

**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">Date: 28.02.2022</p> <p align="center">O.A. No.260 of 2021</p> <p>M.M. MahaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. the Applicant has challenged suspension order dated 27.03.2021 whereby he was suspended by Respondent – Conservator of Forest and Director, Sanjay Gandhi National Park, Borivali, Mumbai in contemplation of Departmental Enquiry (D.E.) invoking Rule 4 of M.C.S. (Discipline and Appeal) Rules, 1979.</p> <p>3. The perusal of suspension order reveals that the Applicant was suspended in view of report of internal committee in respect of alleged misconduct of the Applicant. Later, regular D.E. was initiated by issuance of charge-sheet under the Rule 8 of M.C.S. (Discipline and Appeal) Rules, 1979. Shri Patil, Enquiry Officer conducted D.E. and submitted report on 22.12.2021 thereby giving clean chit to the Applicant. The charges leveled against the Applicant held not proved. Respondent who is Disciplinary Authority accepted the report and closed D.E. thereby exonerating the Applicant by order dated 06.01.2022. As such, alleged misconduct which was the reason for suspension held not proved.</p> <p>4. In the mean time the Applicant was reinstated in service and was given posting as Forester, Social Forestry, Mahad, District: Raigad. At the time of suspension he was serving as Forester, Malad Forest, Tulsi Range, Sanjay Gandhi National Park, Borivali, Mumbai.</p> <p>5. As such, in view of this subsequent development of exonerating the Applicant from the charges of misconduct which was ground for suspension, and in view of reinstatement in service challenge to his suspension order does not survives. [P.T.O.]</p>

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6. Shri A.V. Bandiwadekar, learned Advocate for the Applicant however raised grievance that since suspension was not justified, in view of clean shit to the Applicant he is entitled to pay and allowances for the period of suspension and reinstatement were the Applicant was posted at the time of suspension.

7. Whereas, Shri A.J. Chougule, learned P.O. submits that it is for the Disciplinary Authority to pass appropriate order in terms of Rule 72 of M.C.S. (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1981 and O.A. has become infructuous.

8. Rule 72 of Rules, 1981 provides the procedure to be followed and order required to be passed where a Government servant is reinstated in service. As per Rule 72 (3) of Rules, 1981 where the authority competent to order reinstatement is of the opinion that the suspension is wholly unjustified, the Government servant shall, subject to the provision of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended. Whereas, as per Rule 72 (4) in a case falling under sub-rule (3), of Rules 1981 the period of suspension shall be treated as period spent on duty for all purposes. In other words where the suspension is wholly unjustified the period of suspension will have to be treated as period spent on duty for all purposes. But where the case does not fall under sub-rule (3), competent authority is required to issue notice to a Government servant before passing further orders about payment of pay and allowances of the suspension period.

9. As such, in the present case since Departmental proceedings are already concluded in view of the exoneration of the Applicant from the charges leveled against him, it is for the Respondent to pass orders about the pay and allowances of the suspension period.

10. In view of above, O.A. is disposed of with direction to the Respondent to pass appropriate orders about pay and allowances payable to the Applicant during the period of suspension.

11. Respondent shall pass appropriate orders in this behalf within two weeks from today.

12. No orders to be passed.
Sd/-

(A.P. Kurhekar)
Member (J)

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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">Date: 28.02.2022</p> <p align="center">M.A. No.100 of 2022 in O.A. No.474 of 2020</p> <p>The State of Maharashtra & Ors. (Org. Resps.)....Appl. Versus S.M. Kadam (Org. Appl.).....Resps.</p> <ol style="list-style-type: none"> 1. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents (Org. Applicant) and Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant (Org. Respondents). 2. This M.A. is filed for extension of 3 months time for filing Writ Petition before Hon'ble High Court against the order passed by the Tribunal on 15.11.2021. 3. The Applicant had filed O.A. No.474/2020 for direction to release his some of the retiral benefits with interest. He retired on 30.11.2018. He was not paid full retiral benefits, and therefore approached this Tribunal. There was no legal hurdle to withheld retiral benefits. Taking note of all these aspects, O.A. was disposed by order dated 15.11.2021 giving direction as under:- <p align="center"><u>ORDER</u></p> <p>(A) O.A. is allowed partly with no order as to costs.</p> <p>(B) The Respondents are directed to pay interest on the belated payment of gratuity in respect of period beyond three months from the date of retirement at the rate applicable to GPF.</p> <p>(C) The Respondents are further directed to examine whether Applicant is entitled for enhance gratuity in terms of 7th Pay Commission and shall pay difference to the Applicant if found entitled to the same.</p>

