

**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><u>27.01.2023</u></p> <p><u>M.A 61/2023 in O.A 1047/2022</u></p> <p>Shri D.S Sabde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.V Kamble, 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 today.</p> <p>3. Learned counsel for the applicant Shri Kamble submits that he has filed M.A 61/2023 praying that the result of applicant be declared and the place the same before this Tribunal. Further the learned counsel seeks directions that the Respondents should not proceed with the recruitment process till the final decision in the Original Application.</p> <p>4. Learned counsel for the applicant relies on the order of Hon'ble Bombay High Court dated 19.10.2022 in W.P 12612/2022. The Hon'ble High Court has observed as under:-</p> <p>"3. We have heard learned counsel for the parties. We are informed that the Interview for the post of Under Secretary (Legal) Group-A have already begun from 13th October, 2022 and shall continue till 20th October, 2022 and 20th October being the last date, thereafter, the matter would be rendered practically academic. Considering the peculiar facts and circumstances of the case, we direct MPSC to permit the Petitioner to participate in the interviews for the said post. The results, however, be not declared and will be subject to the final orders and final outcome of the Petitioner's original application before the Tribunal. It is made clear that we have not gone into the merits of this case and all contentions are kept open. The Petition is disposed of."</p> <p>5. In view of this, we direct the MPSC to declare the result of the applicant by 1st February, 2023, so as to enable the find out where the applicant is placed.</p> <p>6. S.O to 2.2.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</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><u>27.01.2023</u></p> <p><u>O.A 1/2023 with M.A 1/2023 with M.A 49/2023 in O.A 1/2023</u></p> <p>Shri Krishna C. Jadhavar & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents And Shri Abhimanyu V. Charbate...Intervenors</p> <p>1. Smt Punam Mahaja, learned advocate for the applicants has filed leave note. Heard Shri S.M Deokar, learned counsel for the Intervenors-Applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the intervenors submit that he has come from Nagpur and so his Misc Application for intervenors be heard.</p> <p>3. However, in view of the leave note of Smt Punam Mahajan, learned counsel for the applicants, we are unable to decide the application.</p> <p>4. Learned counsel for the applicants to take note that the matter is fixed on 7.2.2023 and learned counsel to be present on that date, otherwise, the Misc Application for intervention will be allowed.</p> <p>5. S.O to 7.2.2023.</p> <p>Sd/- Medha Gadgil Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>27.01.2023</u></p> <p><u>O.A 937/2022</u></p> <p>Shri R.G Kulkarni ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Admit. Place for final hearing on 24.3.2023.</p> <p>Sd/- _____ (Medha Gadgil) Member (A)</p> <p>Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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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 : 27.01.2023</p> <p>O.A.No.22/2023</p> <p>M.P. BagulApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Purva Pradhan, learned Advocate holding for Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to file affidavit regarding equivalence of the qualification of Respondent No.3.</p> <p>3. Adjourned to 01.02.2023. Interim relief, if any, to be continued till next date.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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"><u>O.A. No.1083 of 2016</u></p> <p>Ajay D. Likhar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that the applicant has filed W.P. No.96507 of 2020 in the Hon'ble Bombay High Court and in para 4(b) of the common order dated 27.11.2020 the Hon'ble High Court has observed that:</p> <p align="center"><i>"Respondents are directed not to take any coercive action against the petitioners on the basis of GR dated 21.12.2019 and also orders passed by the Appointing Authority putting the petitioner's service as supernumerary/temporary basis for 11 months, for non-submission of Caste Validity Certificates, till 30.1.2021."</i></p> <p>3. We asked the Ld. Advocate as to when the Government put the applicant on supernumerary post. Ld. Advocate submits that by order dated 31.12.2019 the applicant was put on the supernumerary post and still he is working on the same post. Ld. Advocate submits that putting the applicant on supernumerary post is challenged by the applicant before the Hon'ble High Court in W.P. No.96507 of 2020 and the same is pending.</p> <p>4. Ld. PO relies on the affidavit in reply dated 11.1.2017 filed by Balasaheb Hanumant Deshmukh, Deputy Commissioner of Sales Tax, Mumbai. Ld. PO pointed out that applicant's claim that his caste is Halba Koshti was rejected by order dated 5.3.2016 by Caste Scrutiny Committee as Halba, Halba Koshti and Koshti castes are removed from the ST category and included in Special Backward Class (SBC) category. She submitted that applicant has obtained SBC category certificate and applicant was given supernumerary post. Further it is submitted in para 8 of the affidavit that respondents denied the contention of the applicant about his validity of SBC category certificate because he was appointed on the basis of reservation for ST category on 5.7.1996. Ld. PO further submitted that no promotion or seniority can be given to the applicant because he was subsequently appointed on supernumerary post.</p>

5. Ld. PO further relied on affidavit dated 7.9.2021 filed by Murlidhar Maruti Bande, Assistant Commissioner of Sates Tax, GST Department, Mazgaon, Mumbai on behalf of respondents no.1 to 4. Ld. PO submits that Government has taken stand pursuant to the judgment and order dated 6.7.2017 passed by the Hon'ble Supreme Court in Civil Appeal No.8928/2015 Chairman and Managing Director, FCI & Ors. Vs. Jagdish Balaram Bahira & Ors. and issued GR dated 21.12.2019 by taking policy decision to accommodate such candidates and thus applicant was also given supernumerary post by order dated 31.12.2019.

6. Ld. Advocate for the applicant relied on the judgment and order dated 21.1.2020 passed by the Nagpur Bench of the Hon'ble High Court in W.P. No.411/2020 Sau. Heerabai Nandkishor Sonkusare Vs. The State of Maharashtra & Anr. We have gone through the said judgment of the Hon'ble High Court and we reproduce para 6 of the order:

"6. Prima facie in our view, the GR dated 21.12.2019 does not cover the case where the protection granted by this Court in Writ Petition has attained the finality. The petitioner was granted protection by this Court on 18.10.2012 in W.P. No.5599 of 2011 which was not challenged by any of the respondents before the Hon'ble Apex Court. The cases concluded by the decision of this Court cannot be re-opened."

7. The case of the applicant does not fall in that category and no protection was granted by the Hon'ble High Court. Under such circumstances, we are of the view that applicant has accepted his status as supernumerary. As the applicant is considered as supernumerary as per policy decision of the government, no promotion is granted to the applicant and no seniority is considered.

