

**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: 25.11.2022</p> <p>M.A.No.648 of 2022 in O.A.Stamp No.1452/2022</p> <p>K.K. Gaikwad & Ors.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.G. Ambetkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Misc. Application is moved under Section 25 of the Administrative Tribunals Act 1985 thereby requesting to transfer O.A.Stamp No.1452/2022 from M.A.T., Bench Aurangabad to M.A.T., Mumbai on the ground that the Administrative Member of the Division Bench at M.A.T. Bench Aurangabad has recused from the said O.A.</p> <p>3. In view of the submissions of learned Advocate for the Applicant, M.A. is allowed. Copy of O.A. be served upon the concerned forthwith.</p> <p>4. Adjourned to 05.12.2022.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No.

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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: 25.11.2022</p> <p align="center">O.A. No.457 of 2022</p> <p>XYZApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondent Nos.1 to 5 and Shri B.A. Bandiwadekar, learned Advocate for the Respondent No.6.</p> <p>2. Learned Advocate for the Applicant submits that the Hon'ble High Court, Bombay order dated 24.09.2022 in Suit No.142/2021 by the procedure has prescribed to conduct the hearing of the proceeding whenever the issue of "POSH Act" crop up at any stage before judicial Coram. By taking note of this Judgment, I as the Chairperson direct the Registry, Members of the Bar & the Chief Presenting Officer that all the matters wherein "POSH Act" is concerned, learned Advocate will not disclose the name of the Victim and Officer and in place of the name it should be written XYZ. XYZ, so that the identity will not be disclosed.</p> <p>3. S.O. to 09.12.2022.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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: 25.11.2022</p> <p align="center">O.A. No.1016 of 2021 (Division Bench)</p> <p>S.R. KasarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.S. Gaikwad, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Shri Eknath R. Dhokale, learned Advocate appearing for Respondent No.4 has filed his Vakalatnama. He seeks short time for preparation.</p> <p>3. Learned Advocate for the Applicant submits that in the order dated 11.11.2022 by Division Bench in Para 2 it is stated that the M.A. No.591/2021 is filed for seeking Interim Relief. He wants some correction in it.</p> <p>4. Learned Advocate for the Applicant is directed to move Speaking to the Minutes before Division Bench.</p> <p>5. S.O. to 09.12.2022.</p> <p align="right">Sd/- /</p> <p align="right">(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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

Tribunal's orders

Date: 25.11.2022

O.A. No.950 of 2021 with M.A. No.653 of 2022

S.R. Patil & Ors.,Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri S.M. Deshpande, learned Advocate for Shri A.R. Avachat, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Time sought by the learned Advocate for the Applicant is granted.
3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
4. Issue notice before admission returnable on 23.12.2022.
5. 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. Private service is allowed. 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. By Hand delivery, speed post, courier notice to be served 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 three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

9. S.O. to 23.12.2022.

M
Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.11.2022</p> <p>O.A. No.1085 of 2022</p> <p>U.G. Joshi,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Abhijiit Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, 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 23.12.2022. 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 O.A. Private service is allowed. 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. By Hand delivery, speed post, courier notice to be served 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 8. S.O. to 23.12.2022. <p style="text-align: right;">Sd/- /v</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.11.2022</p> <p>O.A. No.1169 of 2022</p> <p>K.A. DevkateApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R.V. Shinde, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Respondents should not appoint any other person in the place of the Applicant till further orders. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 02.12.2022. 5. 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. Private service is allowed. 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. By Hand delivery, speed post, courier notice to be served 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 9. S.O. to 02.12.2022. Sd/- <p style="text-align: right;">/</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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: 25.11.2022</p> <p align="center">O.A. No.93 of 2019</p> <p>R.J. KamaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R. Hake Patil, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Three weeks time is granted to learned P.O. to file Reply as last chance.</p> <p>3. S.O. to 16.12.2022.</p> <p align="right">Sd/- /' (Mridula R. Bhatkar, J.) Chairperson</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: 25.11.2022</p> <p align="center">O.A. No.748 of 2021</p> <p>R.N. Dakhole & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.V. Bansode, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Adv. B.A. Bandiwadekar for the Respondent.</p> <p>2. Admit.</p> <p>3. Adjourned for Final Hearing.</p> <p>4. S.O. to 06.01.2023.</p> <p align="right">Sd/- /</p> <p align="right">(Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</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>Date: 25.11.2022</p> <p align="center">O.A. No.1051 of 2021</p> <p>S.P. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P.H. Hendre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents 2. Learned P.O. has filed Affidavit-in-Reply. 3. Admit. 4. Adjourned for Final Hearing. 5. S.O. to 06.01.2023. <p align="right">Sd/- /'' (Mridula R. Bhatkar, J.) Chairperson</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: 25.11.2022</p> <p align="center">O.A. No.620 of 2021</p> <p>H.B. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents 2. Reply will be filed during the course of the day. 3. Interim relief to continue till next date. 4. S.O. to 06.01.2023. <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p>NMN</p>

