

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

C.A. No. \_\_\_\_\_ of 20\_\_\_\_

IN

Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Notes, Office Memoranda of Coram, Clearance, Tribunal's orders or Directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.11.2023 O.A.No.1258 of 2023</p> <p><b>Dr. N. N. Ambadekar &amp; Anrs. ....Applicants Versus The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri M.D. Lonkar, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant relies on the Affidavit in Reply filed by Respondent No.1 through Smt. Karuna Surwade, Chief Administrative Officer, Commissionerate of Health Services on 08.11.2023. He placed reliance on Para No.16 of the Affidavit in Reply.</p> <p>3. Learned Counsel for Applicants has pointed out that Recruitment Rules to the post of Director of Health Services were framed in 1971 and 1973 and they have not kept pace with changing society. Learned Counsel for the Applicant relies on the order of Division Bench of M.A.T. Bench at Nagpur, dated 11.01.2019 in which the Advertisement issued by Government of Maharashtra for the post of Joint Director of Health Services was cancelled by the Public Health Department itself and further points out that the Division Bench has directed the Respondent i.e Government of Maharashtra to amend the Rules and thereafter as mentioned in the letter dated 04.12.2018, they may fill the post by fresh recruitment.</p> <p>4. Learned Counsel for Applicants therefore on the same lines, prays that identical relief be granted. The recruitment for the post of Director of Health Services in pursuance of Advertisement No.53/2023, dated 13.09.2023 be also cancelled and post be filled up only after amended Recruitment Rules are framed as 1971 and 1973 Recruitment Rules have become obsolete and thus are void, bad in law and unconstitutional.</p>

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

Tribunal's orders

5. Learned Counsel for Applicants pointed out that G.A.D. has issued G.R. dated 09.09.2021 directing all Administrative Departments of Government of Maharashtra to conduct review of old and obsolete Recruitment Rules regulating to appointment to various posts. Learned Counsel for Applicants thus prayed that Recruitment Rules for the post of Director of Health Services which were issued in 1971 and 1973 be amended and new Recruitment Rules framed under Article 309 of the Constitution of India. Therefore, the appointment to post of Director of Health Services be held as consequential action by Public Health Department. He further prays that the said Advertisement No.53/2023, dated 13.09.2023 is to be held unconstitutional, illegal, bad in law and Respondents be restrained from filling the post of Director of Health Services. The Respondent in present case on 26.12.2022 pursuant to said G.A.D. G.R. dated 09.09.2021 had submitted the draft Recruitment Rules for the posts of Directors, Additional Directors, Joint Directors, Deputy Directors of Health Services to G.A.D. He submits that G.A.D. has approved the said Draft Recruitment Rules with minor changes. Now, it is pending with Public Health Department.

6. It is true that appointment to post of Director of Health Services has started with publication of Advertisement No.53/2023, dated 13.09.2023 which is issued on the basis of Recruitment Rules of 1971 and 1973 framed under Article 162 through exercise of Executive Powers. The issuance of G.R. framing Recruitment Rules of 1971 and 1973 for appointment to the posts of Director of Health Services were not under Article 309 of the Constitution of India. However, we understand the submission made by learned C.P.O. regarding the Recruitment Rules of 1971 and 1973 being made applicable by GRs but these have been implemented till today for appointment to the post of Director of Health Services.

7. We make it clear that though we are in agreement with learned Counsel that Recruitment Rules of 1971 & 1973 for the post of Director of Health Services have now become old and Public Health Department needs to amend them

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**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

W.C.A. No. \_\_\_\_\_ of 20\_\_\_\_

IN

Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

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keeping pace with changing times and vast progress made in Public Health Services, but it is for Government of Maharashtra to take note of it. We are not convinced that just because Recruitment Rules of 1971 and 1973 have become old, they are also obsolete. Similarly, learned Counsel for Applicants has not demonstrated how the Advertisement No.53/2023 dated 13.09.2023 can be called unconstitutional, illegal and bad in law.

8. In view of above, Original Application is dismissed. However, we hope that Government of Maharashtra finalizes the new Recruitment Rules under Article 309 of the Constitution of India expeditiously for appointments to various posts of Public Health Department.

9. No order as to costs.

Sd/-

(Debashish Chakrabarty)  
Member (A)