8. Under such circumstances, we are of the view that nothing survives in this OA and the same is disposed off accordingly.

Sd/-

(Medha Gadgil)
Member (A)
27.1.2023

(sgj)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
27.1.2023

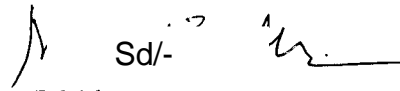
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.70 of 2023</u></p> <p>H.D. More & 2 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. Advocate for the applicant adjourned to 24.2.2023.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 27.1.2023</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-  (Mridula Bhatkar, J.) Chairperson 27.1.2023</p> </div> </div>

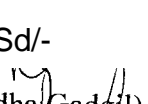
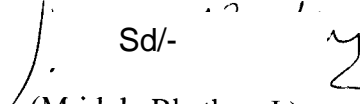
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.476 of 2018</u></p> <p>Dr. V.P. Sonone & 6 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Applicants and Advocate are absent.</p> <p>2. Shri V.B. Wagh, learned Advocate for the applicants to take note that matter will be heard on the next date. It at all it is not prosecuted this matter will be dismissed on the same date.</p> <p>3. S.O. to 15.2.2023.</p> <p style="text-align: center;">Sd/-  (Medha Gadgil) Member (A) 27.1.2023</p> <p style="text-align: center;">Sd/-  (Mridula Bhatkar, J.) Chairperson 27.1.2023</p> <p>(sgj)</p>

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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 style="text-align: center;"><u>O.A. No.980 of 2019 with OA No.24 of 2020</u></p> <p>S.D. Shelke A.B. Ghadge ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.G. Kudle, learned Advocate for Applicant in OA No.24/2020 & for Respondent No.3 in OA No.980/2019 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Shri S.S. Dere, Ld. Advocate for the Applicant in OA No.980 of 2019 has filed leave note.</p> <p>3. Shri S.G. Kudle, Ld. Advocate tenders written notes of arguments and submits that after going through the same the matter may be decided. He submits that he will reply to the arguments of Shri Dere, Ld. Advocate and does not want to submit beyond the written notes. The written notes are taken on record and marked Court Exhibit '1' for identification.</p> <p>4. S.O. to 3.2.2023 on account of leave note of Shri Dere, Ld. Advocate.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 27.1.2023 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 27.1.2023</p> </div> </div>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.892 of 2022</u></p> <p>S.M. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 & 2 and Shri B.A. Bandiwadekar, learned Advocate for Respondent No.3.</p> <p>2. Ld. CPO files sur-rejoinder.</p> <p>3. S.O. to 10.3.2023.</p> <p align="center"> Sd/- (Medha Gadgil) Member (A) 27.1.2023 Sd/- (Mridula Bhatkar, J.) Chairperson 27.1.2023 </p> <p>(sgj)</p>

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	<p><u>27.01.2023</u></p> <p><u>O.A 994/2022</u></p> <p>Shri Pramod B. Bagal ... Applicant Vs. The State of Maharashtra & 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 is directed to file affidavit in reply by way of last chance.</p> <p>3. S.O to 24.2.2023.</p> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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	<p align="center"><u>27.01.2023</u></p> <p align="center"><u>O.A 28/2021</u></p> <p>Shri M.S More & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Ganesh Pawar holding for Shri B.S Shinde, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. In view of the new assignment, the matter is placed before the Single Bench.</p> <p>3. S.O to 17.2.2023.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p align="right">Sd/-</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 align="center"><u>27.01.2023</u></p> <p align="center"><u>O.A 818/2021</u></p> <p>Shri V.S Hipparkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file affidavit in reply.</p> <p>3. Interim relief, if any, to continue till next date.</p> <p>4. S.O to 24.2.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p><small>Akn</small></p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">C.A.No.80/2022 in O.A.No.879/2015</p> <p>G.P. WadekarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. N.Y. Chavan, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer holding for Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Proposal is pending before Hon'ble Minister.</p> <p>3. Adjourned to 31.01.2023.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____

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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>27.01.2023</u></p> <p align="center"><u>C.A 47 /2021 in O.A 280/2017 with O.A 241/2019</u></p> <p>Shri V.V Punathil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O on instructions from Ms Meghana Shinde, Under Secretary, Water Resources Dept, that the applicant has not filed his application for commutation of pension as per 7th Pay Commission. Learned P.O submits that as regards the arrears of pension, the proposal has been sent to the Pay & Accounts office on</p> <p>3. Applicant is present and states that he shall file his application shortly.</p> <p>4. S.O to 10.2.2023.</p> <p align="right">Sd/- _____</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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 : 27.01.2023</p> <p align="center">C.A.No.76/2022 in O.A.No.489/2021</p> <p>Dr. R.R. AsawaApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Applicant in person and Ms. K.S. Gaikwad, learned Presenting Officer holding for Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Time granted to learned P.O. to file reply by way of last chance.</p> <p>3. Adjourned to 01.03.2023.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p>C.A.No.63/2022 in O.A.No.937/2021</p> <p>B.S. SalunkheApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.D. Patil, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer holding for Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that today during the course of the day she will file affidavit-in-reply. It be taken on record. Copy be served upon learned Advocate.</p> <p>3. Adjourned to 03.02.2023.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 27.01.2023

O.A.No.11/2023

P.I. PawarApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. V. Nirbhavane, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Applicant challenges seniority list of the cadre of Assistant Superintendent upto 01.01.2021 published on 13.06.2022.
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 03.03.2023.
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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.
9. Adjourned to 03.03.2023.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.01.2023

O.A.No.71/2023

R.S. BundeleApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. None for the Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Adjourned to 30.01.2023. To be shown under the caption 'For Dismissal'.

Sd/-

Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 27.01.2023
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C.A.No.49/2022 in O.A.No.992/2019

Dr. P.N. ChaudhariApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. V.K. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer holding for Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned Advocate sought time to file rejoinder.

3. Adjourned 03.02.2023.

Sd/-

Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.01.2023

O.A.No.1317/2022

S.R. ShaikhApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. M. Ganapathy, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. submits that she needs time to take appropriate instructions as the cut-off marks for open is 58 and marks obtained by the 5 female candidates from OBC, so it is necessary to find out why those 5 female candidates were not given appointment.