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DISTRICT

..... Applicant/s

(Advocate

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..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
	<p>Date: 25.11.2022</p> <p>O.A.No.1077 of 2022</p> <p>A.H. Kamble & Ors.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. C.T. Chandratre, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate Mr. Chandratre, matter is taken up on board. In view that Division Bench is not available today, matter is fixed on 28.11.2022.</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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..... Applicant/s

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versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.964/2022</u></p> <p>Smt. D.D. Shirsat ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. for Respondents is present.</p> <p>2. The learned P.O. sought permission to file Additional Affidavit, since he wants to raise some additional pleas. Allowed to file the same in the interest of justice. It be filed during the course of the day.</p> <p>3. O.A. be kept for hearing at the stage of admission on 01.12.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 25.11.2022</p> <p>(skw)</p>

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	<p>Date : 25.11.2022</p> <p style="text-align: center;">O.A.No.53 & 54 of 2021 with O.A.No.33 of 2022</p> <p>N. G. Ranganekar & Ors. ...Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Prachi Hendre holding for Shri V.V. Joshi, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. In all these three matters, common issue of payment of HRA is involved. 3. According to learned P.O., service quarters were allotted to Applicants but they declined to accept, and therefore, not entitled to HRA. 4. Learned P.O. therefore wants to produce on record the allotment orders along with affidavit. She submits that it will be filed during the course of day. 5. Learned Counsel for the Applicants requested for time to respond the documents filed by learned P.O. and to take instructions from the Applicants. 6. S.O. to 09.12.2022. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 25.11.2022</p> <p>O.A.No.622 of 2020 with O.A.No.623 of 2020</p> <p>M. R. Ahire M. P. ShindeApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Dere, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicants has filed additional reply. It is taken on record.</p> <p>3. S.O. to 16.12.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 25.11.2022</p> <p>O.A.782 of 2022 with O.A.No.574 of 2022</p> <p>Dr. P. N. Chaudhari R. A. Lokhande & Anr.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale and Shri R. M. Kolge, learned Counsels for the Applicants partly and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. These Original Applications be kept with connected O.A.No.746/2021 since issued involved in all these O.As are common.</p> <p>3. S.O. to 30.11.2022.</p> <p style="text-align: right;">^ Sd/-</p> <p style="text-align: right;">(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
	<p>Date : 25.11.2022</p> <p style="text-align: center;">O.A.No.402 of 2022</p> <p>B. R. GhadgeApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard the Applicant in person and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has filed the present O.A. to set aside the suspension order dated 26.08.2015 whereby he was suspended in view of registration of crime vide FIR No.II-48/2015 under Section 7, 13 (1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and 34 of IPC. Later, he came to be reinstated in serviced by order dated 28.11.2018. The D.E. was initiated against him. Besides after investigation, the ACP has also filed Special Case No.01/2017 before the learned Special Judge. The Applicant contends that he is discharged in Special Case No.01/2017 by order dated 21.11.2022. He made representation to the Respondents on 19.07.2022 for regularization of suspension period. It is on above background, he has filed the present O.A. 3. Insofar as the relief to quash and set aside the suspension order dated 26.08.2015 on the ground of competency is concerned, the Applicant has not challenged the order within the period of limitation of one year as per Section 20 of Administrative Tribunal Act, 1985. 4. Learned P.O. thus rightly pointed out that O.A. seeking declaration of setting aside the suspension period is barred by limitation. 5. Insofar as 2nd relief for regularization of suspension period is concerned, though the Applicant has made representation on 19.07.2022, it is not yet decided. Furthermore, now the Applicant's claim to be discharged from Anti-Corruption case by order dated 21.11.2022. 6. In view of above, it is for the competent authority to decide the issue of regularization of suspension period in accordance to law. 7. Original Application is, therefore, disposed of with direction to the Respondent No.2 to take the decision about claim of the Applicant for regularization of suspension period as he requested by representation dated 19.07.2022 within six weeks from today. The decision as the case may be, shall be communicated to the Applicant. If the Applicant felt aggrieved by the decision, he may avail further legal remedy. 8. No order as to costs. Sd/- <div style="text-align: right;"> (A.P. Kurhekar) Member(J) </div>