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

vsm

**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><b>Date: 28.11.2023</b></p> <p align="center"><b>O.A. No.1465 of 2023</b></p> <p><b>S.S. Jature, .....Applicant</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Reply dated 24.11.2023 on behalf of 'Deputy Commissioner of Police, Police Communication &amp; Information Technology, South Zone, Mumbai' which is taken on record. Learned P.O. also produces letter written by the 'Deputy Inspector General of Police, (Additional Charge) and Superintendent of Police (H.Q.); Police Communication &amp; Information Technology, Pune' dated 24.11.2023 by which certain directions have been given to 'Deputy Commissioner of Police, Police Communication &amp; Information Technology, South Zone, Mumbai'. The letter of 'Deputy Inspector General of Police, (Additional Charge) and Superintendent of Police (H.Q.); Police Communication &amp; Information Technology, Pune' dated 24.11.2023 also reveals that there are large number of vacancies of 'Police Head Constables Wireless Operators' across all police establishments including that of 'Commissioner of Police, Greater Mumbai' as there has been no new recruitment since 2016.</p> <p>3. The directions given by letter of 'Deputy Inspector General of Police, (Additional Charge) and Superintendent of Police (H.Q.); Police Communication &amp; Information Technology, Pune' dated 24.11.2023 to 'Deputy Commissioner of Police, Police Communication &amp; Information Technology, South Zone, Mumbai' also</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>suggest seeking from establishment of 'Commissioner of Police, Greater Mumbai' services of some 'Police Head Constables' on general duties who after undergoing basic training of 'Wireless Operators' can be deployed to reduce shortage of 'Police Head Constables, Wireless Operators'.</p> <p>4. The 'Deputy Commissioner of Police, Police Communication &amp; Information Technology, South Zone, Mumbai' has also been directed to forthwith relieve the 'Police Head Constables, Wireless Operators' so as to implement 'Transfer Orders' dated 30.09.2022 and 20.11.2022 of the 'Additional Director General of Police &amp; Director Wireless and Transport, Maharashtra State, Pune'.</p> <p>5. Learned P.O. states that she will file 'Additional Affidavit-in-Reply' about the course of action which is proposed to be taken by 'Deputy Commissioner of Police, Police Communication &amp; Information Technology, South Zone, Mumbai' including about the directions given by letter of 'Deputy Inspector General of Police, (Additional Charge) and Superintendent of Police (H.Q.); Police Communication &amp; Information Technology, Pune' dated 24.11.2023.</p> <p>6. The 'Additional Director General of Police &amp; Director Wireless and Transport, Maharashtra State, Pune' is expected to follow on the direction given on his behalf by 'Deputy Inspector General of Police, (Additional Charge) and Superintendent of Police (H.Q.); Police Communication &amp; Information Technology, Pune' regarding implementation of the 'Transfer Orders' date 30.09.2022 and 20.10.2022 but it must be done without affecting day to day functioning of the 'Main Control Room' and 'Regional Control Rooms' in the establishment of the 'Commissioner of Police, Greater Mumbai'.</p> <p>7. S.O. to 12.12.2023.</p> <p style="text-align: right;">Sd/- (<b>Debashish Chakrabarty</b>) Member (A)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 28.11.2023</b></p> <p><b>M.A.No.259/2023 in O.A.No.1205/2022</b></p> <p>A.M. Sapkal .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Ms. Neha Kachi holding for Mr. Talekar, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. M.A. is filed seeking amendment in O.A.</li> <li>3. Learned Counsel has submitted that pending O.A. Respondents issued show cause notice to the Applicant and Applicant gave reply to the same. Hence, learned Counsel wants it to be included as the part of the O.A.</li> <li>4. Learned C.P.O. submits to the orders of the Court.</li> <li>5. In view of above, M.A.No.259/2023 for amendment is allowed. Amendment to be carried out within one week. Copy to be served upon the concern within two weeks thereafter.</li> <li>6. Adjourned to 02.01.2024. Interim relief, if any, to be continued.</li> </ol> <p>Sd/- <b>(Medha Gadgil)</b> Member (A)</p> <p>Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p>

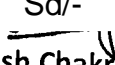
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b>Date: 28.11.2023</b></p> <p align="center"><b>O.A. No.517 of 2023</b></p> <p><b>R.S. Chendke</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....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. Learned P.O. states that 'Additional Tribal Commissioner, Thane' has given 'Personal Hearing' to the Applicant on 21.11.2023.</p> <p>3. Learned Advocate for the Applicant states that the Applicant was present for 'Personal Hearing' on 21.11.2023 and submitted relevant documents to the 'Additional Tribal Commissioner, Thane'.</p> <p>4. Learned P.O. thereupon states that 'Additional Tribal Commissioner, Thane' will require some more time to take appropriate decision regarding the request of Applicant to be transferred on any post of 'Head Master' at 'Government Ashram Shala' at (i) Dolivali, (ii) Sanegaon &amp; (iii) Sai in Tahsil-Pen in District Raigad. Therefore, 'Additional Tribal Commissioner, Thane' to take appropriate decision and accordingly issue fresh 'Transfer Order' of Applicant in next 'Two Weeks'.</p> <p>5. S.O. to 13.12.2023.</p> <p align="right">Sd/-    <b>(Debashish Chakrabarty)</b>  <b>Member (A)</b></p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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><b>Date: 28.11.2023</b></p> <p align="center"><b>O.A. No.1167 of 2023</b></p> <p><b>S.B. Kharat</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....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. Learned Advocate for the Applicant presented information obtained on 22.11.2023 under RTI Act 2005 which includes letter of 'Deputy Conservator of Forest, West Nashik Division, Nashik' dated 30.05.2023 by which Shri Dadasaheb B. Shinde was recommended to be posted on the 'Vacant Post' of 'Clerk' in the Office of 'R.F.O., (Social Forestry), Chandwad'. However, this recommendation was turned down by 'Chief Conservator of Forest (Territorial), Nasik' by order dated 20.06.2023 which mentions that Shri Dadasaheb B. Shinde is permitted to continue to work in the office of 'Deputy Conservator of Forest (Social Forestry), Nashik'. Therefore affirmation in 'Para 6' of the 'Affidavit-in-Reply' dated 27.10.2023 filed by 'Chief Conservator of Forests (Territorial), Nasik and 'Deputy Conservator of Forest, West Nashik Division, Nashik' that the post of 'Clerk' in office of 'R.F.O. (Social Forestry), Chandwad' was not vacant at that time is not factually correct because as on 30.05.2023 it was already vacant when 'Deputy Conservator of Forest, West Nashik Division; Nashik' had recommended transfer of Shri Dadasaheb B. Shinde. Further learned Advocate for the Applicant states that there is one post of 'Clerk' still vacant in the office of 'R.F.O. (Social Forestry), Nandgaon.</p>