3. Adjourned to 06.02.2023 for learned C.P.O. to file short affidavit.

Sd/-

(Medha Gadgil)
Member(A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p>O.A.No.93/2023</p> <p>S.S. BargeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate submits that applicant challenges the initiation of Departmental Enquiry by the Respondent against the Applicant. He submits that similar to applicant there are seven other Government servants who have earlier filed O.A.Nos.715, 716, 720 and 730 of 2022 and this Tribunal has directed Respondents that till filing of reply for the period of two weeks no adverse action be taken against those Applicants. Learned Advocate submits that the case of the Applicant is identical to those 7 other Government servants and therefore similar order is to be passed and same protection is to be granted to the Applicant. The D.E. is initiated only against the Applicant and not against other 7 persons of identical facts and situation.</p> <p>3. Learned P.O. submits that the applicant is challenging charge-sheet of D.E. dated 27.10.2022 and the ground for which earlier order dated 27.07.2022 passed was different as the Government had given termination notice to those applicants.</p> <p>4. We make it clear that no interim relief can be passed at this stage. The D.E. is initiated on 27.10.2022 and the application is filed on 19.01.2023 and today is the first date. It is necessary to give some time to the Respondents. Respondent-State to take instructions and file reply.</p> <p>5. Learned Advocate wants to disclose his defence before us. However, it is better for the applicant to place it before the Enquiry Officer.</p> <p>6. Adjourned to 24.02.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: right; margin-right: 20px;"><u>O.A. No.1286 of 2022</u></p> <p>Mayur C. Bhave ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant who belongs to Orphan category, applied for the post of Clerk-Typist and Tax Assistant pursuant to advertisement dated 21.12.2021 issued by MPSC for Maharashtra Group-C Services Combined Preliminary Examination, 2021. Exams were conducted on 3.4.2022 and results were declared on 28.6.2022. Advertisement for Main Examination was issued on 28.6.2022 and applicant applied on 1.7.2022. Main Exams were held on 27.8.2022. His name appeared in the list of qualified candidates for Typing Test in Aurangabad Division for Tax Assistant and Clerk-Typist on 23.11.2022 and 7.12.2022 respectively. GR dated 7.7.2022 was issued by Government giving exemption to the orphans to produce Typing certificate within two years from the date of appointment. Ld. Advocate for the applicant submits that the applicant has already secured Typing certificate dated 20.10.2022. Ld. Advocate submits that applicant has wrongly uploaded blank page with the application form. Ld. Advocate submits that Orphans are exempted from appearing for the Typing examination by GR dated 7.7.2022 and only certificates are to be produced.</p> <p>3. Ld. CPO opposes the OA and she submits that applicant was not allowed to appear for the examination and defends the action of the MPSC disqualifying him from appearing the main examination. Ld. CPO submits that applicant made application on 1.7.2022 and when he made application, GR dated 7.7.2022 was not in existence. The examination was held on 7.12.2022. She submits that applicant in fact could not have submitted his application as he was not holding Typing certificate. Ld. CPO submitted that however, the applicant uploaded blank page along with his application and therefore his application was accepted by the computer. She submitted that uploading of blank page along with application is fraud played by the applicant on the MPSC and therefore he was rightly considered disqualified.</p> <p>4. We have perused all the documents carefully. The applicant is an Orphan. Admittedly, when he filled application</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>form on 1.7.2022 the GR dated 7.7.2022 giving exemption to the Orphans to produce typing certificate was not available. The period of two years to produce such typing certificate was given to the Orphans. However, the examination was conducted on 7.12.2022 i.e. after issuance of GR and therefore considering the stage of selection process we hold that applicant is covered under said GR of 7.7.2022. The applicant was held disqualified mainly on the ground that his typing certificate was not within the prescribed time. He was not holding typing certificate of stipulated time. However, this objection is not sustainable in view of the exemption granted to the Orphans. We place reliance on the <u>judgment and order dated 22.7.2022 passed by this Tribunal in OA No.693 of 2022 (Arjun Ramkrishnrao Tarke Vs. The State of Maharashtra & Anr.) allowing the OA.</u> This order of the Tribunal is upheld by the <u>Hon'ble High Court by its order dated 19.10.2022 passed in W.P. No.12210 of 2022 filed by the MPSC Vs. A.R. Tarke.</u></p> <p>5. One additional point raised by the Ld. CPO is that applicant has deliberately uploaded blank page along with application form as if it was typing certificate. Ld. Advocate for the applicant admitted that it was blank page and also on instructions from the applicant admitted that he uploaded blank page because he thought that if such extra page is uploaded the computer will accept his application. He wanted his application to be accepted. We will not call this act of the applicant as fraud. It was not a doctored or forged document. We call it a 'clever trick' played by the applicant to process the application. Strictly he should not have done so. However, as all omissions cannot be construed as offence similarly all commission of act cannot be treated as commission of offence. The entire system is computerized and there was no specific command to the computer not to accept the blank page and therefore we allow this OA and his candidature to be considered as qualified for further process of selection, interview etc. In between the applicant has cleared typing examination and is having typing certificate, may be after the scheduled date, which is in fact not applicable to the Orphans.</p> <p>6. This order is passed in persona.</p> <p>7. Hence, we allow the OA and direct that said typing certificate of the applicant is to be accepted, if found true. We direct that case of the applicant is to be considered for appointment and necessary steps be taken by the respondents. No orders as to costs.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A) 24.1.2023 (sgj)</p> <p>(Mridula Bhatkar, J.) Chairperson 24.1.2023</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 : 27.01.2023</p> <p align="center">O.A.No.1063 of 2021</p> <p>B. V. ChouguleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, one date is given for hearing.</p> <p>3. S.O. to 20.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application 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 : 27.01.2023</p> <p align="center">O.A.No.331 of 2022</p> <p>V. G. GawaiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, one date is given for hearing.</p> <p>3. S.O. to 20.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.510 of 2021</p> <p>S. J. PendharkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P. V. Bodke Patil, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant sought permission to file Additional Affidavit to place on record certain documents. 3. Allowed to file the same. It is taken on record. 4. The matter is adjourned for hearing with liberty to file Rejoinder, if necessary. 5. S.O. to 10.02.2023. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.350 of 2022</p> <p>Dr. R. H. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, one opportunity of hearing is given to Applicant and his Counsel to remain present else the matter will be dismissed in default on next date.</p> <p>3. S.O. to 08.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.1016 of 2018</p> <p>C. S. AtkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. Today, the matter is for filing reply to the amendment made in O.A. by the Applicant. However, no reply is filed.</p> <p>3. In view of above, O.A. be kept for final hearing.</p> <p>4. S.O. to 07.02.2023.</p> <p align="right">Sd/-</p> <p align="right">v (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 : 27.01.2023</p> <p align="center">O.A.No.786, 787 & 788 of 2022</p> <p>T. D. Pednekar K.D. Garud A. K. PatilApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. R. Gawas, learned Counsel for the Applicants and Smt. Kranti Gaikwad., learned Presenting Officer for the Respondents.</p> <p>2. Enough time is availed by learned P.O. but no reply is filed. Hence, I am not inclined to grant more time since the matter pertains to pensionary benefits.</p> <p>3. All these Original Applications be kept for hearing without reply.</p> <p>4. S.O. to 15.02.2023.</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