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	O.A.No.402 of 2022
	B. R. GhadgeApplicant
	Versus
	The State of Maharashtra & Ors. ...Respondents.
	1. Heard the Applicant in person and Smt. Archana B. K., learned Presenting Officer for the Respondents.
	2. Today, Applicant in person filed additional affidavit along with orders of discharge from the Criminal Case, dated 21.11.2022. It is taken on record.
	Sd/-
	(A.P. Kurhekar) Member(J)
	vsm

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(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
	<p>Date: 25.11.2022</p> <p>O.A.No.941/2022</p> <p>Dr. G.K.M.A. Ansari.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. A.A. Siddiqui, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer holding for Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that matter pertains to selection process and proper Department is not made party (Respondent)</p> <p>3. Learned Advocate is directed to make amendment by making proper Department as Party-Respondent and serve the concerned forthwith.</p> <p>4. Adjourned to 09.12.2022.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date: 25.11.2022</p> <p>O.A.No.666/2022</p> <p>S.M. K KaziApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. submits that reply is already filed.</p> <p>3. Adjourned to 09.12.2022 for rejoinder.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 25.11.2022</p> <p style="text-align: center;">O.A.No.1174 of 2022</p> <p>A. Y. Jagtap Versus The State of Maharashtra & Ors.Applicant ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. Gaikwad, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged communication dated 01.11.2022 whereby recovery of Rs.2,76,203/- is sought after retirement. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 23.12.2022. 5. 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. Private service is allowed. 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. By Hand delivery, speed post, courier notice to be served 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed. 9. S.O. to 23.12.2022. 10. Till next date, there shall be stay to recovery. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.11.2022</p> <p style="text-align: right;">O.A.No.1188 of 2022</p> <p>P. N. Wayal Versus The State of Maharashtra & Ors.Applicant ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri H. M. Inamdar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged order dated 10.11.2022 issued by the Respondent No.2 whereby the Applicant is temporarily attached to the office of Education Inspector, North Division Chembur, Mumbai. Thus, <i>prima-facie</i> it is not transfer but temporary attachment. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 16.12.2022. 5. 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. Private service is allowed. 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. By Hand delivery, speed post, courier notice to be served 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 <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed. 9. S.O. to 16.12.2022. Sd/- (A.P. Kurhekar) Member(J) <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.11.2022</p> <p>R. A. No.10 of 2022 in O.A.No.102 of 2020</p> <p>S. H. ShaikhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard the Applicant in person and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply to R.A. by way of last chance.</p> <p>3. S.O. to 16.12.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 25.11.2022
	<p align="center">O.A.No.954 of 2022</p> <p>A. U. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Smt.Punam Mahajan, learned Counsel for the Applicant has sent leave note. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply as a last chance.</p> <p>3. S.O. to 23.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

