

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATIONS NO.245 & 681 OF 2021**

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**ORIGINAL APPLICATION NO.245 OF 2021**

Shri Jayesh S. Sathe ..Applicant  
Versus  
The State of Maharashtra & Anr. ..Respondents

**WITH**

**ORIGINAL APPLICATION NO.681 OF 2021**

Shri Sudhindra K. Karjol ..Applicant  
Versus  
The State of Maharashtra & Ors. ..Respondents

Shri B.A. Bandiwadekar – Advocate for the Applicant in OA.245/2021  
None for Applicant in OA.681/2021

Ms. S.P. Manchekar – Chief Presenting Officer for Respondent No.1 in OA  
No.245/2021 and for Respondents No.2 & 3 in OA.681/2021

Shri Aniket Ransubhe – Advocate for Respondent No.2 in OA.245/2021 &  
for Respondent No.1 in OA.681/2021

CORAM : Smt. Justice Mridula Bhatkar, Chairperson  
Smt. Medha Gadgil, Member (A)

DATE : 29<sup>th</sup> March, 2022

**ORDER**

1. In these two matters the objection was raised from the office of Ld. Chief Presenting Officer (CPO) about appearance of Advocate Shri Aniket Ransubhe as Private Counsel for Public Works Department (PWD) as he

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was given authority to appear by Chief Engineer of PWD as Private Counsel.

2. Ld. private counsel for Chief Engineer has submitted that the Rules for the Conduct of the Legal Affairs of Government, 1934 (hereinafter referred to as 'Rules of 1984') are not applicable as the Tribunal was not in existence in 1984 and it was established in 1986 and therefore the said Rules of appointment of private counsel, special counsel or special public prosecutor will not be attracted. Ld. private counsel has submitted that if it is made applicable then his appointment can be covered under Rule 96 of the Rules of 1984. For the purpose of better understanding, Rule 96 is reproduced below:

*"96. Cases not falling under the Rules applicable to Law Officers.-  
(1) The following types of cases do not fall under the Maharashtra Law Officers (Appointment, Conditions of Service and Remuneration) Rules, 1984 namely:-*

- (a) All cases under the Industrial and Labour Laws;*
- (b) cases under the Payment of Wages Act, 1936;*
- (c) cases under the Minimum Wages Act, 1948;*
- (d) cases under the Workmen's Compensation Act, 1923;*
- (e) Arbitration cases;*
- (f) Election Petitions;*
- (g) cases under the Bombay Public Trusts Act, 1950;*
- (h) cases before the Motor Accident Claims Tribunal;*
- (i) cases before the Sales Tax Tribunal.*


*In such cases neither the sanction of Government in the Law and Judiciary Department for the engagement of any Law Officers for the institution or defence of the cases is necessary nor their fees and law charges are debitable to the grants at the disposal of the Law*

*and Judiciary Department. If the administrative departments and the Government officers under their control desire to engage the services of the Law Officers for the institution or defence of cases falling under the aforesaid categories, they may do so. In such cases fees and law charges of the Law Officers are payable directly by the administrative departments concerned.*

*(2) The courts like Labour Courts, Industrial Courts, Revenue Courts, Courts of Rent Controller, Co-operative Courts, or Tribunals such as Sales Tax Tribunal, are not "courts" within the definition of "civil courts" under the Bombay Civil Courts Act, 1869.*

*(3) .....*

*(4) The administrative departments may, if they deem fit necessary, draw up a Panel of Counsel or engage any private counsel on permanent basis to appear on behalf of their departments concerned and the Government officers under their control in the Labour Courts, Industrial Courts or any other tribunals. The rate of fees and other law charges payable to such counsel may also be got fixed up in consultation with the Commissioner or Deputy Commissioner of Labour of the division concerned, as the case may be. As the payment of legal fees to such counsel falls under the category of special contingencies of non-recurring nature, prior sanction of Government in the administrative department is necessary. However, the counsel, so engaged are not the Special Counsel, within the meaning of these rules and as such they are not entitled to any special fees."*

 3. Ld. private counsel relied on word 'Tribunal' in sub rule (4) of Rule 96 where the administrative department has given power to engage any private counsel on permanent basis to appear on behalf of their

departments concerned and the Government officers under their control in the Labour Courts, Industrial Courts or any other tribunals. The fees of such private counsel has to be borne by the department and not privately by the appointing authority. Ld. private counsel submitted that administrative tribunal is also covered in word "tribunal" in sub rule (4) of Rule 96.

4. Ld. CPO has submitted that appointment of Special Counsel and Special Public Prosecutors are to be made under Rule 18 of the Rules of 1984 and for that purpose the office of Chief Presenting Officer is created by the Government to look after the representatives of all the departments and the officers in those departments. Ld. CPO has submitted if at all such powers are given to the head of the administrative departments to appoint private counsel then there will not be proper administrative control and there may not be harmonious representation of the departments in legal issues and the officers working therein, before the Tribunal. In support of her submissions she relied on the order dated 16.2.2016 passed by the Hon'ble High Court, Nagpur Bench in W.P. No.1103 of 2016.