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Original Application 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 : 27.01.2023</p> <p align="center">M. A. No.397 of 2022 in O.A.No.189 of 2022</p> <p>Dr. V. S. AbnaveApplicant</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. Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that enough time has granted for filing reply but the same is not filed. Hence, I am not inclined to grant further time.</p> <p>3. M.A. and O.A. be kept for hearing together without Affidavit in Reply.</p> <p>4. S.O. to 24.02.2023.</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

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Original Application 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 : 27.01.2023</p> <p align="center">M. A. No.550 of 2019 in O.A.No.989 of 2019</p> <p>D. L. NavghaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Savita Suryavanshi holding for Shri V.V. Joshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply in M.A. It is taken on record.</p> <p>3. M.A. be kept for hearing.</p> <p>4. S.O. to 21.02.2023.</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.

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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
vsm	<p>Date : 27.01.2023</p> <p style="text-align: center;">R. A. No.28 of 2022 in O.A.No.616 of 2022</p> <p>P. P. Pimparkhede ...Applicant</p> <p>Versus</p> <p>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. On request of learned P.O., two weeks time is granted for reply by way of last chance. 3. S.O. to 10.02.2023. <p style="text-align: right; margin-right: 100px;">^ Sd/-</p> <p style="text-align: right; margin-right: 100px;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application 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 : 27.01.2023</p> <p align="center">O.A.No.479 of 2020</p> <p>K. P. SalunkheApplicant</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. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. In view of leave note of Smt. Punam Mahajan, learned Counsel for the Applicant, the matter is adjourned for hearing as a last chance.</p> <p>3. S.O. to 06.02.2023.</p> <p align="right">Sd/-</p> <p 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 : 27.01.2023</p> <p>O.A.No.1314 of 2022</p> <p>P. Chinpayan & Anrs.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Anjali Kolapkar holding for Shri A. S. Gaikwad, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged communication dated 18.10.2022 whereby his claim for appointment in terms of Lad & Page Committee recommendations has been rejected. 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 24.02.2023. 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 24.02.2023 <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application 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 : 27.01.2023</p> <p align="center">O.A.No.1294 of 2022</p> <p>S. B. VadarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., three days' time is granted for filing reply.</p> <p>3. S.O. to 31.01.2023.</p> <p align="right">^ Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application 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 : 27.01.2023</p> <p>O.A.No.1279 of 2022</p> <p>K. T. GhorpadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 09.02.2023.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application 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 : 27.01.2023</p> <p align="center">O.A.No.1201 of 2022</p> <p>M. S. SonawaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. S. Shinde, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.6 only. It is taken on record.</p> <p>3. No separate reply is filed on behalf of remaining Respondents.</p> <p>4. S.O. to 20.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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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 : 27.01.2023</p> <p style="text-align: center;">O.A.No.1247 of 2022</p> <p>S. R. Shaikh ...Applicant</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 Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted for filing reply.</p> <p>3. S.O.to 03.02.2023.</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

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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 : 27.01.2023</p> <p style="text-align: right;">O.A.No.1269 of 2022</p> <p>R. P. ManeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, 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., one weeks time is granted for filing reply.</p> <p>3. S.O. to 03.02.2023.</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.

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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 : 27.01.2023</p> <p align="center">O.A.No.1181 of 2022</p> <p>D. B. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. A. Kashid, 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 on behalf of Respondent Nos.1 & 2 as a last chance.</p> <p>3. Respondent No.3 is served but absent.</p> <p>4. S.O. to 10.02.2023.</p> <p align="right">Sd/-</p> <p align="right">..</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p style="text-align: center;">O.A.No.1174 of 2022</p> <p>A.Y. JagtapApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. Gaikwad, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of Respondent No.3. It is taken on record. No separate reply is filed for remaining Respondents.</p> <p>3. The O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 17.02.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p style="text-align: center;">O.A.Nos.1153, 1239 & 1289 of 2022</p> <p>Dr. J. V. Dixit & Ors. Dr. N. R. Sabu S. S. SavrikarApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar & Shri M. R. Kulkarni, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Smt. Punam Mahajan, learned Counsel for Applicants (O.A.1153/2022) has sent leave note.</p> <p>3. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>4. In all these Original Applications, interim relief to continue till filing of reply.</p> <p>5. S.O. to 10.02.2023. Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p style="text-align: center;">O.A.No.1100 of 2022</p> <p>D. L. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, 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., one week time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 03.02.2023.</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

Date : 27.01.2023

O.A.No.105 of 2023 with O.A.No.106 of 2023

D. S. Chavan & Ors.

S. P. Pulate & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. The Applicants are serving on the establishment of C.P. Mumbai and seeking inter district transfer on the establishment of ^{S.P.}Osmanabad and Yavatmal respectively.

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 24.02.2023.

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 Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.