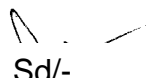
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 25.11.2022
	<p align="center">O.A.No.969 of 2022</p> <p>S. S. BadadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that reply will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. O.A. be kept for final hearing.</p> <p>4. S.O. to 14.12.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.11.2022</p> <p align="center">O.A.No.918 of 2022</p> <p>V. D. Wakode ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R. M. Kolge holding for Shri D. W. Bhosale , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record. 3. Two weeks time is granted for filing Rejoinder. 4. S.O. to 16.12.2022. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>ysm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.11.2022</p> <p align="center">M. A. No.472 of 2022 in O.A.No.780 of 2022</p> <p>S. M. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms S. T. Suryavanshi holding for Smt. P. H. Hendre, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted to file reply to M.A. as a last chance.</p> <p>3. S.O. to 16.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.11.2022</p> <p align="center">O.A.No.863 of 2022</p> <p>N. N. KulkarniApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard the Applicant in person and Smt. Archana B. K. holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply by way of last chance and no further time will be granted.</p> <p>3. This O.A. be kept with O.A.No.326/2022.</p> <p>4. S.O. to 08.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.1186 OF 2022

Shri Ganesh Thaksen Sahane,

).. **Applicant**

Versus

The State of Maharashtra

).. **Respondent**

Shri Sandeep S. Dere, learned Advocate for the Applicant.

Shri Swati P. Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **SMT. JUSTICE MRIDULA R. BHATKAR,
HON'BLE CHAIRPERSON**

DATE : **25.11.2022.**

ORDER

1. Learned Advocate submits that Respondent-M.P.S.C. had issued advertisement on 11.05.2022 (page 13) for the Preliminary Examination for the State Services Examination. Applicant applied common application for all posts in OBC category. The said Preliminary Examination was conducted on 21.08.2022. The result of the said examination was published on 04.11.2022 and the Applicant qualified in the said examination. Thereafter on 31.10.2022 (page 32) M.P.S.C. issued modified advertisement wherein 14 additional cadres were added. He relied on Exhibit-D, page 32 and submits that for eg. the Post/Cadre of Deputy Collector was added in Group-A of the earlier advertisement of 11.05.2022.

2. Learned Advocate further submits that for the Main Examination the advertisement No.099/2022 was issued on 11.11.2022 and the last date for submission of the application form is 28.11.2022. He is aggrieved by Notification issued by M.P.S.C. on 04.11.2022. In the said Notification at page 53, clause 2, it is contended by the learned Advocate

that the reservation in the category of disability which is provided in the modified advertisement dated 31.10.2022, is not provided under those specific heads of disability in the advertisement issued on 11.05.2022. He submits that he holds the valid certificate of disability under Disability Head (page 51). The said certificate is issued by Civil Surgeon, General Hospital, Ahmednagar under the head 'Issuing Medical Authority, Ahmednagar Maharashtra which stated that the Applicant is having Mental Illness and he is diagnosed with 'Major Depression Disorder with Anxiety. He is 60% temporary disabled in relation to his brain as per guidelines under Rights of Persons with Disabilities Act, 2016. The valid period of the said certificate is 5 years.

3. Learned Advocate for the Applicant further submits that as per Clause no.5.3 there is no bar for the MPSC to accept fresh application if it is in the specific reservation in view of the modified advertisement. Clause No.5.3 is reproduced below:-

“५.३ प्रस्तुत जाहिरातीमध्ये नमूद संवर्गामध्ये काही मागास प्रवर्ग व समांतर आरक्षणाची पदे (महिला, दिव्यांग व्यक्ती, खेळाडू, अनाथ) उपलब्ध नाहीत. तथापि, जाहिरात प्रसिध्द झाल्यानंतर तसेच पूर्व परीक्षेचा निकाल अंतिम करेपर्यंत नव्याने प्राप्त होणा-या मागणीपत्रांमध्ये जाहिरातीत नमूद नसलेल्या मागास प्रवर्ग तसेच समांतर आरक्षणाकरीता पदे उपलब्ध होण्याची आणि विद्यमान पद संख्येमध्ये बदल/वाढ होण्याची शक्यता आहे. सदर बदललेली पदसंख्या/अतिरिक्त मागणीद्वारे प्राप्त संवर्गातील पदे पूर्व परीक्षेचा निकाल अंतिम करताना विचारात घेतली जातील. यास्तव पूर्व परीक्षेच्या जाहिरातीमध्ये पद आरक्षित नसल्यामुळे अथवा पदसंख्या कमी असल्यामुळे पूर्व परीक्षेसाठी अर्ज सादर केला नसल्याची व त्यामुळे निवडीची संधी वाया गेल्याबाबतची तक्रार नंतर कोणत्याही टप्प्यावर विचारात घेतली जाणार नाही.”