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	<p>(D) The Respondents are further directed to pay leave encashment amount to the Applicant along with interest at the rate applicable to GPF in respect of period beyond three months and it shall be paid accordingly.</p> <p>(E) The Respondents are further directed to calculate interest on provisional pension for belated period i.e. in respect of the period beyond six months at the rate applicable to GPF and it should be paid accordingly.</p> <p>(F) The Respondents are further directed to examine entitlement of the Applicant to special pay for holding the charge of Principal, ITI, Satpur and if found entitled for the same, it shall be paid to him.</p> <p>(G) The Respondents are further directed to take necessary steps for grant of regular pension and it be paid regularly.</p> <p>(H) Three months period is granted for compliance of directions given above.</p> <p>4. Now, learned P.O. filed this M.A. for extension of time to challenge the order passed by the Tribunal before Hon'ble High Court. Indeed, in para. 4 of M.A. it is stated that the learned P.O. has already given legal opinion that this is not a fit case for filing Writ Petition challenging the order passed by the Tribunal. Apart, Respondents would have availed the remedy and should have obtained stay since three months time was granted for compliance.</p> <p>5. Be that as it may, fact remains that the Applicant is deprived of his monetary benefits for more than 3 years and was compelled to approach this Tribunal. I am therefore not inclined to grant further time. The order passed by the Tribunal will have to be implemented in terms of the direction given in the order.</p> <p>6. In view of above, M.A. is dismissed with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

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	<p>Date: 28.02.2022</p> <p align="center">O.A. No.962 of 2014</p> <p>D.B. ChitaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of Respondent No.2 and also filed separate Affidavit-in-SurRejoinder on behalf of Respondent No.1. These are taken on record.</p> <p>3. Adjourned for Final Hearing.</p> <p>4. S.O. to 08.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p>

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	<p>Date: 28.02.2022</p> <p align="center">O.A. No.463 of 2021</p> <p>D.D. SonuneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and 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 Respondent Nos.1 & 2. It is taken on record.</p> <p>3. Adjourned for Final Hearing (Part Heard).</p> <p>4. S.O. to 02.03.2022.</p> <p align="right">Sd/- ▼ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 28.02.2022</p> <p>O.A. No.67 of 2022</p> <p>S.R. KasarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate along with Shri A.S. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 14.03.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>