9. S.O. to 24.02.2023.

Sd/-

(A.P. Kurhekar)
Member(J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p style="text-align: center;">M. A. No.58 of 2023 in O.A.No.105 of 2023</p> <p>D. S. Chavan & Ors. ...Applicants</p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M. A. No.58 /2023 is allowed. No order as to costs. <p style="text-align: right; margin-right: 50px;">Sd/-</p> <p style="text-align: right; margin-right: 50px;">(A.P. Kurhekar) Member(J)</p> <p style="margin-left: 20px;">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 : 27.01.2023</p> <p style="text-align: center;">M.A. No.59 of 2023 in O.A.No.106 of 2023</p> <p>S. P. Pulate & Ors.Applicant</p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M. A. No.59/2023 is allowed. No order as to costs. <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">(A.P. Kurhekar) Member(J)</p> <p style="text-align: right; margin-right: 100px;">vsm</p>

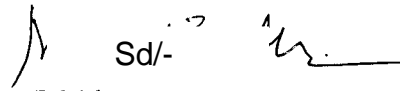
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.70 of 2023</u></p> <p>H.D. More & 2 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. Advocate for the applicant adjourned to 24.2.2023.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 27.1.2023</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-  (Mridula Bhatkar, J.) Chairperson 27.1.2023</p> </div> </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.476 of 2018</u></p> <p>Dr. V.P. Sonone & 6 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Applicants and Advocate are absent.</p> <p>2. Shri V.B. Wagh, learned Advocate for the applicants to take note that matter will be heard on the next date. It at all it is not prosecuted this matter will be dismissed on the same date.</p> <p>3. S.O. to 15.2.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 27.1.2023</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 27.1.2023</p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.980 of 2019 with OA No.24 of 2020</u></p> <p>S.D. Shelke A.B. Ghadge ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.G. Kudle, learned Advocate for Applicant in OA No.24/2020 & for Respondent No.3 in OA No.980/2019 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Shri S.S. Dere, Ld. Advocate for the Applicant in OA No.980 of 2019 has filed leave note.</p> <p>3. Shri S.G. Kudle, Ld. Advocate tenders written notes of arguments and submits that after going through the same the matter may be decided. He submits that he will reply to the arguments of Shri Dere, Ld. Advocate and does not want to submit beyond the written notes. The written notes are taken on record and marked Court Exhibit '1' for identification.</p> <p>4. S.O. to 3.2.2023 on account of leave note of Shri Dere, Ld. Advocate.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 27.1.2023 (sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson 27.1.2023</p> </div> </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.892 of 2022</u></p> <p>S.M. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 & 2 and Shri B.A. Bandiwadekar, learned Advocate for Respondent No.3.</p> <p>2. Ld. CPO files sur-rejoinder.</p> <p>3. S.O. to 10.3.2023.</p> <p align="center"> Sd/- (Medha Gadgil) Member (A) 27.1.2023 Sd/- (Mridula Bhatkar, J.) Chairperson 27.1.2023 </p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>27.01.2023</p> <p><u>O.A 994/2022</u></p> <p>Shri Pramod B. Bagal ... Applicant Vs. The State of Maharashtra & 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 is directed to file affidavit in reply by way of last chance.</p> <p>3. S.O to 24.2.2023.</p> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>27.01.2023</u></p> <p align="center"><u>O.A 28/2021</u></p> <p>Shri M.S More & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Ganesh Pawar holding for Shri B.S Shinde, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. In view of the new assignment, the matter is placed before the Single Bench.</p> <p>3. S.O to 17.2.2023.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p align="right">Sd/-</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>27.01.2023</u></p> <p align="center"><u>O.A 818/2021</u></p> <p>Shri V.S Hipparkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file affidavit in reply.</p> <p>3. Interim relief, if any, to continue till next date.</p> <p>4. S.O to 24.2.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p><small>Akn</small></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 : 27.01.2023</p> <p align="center">C.A.No.80/2022 in O.A.No.879/2015</p> <p>G.P. WadekarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. N.Y. Chavan, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer holding for Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Proposal is pending before Hon'ble Minister.</p> <p>3. Adjourned to 31.01.2023.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>27.01.2023</u></p> <p align="center"><u>C.A 47 /2021 in O.A 280/2017 with O.A 241/2019</u></p> <p>Shri V.V Punathil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O on instructions from Ms Meghana Shinde, Under Secretary, Water Resources Dept, that the applicant has not filed his application for commutation of pension as per 7th Pay Commission. Learned P.O submits that as regards the arrears of pension, the proposal has been sent to the Pay & Accounts office on</p> <p>3. Applicant is present and states that he shall file his application shortly.</p> <p>4. S.O to 10.2.2023.</p> <p align="right">Sd/- _____</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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 : 27.01.2023</p> <p align="center">C.A.No.76/2022 in O.A.No.489/2021</p> <p>Dr. R.R. AsawaApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Applicant in person and Ms. K.S. Gaikwad, learned Presenting Officer holding for Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Time granted to learned P.O. to file reply by way of last chance.</p> <p>3. Adjourned to 01.03.2023.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p>C.A.No.63/2022 in O.A.No.937/2021</p> <p>B.S. SalunkheApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.D. Patil, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer holding for Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that today during the course of the day she will file affidavit-in-reply. It be taken on record. Copy be served upon learned Advocate.</p> <p>3. Adjourned to 03.02.2023.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 27.01.2023

O.A.No.11/2023

P.I. PawarApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. V. Nirbhavane, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Applicant challenges seniority list of the cadre of Assistant Superintendent upto 01.01.2021 published on 13.06.2022.
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 03.03.2023.
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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.
9. Adjourned to 03.03.2023.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.01.2023

O.A.No.71/2023

R.S. BundeleApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. None for the Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Adjourned to 30.01.2023. To be shown under the caption 'For Dismissal'.

Sd/-

Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.01.2023

C.A.No.49/2022 in O.A.No.992/2019

Dr. P.N. ChaudhariApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. V.K. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer holding for Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned Advocate sought time to file rejoinder.

3. Adjourned 03.02.2023.

Sd/-

Sd/-

**(Medha Gadgil)
Member(A)**

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

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.01.2023

O.A.No.1317/2022

S.R. ShaikhApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. M. Ganapathy, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. submits that she needs time to take appropriate instructions as the cut-off marks for open is 58 and marks obtained by the 5 female candidates from OBC, so it is necessary to find out why those 5 female candidates were not given appointment.

3. Adjourned to 06.02.2023 for learned C.P.O. to file short affidavit.

Sd/-

(Medha Gadgil)
Member(A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.01.2023

O.A.No.93/2023

S.S. BargeApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate submits that applicant challenges the initiation of Departmental Enquiry by the Respondent against the Applicant. He submits that similar to applicant there are seven other Government servants who have earlier filed O.A.Nos.715, 716, 720 and 730 of 2022 and this Tribunal has directed Respondents that till filing of reply for the period of two weeks no adverse action be taken against those Applicants. Learned Advocate submits that the case of the Applicant is identical to those 7 other Government servants and therefore similar order is to be passed and same protection is to be granted to the Applicant. The D.E. is initiated only against the Applicant and not against other 7 persons of identical facts and situation.

