

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>MA.164/2022 in OAs.675/2019, 1087/2019, 978/2019, 935/2019, 936/2019 & 937/2019</u></p> <p>The State of Maharashtra ..Applicant Vs. J.I. Sukhdeve D.L. Bisen P.M.Umare T.P. Rathod T.P. Rathod T.P. Rathod ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Presenting Officer for the Applicant-original Respondent.</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 in MA returnable on 20.4.2022. 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 M.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 style="text-align: center;">Sd/- (Mridula Gadgil) Member (A) 28.3.2022</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 28.3.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p>Date : 28.03.2022</p> <p align="center">O.A.No.946 of 2021</p> <p>S. B. MulaniApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant has challenged the suspension order dated 30.05.2020 whereby he was suspended in view of registration of crime no.565/2020 for offence under IPC and National Disaster Management Act, 2000. The Applicant seems to be subjected to prolong suspension without there being any objective decision of review and reinstatement in service.</p> <p>2. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>3. The perusal of suspension order dated 30.05.2020 reveals that while Applicant was attached to Crime Branch Pimpri-Chinchwad Police Station. He attended one rally at Yerwada Central Prison, Pune to celebrate parole of one convict and on this allegation crime no.565/2020 under Section 143, 146, 147, 148, 149, 341, 188, 269, 270 of IPC and under Section 51(B) of National Disaster Management Act 2000 and under Section 37 of Bombay Police Act under Section 3(25) Arms Act was registered against him and others. He was suspended subjected to decision in criminal case as well as D.E. was also contemplated. He made various representations for reinstatement in service but suspension is continued.</p> <p>4. Insofar as criminal case is concerned, the Respondents in reply admit that till date no charge sheet is filed in the court of law in C.R. No.565/2020 registered against Applicant. About D.E., learned P.O. on instructions submits that now D.E. is completed and punishment of stoppage of two increments is proposed.</p> <p>5. Thus indisputably, no charge sheet is filed in criminal case though the period of near about 22 months from the date of registration of offence is over. The D.E. is also at the verge of completion since only final order is remained to be passed. Therefore, now the question comes whether there is any necessity to continue the suspension of the Applicant which he has already undergone for 22 months. In <i>per</i> as per the decision of the Hon'ble Supreme Court in (2015) 7 SCC 291 (<i>Ajay Kumar Choudhary Vs. Union of India & Anr.</i>), -</p>

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	<p>suspension should not exceed 90 days and competent authority is required to take review of the suspension after 90 days period is over. Where charge sheet is filed before expiration of 90 days, in that event also there is obligation to take decision about revocation or continuation of suspension. As such, there has to be objective assessment of the situation so that a Government servant is not subjected to prolong suspension.</p> <p>6. Indeed, Government of Maharashtra by G.R. dated 14.10.2011 has laid down detailed instructions for periodical review of suspension of Government servant. As per Clause 4(a) of G.R. where charge sheet is not filed in the court of law for a longer period, the competent authority is required to take decision on objective assessment of the facts about revocation of suspension and reposting of a Government on non executive post so that he is not subjected to prolong suspension. Whereas Clause 4(b) where charge sheet is filed in criminal case but case is not decided in two years in that event also competent authority is required to take appropriate decision about continuation or revocation of suspension. In present case, though the period of 22 months is over, the charge sheet itself is not filed in the court of law and the matter is still under investigation of police. Insofar as departmental inquiry is concerned, it is already concluded and punishment of stoppage of two increments is proposed. In such situation, no purpose would serve by prolonging suspension of the Applicant. The Applicant is already getting 75% subsistence allowance without rendering any service.</p> <p>7. In view of above, I have no hesitation to sum up that no fruitful purpose would serve by continuing prolong suspension of the Applicant. This is not a case where revocation of suspension could be said threat to criminal case or D.E. The suspension, therefore, deserves to be revoked and Applicant can be given suitable posting as competent authority deems fit. Hence the following order:-</p> <p style="text-align: center;"><u>ORDER</u></p> <p>(A) Original Application is allowed partly.</p> <p>(B) Suspension of the Applicant stands revoked with immediate effect.</p> <p>(C) Respondent No.2 is directed to reinstate the Applicant in service on suitable post as deems fit within two weeks from today.</p> <p>(D) Respondent No.2 is at liberty to pass final order in D.E. and it should be passed at the earliest.</p> <p>(E) No order as to costs.</p> <p style="text-align: center;">^ Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member(J)</p>