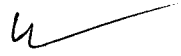
4. Learned C.P.O. submits that certificate of Disability issued to the Applicant on not of 11.05.2022 i.e. on the date of advertisement and last date of submission was 24.06.2022. But he holds certificate thereafter i.e issued on 30.09.2022. Moreover, she pointed out that he did not applied in the cadre of Physically Challenged mentioned column. Column was provided by the MPSC itself. Further she pointed out on instructions that 2475 candidates have applied from the cadre of

physically challenged persons. She submits that Applicant was not possessing any certificate. He submitted on 30.09.2022.

5. However, MPSC by circular dated 04.11.2022 did not bar anybody from filling their application form which was submitted initially. So he submits that it is improper to deprive the Applicant to make Application in Horizontal Reservation in additional post.

6. On perusal of the Application form issued by MPSC, though there is no specific mention of each type of disability, however there is column of reservation provided for the Physically challenged persons. If at all the person who is disabled should have applied in the said category of reservation. As pointed out by the learned CPO in all 2475 Physically challenged persons having different types of disability have applied for different posts which are advertised.

7. Shri S.S. Dere, learned Advocate for the Applicant relied on case of ***Shri Madan Mohan Sharma and Anr. v/s. State of Rajasthan and Ors. (2008) 3 SCC 724***. In this case recruitment Rules were challenged in respect of circular Teacher Grade III and Secondary Examination and therefore Hon'ble Supreme Court held that the subsequent amendment of the Rules which was prospective cannot be made retrospective so as to make the selection on the basis of the Rules which were subsequently amended. Ratio laid down in the case is in respect of the amended Rules and that cannot be stretched to the present facts of the case where MPSC has provided column to mention category and reservation under which one can apply.

8. There is no substance, hence, interim relief is rejected. 

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

10. Issue notice before admission returnable on 23.12.2022.

11. 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. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

12. 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.

13. By Hand delivery, speed post, courier notice to be served 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.

14. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

15. S.O. to 23.12.2022.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place: Mumbai
Date: 25.11.2022
Dictation taken by: N.M. Naik.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 1121 OF 2022

DISTRICT : SATARA

Arya Vijay Pujari)...**Applicant**

Versus

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

Shri Kranti L.C i/b Shri Kaustubh Gidh learned advocate for the Applicant.

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

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 25.11.2022

ORDER


1. The Circulation is taken by the learned counsel for the applicant. Though by earlier order dated 18.11.2022, this Tribunal has directed the Home Department that the third option for transgender in their on-line application is to be made available to enable the transgenders to apply for the post of Police Constable by 23.11.2022, however, till today neither the order of this Tribunal has been complied with nor it is challenged before the Hon'ble High Court. Thus, the order of the Tribunal is frustrated. Learned counsel for the applicant submits that the last date of acceptance of the application form is 30.11.2022 and at least the department



should be directed to accept the application form and the website should be operative.

2. In reply, learned C.P.O submitted that the Respondent, Home Department wants to challenge the order of this Tribunal before the Hon'ble High Court, mainly on the ground of administrative difficulties faced by the Respondent-State and she also relied on the directions given by the Hon'ble Supreme Court in the case of **Shanavi Ponnusamy Vs. Ministry of Civil Aviation & Anr, W.P (C) No. 1033/2017 dated 8.9.2022**. She submitted that it is the Central Government and not the State Government who has to take the policy decision first, pursuant to the decision of the Hon'ble Supreme Court in the case of **NATIONAL LEGAL SERVICES AUTHORITY Vs. UNION OF INDIA & ORS, (2014) 5 SCC 438**.