3. Learned P.O. submits that the applicant is challenging charge-sheet of D.E. dated 27.10.2022 and the ground for which earlier order dated 27.07.2022 passed was different as the Government had given termination notice to those applicants.

4. We make it clear that no interim relief can be passed at this stage. The D.E. is initiated on 27.10.2022 and the application is filed on 19.01.2023 and today is the first date. It is necessary to give some time to the Respondents. Respondent-State to take instructions and file reply.

5. Learned Advocate wants to disclose his defence before us. However, it is better for the applicant to place it before the Enquiry Officer.

6. Adjourned to 24.02.2023.

Sd/-

Sd/-

(Medha Gadgil)
Member(A)

(Mridula Bhatkar, J.)
Chairperson

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: right; margin-right: 20px;"><u>O.A. No.1286 of 2022</u></p> <p>Mayur C. Bhave ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant who belongs to Orphan category, applied for the post of Clerk-Typist and Tax Assistant pursuant to advertisement dated 21.12.2021 issued by MPSC for Maharashtra Group-C Services Combined Preliminary Examination, 2021. Exams were conducted on 3.4.2022 and results were declared on 28.6.2022. Advertisement for Main Examination was issued on 28.6.2022 and applicant applied on 1.7.2022. Main Exams were held on 27.8.2022. His name appeared in the list of qualified candidates for Typing Test in Aurangabad Division for Tax Assistant and Clerk-Typist on 23.11.2022 and 7.12.2022 respectively. GR dated 7.7.2022 was issued by Government giving exemption to the orphans to produce Typing certificate within two years from the date of appointment. Ld. Advocate for the applicant submits that the applicant has already secured Typing certificate dated 20.10.2022. Ld. Advocate submits that applicant has wrongly uploaded blank page with the application form. Ld. Advocate submits that Orphans are exempted from appearing for the Typing examination by GR dated 7.7.2022 and only certificates are to be produced.</p> <p>3. Ld. CPO opposes the OA and she submits that applicant was not allowed to appear for the examination and defends the action of the MPSC disqualifying him from appearing the main examination. Ld. CPO submits that applicant made application on 1.7.2022 and when he made application, GR dated 7.7.2022 was not in existence. The examination was held on 7.12.2022. She submits that applicant in fact could not have submitted his application as he was not holding Typing certificate. Ld. CPO submitted that however, the applicant uploaded blank page along with his application and therefore his application was accepted by the computer. She submitted that uploading of blank page along with application is fraud played by the applicant on the MPSC and therefore he was rightly considered disqualified.</p> <p>4. We have perused all the documents carefully. The applicant is an Orphan. Admittedly, when he filled application</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>form on 1.7.2022 the GR dated 7.7.2022 giving exemption to the Orphans to produce typing certificate was not available. The period of two years to produce such typing certificate was given to the Orphans. However, the examination was conducted on 7.12.2022 i.e. after issuance of GR and therefore considering the stage of selection process we hold that applicant is covered under said GR of 7.7.2022. The applicant was held disqualified mainly on the ground that his typing certificate was not within the prescribed time. He was not holding typing certificate of stipulated time. However, this objection is not sustainable in view of the exemption granted to the Orphans. We place reliance on the <u>judgment and order dated 22.7.2022 passed by this Tribunal in OA No.693 of 2022 (Arjun Ramkrishnrao Tarke Vs. The State of Maharashtra & Anr.) allowing the OA.</u> This order of the Tribunal is upheld by the <u>Hon'ble High Court by its order dated 19.10.2022 passed in W.P. No.12210 of 2022 filed by the MPSC Vs. A.R. Tarke.</u></p> <p>5. One additional point raised by the Ld. CPO is that applicant has deliberately uploaded blank page along with application form as if it was typing certificate. Ld. Advocate for the applicant admitted that it was blank page and also on instructions from the applicant admitted that he uploaded blank page because he thought that if such extra page is uploaded the computer will accept his application. He wanted his application to be accepted. We will not call this act of the applicant as fraud. It was not a doctored or forged document. We call it a 'clever trick' played by the applicant to process the application. Strictly he should not have done so. However, as all omissions cannot be construed as offence similarly all commission of act cannot be treated as commission of offence. The entire system is computerized and there was no specific command to the computer not to accept the blank page and therefore we allow this OA and his candidature to be considered as qualified for further process of selection, interview etc. In between the applicant has cleared typing examination and is having typing certificate, may be after the scheduled date, which is in fact not applicable to the Orphans.</p> <p>6. This order is passed in persona.</p> <p>7. Hence, we allow the OA and direct that said typing certificate of the applicant is to be accepted, if found true. We direct that case of the applicant is to be considered for appointment and necessary steps be taken by the respondents. No orders as to costs.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) Member (A) 24.1.2023 (sgj)</p> <p>(Mridula Bhatkar, J.) Chairperson 24.1.2023</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.1063 of 2021</p> <p>B. V. ChouguleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, one date is given for hearing.</p> <p>3. S.O. to 20.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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 : 27.01.2023</p> <p align="center">O.A.No.331 of 2022</p> <p>V. G. GawaiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, one date is given for hearing.</p> <p>3. S.O. to 20.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.510 of 2021</p> <p>S. J. PendharkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P. V. Bodke Patil, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant sought permission to file Additional Affidavit to place on record certain documents. 3. Allowed to file the same. It is taken on record. 4. The matter is adjourned for hearing with liberty to file Rejoinder, if necessary. 5. S.O. to 10.02.2023. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.350 of 2022</p> <p>Dr. R. H. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, one opportunity of hearing is given to Applicant and his Counsel to remain present else the matter will be dismissed in default on next date.</p> <p>3. S.O. to 08.02.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.1016 of 2018</p> <p>C. S. AtkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. Today, the matter is for filing reply to the amendment made in O.A. by the Applicant. However, no reply is filed.</p> <p>3. In view of above, O.A. be kept for final hearing.</p> <p>4. S.O. to 07.02.2023.</p> <p align="right">Sd/-</p> <p align="right">v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.786, 787 & 788 of 2022</p> <p>T. D. Pednekar K.D. Garud A. K. PatilApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. R. Gawas, learned Counsel for the Applicants and Smt. Kranti Gaikwad., learned Presenting Officer for the Respondents.</p> <p>2. Enough time is availed by learned P.O. but no reply is filed. Hence, I am not inclined to grant more time since the matter pertains to pensionary benefits.</p> <p>3. All these Original Applications be kept for hearing without reply.</p> <p>4. S.O. to 15.02.2023.</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.

