

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.09.2019.

M. A. No.527 of 2019 in O.A.No.91 ' of 2019

Shri P. R. Singarwad Applicant

Versus

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

1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant (Resp.2 in O.A.912/2019), Shri B. A. Bandiwadkar, learned Counsel for the Applicant in O.A.912/2019 and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents and

2. This M.A. is filed by Shri Lonkar, learned Counsel for the Respondent No.2 in O.A.No.912/2019 in which this Tribunal has granted interim relief on 17.09.2019.

3. Learned Counsel for the Applicant submits that the Applicant was already relived and his client had resumed the post but the Tribunal has granted interim relief to the transfer order, and therefore, requested to vacate interim relief.

4. Instead of taking hearing on M.A., it would be appropriate to decide the O.A. expeditiously on merit, as the point involved is very short.

5. In view of above, the matter is preponed to 04.10.2019 for filing reply of the Respondents in O.A.

6. S.O. to 04.10.2019.

^
Sd/-

(A.P. Kurhekar)
Member(J)

(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 : 27.09.2019.
	<p style="text-align: center;">O.A.No.349 of 2019</p> <p>A. R. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard the Applicant in person and Shri A. J, Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired on 30.06.2015. His next increment was due on 01.07.2015. As he stands retired on 30.06.2015, his pension was fixed on the basis of last drawn pay existing on 30.06.2015 without giving benefit of increment due on 01.07.2015. The Applicant has placed reliance on the judgment on Hon'ble Madras High Court in <i>W.P. Na.15732/2017 (P. Ayyamperumal V/s The Registrar, Central Admn. Tribunal, Chennai & 3 Ors.)</i> where in similar situation the Hon'ble High Court granted benefit of increment which was due on 01.07.2013 though the employee had retired on 30.06.2013, Hon'ble Madras High Court held that having completed one year service, the employee was entitled to the increment falls on the next date of his retirement. In view of this, Union of India filed SLP before the Hon'ble Supreme Court which was dismissed and thereafter Review Petition has also been dismissed by the Hon'ble High Court.</p> <p>3. However, learned P.O. seeks two weeks time to take instructions from the Respondents so that if necessary, policy decision can be taken to find out whether the benefit of increment falling on next day of retirement of the employee can be extended to government servant.</p>

4. The Tribunal hope that the Government may come with some policy decision by passing appropriate order on representation made by the Applicant on 01.11.2018.
5. In view of above, O.A. can be disposed of with directions to the Respondent No.1 to decide the representation made by the Applicant on 01.11.2018 within two months from today and the decision thereon, shall be communicated to the Applicant within two weeks thereafter.
6. If the Applicant felt aggrieved by the decision, he may avail legal recourse of law.
7. Copy of the order be forwarded to Additional Chief Secretary, Home Department, Mantralaya along with the representation made by the Applicant dated 01.11.2018 for appropriate action.
8. Original Application is accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.09.2019.

O.A.No.905 of 2017

Dr. Dhason SimonApplicant

Versus

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

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.
2. Today, learned P.O. has filed Affidavit in Sur-Rejoinder on behalf of the Respondent Nos.1, 2 and 5. It is taken on record.
3. S.O. to 18.10.2019.

Sd/-

(A.P. Kurhekar)
Member(I)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="738 437 933 466">Date : 27.09.2019.</p> <p data-bbox="950 488 1161 517">O.A.No.877 of 2019</p> <p data-bbox="738 539 1274 568">Shri S. P. DhavanApplicant</p> <p data-bbox="738 599 812 628">Versus</p> <p data-bbox="738 659 1291 687">The State of Maharashtra & Ors. ...Respondents.</p> <p data-bbox="738 718 1372 836">1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p data-bbox="738 858 1372 1101">2. In the present O.A., the challenge is to the suspension order dated 29.09.2018 on the ground that the Applicant is subjected to prolong suspension without taking any steps to take review of the suspension in terms of judgment of the Hon'ble Supreme Court as well as in terms of G.R. dated 14.10.2011.</p> <p data-bbox="738 1123 1372 1322">3. Learned P.O. tendered a letter received by the Respondent i.e. Deputy Director of Land Record, Konkan Region where it is stated that the matter is being placed before the Review Committee and the decision will be taken soon. The letter is taken on record and marked as letter 'X'.</p> <p data-bbox="738 1344 1372 1543">4. In view of above, Original Application is disposed of with directions to Respondent No.1 to place the matter before the Review Committee and to pass appropriate order within a month and the decision as the case may be, shall be communicated to the Applicant within two weeks thereafter.</p> <p data-bbox="738 1566 1372 1632">5. If the Applicant felt aggrieved by the decision, he may avail further legal recourse of law.</p> <p data-bbox="738 1654 1047 1683">6. No order as to costs.</p> <p data-bbox="1112 1714 1177 1749">Sd/-</p> <p data-bbox="1063 1780 1226 1838">(A.P. Kurhekar) Member(J)</p> <p data-bbox="738 1847 787 1875">vsm</p>