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	<p>Date: 28.02.2022</p> <p align="center">O.A. No.30 of 2022</p> <p>D.V. WadhelApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos1 & 2. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>4. S.O. to 23.03.2022.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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	<p>Date: 28.02.2022</p> <p>O.A. No.1003 of 2021</p> <p>E.A. PardhiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 14.03.2022.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 28.02.2022</p> <p>O.A. No.182 of 2022</p> <p>A.E. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant (widow of deceased Government Servant) has challenged communication dated 12.11.2020 whereby her request to take name of her son Dnyansagar Patil in waiting list for appointment on compassionate ground is rejected on the ground that there is no provision for substitution of heirs. 3. The perusal of record reveals that after the death of husband, the Applicant Smt. Asha E. Patil (widow) applied for appointment on compassionate ground and her name was taken in the waiting list. However she applied to take name of her son Dnyansagar Patil in waiting list in her place which came to be rejected by impugned order. 4. Thus, it appears that the name of the Applicant Smt. Asha E. Patil is subsisting in waiting list and she applied to take name of her son in waiting list by substituting her name. As such, she has not crossed age of 45 years so as to delete her name. 5. In view of above, the Applicant's son Dnyansagar Patil ought to have been joined as the Applicant No.2. However, he is not joined in the O.A. 6. Learned Advocate for the Applicant sought permission to implead the Applicant's son as the Applicant No.2. He is allowed to implead Dnyansagar Patil as Applicant No.2. Necessary correction be made in O.A. within 3 days. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 28.02.2022</p> <p align="center">O.A.No.520 of 2021</p> <p>S. K. JoshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. In this O.A., the Applicant has challenged her transfer order dated 28.06.2021 and also challenged the transfer and posting of Respondent No.2 in her place. 3. Learned Counsel for the Applicant states that during the pendency of this O.A., the Respondent No.2 has died. 4. Since the Respondent No.2 is no more, it is necessary to find out as to whether somebody else is posted in place of the Respondent No.2 and secondly, if the judicial officer is appointed in place of the Applicant in that situation how the Tribunal can entertain the challenge to transfer and posting of the judicial officer. 5. On request of learned Counsel for the Applicant, time is granted. 6. S.O. to 07.03.2022. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 28.02.2022</p> <p align="center">O.A.No.561 of 2021</p> <p>K. A. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Vandana Bait holding for Shri A. R. Deshpande, learned Counsel for the Applicant and Smt. Archana B. K., 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 matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 24.03.2022.</p> <p align="right">Sd/- _____</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 28.02.2022</p> <p align="right">O.A.No.29 of 2022</p> <p>M. V. SrriraoApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Dere, 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., three days time is granted to file reply.</p> <p>3. S.O. to 04.03.2022.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 28.02.2022</p> <p style="text-align: center;">O.A.No.112 of 2022</p> <p>R. G. GalandeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri Arvind Bandiwadekar, learned Counsel for the Respondent No.2. 2. Shri S. S. Dere, learned Counsel for the Applicant sought two days time to file Affidavit in Rejoinder 3. Time granted till 02.03.2022. 4. Interim relief to continue till next date. 5. Since interim relief is running , O.A. will be heard on next date finally at the stage of admission. 6. S.O. to 02.03.2022. <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>vsm</p>

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<p>vsm</p>	<p>Date : 28.02.2022</p> <p style="text-align: center;">O.A.No.487 of 2021</p> <p>P. N. PatilApplicant</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. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., the matter is adjourned for hearing at the stage of admission since the correct Minutes of Civil Services Board referred in transfer order are not forthcoming.</p> <p>3. Learned P.O. sought time to produce the same.</p> <p>4. S.O. to 02.03.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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vsm	<p>Date : 28.02.2022</p> <p style="text-align: center;">O.A.No.52 of 2022</p> <p>D. S. BandalApplicant</p> <p style="text-align: center;">Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, the matter is for filing affidavit of Additional Chief Secretary, Revenue & Forest Department as directed by the Tribunal in order dated 15.02.2022.</p> <p>3. On request of learned P.O., two days time is granted to file affidavit of Additional Chief Secretary, Revenue & Forest Department, Mantralaya, Mumbai.</p> <p>4. S.O. to 02.03.2022.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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	<p>Date : 28.02.2022</p> <p>O.A.No.109 of 2020</p> <p>A.R. Jagtap & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere & Assoc., learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Adjourned to 14.03.2022. Matter be tagged along with O.A.No.108/2020.</p> <p style="text-align: center;">Sd/- / Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) / Chairperson</p> <p>prk</p>

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	<p>Date : 28.02.2022</p> <p align="center">M.A.No.445 of 2021 in O.A.No.833 of 2021</p> <p>S.S. JoshiApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.T. Bhosale, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. submits that she will file affidavit-in-rejoinder during the course of the day.</p> <p>3. It be taken on record and copy be served upon learned Advocate for the Applicant.</p> <p>4. Adjourned to 14.03.2022.</p> <p align="center"> Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson </p> <p>prk</p>

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	<p>Date : 28.02.2022</p> <p align="center">O.A.No.488 of 2021 with O.A.No.660 of 2021 with O.A.677 of 2021 with O.A.740 of 2021</p> <p>S.C. Pawar & Ors. (O.A.488/2021) S.R. Katkade & Ors. (O.A.660/2021) S.U. Ahire & Ors. (O.A.677/2021) N.L. Dhawal & Ors. (O.A.740/2021)Applicants</p> <p align="center">Vs.</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Mr. S.S. Dere & Asso., learned Advocate for the Applicants and Ms. S.P. Manchekar, Chief Presenting Officer along with Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. submits that affidavit-in-reply is filed in O.A.No.488/2021. However, in O.A.No.660/2021, 677/2021 with 740/2021 affidavit-in-reply is not filed.</p> <p>3. Adjourned to 21.03.2022.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p align="left">prk</p>