Office Notes, Office Memoranda of Coram,  
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3. The posts of 'Clerks' in the offices of (i) R.F.O. (Social Forestry), Chandwad and (ii) R.F.O. (Social Forestry), Nandgaon were both vacant as on 28.04.2023 when the Applicant had submitted his 3 options for transfer and these are still claimed to be vacant. Although it is a fact that only 3 Options were exercised by the Applicant but as the 'Vacant Posts' of 'Clerk' from the options 3 were available at the time; they were required to be taken into due consideration as per G.A.D. G.R. dated 28.04.2023 by the 'Competent Transferring Authority'. However, the Affidavit-in-Reply filed on behalf of 'Chief Conservator of Forests (Territorial), Nasik and 'Deputy Conservator of Forest, West Nashik Division, Nashik' on 27.10.2023 cites that as the Applicant had given only 3 Options and not all 10 Options, the Applicant was transferred from the office of 'R.F.O. (Social Forestry), Yeola' to office of 'Deputy Conservator of Forest (Working Plan), Nashik'. The 3 Options which included 'One Year' extension in the office of RFO (Social Forestry), Yeola' was not considered but the other two 'Vacant Posts' of 'Clerks' were available as on the date of submission of 3 options by Applicant on 28.04.2023. Hence, as per the guidelines in G.A.D. G.R. dated 09.04.2018; the 'Chief Conservator of Forest, Nashik' is directed to reconsider again all these facts to take appropriate decision afresh and pass reasoned order regarding representations of Applicant to be posted as 'Clerk' on the 'Vacant Posts' either in office of (i) R.F.O. (Social Forestry), Chandwad or (ii) 'R.F.O. (Social Forestry), Nandgaon.

4. S.O. to 13.12.2023.

5. Hamdast Granted.

Sd/-  
(Debashish Chakrabarty)  
Member (A)

NMN

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 28.11.2023</b></p> <p style="text-align: center;"><b>O.A. No.708 of 2023</b></p> <p><b>M.S. Naik</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Ms. R.S. Sinhasane, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that she wants some more time to file 'Affidavit-in-Sur Rejoinder'. Time of One Week is accordingly granted.</p> <p>3. The 'District Collector, Kolhapur' was directed by order dated 18.10.2023 to reconsider the earlier requests made by any of Respondent Nos.3, 4 &amp; 5 and if any one of them were to be transferred to any 'Vacant Post' of 'Awal Karkun' in office of 'District Collector, Kolhapur', then one 'Vacant Post' of 'Awal Karkun' would become available at 'Tahsil Office – Panhala'. Thereupon the earlier options of the Applicant which had included posts of 'Awal Karkuns' in 'Tahsil Office, Panhala' can be considered afresh by 'District Collector, Kolhapur' and she can be posted as 'Awal Karkun' in 'Tahsil Office – Panhala'. However, it appears that 'District Collector, Kolhapur' has not been able to take appropriate decision as 'Additional Affidavit-in-Reply' dated 31.10.2023 in 'Para 3' mentions that no such Applications had been submitted by Respondent Nos.3, 4 &amp; 5. The learned Advocate for the Applicant states that such Applications were indeed submitted by Respondent Nos.3, 4 &amp; 5 before 'General Transfers :2023' to the 'District Collector, Kolhapur'. Hence, 'District Collector, Kolhapur' is informed to recheck if Applications by Respondent Nos.3, 4 &amp; 5 were received during the 'General Transfers : 2023' and as per directions given 18.10.2023 take appropriate decision about the request of the Applicant and reasoned order be passed within 'One Week'.</p> <p>4. S.O. to 04.12.2023.</p> <p>5. Hamdast Granted.</p> <p style="text-align: right;">Sd/-  <b>(Debashish Chakrabarty)</b>  <b>Member (A)</b></p> <p>NMN</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><b>Date: 28.11.2023</b></p> <p style="text-align: center;"><b>O.A. No.1145 of 2023</b></p> <p><b>V.S. Lambhate</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent Nos.1 &amp; 2, Shri M.D. Lonkar, learned Advocate for the Respondent No.3 and Shri K.R. Jagdale, learned Advocate for the Respondent No.4.</p> <p>2. Learned Advocate Shri G.A. Bandiwadekar states that his senior Advocate Mr.A.V. Bandiwadekar is not available due to 'Personal Reasons' and therefore seeks adjournment for 'One Week'.</p> <p>3. Learned Advocate for the Respondent No.4 who is 'C.E.O. S.R.A.' is informed that though the brief 'Affidavit-in-Reply' has been filed on his behalf on 20.10.2023, it is basically narration of facts but does not disclose whether the Transfer Orders of both the 'Applicant' and 'Respondent No.3' have been issued in observance of provision of 'Section 3-I' of 'Maharashtra Slum Areas (IC&amp;R), Act 1971' which requires all appointment of Officers and Servants subordinate to 'C.E.O. S.R.A.' to be made as per regulations for efficient performance of duties and functions of the 'Slum Rehabilitation Authority'.</p> <p>4. Learned Advocate for Respondent No.4 who is 'C.E.O., S.R.A.' is therefore informed to submit 'Copy of Regulations' framed under 'Section 3-I' of 'Maharashtra Slum Areas (IC&amp;R), Act 1971' and to also ascertain if any prospective vacancies are likely to arise till 31.03.2024 in posts of 'Deputy Collectors' who are presently working as 'Competent Authority' under 'C.E.O., S.R.A.'</p> <p style="text-align: right;">[P.T.O.]</p>