Office Notes, Office Memoranda of Caram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.09.2019.</p> <p style="text-align: center;">O.A.No.604 of 2019</p> <p>A. C. GheradeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. The present O.A. is filed being aggrieved by the transfer order dated 31.05.2019 thereby the Applicant was posted at Village Girvi, Tal. Malshiraj, Dist. Solapur instead of giving choice posting in terms of Government Policy dated 09.04.2018. In Rejoinder filed today, it is pointed out that by learned Counsel that Malshiraj, Lavang, Sangam & Whelapur were the choices given by the Applicant and the recommendation was also made for posting at Lavang which was later changed. She further submits that at present also posting at Lavang is vacant. The Applicant has already made representation to the Collector on 24.06.2019 for posting at Lavang on family difficulties. It was also recommended by the Tahsildar, Malshiraj. Thus, <i>prima-facie</i> he appears entitle for choice posting at Lavang subject to fulfillment of other requirements.</p> <p>4. In view of above, learned P.O. is directed to take instructions from the Respondent No.2 about the representation made by the Applicant on 24.06.2019 and if the same is not decided, appropriate order be passed within two weeks.</p> <p>5. The matter is adjourned for hearing on 11.10.2019.</p> <p>6. Hamdast and steno copy is granted.</p> <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. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.09.2019.</p> <p>O.A.No.195 of 2019</p> <p>Vivek G. VichareApplicant</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 Sjri A. J. Chougule, learned Presenting Officer for the Respondent Nos 1 & 2 and Shri K. R. Jagdale, learned Counsel for the Respondent No.3.</p> <p>2. Shri M. D. Lonkar, learned Counsel for the Applicant submitted that during the pendency of this O.A., the Government has passed the order dated 29.07.2019 whereby the Applicant is posted at Thane, and therefore, he does not want to continue with the present O.A. and prayed to disposed of the same.</p> <p>3. In view of above, grievance of the Applicant seems to have been redressed, Original Application is, therefore, disposed of with no order as to costs.</p> <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.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.09.2019.</p> <p>O.A.No.587 of 2019</p> <p>Smt. G. N. GaradApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan , learned Counsel for the Applicant and Smt. Kranti Galkwad, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the challenge is to the suspension order dated 17.06.2019.</p> <p>3. However, today learned Counsel for the Applicant has tendered a letter of the Applicant stating that suspension order has been revoked by the Government by order dated 20.09.2019, and therefore, requested to withdraw the O.A. The said letter is taken on record and marked as letter 'X'.</p> <p>4. As the suspension order is already revoked, Original Application has become infructuous.</p> <p>5. Original Application is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

Date : 27.09.2019.

O.A.No.633 of 2019

Dr. A. B. MarakwarApplicant

Versus

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

1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondent No.1 and Respondent No.2 is present in person.
2. Today, learned P.O. has filed reply on behalf of the Respondent No.1.- It is taken on record.
4. The matter is adjourned for hearing at the stage of admission.
5. S.O. to 01.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others -
..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.09.2019.

O.A.No. 627 of 2017

S. B. Kare & Ors.Applicant

Versus

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

1. Heard Dr. Gunratan Sadavarte, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today, learned P.O. has filed reply. It is taken on record.

3. On the request of learned Counsel, two weeks time is granted for filing rejoinder.

4. S.O. to 17.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

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

Tribunal's orders

Date : 27.09.2019.