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	<p>Date : 28.03.2022</p> <p align="center">O.A.No.752 of 2021</p> <p>R. J. BhosaleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, 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 09.08.2021 whereby he is transferred from the post of Circle Officer, Wadala, Tahsil Office, Barshi, Dist. Solapur to Circle Officer, Ghodegaon Circle, Tahsil Office, Barshi, Dist. Solapur.</p> <p>3. The Applicant contends that he is physically disabled having 41% visual disability and has given option of Mardi and Shetphal. However, those were given to others thereby depriving him of benefit of G.R. dated 09.04.2018 which <i>inter-alia</i> provides for giving preference to a Government servants suffering from disability. The Applicant has also produced disability certificate. The option of Mardi claimed by the Applicant was given to Respondent No.3 – Shri Avinash Gaikwad and Shetphal was also given to somebody else. It is not a case of Respondents that those persons were entitled to some benefit of G.R. dated 09.04.2018 and preferences given by them legally out waived preferences given by the Applicant. As such, <i>prima-facie</i>, it was noticed that while transferring the Applicant there was no compliance of G.R. dated 09.04.2018.</p> <p>4. In view of above, day before yesterday, when the matter was taken up for hearing, learned P.O. was directed to take instructions from the Collector, Solapur about present vacancies so that the Applicant can be accommodated without disturbing Respondent No.3 or other Government servants posted on the places opt by the Applicant. [P.T.O.]</p>

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5. Today, learned P.O. has tendered letter dated 25.03.2022 from the office of Collector, Solapur stating that three posts of Awal Karkoon in ULC Branch, Entertainment Tax Branch and Food distribution office, Solapur are vacant and the post of Circle Officer and Awal Karkoon being equivalent, the Applicant can be accommodated on any one of the post. Letter is taken on record and marked by letter 'X'.

6. In view of above, learned Counsel and learned P.O. submit that O.A. be disposed of and the Applicant would be satisfied if he is given posting on any one of the post which is now vacant as per letter dated 25.03.2022.

7. For the aforesaid reasons, O.A. is disposed of with direction to Respondent No.2 – Collector, Solapur to issue posting order of the Applicant on any one of the post as referred in letter dated 25.03.2022 at the earliest preferably within two weeks from today.

8. No order as to costs.

Sd/-

w*

(A.P. Kurhekar)
Member(J)

vsm

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	<p align="center">O.A.No.176 of 2022</p> <p>N. K. MujawarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, 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 Nos.1 & 2. It is taken on record.</p> <p>3. The Applicant has challenged posting order dated 08.12.2021 whereby the Assistant Collector, Solapur issued posting order of the Applicant as Talathi, Ule, Tal. South Solapur, Dist. Solapur <i>inter-alia</i> contending that in view of the order passed by the Tribunal in O.A.No.852/2021 dated 03.12.2021, the Applicant ought to have been reinstated in service on the post of Talathi, Akkalkot.</p> <p>4. The Applicant while working as Talathi, Akkalkot was suspended by order dated 13.10.2021 which was subject matter of O.A.No.852/2021. The Applicant was subjected to suspension in contemplation of D.E. for minor penalty invoking Rule 10 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Since, there could be no question of suspension where D.E. is initiated for minor penalty, the Tribunal has quashed and set aside the suspension order dated 03.12.2021 having found it <i>ex-facie</i> illegal.</p> <p>5. The Tribunal allowed O.A. on 03.12.2021 and operative order is as under :-</p> <p align="center"><u>"ORDER</u></p> <p>(a) Suspension order dated 13.10.2021 is quashed and set aside.</p> <p>(b) The Applicant be reinstated in service within a week with all consequential service benefits.</p> <p>(c) Respondent is at liberty to continue and proceed with the enquiry which is already initiated against the Applicant in accordance to Rules."</p> <p align="right">[P.T.O.]</p>

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	<p>6. As such, in view of the specific order passed by the Tribunal, the Applicant was required to be reinstated on the post of Talathi, Akkalkot. However, surprisingly the Assistant Collector, Solapur by order dated 08.12.2021 posted him at different place as Talathi, Ule, Tal. South Solapu which is under challenged in the present O.A.</p> <p>7. Learned P.O. made feeble attempt to justify the impugned order stating that in view of contemplated D.E., the Applicant was given different posting and there is no prejudice to the Applicant. This submission holds no water in view of specific order passed by the Tribunal in O.A.No.852/2021, dated 03.12.2021 as reproduced above.</p> <p>8. Thus, once the suspension is quashed and set aside, it is <i>non est</i> in the eye of law as if there is no suspension at all and the Applicant was required to be posted on the same place on which he was working at the time of suspension.</p> <p>9. However, the Assistant Collector by impugned order dated 08.12.2021 instead of posting the Applicant at Akkalkot, posted him at different place which is <i>ex-facie</i> illegal rather contemptuous. Secondly, giving such different posting amount to mid-term and mid-tenure transfer which is also <i>ex-facie</i> illegal since it does not comply the requirement of Section 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.</p> <p>10. For the aforesaid reasons, the inevitable conclusion is that the impugned order dated 08.12.2021 being <i>ex-facie</i> illegal is liable to be quashed. Hence the following order :-</p> <p style="text-align: center;"><u>ORDER</u></p> <p>(A) Original Application is allowed.</p> <p>(B) Impugned order dated 08.12.2021 is quashed and set aside.</p> <p>(C) The Respondents are directed to issue posting order of the Applicant as Talathi, Akkalkot within a week from today.</p> <p>(D) No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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	<p>Date : 28.03.2022</p> <p align="center">O.A.No.1048 of 2019</p> <p>J. M. LihitkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. sought permission to file short affidavit along with inquiry report and punishment orders issued in respect of co-delinquents. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, the matter is adjourned for final argument.</p> <p>4. S.O. to 30.03.2022. Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>ysm</p>