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

**Tribunal's orders**

5. Learned Advocate for Respondent No.4 who is 'C.E.O. S.R.A.' thereupon states that he will accordingly file 'Affidavit-in-Reply' within 'One Week'.
6. 'Interim Relief' to continue till 'Next Date'.
7. S.O. to 04.12.2023.

Sd/-  
(Debashish Chakrabarty)  
Member (A)

NMN

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.11.2023</p> <p style="text-align: center;">O.A. 1422 of 2023</p> <p>H. A. Divate <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. The Applicant and his Counsel are absent. Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</li> <li>2. Learned P.O. submits that copy of O.A. is not served.</li> <li>3. Shri S. P. Dhole, learned Counsel is directed to serve the copy of O.A. to other side.</li> <li>4. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>5. Issue notice before admission returnable on 05.12.2023.</li> <li>6. 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.</li> <li>7. 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.</li> <li>8. 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.</li> <li>9. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.</li> <li>10. S.O. to 05.12.2023.</li> </ol> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Debashish Chakrabarty) Member (A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.11.2023</p> <p style="text-align: center;"><b>O.A. 1479 of 2023</b></p> <p><b>Bukeshwar Godage</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that the Applicant aspires appointment to the post of Deputy Director of Agriculture. The Advertisement No.087/2022 was published by Respondent No.3- M.P.S.C. for Maharashtra Gazette Technical Combined Service Preliminary Examination, 2022 and examination was to be held on 17.12.2022. Learned Counsel submits that Applicant on 18.10.2022 had applied for an EWS Certificate in order to be eligible to be considered from the EWS Category. Though his name appeared in General Merit List, his EWS Certificate was not considered as it is not in proper format.</p> <p>3. The first EWS Certificate was issued by Tahsildar, Madha on 19.10.2022 but it is in Central Government format and subsequently he got his second EWS Certificate on 13.09.2023 which is in State Government format produced by him before MPSC for considering him in the Open-EWS Category.</p> <p>4. Learned C.P.O. seeks time to take instructions.</p> <p>5. S.O. to 05.12.2023.</p> <p style="text-align: center;">Sd/- _____ Sd/- _____  <b>(Debashish Chakrabarty)</b> <b>(Mridula Bhatkar, J.)</b>  <b>Member (A)</b> <b>Chairperson</b></p> <p>vsm <span style="float: right;">[P.T.O.]</span></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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 28.11.2023</p>
	<p>O.A. 1456 of 2023</p> <p>G. P. Girhe .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned P.O. for the Respondents.</p> <p>2. The Applicant is working as Junior Clerk (presently under suspension) with Respondent No.3 challenges the charge sheet dated 06.11.2023 and suspension order dated 15.09.2023 issued by Respondent No.2. The Applicant joined Government Service in department of Social Justice and Special Assistant department in the year 2015 as Junior Clerk. Thereafter, the Respondent No.2 has issued transfer order dated 29.06.2023 by which he is transferred from the office of Respondent No.3 to Respondent No.2.</p> <p>3. Learned Counsel for the Applicant submits that Respondent No.3 submitted proposal to Respondent No.2 by letter dated 25.04.2023 that Junior Clerks who were due for transfer are to be given one year extension in view of burden of work in the office of Respondent No.3. The letter was issued to Respondent No.2 as Respondent No.2 is the parent department of the Applicant.</p> <p>4. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Issue notice before admission returnable on 01.12.2023.</p> <p>6. 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.</p> <p>7. 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>8. 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.</p> <p>9. 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/ <del>Miscellaneous</del> 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 / <del>Miscellaneous</del> Application shall stand dismissed.</p> <p>10. S.O. to 01.12.2023 under the caption of 'Urgent Admission'.</p> <p>11. We hereby direct the responsible officers from the office of Respondent Nos.1, 2 and 3 to remain present before the court on next date of hearing.</p> <p style="text-align: center;">Sd/- _____ Sd/- _____</p> <p style="text-align: center;">(Debashish Chakrabarty) (Mridula Bhatkar, J.) Member (A) Chairperson</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
	<p><b>Date : 28.11.2023</b> <b>O.A.No.1340 of 2023</b></p> <p><b>K. N. Tadvi</b> ....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Smt. Pooja Mankoji holding for Shri S. S. Dere, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. learned Counsel for the applicant submits that she has filed O.A.No.1484/2023 which is having same issue involved in the present O.A. She requested to club O.A. No.1484/2023 with O.A.No.1340/2023.</p> <p>3. As the issue involved in both matters is same, O.A. 1484/2023 be clubbed with O.A. 1340/2023.</p> <p>4. S.O. to 30.11.2023.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.273 OF 2023**

