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

Tribunal's orders

Date: 28.03.2023

M.A. No.67 of 2023 in O.A. No.781 of 2022

U.S. Rathod

.....Applicant

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
- 2. Learned Advocate for the Applicant filed this M.A. for seeking direction to Respondents to consider the candidature of the Applicant for the promotion on the post of Sub Divisional Officer (Civil) as per select list of the year 2021-2022 (D.P.C. was held in the month of July 2022) under the changed circumstances that the duration of recovery of installment of 24 months which was imposed on him by way of punishment in Departmental Enquiry which came in to end on 20.11.2022.
- 3. Learned Advocate for the Applicant further submits that his Jr. were promoted. He further submits that the Applicant should be considered for promotion according to the DPC of July 2022 because there was no punishment at that time.
- 4. Learned C.P.O. opposed on the ground that he was undergoing punishment at the time of promotion. She submits that effect of recovery expired in the month of November 2022. Learned C.P.O. further submits that his name will be considered in next D.P.C.
- 5. In view of the submission we are unable to accept the contention submitted by the learned Advocate for the Applicant. Hence, M.A. is dismissed.
- 6. In view above, nothing remains in prayer of O.A., hence O.A. along with M.A. both are dismissed.

Sd/-(Medhă Gadgil) Member (A)

(Mridula R. Bhatkar, J.) Chairperson

Original Application No.	of 20	DISTRICT
		Applicant/s
(Advocate)	
	versus	
The	State of Maharashtra an	d others
		Respondent/
(Presenting Officer)
Office Notes, Office Memoranda of Co Appearance, Tribunal's orders of directions and Registrar's order	r <u>28 03.2023</u>	Tribunal's orders
	C.A 13/2	023 in O.A 961/2022
	J.R Solanki Vs.	Applicant
		htra & Ors Respondents .V Bhosle, learned advocate for the J Chougule, learned P.O for the
	2. The Responde	ents are directed to file affidavit in nere is any post of Sweeper vacant.
	3. S.O to 18.4.20	023.
	Sd/-	Sd/-
	(MedhalGadgil) Member (A)	(Mridula Bhatkar, J.) Chairperson

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

Tribunal's orders

Date: 28.03.2023

O.A.No.284 of 2023

R. N. Patil

....Applicant

Versus

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

- 1. Heard Shri Kishore Shinde, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
- 2. Learned Counsel for the Applicant sought interim stay to the order dated 14.11.2022 issued by the Deputy Commissioner of Police, Head Quarter, Mumbai whereby he is imposed penal charges of Rs.5,09,730/- for retention of quarter and also directed to vacate the quarter else legal process would be taken.
- 3. Learned Counsel for the Applicant sought to contend that remedy is to avail the provisions of Maharashtra Government Premises (Eviction) Act, 1956 and the Respondent No.3 is not competent to initiate such action. In this behalf, he referred to the decision rendered by this Tribunal in O.A.No.121/2021, dated 25.02.2022.
- 4. Learned P.O. sought time to file Affidavit in Reply.

 Two weeks time is granted to file reply.
- 6. The implementation of impugned order dated 14.11.2022 is stayed till filing of reply in view of decision in O.A.No.121/2021.
- 7. Steno copy granted.
- 8. S.O. to 11.04.2023.

Sd/-

(A.P. Kurhekar) Member(J)

Original Application No.	of 20	DISTRICT	
			Applicant/s
(Advocate)		
	versus		
The	e State of Maharashtı	ra and others	
			Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of (Appearance, Tribunal's orders directions and Registrar's orde	or	Tribunal's orders	
		O.A.641/	2022
	Shri T.T. Vs	· ·	Applicant
	The State	of Mah. & ors.	Respondents
	the Appli	A.V. Bandiwadekar, locant and Shri A.J. Officer for the Respond	Chougule, learned
		y learned P.O. files Sur- nt No.1. It is taken on r	-
	3. S.O. 1	to 20 th April, 2023.	
		Mem	ırhekar)
	(skw)		