O.A.No.636 of 2019

Dr. A. D. Sarode

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant has challenged the transfer order dated 04.07.2019 and the Tribunal has granted interim relief.
3. However, today learned Counsel for the Applicant submits that Applicant is present in the court and he is ready to join at the place of transfer as Live Stock Development Officer, Shahapur, Dist. Thane and does not want to continue with O.A.
4. Learned P.O. on instructions from Dr. Smita Jinturkar, Sr. Administrative Officer in charge from the office of Respondent No.1 submits that the Applicant will be allowed to join at Shahapur on Monday.
5. In view of above, the Applicant is directed to join at Shahapur on 30.09.2019.
6. For the aforesaid reasons, Original Application has become infructuous and is disposed of accordingly.
7. No order as to costs.

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Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 27.09.2019.
	<p>O.A.No.649 of 2019 with M.A. No.46 of 2019</p> <p>Dr. S. M. GawliApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondent.</p> <p>1. None for the Applicant. Heard Shri A. J. Chougule, learned Presenting Officer for the Respondent No.1. Respondent No.2 is absent.</p> <p>2. Leave note of learned Counsel for the Applicant is on record.</p> <p>3. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record.</p> <p>4. The matter is adjourned for hearing at the stage of admission.</p> <p>5. S.O. to 01.10.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.09.2019.</p> <p style="text-align: center;">O.A.No.184 of 2019</p> <p>S. A. SatamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1 and 2 and Shri M. D. Lonkar, learned Counsel for the Respondent No.3.2. The Tribunal by interim order dated 05.03.2019 directed the Respondent No.1 and 2 to repost the Applicant as Joint District Registrar, Class-I at Alibag, Dist. Raigad within two weeks from the date of order.3. Accordingly, the Government had issued the order on 30.03.2019 by reposting the Applicant as Joint District Registrar, Class-I, Alibad, Dist. Raigad. Today, learned P.O. has tendered the copy of order dated 30.03.2019. It is taken on record and marked as 'X' for identification.4. Though, the order dated 30.03.2019 has been issued by the Government in terms of interim order passed by this Tribunal, Shri A. J. Chougule, learned P.O. submits that it is final order. The Applicant is posted at Raigad and it be treated as final order. Learned P.O. therefore, submits that O.A. be disposed of in view of order dated 30.03.2019.5. Thus, the grievance of the Applicant stands redressed in terms of order dated 30.03.2019 passed by the Government.6. In view of above, Original Application is disposed of with no order as to costs. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">N^o</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(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 : 27.09.2019.</p> <p>O.A.No.881 of 2019</p> <p>Dr. A. K. ParandwalApplicant</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 Ms N. G. Gohad holding for Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed the present D.A. being aggrieved in terms of transfer order dated 04.07.2019 whereby in his place the Respondent No.3 is transferred without making any further order of posting of the Applicant.</p> <p>3. Respondent No.3 accordingly joined in the place of Applicant at Village Takave, Tal. Maval, Dist. Pune but the Applicant is left without posting for more than two months.</p> <p>4. On 05.09.2019 having noticed the above aspect, the Tribunal has passed specific order directing the Respondents to consider the representation of the Applicant dated 26.08.2019 and shall pass appropriate order of his positing so that he is not left without posting. However, nothing is done till date.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Today also learned P.O. is not in a position to tell anything expect stating that she needs to take instructions.</p> <p>6. It is really appalling to note that the government servant is left without posting for more than two months. In fact, while passing the transfer order dated 04.07.2019, the Respondents ought to have passed further consequent transfer order of the Applicant but the Respondent No.1 seems to be in habit of issuing incomplete order whereby some of the government servants who are displaced are left without posting, which cause loss to public exchequer.</p> <p>7. Respondent No.1 is, therefore, directed to pass appropriate order about posting of the Applicant within a week and submit the compliance on 04.10.2019.</p> <p>8. Learned P.O. is directed to communicate the order to Principal Secretary, Agriculture, Animal Husbandry, Dairy Development & Fisheries Dept. Mumbai for necessary compliance.</p> <p>9. Hamdast and steno copy is granted.</p> <p>10. S.O. to 04.10.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

Date : 27.09.2019.