Shri Bhimraj Rohidas Ghadge ..Applicant  
Versus  
The State of Maharashtra & Ors. ..Respondents

Applicant is present

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)

DATE : 28<sup>th</sup> November, 2023

**ORDER**

1. Applicant has filed an application dated 28.11.2023 for speaking to minutes of the judgment and order dated 22.11.2023 passed by this Tribunal in the above OA.
2. Applicant submits that in the title the number of OA is wrongly mentioned as O.A. No. '273/2022' and it should be corrected as '273/2023'.
3. In para 2 page 2 second line it is mentioned as 'Bazar Gate' and it should be corrected as 'Bazar Peth'.
4. In para 7 page 5 third line it is mentioned as 'FIR No.25/2018' and it should be corrected as 'FIR No.II-48/2015'.

5. In para 8 page 5 sixth line it is mentioned as 'Government' and it should be corrected as 'The Commissioner of Police, Thane'.
6. In para 8 page 5 sixth line the date is mentioned as '12.6.2019' and it should be corrected as '10.5.2019'.
7. In para 8 page 5 eighth line the date is mentioned as '31.4.2024' and it should be corrected as '31.5.2024'.
8. In para 9 page 5 fifth line the date is mentioned as '23.11.2022' and it should be corrected as '21.11.2022'.
9. Ld. PO has no objection.
10. Order be corrected and read accordingly.

Sd/-

**(Medha Gadgil)**  
**Member (A)**  
**28.11.2023**

Dictation taken by: S.G. Jawalkar.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>28.11.2023</u></b></p> <p><b><u>M.A 248/2023 in O.A 388/2023</u></b></p> <p>K.N Bhosale &amp; Anrs ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Pooja Phagnekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. At the request of learned counsel for the applicant, matter adjourned to 1.12.2023.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>28.11.2023</u></b></p> <p><b><u>C.A 27/2022 in O.A 645/2016b with O.A 509/2020</u></b></p> <p>M.A Damale ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that by order dated 13.10.2023 in W.P 1549/2023, the Hon'ble High Court confirmed the order passed by the Tribunal. Learned P.O submits that in view of the Respondents have complied with the order of the Tribunal and issued letter dated 6.11.2023, wherein the applicant's name has been included in the waiting list from the date of the application.</p> <p>3. Accordingly, C.A stands disposed of.</p> <p align="center">Sd/- <b>(Medha Gadgil)</b> Member (A)</p> <p align="center">Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.1016 of 2023</u></p> <p>S.C. Tamkhede ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Concerned officer from the office of respondents to remain present.</p> <p>3. S.O. to 1.12.2023.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 28.11.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.70 of 2023 in O.A. No.123 of 2023</u></p> <p>G.G. Dasarwad ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Archana B.K., learned Presenting Officer for the Respondents. Applicant in person is absent.</p> <p>2. Applicant in person is directed to serve copy of OA in the office of Ld. CPO.</p> <p>3. S.O. to 2.1.2024.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 28.11.2023</p> <p>(sgi)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.782 of 2023</u></p> <p>S.T. Salunkhe ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO on instructions from the officer who is present in the Court submits that proposal for grant of provisional pension has been sent to Accountant General on 24.11.2023. Ld. PO seeks time to file reply.</p> <p>3. S.O. to 11.12.2023 by way of last chance.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 28.11.2023</p> <p>(sgj)</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.512 of 2023 in O.A. No.917 of 2023</u></p> <p>K.R. Sawale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri P.G. Kathane, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. None for the applicant.</p> <p>2. MA is filed for condoning the delay of 4 years. MA and OA will be heard together.</p> <p>3. S.O. to 5.1.2024.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 28.11.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>M.A. No.415 of 2023 with O.A. No.384 of 2023</u></p> <p>V.D. Pimple ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Pooja Mankoji holding for Shri S.S. Dere learned Advocate for the applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file reply.</p> <p>3. S.O. to 12.12.2023 by way of last chance. If reply is not filed matter will be proceeded without reply.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 28.11.2023</p> <p>(sgj)</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.1474 of 2023</u></p> <p>K.D. Pimple ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, 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 4.1.2024. 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. Respondents are put to notice that the case may 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. 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.</p> <p>7. In case notice is not collected within <b>seven days</b> or service report on affidavit is not filed <b>three days</b> before returnable date, the OA shall be placed on board before the concerned Bench under the caption "<b>For Dismissal</b>" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: right;">Sd/- (Medha Gadgh) Member (A) 28.11.2023</p> <p>(sgj)</p>

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

Tribunal's orders

O.A. No.1427 of 2023

Ş.S. Bholane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. Applicant and Advocate both are absent.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid. Applicant to serve the office of Ld. CPO.