3. Learned counsel for the applicant while opposing the non-compliance of the order of the Tribunal and considering the order and directions given by the Hon'ble Supreme Court dated 8.9.2022 in the case of Shanavi Ponnusamy's case submitted that the Central Government way back on 20.4.2020 by Office Memorandum on the subject of inclusion of third gender in other category in the application form in recruitment to various posts under the Central Government has directed all the Ministries, Department of Government of India to modify the relevant recruitment rules providing for inclusion of transgender as a separate category of gender so as to make the said rules in conformity with the provisions of The Transgender Persons (Protection of Rights) Act, 2019. Learned counsel for the applicant further submitted that the Government of India has made it applicable not only to a particular wherein also include physical standards are also mentioned.



4. Learned counsel for the applicant relied on the following case laws:-

- (i) Judgment of the Hon'ble Supreme Court in National Legal Services Authority Vs. Union of India & Anr, (2014) 5 SCC 438.
- (ii) Judgment of the Hon'ble High Court of Judicature at Madras in K. Prithika Yashini (Transgender) Vs. The Chairman, Tamil Nadu Uniformed Services Recruitment Board, 2016-4-L.W 594.
- (iii) Learned counsel for the applicant relied on the Recruitment Rules dated 12.11.2022 for appointment to the post of Police Constable of State of Bihar. He relied on clause no 4.4 (g) of the said Rules, wherein the physical standard for transgender or third gender are of the same like female.

5. The State has right to challenge the order of the Tribunal. However, in view of the very specific directions given by the Hon'ble Supreme Court in **NATIONAL LEGAL SERVICES AUTHORITY'S case (supra)**, and as pointed out by the learned counsel for the applicant certain paragraphs from the judgment of NALSA are required to be highlighted to reiterate the point of gender as well as sex discrimination which in fact is prohibited in the Constitution of India.

✓

“66. Articles 15 and 16 sought to prohibit discrimination on the basis of sex, recognizing that sex discrimination is a historical fact and needs to be addressed. Constitution makers, it can be gathered, gave emphasis to the fundamental right against sex discrimination so as to prevent the direct or indirect attitude to treat people differently, for the reason of not being in conformity with stereotypical generalizations of binary genders. Both gender and biological attributes constitute distinct components of sex. Biological characteristics, of course, include genitals, chromosomes and secondary sexual features, but gender attributes include one's self image, the deep psychological or emotional sense of sexual identity and character. The discrimination on the ground of 'sex' under Articles 15 and 16, therefore, includes discrimination on the ground of

gender identity. The expression 'sex' used in Articles 15 and 16 is not just limited to biological sex of male or female, but intended to include people who consider themselves to be neither male or female.

67. TGs have been systematically denied the rights under Article 15(2) that is not to be subjected to any disability, liability, restriction or condition in regard to access to public places. TGs have also not been afforded special provisions envisaged under Article 15(4) for the advancement of the socially and educationally backward classes (SEBC) of citizens, which they are, and hence legally entitled and eligible to get the benefits of SEBC. State is bound to take some affirmative action for their advancement so that the injustice done to them for centuries could be remedied. TGs are also entitled to enjoy economic, social, cultural and political rights without discrimination, because forms of discrimination on the ground of gender are violative of fundamental freedoms and human rights. TGs have also been denied rights under Article 16(2) and discriminated against in respect of employment or office under the State on the ground of sex. TGs are also entitled to reservation in the matter of appointment, as envisaged under Article 16(4) of the Constitution. State is bound to take affirmative action to give them due representation in public services.

68. Articles 15(2) to (4) and Article 16(4) read with the Directive Principles of State Policy and various international instruments to which Indian is a party, call for social equality, which the TGs could realize, only if facilities and opportunities are extended to them so that they can also live with dignity and equal status with other genders.....