O.A.Nos. 946, 947 and 948 of 2019

S. F. Alkunte

S.S.Kalshetti

S.A.Kandalgaonkar

....Applicants

Versus

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

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. In the present Original Applicants, the challenge is to the suspension order dated 25.04.2017. The Applicants were suspended in contemplation of D.E.
3. The period of more than two years is over, and therefore, it is necessary to know the status of D.E.
4. Thus, ex-facie, the Applicants are subjected to prolong suspension of more than two years, and therefore, the matters need to be expedited.
5. Issue notice before admission returnable on 04.10.2019 with direction to the Respondent No.2 to depute officials from his office to remain present in the Tribunal with concerned file of D.E. and to explain why D.E. is not concluded till date.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. S.O. to 04.10.2019.

12. Hamdast and steno copy is granted.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>O.A. No.218 of 2019</u></p>
	<p>B.W. Rikame & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p>
	<p>Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p>
	<p>2. The applicants are working in the establishment of Respondent - Collector, District Nashik. The applicants have made the following prayers:</p>
	<p><i>"15(a) This Hon'ble Tribunal be pleased to pass an order directing the respondent to consider the cases of the petitioners for grant of Time Bound Promotion/Assured Career Progression Scheme on completion of 12/24 years of service taking into consideration their temporary service upto 1.7.2004 in terms of GR dated 7.10.2016 issued by the Finance Department and if the petitioners fulfill eligibility the said benefits be extended along with all consequential monetary benefits including arrears of pay and allowances as per rules."</i></p>
	<p>3. The respondent has filed affidavit and mentioned as under:</p>
	<p><i>"10. This respondent has sought guidance from the State Government vide Exhibit R-1 as to the issues of the applicants and after receipt of guidance as aforesaid this respondent will act accordingly on priority."</i></p>
	<p>4. In view of the above the respondent is directed to clarify the period in which the matter is going to be considered and decided.</p>
	<p>5. S.O. to 18.10.2019. Steno copy granted.</p>
	<p>Sd/- (P.N. Dixit) Vice-Chairman (A) 27.9.2019</p>
	<p>(sgl)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>O.A. No.219 of 2019</u></p>
	<p>A.G. Gavit ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p>
	<p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p>
	<p>2. The applicants are working in the establishment of Respondent - Collector, District Nashik. The applicants have made the following prayers:</p>
	<p><i>"15(a) This Hon'ble Tribunal be pleased to pass an order directing the respondent to consider the cases of the petitioner for grant of Time Bound Promotion/Assured Career Progression Scheme on completion of 12/24 years of service taking into consideration their temporary service upto 20.11.2006 in terms of GR dated 7.10.2016 issued by the Finance Department and if the petitioner fulfills eligibility, the said benefits be directed to be extended, along with all consequential monetary benefits including arrears of pay and allowances as per rules."</i></p>
	<p>3. The respondent has filed affidavit and mentioned as under:</p>
	<p><i>"10. This respondent has sought guidance from the State Government vide Exhibit R-1 as to the issues of the applicants and after receipt of guidance as aforesaid this respondent will act accordingly on priority."</i></p>
	<p>4. In view of the above the respondent is directed to clarify the period in which the matter is going to be considered and decided.</p>
	<p>5. S.O. to 18.10.2019. Steno copy granted.</p>
	<p>Sd/- (P.N. Dixit) Vice-Chairman (A) 27.9.2019</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><u>27.09.2019</u></p> <p><u>O.A 27/2019</u></p> <p>Shri D.R Nalwad ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned advocate for the applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Adjourned to 4.10.2019. No further extension will be granted.</p> <p>Sd/- (P.N.Dixit) Vice-Chairman (A)</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>27.09.2019</u></p> <p><u>O.A 1013/2017</u></p> <p>Shri P.S Gaikwad ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Adjourned to 4.10.2019. No further extension will be granted.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Attn</p>