Original Application No.	of 20	DISTR	RICT
			Applicant/s
(Advocate)		
	versus	3	
The Sta	te of Mahara	shtra and others	
			Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Coram Appearance, Tribunal's orders or directions and Registrar's orders	,	Tribunal's ord	ers
		O.A.808/2021	
	Shri S.	P. Gharte Vs.	Applicant
	The St	ate of Mah. & ors.	Respondents
	Applica	_	arned Advocate for the lolgi, learned Presenting present.
		oday learned Advocate ler. It is taken on recor	e for the Applicant files
	3. S.	O. to 19 th April, 2023.	^
			Sd/-
	(skw)	M 28	. Kurhekar) lember-J 3.03.2023

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

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 28.03.2023

O.A.No.55 of 2018 with O.A.No.56 of 2018

A. T. Mane

N. B. Kamble

....Applicants

Versus

The State of Maharashtra & Ors.

...Respondents.

- 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.
- 2. Today, learned Counsel for the Applicants has filed additional Affidavit of the petitioners by way of explanation with the documents submitted by the State yesterday. It is taken on record in both O.A.s separately.
- 3. Learned P.O. sought time to go through the additional Affidavit filed today.
- 4. S.O. to 03.04.2023.

√ Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2737 (50,000—4-2019)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

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

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Tribunal's orders Appearance, Tribunal's orders or directions and Registrar's orders Date: 28.03.2023 O.A.No.185 of 2023Applicant D. T. Katke Versus ...Respondents. The State of Maharashtra & Ors. Heard Ms Neha Kachi holding for Talekar & Associates, learned Counsel for the Applicant, Smt. K. S. Gaikwad, learned P.O. for the Respondent Nos.1 and 3 and Shri A. V. Bandiwadekar, learned Advocate for the Respondent No.2 -MMRDA. Shri A. V. Bandiwadekar, learned Counsel for the Applicant for MMRDA submits that Affidavit in Reply is under preparation and same will be filed during the course of the day. Statement is accepted, it be taken on record. One week time is granted to Respondent Nos.1 and 3 to file Affidavit in Reply. The Applicant is at liberty to file Rejoinder filed by the

> 5.O. to 05.04.2023. 5.

MMRDA today.

Sd/-

(A.P. Kurhekar) Member(J)

vsm

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	Date: 28.03.2023 M. A. No.73 of 2023 in M.A.No.74 of 2023 in O.A.No.130 of 2023	
	S. Z. Patil & OrsApplicants	
	Versus	
	The State of Maharashtra & OrsRespondents.	
	 Heard Shri S. P. Patil, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 	
	2. On request of learned P.O., two weeks time is granted	
	to file reply to M.A.	
	3. S.O. to 12.04.2023.	
	√), Sd/-	
	(A.P. Kurhekar) Member(J)	
	vsm	

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

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date: 28.03.2023

O.A.No.418 of 2022

V. R. Mirajkar & 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 is present.
- 2. Today, the matter is for final hearing.
- 3. Learned Counsel for the Applicant however requested to adjourn the matter stating that in view of the judgment of the Hon'ble High Court Bench Aurangabad 43 W.P.No.2461/2022 Chetan Pramod Gangele V/s State of Maharashtra & Ors., decided with connected W.P.s on 20.06.2022, the Government is considering the issue of regularization/absorption of the Applicants amongst other employee through out State of Maharashtra. He has also tendered the copy of judgment for the perusal of Tribunal.
- 4. It appears that directions were given to the Government to take policy decision on or before 31.03.2023 as deems fit and appropriate.
- 5. Learned P.O. sought time to take instructions as to whether there is any such move in tis behalf.
- 6. S.O. to 25.04.2023.