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	<p>Date : 28.02.2022.</p> <p align="center">O.A.No.158 of 2021 with O.A.No.223 of 2021</p> <p>M.M. Dawane & Ors. (O.A.158/2021) A.V. Dudhal & Ors. (O.A.223/2021) ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicants in O.A.No.223/2021 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Registry to take note that Dr. Gunratan Sadavarte, learned Advocate has withdrawn from the matter accordingly no name of Mr. Sadavarte is to be shown as learned Advocate for the Applicant in O.A.No.158/2021.</p> <p>3. Today none is present on behalf of the Applicant.</p> <p>4. Adjourned to 30.03.2022 to enable Applicants to find Advocate of their choice.</p> <p align="center">Sd/- (Medha Gadgil) Member(A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.591 of 2021 in O.A. No.1016 of 2021</u></p> <p>S.R. Kasar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Ashish S. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant has filed a Praecipe dated 2.3.2022 for speaking to minutes of the order dated 28.2.2022 passed in the above matter.</p> <p>3. Ld. Advocate for the applicant submits that in para 1 of the order dated 28.2.2022 the appearance is shown erroneously, which reads as under:</p> <p align="center"><i>"1. Heard Shri R.L. Kulkarni, learned Advocate for the applicant and Ms. Swati Manchekar, learned C.P.O. for the Respondents."</i></p> <p>4. It should be corrected as:</p> <p align="center"><i>"1. Heard Shri Ashish S. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents."</i></p> <p>5. The order be corrected accordingly. Speaking to minutes disposed off.</p> <p align="center"> Sd/- Sd/- </p> <p align="center"> (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 2.3.2022 2.3.2022 </p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

IN

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>* Corrections carried out as per order dt. 2.3.2022.</p> <p><i>Sd/-</i> Registrar 3.3.2022 MAT B'bay</p>	<p><u>28.02.2022</u></p> <p><u>M.A 591/2021 in O.A 1016/2021</u></p> <p>Shri S.R Kasar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents * <i>Ashish S. Gaikwad</i></p> <p>1. Heard Shri <u>R.L. Kulkarni</u>, learned advocate for the applicant and <u>Ms Swati Manchekar</u>, learned C.P.O for the Respondents. <i>Smt. K.S. Gaikwad, Ld. P.O.</i></p> <p>2. Learned counsel for the applicant prays that no coercive action should be taken against the applicant. He relies on the observations made by the learned Single in O.A 67/2022, wherein the applicant has challenged the transfer order.</p> <p>3. Learned P.O, on instructions submits that the file for initiation of Departmental Enquiry has been submitted to the Hon'ble Minister and she seeks time to file affidavit in reply.</p> <p>4. The matter has appeared on 23.12.2021 and again on 14.2.2022. Time was sought by the Respondents for filing affidavit in reply for deciding the issue of interim relief. However, affidavit in reply has not yet been filed.</p> <p>5. In O.A 67/2022, learned P.O made submissions before the Learned Single Bench that the process for initiation of D.E under the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 is in pipeline and the charge sheet will be issued soon. Though, more than a month has lapsed, there is no progress in the matter.</p> <p>6. In view of the circumstances, we direct that no coercive action be taken against the applicant till the affidavit in reply is filed by the Respondents</p> <p>7. S.O to 14.3.2022.</p>
	<p><i>Sd/-</i> (Medha Gadgil) Member (A)</p> <p><i>Sd/-</i> (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>28.02.2022</u></p> <p align="center"><u>O.A 37/2022</u></p> <p>Shri M.P Nagare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.L Kulkarni, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O submits that Addl. D.G. (Training) Headquarters, is in charge of the selection process of the Police Force and hence it is necessary to make him Party-Respondent. She further states that the selected candidate Mr Amol Nagare should also be made necessary Party-Respondent.</p> <p>3. Learned counsel for the applicant states that he will make Addl. D.G (Training) & the selected candidate Mr. Amol Nagare, as Party-Respondents.</p> <p>4. Issue notice made returnable to the added Party-Respondents returnable on 14.3.2022.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. S.O to 14.3.2022.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p align="right">[P.T.O.]</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>M.A. No.100 of 2020 in O.A. No.140 of 2020</u></p> <p>V.G. Rokde ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that applicant has filed the present MA for condoning the delay of 3 years in filing the OA.</p> <p>3. Ld. PO files reply dated 11.2.2022 and submits that the delay is of more than seven years.</p> <p>4. The applicant challenges letter dated 3.12.2016 issued by respondent no.2 rejecting applicant's request for allowing him to withdraw the option tendered for promotion to the post of Shop Inspector, Grade-II. He challenges the legality of Rule 5 of Recruitment Rules of 2013 for Shop Inspectors. Proviso to Rule 5(a) states that, Clerk-Typist who possess the requisite qualification for promotion to this cadre shall be required to submit the option and such option cannot be changed.</p> <p>5. Since this is a matter of law and legal issues are involved, we condone the delay.</p> <p>6. MA is allowed and delay is condoned.</p> <p align="center">Sd/- A 17 11 Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 28.2.2022 28.2.2022</p> <p>(sgj)</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.140 of 2020</u></p> <p>V.G. Rokde ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 4.4.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 28.2.2022 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 28.2.2022</p>