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Original Application 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 : 27.01.2023</p> <p align="center">M. A. No.397 of 2022 in O.A.No.189 of 2022</p> <p>Dr. V. S. AbnaveApplicant</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. Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that enough time has granted for filing reply but the same is not filed. Hence, I am not inclined to grant further time.</p> <p>3. M.A. and O.A. be kept for hearing together without Affidavit in Reply.</p> <p>4. S.O. to 24.02.2023.</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.

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Original Application 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 : 27.01.2023</p> <p align="center">M. A. No.550 of 2019 in O.A.No.989 of 2019</p> <p>D. L. NavghaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Savita Suryavanshi holding for Shri V.V. Joshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply in M.A. It is taken on record.</p> <p>3. M.A. be kept for hearing.</p> <p>4. S.O. to 21.02.2023.</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.

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Original Application 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
vsm	<p>Date : 27.01.2023</p> <p style="text-align: center;">R. A. No.28 of 2022 in O.A.No.616 of 2022</p> <p>P. P. Pimparkhede ...Applicant</p> <p>Versus</p> <p>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. On request of learned P.O., two weeks time is granted for reply by way of last chance. 3. S.O. to 10.02.2023. <p style="text-align: right; margin-right: 100px;">^ Sd/-</p> <p style="text-align: right; margin-right: 100px;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application 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 : 27.01.2023</p> <p align="center">O.A.No.479 of 2020</p> <p>K. P. SalunkheApplicant</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. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. In view of leave note of Smt. Punam Mahajan, learned Counsel for the Applicant, the matter is adjourned for hearing as a last chance.</p> <p>3. S.O. to 06.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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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 : 27.01.2023</p> <p>O.A.No.102 of 2023</p> <p>Dr. P.R. DharmadhikariApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. B. Gaikwad, learned Counsel for the Applicant and Smt. Kranti Gaikwad., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the transfer order dated 10.08.2020 quite belatedly by filing this O.A. on 24.01.2023. Thus, the transfer order is not challenged within one year as required in law.</p> <p>3. The Office has already raised objection for not filing M.A. for condonatin of delay but the objection is not complied.</p> <p>4. One week time is granted to comply the office objection and to file the M.A. for condonation of delay.</p> <p>5. If the M.A. is not filed within two weeks from today, the O.A. will stand dismissed without reference to the Tribunal. If the M.A. is filed within stipulated period, the matter be listed before the Tribunal.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p>O.A.No.1314 of 2022</p> <p>P. Chinpayan & Anrs.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Anjali Kolapkar holding for Shri A. S. Gaikwad, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The Applicant has challenged communication dated 18.10.2022 whereby his claim for appointment in terms of Lad & Page Committee recommendations has been rejected. 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 24.02.2023. 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 24.02.2023 <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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 : 27.01.2023</p> <p align="center">O.A.No.1294 of 2022</p> <p>S. B. VadarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., three days' time is granted for filing reply.</p> <p>3. S.O. to 31.01.2023.</p> <p align="right">^ Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.1279 of 2022</p> <p>K. T. GhorpadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 09.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 27.01.2023</p> <p align="center">O.A.No.1201 of 2022</p> <p>M. S. SonawaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. S. Shinde, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.6 only. It is taken on record.</p> <p>3. No separate reply is filed on behalf of remaining Respondents.</p> <p>4. S.O. to 20.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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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 : 27.01.2023</p> <p style="text-align: center;">O.A.No.1247 of 2022</p> <p>S. R. Shaikh ...Applicant</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 Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted for filing reply.</p> <p>3. S.O.to 03.02.2023.</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.

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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 : 27.01.2023</p> <p style="text-align: right;">O.A.No.1269 of 2022</p> <p>R. P. ManeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, 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., one weeks time is granted for filing reply.</p> <p>3. S.O. to 03.02.2023.</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.

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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 : 27.01.2023</p> <p align="center">O.A.No.1181 of 2022</p> <p>D. B. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. A. Kashid, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. On request of learned P.O., two weeks time is granted to file reply on behalf of Respondent Nos.1 & 2 as a last chance. 3. Respondent No.3 is served but absent. 4. S.O. to 10.02.2023. <p align="right">Sd/-</p> <p align="right">..</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p align="center">O.A.No.1174 of 2022</p> <p>A.Y. JagtapApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. Gaikwad, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of Respondent No.3. It is taken on record. No separate reply is filed for remaining Respondents.</p> <p>3. The O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 17.02.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p align="center">O.A.Nos.1153, 1239 & 1289 of 2022</p> <p>Dr. J. V. Dixit & Ors. Dr. N. R. Sabu S. S. SavrikarApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar & Shri M. R. Kulkarni, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Smt. Punam Mahajan, learned Counsel for Applicants (O.A.1153/2022) has sent leave note.</p> <p>3. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>4. In all these Original Applications, interim relief to continue till filing of reply.</p> <p>5. S.O. to 10.02.2023. Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p style="text-align: center;">O.A.No.1100 of 2022</p> <p>D. L. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, 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., one week time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 03.02.2023.</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

Date : 27.01.2023

O.A.No.105 of 2023 with O.A.No.106 of 2023

D. S. Chavan & Ors.

S. P. Pulate & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. The Applicants are serving on the establishment of C.P. Mumbai and seeking inter district transfer on the establishment of ^{S.P.}Osmanabad and Yavatmal respectively.

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 24.02.2023.

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 Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.