3. Issue notice before admission returnable on 2.1.2024. The respondents are directed to file reply.

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. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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.

6. 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.

7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "**For Dismissal**" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-  
(Medha Gadgil)  
Member (A)  
28.11.2023

(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.679 of 2023</u></p> <p>N.B. More ..Applicant  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar holding for Shri S.S. Dere, 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. Applicant to serve the office of Ld. CPO.</p> <p>3. Issue notice before admission returnable on 2.1.2024. 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. Respondents are put to notice that the case may 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. 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.</p> <p>7. In case notice is not collected within <b>seven days</b> or service report on affidavit is not filed <b>three days</b> before returnable date, the OA shall be placed on board before the concerned Bench under the caption "<b>For Dismissal</b>" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: right;">Sd/-  (Medha Gadgil)  Member (A)  28.11.2023</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
	<p>Date : 28.11.2023</p> <p>O.A.No.1107/2023 with O.A. Nos.1121, 761, 1021, 1059, 1297 and 1370 of 2023</p> <p>Dr. N. P. Banage &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri Vijay Singh holding for Shri A. A. Desai, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. submits that she has received instructions and seeks time to file Affidavit in Reply.</p> <p>3. The matter is fixed on 01.12.2023 for filing Affidavit in Reply and thereafter same will be fixed on 08.12.2023.</p> <p>Sd/- (Debashish Chakrabarty) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

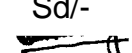
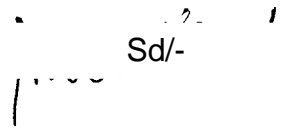
(Advocate .....)

*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
	<p>Date : 28.11.2023</p> <p align="center">O.A.No.651 of 2023 With M.A.No.717 of 2023</p> <p>Dr. V. P. Wahane      ....Applicant</p> <p>H. N. Dalavi      .....Intervener</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant, Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents and Smt. Pooja Mankoji holding for Shri S. S. Dere, learned Counsel for Intervener.</p> <p>2. M. A. No.717/2023 is for Intervention.</p> <p>3. Learned Counsel for the Applicant seeks time to file reply to intervention application.</p> <p>4. S.O. to 07.12.2023</p> <p align="center">Sd/-  (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/-  (Mridula Bhatkar, J.) Chairperson</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
	<p>Date : 28.11.2023 O.A.No.1226 of 2023</p> <p>Dr. A. S. Chandanwale ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant, Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent and Shri M. D. Lonkar, learned Counsel for Respondent No.2.</p> <p>2. Shri M. D. Lonkar, learned Counsel for the Respondent No.2 seeks one week time to file Affidavit in Sur-Rejoinder.</p> <p>3. S.O. to 05.12.2023.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>vsm</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 28.11.2023</p> <p align="center">O.A. No.840 of 2023 with O.A. No.841 of 2023</p> <p>M.S. Jamble A.S. Gorane .....Applicant Versus The State of Maharashtra &amp; 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. Learned P.O. has filed 'Affidavit-in-Sur Rejoinder' on behalf of Respondent No.1 in O.A. No.840 of 2023 &amp; O.A. No.841 of 2023. It is taken on record.</p> <p>3. Learned Advocate for the Applicant seeks 'Three Weeks' time to file 'Affidavit-in-Sur Sur Rejoinder' on behalf of the Applicants in O.A. No.840 of 2023 &amp; O.A. No.841 of 2023. Time as prayed is granted.</p> <p>4. S.O. to 22.12.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</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><b>Date: 28.11.2023</b></p> <p align="center"><b>O.A. No.1081 of 2023</b></p> <p><b>R.D. Ghunkikar</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. states that she is yet to receive 'Para-wise Comments' from (i) 'Principal Secretary, Revenue &amp; Forest (Forests) Department' as Respondent No.4 and (ii) 'Additional Chief Secretary (Services), G.A.D.' as Respondent No.5 to be able to file 'Affidavit'-in-Reply' as per direction given on 31.10.2023.</p> <p>3. Learned P.O. therefore to inform (i) 'Principal Secretary, Revenue &amp; Forest (Forests) Department' as Respondent No.4 and (ii) 'Additional Chief Secretary (Services), G.A.D.' as Respondent No.5 to file their 'Affidavits-in-Reply' in any case by 'Next Date'. Otherwise, the 'Interim Prayer' of the Applicant will be considered on 'Next Date' and he may be permitted to join back on the post from which he was relieved viz. 'Range Forest Officer, Kankavli (T), Sindhudurg Forest Division, Tahsil Sawantwadi, District Sindhudurg.</p> <p>3. S.O. to 04.12.2023</p> <p>4. Hamdast Granted.</p> <p align="right">Sd/-  <b>(Debashish Chakrabarty)</b>  <b>Member (A)</b></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><b>Date: 28.11.2023</b></p> <p style="text-align: center;"><b>O.A. No.1251 of 2023</b></p> <p><b>M.A. Kamble</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits 'Affidavit-in-Reply' on behalf of Respondent No.2 &amp; 3. Which are taken on record.</p> <p>3. Learned P.O. further states that 'Director General of Police, Maharashtra State' conducted P.E.B-II to consider the Applicant's representations dated 04.07.2023 &amp; 04.09.2023 and he now stands posted as 'Police Inspector' in 'Motor Transport Section; Nagpada, Mumbai' by Order dated 17.11.2023.</p> <p>4. Learned Advocate for the Applicant then states that he is yet to be relieved from the establishment of the 'Commissioner of Police, Solapur City'. Therefore 'Commissioner of Police, Solapur City' is directed to forthwith take further action to relieve the Applicant preferably by 30.11.2023; to enable him to join as 'Police Inspector' in 'Motor Transport Section; Nagpada, Mumbai'</p> <p>5. S.O. to 05.12.2023.</p> <p style="text-align: right;">Sd/-  <b>(Debashish Chakrabarty)</b>  <b>Member (A)</b></p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....) )