(Advocate

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	<p style="text-align: center;">O.A. No. 405 of 2019 Tribunal's orders</p> <p>Dr. R.S. Paravde ..Applicant Vs. ..Respondents The State of Maharashtra & Ors.</p>
	<p>Heard Shri B.A. Bandiwadekar, Ld. Advocate for the Applicant and Smt. Archana B.K., Ld. PO for the Respondents.</p> <p>2. Applicant is working as Medical Officer under Department of Health Services (DHS). However, she was deputed to work in St. Georges Hospital and presently working in Cama & Albeless Hospital, Mumbai. She has made following prayers:</p> <p>"9(a) By a suitable order/direction, this Hon'ble Tribunal may be pleased to direct the respondents to carry out up-to-date entries in the service book of the petitioner, so also to release yearly increments from the year 2003 till date, grade pay of class I from 2011 till date, so also the benefits of the 6th Pay and 7th Pay Commission recommendations, medical leave, earned leave, so also additional six increments for acquiring Post-graduate qualification and to regularise the service after completion of the probation period etc together with the interest @ 12% p.a. till the realization for delayed payment with all the consequential service benefits.</p> <p>(b) By a suitable order/direction, this Hon'ble Tribunal may be pleased to direct the respondents to forward the proposal to sanction the leave for the period 1.7.2006 to 28.6.2007 with recommendation to sanction the leave to the Director, Health Services with medical certificate and other necessary documents.</p> <p>(c) By a suitable order/direction, the Hon'ble Tribunal may be pleased to direct the respondents to issue No Dues certificate so as to release the benefits to the petitioner.</p> <p>(d) By a suitable order/direction, the Hon'ble Tribunal may be pleased to direct the respondents to release the arrears from 2002 till date.</p> <p style="text-align: right;">Sd/-</p>

(e) By a suitable order/direction, this Hon'ble Tribunal may be pleased to direct the respondents to release the payment of December, 2010.

(f) By a suitable order/direction, this Hon'ble Tribunal may be pleased to direct the respondents to issue duplicate service book to the petitioner.

(g) By a suitable order/direction, this Hon'ble Tribunal may be pleased to award the appropriate cost of this appeal and damages for mental harassment.

(h) By a suitable order/direction, this Hon'ble Tribunal may be pleased to grant any other relief/order which may deem fit and proper in the circumstances of the case."

3. Today during hearing, applicant submits that the period of her leave in 2006-07 when she was working in St. Georges Hospital has not yet been decided and when she was working in Cama & Albeless Hospital in 2011 she had applied for four months leave and decision regarding the same is also yet not received.

4. Dr. Amita Joshi, Superintendent, Cama & Albeless Hospital, is present during hearing today. She submits that the correspondence done with DHS in respect of her leave during 2006-07 & 2011 would be made available to her along with relevant enclosures and the replies received from DHS within a period of seven days. As far as prayer made by the applicant to the DHS, it is noticed that DHS is not made party to this OA. The applicant is permitted to make fresh OA on issues pertaining to DHS in separate manner.

5. Superintendent, Cama & Albeless Hospital is directed to furnish to the applicant copies of correspondence done with DHS in respect of applicant's leave during 2006-07 & 2011 along with relevant enclosures and the replies received from DHS within a period of seven days. In case any additional information is required by the DHS the same may also be provided expeditiously by the Superintendent, Cama & Albeless Hospital. With these directions OA is disposed off. No order as to costs.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
27.9.2019