Sd/-

(A.P. Kurhekar) Member(J)

vsm

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date: 28.03.2023 M. A No.418 of 2022 in O.A.No.544 of 2022
	P. S. LakeshriApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
	Heard Shri S. S. Deokar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
	2. On request of learned P.O., two weeks time is grante
	to file reply to M.A. by way of last chance.
	3. S.O. to 12.04.2023.
	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: 28.03.2023

O.A.No.332 of 2023

R. B. Kawale

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

- 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
- 2. The Applicant has challenged the communication dated 15.11.2021 whereby his claim for grant of pay scale of Rs.9,300-34,800/- with G.P. of Rs.4,300/- on completion of 24 years service is rejected.
- 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
- 4. Issue notice before admission returnable on 25.04.2023.
- 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
- 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ <u>Miscellaneous</u> Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / <u>Miscellaneous</u> Application shall stand dismissed.
- 9. S.O. to 25.04.2023.

Sd/-

(A.P. Kurhekar) Member(J)

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date: 28.03.2023
	O.A.No.77 of 2018
	D.S. Khatal & OrsApplicants
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
	2. The perusal of record reveals that this O.A. is before
	the Division Bench and now transferred to Single Bench. The
	Respondents have not filed reply yet though enough time is
	already availed.
	3. On request of learned P.O. two weeks time is granted
	o file reply by way of last chance.
	4. S.O. to 11.04.2023.
	Sd/-
	(A.P. Kurhekar) Member(J)

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

of 20

ΙN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	Date: 28.03.2023		
	O.A.No.1291	Of 2022	
	K.A. H. Mehvi	Applicant	
	Versus		
	The State of Maharashtra & Ors.	Respondents.	
	 Heard Shri Ganesh Mass Chandratre, learned Counsel Smt. Kranti Gaikwad, learned Respondents. 		
	2. Learned P.O. submits	that the reply is unde	
	preparation and sought one day	time to file the same.	
	3. S.O. to 29.03.2023.		
		Sd/-	
		<i>N</i> .	
		A.P. Kurhekar) Member(J)	

vsm

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	Date: 28.03.2023 O.A.No.44 of 2023		
	P. B. SureApplicant		
	Versus The State of Maharashtra & OrsRespondents.		
	 Heard Shri V. G. Panchal holding for R. G. Panchal, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 		
	2. On request of learned P.O., one week time is granted to file reply by way of last chance.		
	3. S.O. to 05.04.2023. Sd/-		
	(A.P. Kurhekar) Member(J)		

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date: 28.03.2023 O.A.No.100 of 2023
	Shri P. G. GosaviApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
	2. On request of learned P.O., one week time is granted
	to file reply by way of last chance.
	3. S.O. to 05.04.2023.
	n Sd/-
	(A.P. Kurhekar) Member(J)
	vsm

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's o	orders	
	Date:	28.03.2023		
		O.A. No.93	30 of 2023	
	D.S. k Versu	(amtekar Is		Applicant
	The S	tate of Maharashtra &	Ors.	Respondents.
	the A	Heard Shri Ganesh Ming for Shri C.T. Chanding pplicant and Smt. K.S. Cerfor the Respondents.	ratre, lear Gaikwad, l	ned Advocate for
	2.	Admit.		
	3.	S.O. to 06.06.2023.		
		Sd/-	I	Sd/-
		(Medha [⊬] Gadgiľ) Member (A)		lula R. Bhatkar, J.) Chairperson
	NMN			

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

of 20

 $I\,N$

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	Date: 28.03.2023	
	O.A. No.1035 of 2022	
	S.A. WaghApplicant	
	Versus The State of Maharashtra & OrsRespondents.	
	 Heard Shri D. Avhad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chie Presenting Officer for the Respondents. Learned C.P.O. produces Applicant's mark-shee wherein she secured 42 marks out of 55 from oper category. The Applicant is not found meritorious, the result is shown to the learned Advocate for the Applicant. 	
	3. In view of above, O.A. is dismissed.	
	Sd/-	
	(Medha Gadgil) (Mridula R. Bhatkar, J. Member (A) Chairperson	