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>CA No.36/2021 in OA No.1029/2014 with</u> <u>CA No.37/2021 in OA No.1030/2014 with</u> <u>CA No.38/2021 in OA No.1031/2014 with</u> <u>CA No.39/2021 in OA No.1032/2014 with</u> <u>CA No.40/2021 in OA No.1033/2014 with</u> <u>CA No.5/2021 in TA No.1/2020</u> </p> <p> R.S. Bidkar (CA.36/2021) M.D. Sundarkar (CA.37/2021) S.S. Kinhekar (CA.38/2021) J.G. Rohankar (CA.39/2021) V.P. Ingole @ V.V. Shelke (CA.40/2021) K.C. Pawar (CA.5/2021) ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents </p> <p> Heard Shri K.K. Jadhav holding for Shri R.G. Panchal, learned Advocate for the Applicants in CAs. No.36 to 40/2021, Shri B.A. Bandiwadekar for Applicant in CA No.5/2021 and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. </p> <p> 2. Ld. PO submits that following writ petitions are filed in the above matters: </p> <table border="0"> <tr> <td>1)</td> <td>W.P. 1002/2022</td> <td>State Vs. R.S. Bidkar</td> </tr> <tr> <td>2)</td> <td>W.P.4236/2022</td> <td>State Vs. M.D. Sundarkar</td> </tr> <tr> <td>3)</td> <td>W.P.4238/2022</td> <td>State Vs. S.S. Kinhekar</td> </tr> <tr> <td>4)</td> <td>W.P.4234/2022</td> <td>State Vs. J.G. Rohankar</td> </tr> <tr> <td>5)</td> <td>W.P.1001/2022</td> <td>State Vs. VPIngole @VVShelke</td> </tr> <tr> <td>6)</td> <td>W.P.995/2022</td> <td>State Vs. K.C. Pawar</td> </tr> </table> <p> 3. She further submits that order has been partly complied with and only question of back wages is remaining. </p> <p> 4. S.O. to 11.4.2022. </p> <table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">Sd/-</td> <td style="text-align: center;">Sd/-</td> </tr> <tr> <td style="text-align: center;">(Medha Gadgil)</td> <td style="text-align: center;">(Mridula Bhatkar, J.)</td> </tr> <tr> <td style="text-align: center;">Member (A)</td> <td style="text-align: center;">Chairperson</td> </tr> <tr> <td style="text-align: center;">28.2.2022</td> <td style="text-align: center;">28.2.2022</td> </tr> </table> <p>(sgj)</p>	1)	W.P. 1002/2022	State Vs. R.S. Bidkar	2)	W.P.4236/2022	State Vs. M.D. Sundarkar	3)	W.P.4238/2022	State Vs. S.S. Kinhekar	4)	W.P.4234/2022	State Vs. J.G. Rohankar	5)	W.P.1001/2022	State Vs. VPIngole @VVShelke	6)	W.P.995/2022	State Vs. K.C. Pawar	Sd/-	Sd/-	(Medha Gadgil)	(Mridula Bhatkar, J.)	Member (A)	Chairperson	28.2.2022	28.2.2022
1)	W.P. 1002/2022	State Vs. R.S. Bidkar																									
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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.169 of 2022</u></p> <p>S.S. Pawar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Tanmay Sawant holding for Shri V.P. Sangvikar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 28.3.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 28.2.2022 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 28.2.2022</p>