9. S.O. to 24.02.2023.

Sd/-

(A.P. Kurhekar)
Member(J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.01.2023</p> <p style="text-align: center;">M. A. No.58 of 2023 in O.A.No.105 of 2023</p> <p>D. S. Chavan & Ors. ...Applicants</p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M. A. No.58 /2023 is allowed. No order as to costs. <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">(A.P. Kurhekar) Member(J)</p> <p style="margin-left: 20px;">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 : 27.01.2023</p> <p style="text-align: center;">M.A. No.59 of 2023 in O.A.No.106 of 2023</p> <p>S. P. Pulate & Ors.Applicant</p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M. A. No.59/2023 is allowed. No order as to costs. <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">(A.P. Kurhekar) Member(J)</p> <p style="text-align: right; margin-right: 100px;">vsm</p>

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.117 of 2023

Shri Dhammajyoti Gajbhiye)...Applicant

Versus

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

Shri Vishal Shirke with Aditya Shirke, Counsels for the Applicant

Ms S. P. Manchekar, Chief Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 27.01.2023

ORDER

1. The Applicant who belongs to Indian Postal Services and presently on deputation with the Government of Maharashtra has challenged the order dated 23.01.2023 issued by the Respondent No.1- State Government whereby he is unilaterally relieved by curtailing the deputation of three years and sought stay to the impugned order.
2. Heard Shri Vishal Shirke with Shri Aditya Shirke, learned Counsels for the Applicant, Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents 1 to 3 and Shri Manish Kelkar, learned Counsel for the Respondent No.4.
3. At the very outset, learned C.P.O. has raised objection on the point of jurisdiction of this Tribunal to entertain the present O.A. contending that Applicant belongs to Indian Postal Services and, therefore, the Maharashtra Administrative Tribunal has no jurisdiction to entertain this O.A. and the Central Administrative Tribunal is the only competent forum. She further pointed out that the State Government by order dated 23.01.2023 has already relieved the Applicant, and therefore, the question of stay does not survive.



4. Learned Counsel for the Respondent No.4 has also adopted the same stand taken by the learned C.P.O.

5. Whereas, learned Counsel for the Applicant submits that in terms of order passed by the Central Government on the basis of which the State Government had deputed the Applicant for three years at BARTI but his deputation being arbitrarily curtailed by the State Government, the jurisdiction is with this Tribunal since presently he is at disposal of the State Government and not seeking any relief against the Central Government. He has further pointed out that the period of three years of deputation would expire on 17.09.2023 but without giving any reasons, the Applicant is repatriated unilaterally that too leaving him in abeyance. He, therefore, prayed interim relief.

6. Though, the Applicant belongs to Indian Post Services, presently, it is admitted position that he was on deputation for three years at BARTI in pursuance of order passed by the Central Government and State Government. Insofar as the jurisdiction issue is concerned, Section 15(1)(c) of the Administrative Tribunal Act, 1985 *prima-facie* confers the jurisdiction upon this Tribunal which is as under :-

"15(1)(c) : All service matters pertaining to service in connection with the affairs of the State concerning, a person appointed to any service or post referred to in clause (b), being a person whose services have been placed by any such local or other authority or corporation (or society) or other body as is controlled or owned by the State Government, at the disposal of the State Government for such appointment."

7. Thus, the Applicant is presently at disposal of the State Government in view of his deputation. This Tribunal *prima-facie* have jurisdiction to entertain the O.A. It is more so when the Applicant has no grievance against the Central Government so as to go to Central Administrative Tribunal. His grievance is restricted to curtailing of deputation period by the State Government without assigning any reason.

8. Notably by letter dated 07.01.2019, the Government requested Central Government for deputation by the Applicant at BARTI, Pune for minimum three years (extendable up to five years). It is on that basis, the Government of India, Ministry of Communication Department of Post by letter dated 17.09.2020, issued office memorandum for deputation of the Applicant at BARTI with specific mentioned that tenure of deputation

will be for the period of three years (extendable up to 5 years) from the date of assumption of charge of the post until further orders whichever is earlier. In the meantime, the State Government issued appointment order dated 09.09.2020 appointing the Applicant as Director General, BARTI, Pune. Thus, as per the Central Government order, the deputation period was for minimum three years.

9. True, in appointment order of Applicant dated 09.09.2020 issued by the State Government, there is no specific period of deputation but the fact remains that the Central Government deputed the Applicant for minimum three years.

10. Indeed, the G.R. dated 03.08.2021 which relates to deputation of Central Government employees with State Government reveals that the deputation is maximum three years. It is further stated that the review will be taken about deputation of the Central Government employees who are on deputation and have completed five years. As such, *prima-facie*, the Applicant's tenure is for three years and it was to expire on 18.09.2023. However, the Applicant's deputation has been unilaterally curtailed by order dated 23.01.2023 that too without giving any reason. Not a single reason is mentioned in the impugned order as to how and on what ground, his deputation is curtailed. Nothing is brought on record to justify curtailment of deputation. In his place, the State Government has appointed the Respondent No.4 who belongs to IRAS 2000 batch.

11. The learned Counsel for the Applicant in this regard placed reliance on the judgment of the Hon'ble Supreme Court in **(2005) 8 SCC 394 (Union of India through Govt. of Pondicherry & Ors. V/s V. Ramakrishnan & Ors.** In Para No.32, it is held as under.

"Ordinarily, a deputationist has no legal right to continue in the post. A deputationist indisputably has no right to be absorbed in the post to which he is deputed. However, there is no bar thereto as well. It may be true that when deputation does not result in absorption in the service to which an officer is deputed, no recruitment in its true import and significance takes place as he is continued to be a member of the parent service. When the tenure of deputation is specified, despite a deputationist not having an indefeasible right to hold the said post, ordinarily the term of deputation should not be curtailed except on such just grounds as, for example, unsuitability or unsatisfactory performance. But, even where the tenure is not specified, an order of reversion can be questioned when the same is mala fide. An action taken in a post haste manner also indicates malice.

W.A.

12. Thus, once there is deputation by the Central Government for three years, it should not have been curtailed in such arbitrary manner that too without giving notice to the Applicant or without mentioning any reasons in the impugned order. This is not a case where the Central Government who is the competent Authority has curtailed the deputation, in that event, the situation would have been different.
13. In view of above, *prima-facie*, the impugned order is in contravention of terms and conditions of the deputation and liable to be stayed.
14. Only because the Applicant is said to be relieved with immediate effect by order dated 23.01.2023, it would not bar the Tribunal from staying the impugned order when the order *prima-facie* suffers from arbitrariness and unsustainable in law.
15. Accordingly, interim relief as prayed in Para No.11(a) is granted.
16. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
17. Issue notice before admission returnable on 24.02.2023.
18. 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.
19. 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.
20. 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.

21. 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~~ Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / ~~Miscellaneous~~ Application shall stand dismissed.

22. S.O. to 24.02.2023

Sd/-

(A. P. KURHEKAR)
MEMBER (J)