81. Articles 14, 15, 16, 19 and 21, above discussion, would indicate, do not exclude Hijras/Transgenders from its ambit, but Indian law on the whole recognize the paradigm of binary genders of male and female, based on one's biological sex. As already indicated, we cannot accept the Corbett principle of "Biological Test", rather we prefer to follow the psyche of the person in determining sex and gender and prefer the "Psychological Test" instead of "Biological Test". Binary notion of gender reflects in the Indian Penal Code, for example, Section 8, 10, etc. and Page 85 85 also in the laws related to marriage, adoption, divorce, inheritance, succession and other welfare legislations like NAREGA, 2005, etc. Non-recognition of the identity of Hijras/Transgenders in the various legislations

denies them equal protection of law and they face wide-spread discrimination.

83. We, therefore, conclude that discrimination on the basis of sexual orientation or gender identity includes any discrimination, exclusion, restriction or preference, which has the effect of nullifying or transposing equality by the law or the equal protection of laws guaranteed under our Constitution, and hence we are inclined to give various directions to safeguard the constitutional rights of the members of the TG community.

6. In the judgment of **Shanavi Ponnusamy Vs. Ministry of Civil Aviation & Anr**, the Hon'ble Supreme Court has directed that the provisions of the 2019 Act need to be implemented in letter and spirit by formulating appropriate policies. The Union Government must take the lead in this behalf and provide clear guidance and enforceable standards to all other entities, including, those of the Union Government, State Governments and establishments governed by the 2019 Act. It is further stated that the Union Government shall adopt suitable measures after collaborating with the National Council and place a policy on the record before the next date of listing, which is now fixed on 6.12.2022. I rely on the Central Government's Office Memorandum dated 20.4.2020 has directed all the Government Offices to allow transgenders/other sex to participate in all the process of recruitment. It is necessary to point out that the directions were given in NALSA (supra) independently to the Central Government as well as the State Government. The Respondents in Shanvai Ponnusamy's case is the Ministry of Civil Aviation, which come under the Central Government. However, 'Police' is the subject in the State List in Seventh Schedule (VII) of the Constitution of India at Serial no. 2 and so also Sr. No. 41, is the State Public Service Commission. Thus, the State Government is fully empowered to draw its own policy and take decisions in such matters.

7. It is further to be noted that the Government of Bihar has carried out the necessary modification in the Recruitment Rules and issued the advertisement for the post of Constables on 12.11.2022, wherein the relevant clause 4.4 (g) is reproduced below:-

4.4 अभ्यर्थियों का शारीरिक मापदण्ड - ऊँचाई, सीना और वजन के लिए कोई अंक देय नहीं होगा | परंतु विहित अर्हताएँ पूरी नहीं करने वाले अभ्यर्थी असफल घोषित किए जाएंगे |
(घ) किन्नर /कोथी /हिजडा / ट्रांसजेन्डर (थर्ड जेन्डर) अभ्यर्थियों के लिए शारीरिक मापदण्ड तथा शारीरिक दक्षता परीक्षा का मापदण्ड पिछड़े वर्ग की महिला अभ्यर्थियों के समान होगा. |

8. In the case of K. Prithika Yashini (Transgender) (supra), the option was not given to the third gender for the recruitment to the post of Sub-Inspector. The Hon'ble Madras High Court has relied on the judgment of the Hon'ble Supreme Court in the case of NATIONAL LEGAL SERVICES AUTHORITY Vs. UNION OF INDIA & ORS. Though the judgment was pronounced in April, 2014, where there was no policy for the transgender^s framed by the Government of Tamil Nadu. The Hon'ble Madras High Court held that the petitioner is entitled to be recruited to the post of Sub-Inspector and allowed the Writ Petition with the following ratio:-

"9. On examination of the case of the petitioner qua the category she would be required to be recruited as there being no separate category, it was found that the petitioner qualified the horizontal reservation minimum bench mark of OC Women of Ministerial quota, which is 25.50 against which the petitioner had obtained 28.50 marks. It was this which persuaded the Court to grant interim orders in favour of the Petitioner. The physical efficiency test had been taken by the petitioner with the bench mark as that for a female."