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.1039 of 2022</u></p> <p>S.T. Valekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Rohit P. Sawant, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO states that copy of OA is not served in the office of CPO. Applicant to serve the Ld. CPO.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 28.3.2022. The respondents are directed to file reply.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 28.2.2022 28.2.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 28.02.2022</p> <p align="center">M.A. No.85 of 2022 with M.A. No.86 of 2022 in O.A. No.752 of 2020</p> <p>S.A. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Deven Jogdeo, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. These M.As. are filed for condonation of delay and restoration of O.A. No.752/2020 which was dismissed in default on 02.02.2022.</p> <p>3. Learned Advocate for the Applicant submits that he was not well and therefore could not remain present before the Tribunal on 02.02.2022. He therefore, requested to restore O.A. which was been filed in grant of retrial benefits.</p> <p>4. Indeed, there is no reason to file M.A. No.85/2022 for condonation of delay since M.A. for restoration is filed within limitation.</p> <p>5. In view of above, M.A. No.85/2022 for condonation of delay is disposed of since not pressed.</p> <p>6. M.A. No.86/2022 is allowed in the interest of justice so as to decide O.A. on merit.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 28.02.2022</p> <p>O.A. No.752 of 2020</p> <p>S.A. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Deven Jogdeo, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. This O.A. was dismissed in default on 02.02.2022. However, it is restored today in view of the order passed in M.A. No.86/2022.</p> <p>3. In view of above, O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 29.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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: 28.02.2022</p> <p>M.A. No.34 of 2022 in R.A. No.02 of 2022 in O.A. No.30 of 2020</p> <p>The State of Maharashtra & Ors. (Org. Resps.)....Appl. Versus S.V. Satam (Org. Appl.)Resps.</p> <p>1. Heard Smt. Archana B.K., learned Presenting Officer for the Applicants (Org. Respondents) and Shri M.D. Lonkar, learned Advocate for the Respondent (Org. Applicant).</p> <p>2. Shri M.D. Lonkar, learned Advocate for the Respondent (Original Applicant) fairly submits that he has no objection to condone the delay so as to decide the Review Application on merit.</p> <p>3. In view of above, delay of 2 months caused in filing R.A. is condoned. M.A. is accordingly disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- v* (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 28.02.2022</p> <p>R.A. No.02 of 2022 in O.A. No.30 of 2020</p> <p>The State of Maharashtra & Ors. (Org. Resps.)....Appl. Versus S.V. Satam (Org. Appl.)Resps.</p> <p>1. Heard Smt. Archana B.K., learned Presenting Officer for the Applicants (Org. Respondents) and Shri M.D. Lonkar, learned Advocate for the Respondent (Org. Applicant).</p> <p>2. On request of learned P.O. One week time is granted to file Rejoinder in R.A.</p> <p>3. S.O. to 07.03.2022.</p> <p style="text-align: right;">Sd/- W' (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 28.02.2022</p> <p align="center">O.A. No.172 of 2022</p> <p>Dr. S. V. KachareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 28.12.2021 issued by Respondent No.2 – Commissioner of Police thereby directing Deputy Commissioner of Police (Pension Branch) to stop the pension of the Applicant immediately. He has also issued direction for recovery of Pension already paid on the ground that that the Applicant is not entitled to pension since service was regularized in 2009.</p> <p>3. Issue notice before admission returnable on 14.03.2022.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p>

[P.T.O.]

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

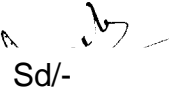
Tribunal's orders

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

8. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. to 14.03.2022.

10. Issue of interim relief is kept open.


Sd/-

v
(A.P. Kurhekar)
Member (J)

NMN