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 28.11.2023</b></p> <p style="text-align: center;"><b>R.A.No.2/2023 in O.A.No.356/2022</b></p> <p>R.S. Kore, through legal heirs ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. Archana B.K, learned Presenting Officer for the Respondents.</p> <p>2. Matter called out, however, learned Counsel Mr. Bhushan A. Bandiwadekar is not present.</p> <p>3. Applicant was on duty till 21.08.2020. He was admitted in Hospital on 26.08.2020. Applicant was detected COVID on 28.08.2020. Applicant died on 06.09.2020 due to COVID.</p> <p>LATER ON :</p> <p>4. Mr. Bhushan A. Bandiwadekar, learned Counsel appeared and submitted that Applicant's legal heir (wife) Smt. Sunita Raosaheb Kore expired on 13.06.2023. He further submitted that there is death of one family member of the Applicant, so the Applicant, Mr. Arun R. Kore is mentally distributed.</p> <p>5. Learned Counsel has further submitted that his senior Mr. A.V. Bandiwadekar has argued this matter and he is not available today.</p> <p>6. At the request of learned Counsel adjourned to 09.01.2024.</p> <p style="text-align: right;">Sd/- _____</p> <p style="text-align: center;"><b>(Mridula Bhatkar, J.) Chairperson</b></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**

29.11.2023

O.A 135/2020

J.R Choudhary ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Vikas Shekdar with Kishor Madke,  
learned advocate for the applicant and Ms Archana B.K,  
learned P.O for the Respondents.

2. Matter adjourned to 29.11.2023 at 12.00 hrs.

Sd/-

(Medha Gadgil)  
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 28.11.2023</b></p> <p><b>O.A.No.466/2018</b></p> <p>M.R. Tambe &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today learned Counsel files affidavit. It be taken on record. Copy be served upon the concern.</p> <p>3. Adjourned to 12.12.2023.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 28.11.2023</b></p> <p><b>O.A.No.1179/2023</b></p> <p>A.P. Devkate .....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned C.P.O. adjourned to 02.01.2024.</p> <p>Sd/- <b>(Medha Gadgil)</b> Member (A)</p> <p>Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 28.11.2023</b></p> <p><b>O.A.No.801/2023</b></p> <p>S.K. Parekar .....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Mr. A. Gavkar, learned Counsel for the Applicant is absent.</p> <p>3. Reply is already filed.</p> <p>4. Adjourned to 30.01.2024, with liberty to file rejoinder, if any.</p> <p>Sd/- _____ <b>(Medha Gadgil)</b> Member (A) prk</p> <p>Sd/- _____ <b>(Mridula Bhatkar, J.)</b> Chairperson</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....) )

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 28.11.2023</b></p> <p align="center"><b>M.A.No.390/2023 in O.A.No.1205/2022 With M.A.No.391/2023 in O.A.No.1258/2022</b></p> <p>S.S. Pawar &amp; Ors. ....Applicants Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel has submitted that M.A.No.391/2023 is already disposed of.</p> <p>3. Registry to take note of the same.</p> <p>4. M.A.No.390/2023 is filed seeking amendment in O.A.</p> <p>5. M.A. for amendment is allowed. Amendment be carried out forthwith. Amended copy be served upon the concern.</p> <p>6. M.A.No.390/2023 is allowed.</p> <p>7. O.As adjourned to 23.01.2024.</p> <p align="center">Sd/- <b>(Medha Gadgil)</b> Member (A)</p> <p align="center">Sd/- <b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	<b>28.11.2023</b> Tribunal's orders
	<p style="text-align: center;"><b><u>O.A 327/2016</u></b></p> <p>M.M Kathe &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. With consent of the parties, matter adjourned to 11.12.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.382 of 2017
	<p>Ashok N. Gaikwad .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicant, a Sub Registrar, Class-I, Stamps, challenges the charge sheet dated 17.4.2017 issued by respondent no.2 in DE. He further prays that the DE should be stayed till final disposal of CR No.110/2015 registered at Sinnar Police Station, Nashik.</p> <p>3. By order dated 5.5.2017 interim stay was given till next date as per para 8 of the order. Thereafter extension of stay on further dates is not found.</p> <p>4. Ld. PO on instructions from Shri Badgujar, Sub-Registrar in the office of respondent no.2 submits that respondents are going to complete the enquiry within three weeks from today.</p> <p>5. Ld. Advocate for the applicant submits that the incident took place in September, 2012 and FIR was registered against the applicant on 26.11.2015. The applicant was suspended by order dated 16.12.2015 and charge sheet in DE was issued on 17.4.2017. Ld. Advocate submits that DE was initiated very late and is pending till today. He states that his case is covered by the ratio of the Hon'ble Supreme Court in the <u>State of M.P. Vs. Bani Singh &amp; Anr. 1990 AIR SC 1308</u>. He states that the applicant is prosecuted under the Prevention of Corruption Act and charge sheet is filed in January 2021. He states that he is covered by the judgment of the Hon'ble Supreme Court in the case of <u>Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. &amp; Anr. AIR 1999 SC 1416 : (1999) 3 SCC 679</u> as the charges are same and therefore his defence will be initiated. The applicant retired on 30.6.2020.</p> <p>6. In the order dated 3.3.2020 passed by the Hon'ble High Court in W.P. No.742/2016 filed by the applicant for quashing the FIR the Hon'ble High Court has observed as follows:</p> <p align="center"><i>"5. At this stage, the allegations leveled against the petitioner cannot be said to be incorrect. However, if during investigation, the Investigating Officer finds something to the contrary, it is open to the Investigating Officer to delete name of the petitioner."</i></p>