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	<p>Date: 28.03.2022</p> <p align="center">O.A. No.582 of 2021</p> <p>R.S. BhasagiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Additional Affidavit. It is taken on record.</p> <p>3. S.O. to 01.04.2022.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

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Date : 26.03.2022

O.A.No.126 of 2022

V. S. Yadav & Ors.Applicants
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Today, learned P.O. has filed reply on behalf of the CP, Mumbai along with Minutes of P.E.B. It is taken on record.
3. Learned Counsel for the Applicant has raised the issue about difference in PEB Minutes tendered before the Tribunal while considering interim relief and PEB Minutes filed along with Affidavit in Reply. He has pointed out that in PEB Minutes tendered before the Tribunal at the time of consideration of interim relief, there was no signature of Shri Vishwas Nangare Patil, Police Commissioner, Mumbai but his signature is appearing on Minutes of PEB filed along with Affidavit in Reply.
4. Learned P.O. fairly concedes that there was no signature of Shri Vishwas Nangare Patil on the Minutes of PEB shown in the Tribunal earlier. According to her, when the Minutes of PEB prepared Shri Vishwas Nangare Patil had left for some work and thereafter put his signature on the Minutes of PEB.
5. Learned P.O. is directed to filed reply of Shri Vishwas Nangare Patil about Minutes of PEB and his signature thereon.
6. One week time is granted.
7. S.O. to 04.04.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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	<p>Date: 28.03.2022</p> <p align="center">O.A. No.19 of 2022</p> <p>P.D. KedarApplicant 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. O.A. is disposed of on 09.03.2022 with direction to the Respondents to decide the representation dated 27.12.2021 made by the Applicant for giving posting at Solapur on reinstatement. On 09.03.2022, learned P.O. made statement that one non executive post is available at Solapur. The Applicant claim to be disabled person with 40% disability, and therefore claim posting at Solapur on reinstatement in service. It is on the basis of statement made by learned P.O. that non executive post is available at Solapur. O.A. was disposed of with direction to decide the representation dated 27.12.2021.</p> <p>3. Later praecipe was filed by learned P.O. for speaking to the minutes to withdraw the statement about availability of non executive post.</p> <p>4. Learned P.O. submits that there is no vacancy at non executive post at Solapur and requested to withdraw the statement made to that effect when O.A. was disposed of. Thus, the statement appears to have been made inadvertently without verifying facts.</p> <p>5. In view above, statement made by learned P.O. that one non executive post is available at Solapur is allowed to withdraw.</p> <p align="right">[PTO.]</p>