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.09.2019.</p> <p>O.A.No.267 of 2019</p> <p>A. A. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. The Applicant and his Counsel are absent. Heard Shri A. J. Chougule holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.2. Today, learned P.O. has filed reply on behalf of the Respondent No.2. It is taken on record. Reply of Respondent No.3 is already on record.3. The matter is adjourned for hearing at the stage of admission.4. S.O. to 16.10.2019. <p>Sd/- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 26.09.2019.</p> <p>M. A. No.524 of 2019 in R. A. No.11 of 2019 in O.A.No.319 of 2016</p> <p>N. D. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. M.A.No.524/2019 is filed to restore R.A.No.11/2019 which was dismissed in default for non compliance of the condition order as the Affidavit of Service was not filed.</p> <p>3. Learned Counsel for the Applicant, today filed the Affidavit of Service and requested to restore the R.A.</p> <p>4. In view of above, M.A.No.524 of 2019 is allowed and R.A.No.11/2019 in O.A.No.319/2016 is restored to file.</p> <p>5. M.A.No.524/2019 is accordingly disposed of.</p> <p>6. R.A.No.11/2019 along with O.A.No.319/2016 be taken on board on 14.10.2019 for filing reply.</p> <p style="text-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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 27.09.2019.</p> <p>O.A.No.863 of 2018</p> <p>A. JethwaniApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. Sadashivan, learned Counsel for the Applicant and Ms N. G. Gohad holding for Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit in Sur-Rejoinder on behalf of the Respondent No.3. It is taken on record.</p> <p>3. The matter is adjourned with O.A.No.918 of 2018.</p> <p>4. S.O. to 11.10.2019.</p> <p style="text-align: right;">A Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.1210 of 2016
	<p>S.C. Desai ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant mentions that she is not prepared and she is ready to argue the matter on 4.10.2019.</p> <p>3. Matter had come up on earlier occasions when she was not available. Accordingly the matter is fixed on 4.10.2019. There shall be no further extension thereafter.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 27.9.2019</p> <p>(sgj)</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 <u>Q.A. No.589 of 2017</u>
	<p>V.Y. Khandebharad ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant mentions that she is not prepared and she is ready to argue the matter on 4.10.2019.</p> <p>3. Matter had come up on earlier occasions when she was not available. Accordingly the matter is fixed on 4.10.2019. There shall be no further extension thereafter.</p> <p style="text-align: right;">Sd/- 7 (P.N. Dixit) Vice-Chairman (A) 27.9.2019</p> <p>(sgj)</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 O.A. No.935 of 2017
	<p>S.R. Koli ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant mentions that she is not prepared and she is ready to argue the matter on 4.10.2019.</p> <p>3. Matter had come up on earlier occasions when she was not available. Accordingly the matter is fixed on 4.10.2019. There shall be no further extension thereafter.</p> <p style="text-align: right;">Sd/- (P.N! Dixit) Vice-Chairman (A) 27.9.2019</p> <p>(sgj)</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 <u>O.A. No.136 of 2017</u>
	<p>C.D. Panem & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants mentions that she is not prepared and she is ready to argue the matter on 4.10.2019.</p> <p>3. Matter had come up on earlier occasions when she was not available. Accordingly the matter is fixed on 4.10.2019. There shall be no further extension thereafter.</p> <p style="text-align: right;">Sd/- (P.N: Dixit) Vice-Chairman (A) 27.9.2019</p> <p>(sgj)</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 O.A. No.898 of 2019
	<p>M.B. Arade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Rahul Khot, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file reply.</p> <p>3. At her request adjourned to 11.11.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 27.9.2019</p> <p>(sgl)</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
O.A. No.909 of 2019

S.U. Wakade ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Anil Jaiswar, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Applicant working in the establishment of respondent no.3 states that he has been called upon to explain why action should not be taken against him for misbehavior for stopping 4-5 motor cycle riders without any authority. The applicant has replied to the same (page 21 of OA).

3. Ld. CPO on instructions from Shri Gopal Ramesh Fuke, Junior Clerk, Office of Commissioner of Police. Thane submits that Preliminary Enquiry is completed and further action has not been initiated against him.

4. Respondents no.3 & 4 are directed that in case they propose to take any action against the applicant the same should be done after following prescribed procedure in the manual as well as relevant provisions of the Act. With these directions OA is disposed off.

5. Steno copy is granted.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
27.9.2019

(sgj)

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.702 of 2016</u></p> <p>A.R. Naik ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Sandeep S. Dere, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2 Applicant has made following prayers:</p> <p><i>"10(b) This Hon'ble Tribunal may be pleased to direct the respondent to reconfirm the pay of applicant with effect from 11.2.2007 and further respondent may be directed to release all pay increments from 2007 till date with arrears of pay to the applicant with interest thereon."</i></p> <p>3 Applicant submits that calculations made in respect of fixation of pay after he was reinstated on 23.11.2007 at the behest of respondent no.4 (page 23 of OA) has not been done appropriately.</p> <p>4 During hearing Ld. PO on instructions from Shri Rajendra A. Jeth, Sr. Clerk, LA-I, Naigaum produced copy of the office order dated 25.7.2019 wherein the pay fixation has been done. The same is taken on record and marked 'X' for identification. Ld. Advocate for the applicant submits that even after the order dated 25.7.2019 it needs to be corrected as far as period between 14.12.2003 and 26.11.2007.</p> <p>5 The respondents are directed to examine his claims as available in OA including order dated 13.5.2010 issued by respondent no.1 available at page 67-68 and office order issued by Dy. Commissioner, Armed Police, Naigaum on 23.11.2007 page 64. These should be taken into account. Respondent no.4 is directed to consider his prayer and take action as per merit within a period of two months. OA disposed off accordingly. No order as to costs.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 27.9.2019</p> <p>(sgj)</p>