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

Tribunal's orders

7. Undoubtedly, the DE is pending since long. However, it is interesting to find out why DE remained pending. This Tribunal has passed interim order on 5.5.2017 directing that "Respondent No.2 will not proceed with the Departmental Enquiry proceedings against the Applicant till the next date.". The record discloses that stay was not extended. However, it appears that department was under the false impression that stay continued further. Hence, no steps were taken. The offence was registered in criminal case against the applicant on 28.11.2015 for the offence which took place in September, 2012. There is inordinate delay in registering the case under the Prevention of Corruption Act. Ld. Advocate has submitted that he should get the benefit of *Capt. M. Paul Anthony* (supra) and *Bani Singh* (supra) that enquiry is delayed without satisfactory explanation. However, considering the chronology of events and the order 5.5.2017 passed in this OA and also order dated 3.3.2020 in W.P. No.742/2016, it appears that department was under wrong impression that stay continued therefore they did not proceed and moreover W.P. No.742/2016 was filed for quashing the FIR and the Hon'ble High Court passed the interim order on 28.4.2016 as follows:

*"We allow the investigation to continue. But, final report, qua the petitioner only, shall not be filed until further orders passed by this Court."*

8. Thus, the Police could not file charge sheet against the applicant. The said writ petition was disposed off by order dated 3.3.2020. We asked the Ld. Advocate for the Applicant and the Ld. PO whether the name of the applicant is dropped from the investigation. We were informed that his name was not dropped and charge sheet is filed on 11.12.2020 i.e. i.e. after disposal of W.P. No.742/2016. Thus, the criminal case will proceed in its own course. The charges are of the corruption and the matter is already pending for long time and may remain pending for long time. However, DE cannot be kept pending for such long time. Further Ld. PO has made a statement that department will complete the enquiry within three months from today.

9. We accept these submissions and direct the respondents to complete and conclude the DE on or before 22.12.2023. The applicant to cooperate. In view of the scenario the department cannot be blamed at this stage for the delay. The respondents to take note that the date of 22.12.2023 is to be followed scrupulously otherwise it may amount to contempt. OA disposed off accordingly.

Sd/-

(Medha Gadgil)  
Member (A)  
28.11.2023

(sgj)

Sd/-

(Mridula Bhatkar, J.)  
Chairperson  
28.11.2023

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.52 of 2019</u></p> <p>P.V. Shelke-Patil &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The above matter is on board however shown adjourned to 3.1.2024.</p> <p>3. Ld. Advccate for the applicant mentions the matter.</p> <p>4. This matter is to be shown under the caption of Part Heard. S.O. to 29.11.2023. Part heard.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 28.11.2023 28.11.2023</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 style="text-align: center;"><u>O.A. No.756 of 2018</u></p> <p>R.R. Desai ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle holding for Shri M.R. Patil, learned Advocate for the Applicant and Smt. Archana B .K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant states that the applicant retired on 30.11.2018.</p> <p>3. Since the subject-matter of the OA is granting of additional charge, the issue has become infructuous. Hence, OA is disposed of as such accordingly.</p> <p style="text-align: center;"></p> <table style="width: 100%;"><tr><td style="width: 50%; text-align: center;">Sd/- (Medha Gadgil) Member (A) 28.11.2023 (sgj)</td><td style="width: 50%; text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 28.11.2023</td></tr></table>	Sd/- (Medha Gadgil) Member (A) 28.11.2023 (sgj)	Sd/- (Mridula Bhatkar, J.) Chairperson 28.11.2023
Sd/- (Medha Gadgil) Member (A) 28.11.2023 (sgj)	Sd/- (Mridula Bhatkar, J.) Chairperson 28.11.2023		