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	<p>6. By order dated 09.03.2022, Respondent were directed to decide the representation on 27.12.2021. Learned P.O. submits that representation is already decided. However, learned Advocate for the Applicant submits that the decision is not communicated to the Applicant.</p> <p>7. Since, decision is already taken on representation, Respondents are directed to communicate it to the Applicant. If, the Applicant felt aggrieved he may avail further recourse of law. No further order is required now warranted.</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 align="center"><u>28.03.2022</u></p> <p align="center"><u>O.A 817/2021</u></p> <p>Shri D.C Rathod & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O states that affidavit in reply will be filed during the course of the day.</p> <p>3. S.O to 11.4.2022.</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>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>28.03.2022</u></p> <p><u>O.A 404/2015</u></p> <p>Shri S.V Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri K.R Jagdale, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents. 2. Learned counsel for the applicants informs that he has been instructed by applicants no 1 to 5 and so he has filed Vakalatnama in respect of applicants no 1 to 5, after obtaining NOC from Shri G.S Jadhav, who was the earlier learned counsel in the matter. 3. We have directed the office to find out the Vakalatnama of Mr Jadhav. There are applicants no. 6,7, 8 & 9 and it appears that they are represented by other advocate. On the basis of submissions made by Mr Jagdale, this is only one Original Application with 9 applicants. So one advocate will have to represent all the applicants, otherwise two separate Original Applications are required to be filed. 4. Office is directed to find out the correct appearance of applicants 6, 7, 8 & 9. 5. Respondents no 4 to 13 are private Respondents, who were added as per order of this Tribunal dated 22.12.2016. 6. Learned counsel Mr Jagdale submits that all the private Respondents were served. Learned P.O submits that they are all Government servants and appointed in the year 2015. Learned P.O submits that she wants to file short affidavit in reply of MPSC along with the appointment orders of Respondents no 4 to 13. The private Respondents are not represented by any Counsel. 7. Matter is of the year 2015 and earlier specific directions were given to the learned counsel for both the sides to remain present and be ready for the submission. 8. Hence, we proceed with the matter. <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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	<p><u>28.03.2022</u></p> <p align="center"><u>O.A 245/2021 with O.A 681/2021</u></p> <p>Shri J.S Sathe ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant, Smt K.S Gaikwad, learned P.O for the Respondent no. 1 and Shri A. Ransuble, learned counsel for Respondent no. 2.</p> <p>2. In spite of our specific time and order, the Chief Engineer, P.W.D is not present today.</p> <p>3. Matter is fixed tomorrow at 10.30 and Chief Engineer, P.W.D is directed to remain present.</p> <p>4. S.O to 29.3.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p><small>Akn</small></p>

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	<p align="center"><u>28.03.2022</u></p> <p align="center"><u>O.A 744/2021</u></p> <p>Ku. Renuka S. Funde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri V.P Potbhare, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O states that affidavit in reply will be filed during the course of the day.</p> <p>3. S.O to 25.4.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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**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: 28.03.2022</p> <p align="center">O.A. No.153 of 2022</p> <p>R.G. SaindaneApplicant 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. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1. It is taken on record.</p> <p>3. On request of Learned P.O. one week time is granted to file Affidavit-in-Reply on behalf of Respondent Nos.2 & 3, if any.</p> <p>4. S.O. to 04.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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: 28.03.2022</p> <p>O.A. No.123 of 2022</p> <p>S.B. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, 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. three weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 18.04.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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">Date: 28.03.2022</p> <p align="center">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 for the Applicant instructed by Shri A.S. Gaikwad, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply will be filed during the course of the day on behalf of Respondents. Statement is accepted. It be taken on record and copy be served to other side well in advance.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted to file Affidavit-in-Rejoinder.</p> <p>4. S.O. to 11.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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: 28.03.2022</p> <p align="center">O.A. No.957 of 2021</p> <p>V.G. MekaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, 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-Reply on behalf of Respondent Nos.1 & 2. It is taken on record.</p> <p>3. Since, pleading is complete O.A. is admitted for Final Hearing with liberty to file Affidavit-in-Rejoinder.</p> <p>4. S.O. to 20.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</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: 28.03.2022</p> <p align="center">O.A. No.106 of 2022</p> <p>B.M. BichkuleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri D.K. Chavan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.2 to 6. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant time is granted to file Affidavit-in-Rejoinder.</p> <p>4. S.O. to 19.04.2022.</p> <p align="right">Sd/- ~ (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 28.03.2022</p> <p style="text-align: center;">O.A. No.274 of 2022</p> <p>V.R. GosaviApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant is working as Naib-Tahasildar and he is challenging suspension order passed by Divisional Commissioner, Kokan Division dated 11.03.2022 whereby he is suspended by way of deemed suspension w.e.f. date of his arrest i.e. 25.02.2022. 3. Perusal of record reveals that the Applicant was arrested by Anti Corruption Bureau under the Provision of Corruption Act, 1988 on 25.02.2022 and was produced before Learned Additional Session Judge, Thane on same day. He was released on bail of Rs.15,000/- (Fifteen Thousand Only) on same day as seen from bail order. Thus, as rightly pointed out by learned Advocate for the Applicant that there is no detention of 48 hours in police custody or judicial custody which is condition precedent for invoking Rule 4(2)(a) of M.C.S. (Discipline & Appeal) Rules, 1979. 4. Thus, <i>prima-facie</i> suspension order seems not sustainable in law and secondly suspension order is also challenged on the ground of competency of Divisional Commissioner, Kokan Division <i>inter-alia</i> contending that the Applicant's appointing authority is Government. 5. Learned P.O. therefore sought time to take instructions and to take remedial measures, if any. 6. O.A. be kept tomorrow i.e. on 29.03.2022. 7. Steno copy granted. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>