It was further observed as under:-

"12. We have given our thought to the matter. The discrimination suffered by the transgenders would be difficult for any of the other two genders to realize. The present case is one where the petitioner was categorized as man, though she was a female. She had undergone

sufferance of an exit from her house without parental protection. It is in these difficult circumstances that the petitioner has been endeavouring to eke out a living.

13. There can be various physical chances and mental effects arising from the situation in which the petitioner finds herself. The respondent failed to provide for the third gender in the application Form and thus, the petitioner had to rush to the Court to assert her rights. The next stage was to find out as to what bench mark should apply to the petitioner and thus, benefit was given to the petitioner accordingly, in which she was successful. We do not think that in the physical endurance test, a difference of 1.11 seconds should come in the say of the petitioner in being considered for recruitment. We hasten to add that she will have to meet the bench mark of the recruitment process, but the case cannot be knocked out in the middle, as was sought to be done by the respondent.”

9. Learned C.P.O, at the end of dictation of the order has requested to mention that this Court has passed this order sitting Singly in this matter of Division Bench. The Member (Admin) is on leave and hence not available. It is very unprecedented request made by the learned C.P.O which is never made so in other matters when the Division Bench matters are decided sitting Singly at the interim stage. However, it is my duty to satisfy the State questioning the powers of the Member (J) in passing interim orders under the Administrative Tribunals Act. Section 5(6) of the Administrative Tribunals Act pertains to the composition of the Tribunal and its Benches thereof. There is always assignment of the matters to the Single Bench and Division Bench. The Chairperson has the power to decide which subjects are to be assigned to the Single Bench or Division Bench. Accordingly, I have issued the order on 25.5.2021 after consultation with my brother Member (J) & Member (A) and have assigned the subjects.

10. In ~~the~~ of Shri Parasram Thakur (supra), the Hon'ble Bombay High Court has referred to relevant portion as follows:-

"2. The Joint Registrar of the Tribunal has submitted a report dated November 23, 2021. In such report, after quoting paragraph 5 of our order dated November 17, 2021, the Joint Registrar says as follows:-

"In this regard, I am to state that as per Order No. 1/32/87-JA dated 20.1.1992, passed by Hon'ble Mr Justice V.S Malimath the then Chairman, Central Administrative Tribunal, in situations when a Division Bench is not available for dealing with urgent cases for 'Admission' and 'Grant of Interim Orders', and the urgency is such that, the matter cannot be deferred until a Division Bench become available, the Single Member is authorized to take up such urgent cases for 'Admission' and 'Grant of Interim Orders' subject to the condition that if the Single Member is not inclined to admit the matter, he/she shall refer the matter, for being placed before the appropriate Division Bench as soon as the same becomes available. It is further submitted that on 13.10.2021, Division Bench was not available. A copy of the aforesaid order and the Cause List dated 13.10.2021 is enclosed herewith for ready reference."

11. Thus, in the present case interim order was already passed on 18.11.2022. This is another interim order in that order.

12. Learned counsel for the applicant has produced copy of the Notification dated 6.7.2021 issued by the Government of Karnataka, whereby the Recruitment Rule is amended by providing reservation to transgender candidate. I have gone through Rule 9 of the said Recruitment Rules and it shows that not only the transgenders are allowed to participate in the process of recruitment in the Police Department, but they are provided reservation in all the services of the State of Karnataka.

13. Learned counsel for the applicant has also produced the advertisement dated 27.11.2022 issued by the Tamil Nadu Uniformed Services Recruitment Board, wherein specifically a class is created for transgender thereby allowing them to participate and

the physical standard for physical test for female and transgender are the same.

13 Considering the submissions of the learned counsel for the applicant and the learned C.P.O, I am inclined to extend the date of acceptance of the Application Form for transgenders till 8.12.2022.

13 S.O to 23.12.2022.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 25.11.2022
Dictation taken by : A.K. Nair.