice-Chairman (A) Akn</p> <p>Sd/- (Mridula R. Bhatkar J.) Chairperson</p>

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	<p><b><u>25.09.2020</u></b></p> <p align="center"><b><u>O.A 597/2018</u></b></p> <p>Shri V.B Panari &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Shri P.J Gavhane, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O is directed to file reply by way of last chance.</p> <p>3. S.O to 22.10.2020.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p><small>Alm</small></p>

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	<p><u>25.09.2020</u></p> <p><u>M.A 215/2020 with O.A 468/2020</u></p> <p>Shri A.R Jagtap ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The application to sue jointly allowed, subject to payment of court fees, if not already paid.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula R. Bhatkar J.) Chairperson</p> <p>Akn</p>

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	<p><b><u>25.09.2020</u></b></p> <p style="text-align: center;"><b><u>O.A 468/2020</u></b></p> <p>Shri A.R Jagtap ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <ol style="list-style-type: none"><li>1. Heard Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</li><li>2. Learned counsel for the applicant seeks to amend the Original Application. Permission granted. Amendment to be carried out forthwith.</li><li>3. Issue notice returnable 22.10.2020.</li><li>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</li><li>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li><li>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</li><li>7. 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.</li><li>8. S.O to 22.10.2020.</li></ol> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">(Mridula R. Bhatkar J.) Chairperson</p> <p style="text-align: left;">Akn</p>

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	<p style="text-align: center;"><b><u>25.09.2020</u></b></p> <p style="text-align: center;"><b><u>O.A 472/2020</u></b></p> <p>Shri K.S Bhalerao ... Applicant Vs. The State of Maharashtra &amp; 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. <u>The order dated 15.9.2020 is to be corrected in respect of the appearance of Respondent no. 4.</u> Though she is marked present, she was absent. However, today, Respondent no. 4 is present.</p> <p>3. Learned C.P.O produces one letter which is a request letter written by Respondent no. 4 to the authority that she may be permitted to join on the promoted post of Joint Secretary (Law). Learned C.P.O to file reply by 8.10.2020 and copy to be given in advance to learned counsel for the applicant.</p> <p>4. Shri Lonkar, objects that by this letter, Respondent no. 4 seeks permission to join the promotional post and this cannot be substituted for taking charge of the promotional post.</p> <p>5. To be heard finally on 13.10.2020.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">(Mridula R. Bhatkar J.) Chairperson</p> <p style="text-align: center;">Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>25.09.2020</u></b></p> <p><b><u>O.A.No.484 of 2020</u></b></p> <p>R.S. Nagare ... Applicant Vs. The State of Maharashtra &amp; Ors. ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O holding for Smt. K.S. Gaikwad, learned P.O. for the Respondents.</p> <p>2. The applicant working as the Awal Karkoon in the Office of Collector challenges the transfer order dated 11.09.2020 passed by the Respondent, posting her in the office of Tahsildar, Taluka Yewala, District Nashik on the following grounds :-</p> <p>(a) It is mid-term transfer as she completed only two and half months.</p> <p>(b) The matter was not placed before the Civil Services Board.</p> <p>(c) No compliance under Section 4(4)(ii) and (4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity) is made.</p> <p>(d) The competent authority for mid-term transfer for the applicant who fails in Group-C is the Collector. Learned Counsel relies on the order of the Tribunal dated 09.09.2011 in O.A.No.540 of 2011.</p> <p>(e) For transfer of Group C the Collector is the competent authority as per Section 6 of 'ROT Act 2005'. However for mid-term transfer the competent authority for Group C is the immediate superior authority to the competent authority as per table in Section 6 of the 'ROT Act 2005'.</p> <p>4. Learned Counsel Mr. Bandiwadekar did submits that till today nobody is posted in her place at Nashik from where she is transferred. On accepting this statement made by learned Counsel, the Applicant to continue on the same post till next date.</p> <p>5. Learned P.O. request for four weeks.</p> <p>6. Adjourned to 22.10.2020.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar J.) Chairperson</p> <p>prk</p>