NMN

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	
	Date: 28.03.2023	
	O.A. No.1070 of 2	2022
	R.B. Pawar	Applicant
	Versus The State of Maharashtra & Ors.	Respondents.
	 Heard Shri Ganesh Masurl holding for Shri C.T. Chandratre, the Applicant and Ms. S.P. Man Presenting Officer for the Respond 	learned Advocate for chekar, learned Chief
	 Learned Advocate for the Applicant submits the will file Rejoinder. S.O. to 11.04.2023. 	
	Sd/-	Sd/-
	/ /	Mridula R. Bhatkar, J.) Chairperson

NMN

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	C.A. No.14 of 2023 in O.A. No.434 of 2022	
	R.T. KaleApplicant Vs. The State of Maharashtra & OrsRespondents	
	Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Ld. Advocate for the applicant submits that first part of the order has been complied with and applicant has been reinstated in service. 3. The respondents are directed to complete the DE within three weeks.	
	4. S.O. to 18.4.2023. Sd/- (Medha/Gadgil) Member (A) 28.3.2023 (sgj) (Mridula Bhatkar, J.) Chairperson 28.3.2023	

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders		
	C.A. No.5 of 2023 in O.A. No.914 of 2022		
	Dr. K.D. DayalApplicant Vs. The State of Maharashtra & OrsRespondents		
	Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.		
	2. Ld. PO submits that order has been partly complied with. Decision to release increments has been taken and amount will be released at the earliest. As regards decision regarding leave period from 7.7.2003 to 13.7.2004 a decision will be taken within four weeks.		
	3. S.O. to 25.4.2023.		
	Sd/-		
	(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 28.3.2023 28.3.2023		
	(sgj)		

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

of 20

ΙN

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders C.A. No.81 of 2022 in O.A. No.6 of 2021		
	U.R. HarmalkarApplicant Vs.		
	The State of Maharashtra & OrsRespondents		
	Heard Shri Naveen Kumar holding for Ms. Sadhna Singh, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.		
	2. Ld. PO produces copy of GR dated 23.3.2023 wherein services of the applicant have been regularized w.e.f. 1.11.1994 and they have sanctioned giving arrears for an amount of Rs.22,27,587/ Ld. PO submits that the amount will be disbursed to the applicant shortly.		
	3. In view of the above, the order dated 18.8.2022 passed in the above OA is complied with. Hence, CA is disposed off.		
	Sd/- (Medha Gadgl) (Mridula Bhatkar, J.) Member (A) Chairperson 28.3.2023 28.3.2023		
	(sgj)		

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

of 20

ΙN

Original Application No.

of 20

Tribunal's orders		
M.A. No.499 of 2022 in O.A. No.31 of 2022		
Y.B. Wagh	Applicant	
The State of Maharashtra & Ors.	Respondents	
2. Ld. CPO states that additional during the course of the day.	reply will be filed	
3. S.O. to 25.4.2023.		
Sd/- (Medha Gadgil) (Mridula I Member (A) Chair 28.3.2023 28.3	Shatkar, J.) person .2023	
	M.A. No.499 of 2022 in O.A. No.499 of 2022 in	

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

of 20

I N

Original Application No.

of 20

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	<u>O.A. No.909/2021 & OA No.141/2022</u>		
	A.M. Chandanshiv V.S. Telang Vs. The State of Maharashtra & OrsRespondents		
	Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chie Presenting Officer for the Respondents.		
	2. Ld. Advocate for the applicants submit that in view of GR dated 5.3.1955 and also 24.1.1953, he seeks leave t add GAD, 16-B (Reservation) as party respondent in tharray of respondents in both the above matters.		
	3. Leave granted. Amendment be carried out forthwand amended copy be served on all the respondents affidavit of service be filed.		
	4. GAD, 16-B (Reservation) is directed to file affidation the point whether GR dated 5.3.1955 is still in exister or whether there is any other new policy in this regard. It also want GAD to explain after appointment as per GR has far it is to be implemented and also what yardsticks mentioned and required to reach a person upto requisitandard after a person is appointed by giving benefit relaxation.		
	5. S.O. to 11.4.2023. Sd/-		
	(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 28.3.2023 28.3.2023		
	(sgj)		