5. When the Rules of 1984 were framed the Administrative Tribunal was not in existence at the relevant time. Chapter III of the Rules of 1984 is about The Special Counsel, Special Public Prosecutors, Panel Counsel and Advocate-on-Record. Part A of the Chapter III is about the Special Counsel and Special Public Prosecutors. The relevant portion of the Rule 18 of the Rules of 1984 reads as under:


*"18. Special Counsel by whom to be engaged.- (1) Save as otherwise provided in these rules, no special counsel on behalf of the State or its officers shall be engaged in any civil cases in the High Court and subordinate courts in this State or in other States and in civil and*

*criminal cases in the Supreme Court without the sanction of the Remembrancer of Legal Affairs. The fees, travelling allowances and other charges of such counsel shall also be settled by the Remembrancer of Legal Affairs.”*

6. The Rule puts bar on appointment of counsel without the sanction of Remembrancer of Legal Affairs in the High Court and subordinate courts. Thus approval of Law and Judiciary Department is must for the counsel who is appearing on behalf of the Government administrative department and their officers. The purpose of creation of the office of CPO is very clear that there should be harmony and consistency when the matters are represented on any legal issue. If different counsel are appointed by the departments then there may be contrary stands and will lead to chaotic situation for the Government itself. In support of this we rely on para 3, 4 & 5 of the order dated 16.2.2016 passed by the Hon'ble High Court, Nagpur Bench in W.P. No.1103 of 2016, which reads as under:

*“3. When the office of the Government Pleader is established for appearing in all the matters in the High Court on behalf of the State Government, we do not understand as to why creation of separate panel of lawyers for Forest Department of the State Government is necessary. The State Government is a single entity and all the Departments under the State Government should be represented by the office of the Government Pleader.*

*4. We find that if the approach of the State Government in establishing the separate panel of the lawyers for particular Department in the High Court is permitted, it may result in chaotic situation. The State Government, may be the Chief Secretary or Secretary of a particular Department, may take a particular stand and it is quite possible that a subordinate officer of the Forest*



*Department being represented by another Counsel may take a different stand. As such two organs of the State Government fighting amongst each other, cannot be ruled out.*

5. *It will be a different matter where there is no regular Government Pleader's office establishment, like the Green Tribunal, the Labour Court, the Industrial Court, etc. In such an eventuality, the Forest Department or any other Department like Irrigation Department or Public Works Department could consider for creation of panel of lawyers representing them before such Courts or Tribunals. However, when there is regular establishment of Government Pleader's office, we do not understand the propriety behind having a separate panel for the Forest Department or any other department in the High Court."*

7. In Rule 18 the words used as, 'officers shall be engaged in any civil case in the High Court and subordinate courts in the State'. True the word 'Tribunal' is not mentioned in Rule 18. However, in order to explain the creation of the office of CPO and appointment of Presenting Officers, who are appointed with the approval of the Law and Judiciary Department, we need to know the history of the creation of this Tribunal, which is explained by the Hon'ble Supreme Court in **S.P. Sampat Kumar Etc. Vs. Union of India & Ors., 1987 AIR 386 : 1987 SCR (1) 435** and **L. Chandra Kumar Vs. Union of India & Ors. AIR 1997 SC 1125 : 1997(2) SCR 1186.**

8. It is stated in *L. Chandra Kumar* (supra) that the powers of service jurisprudence which is one of the branches of the Hon'ble High Court is diverted to this Tribunal and this Tribunal is having power of judicial review in respect of all the service matters specially under Article 14, 15, 16 and Article 309, 310 and 311 of the Constitution and thus it is intended to create to supplant the High Court to the extent - service

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jurisprudence. Thus Tribunal is <sup>a</sup> baby Kangaroo of the High Court. Hence, for working of the Tribunal <sup>^</sup> where Government in 99% matters is a necessary party respondent; the office of Chief Presenting Officer is created to render legal assistance to the Government and also the Tribunal.

9. In sub Rule 4 of Rule 96 the word 'tribunal' is used. However, sub-rule (1) of Rule 96 has direct bearing over sub-rule (4) of Rule 96. The list given in sub-Rule (1) of Rule 96 is exhaustive. Administrative Tribunal is to be necessarily carved out of the Rule 96(1) because Rule 18 controls ultimately Rule 96 so far as Administrative Tribunal is concerned. Thus, we uphold the objection raised by Ld. CPO.

10. We appreciate the submissions and service rendered by Ld. Private Counsel Shri Aniket Ransubhe, who appeared as private counsel for Chief Engineer, PWD.

11. Meanwhile the Chief Engineer has fairly relieved the private counsel and papers are handed over to the office of CPO. Now in this matter, office of CPO will appear.

12. S.O. to 11.4.2022.

Sd/-

(**Medha Gadgil**)  
Member (A)  
29.3.2022

Sd/-

(**Mridula Bhatkar, J.**)  
Chairperson  
29.3.2022

Dictation taken by: S.G. Jawalkar.

**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 : 29.03.2022</b></p> <p align="center"><b>O.A.No.802 of 2021</b></p> <p><b>Shri Nitin B. Kolekar</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondent No.1, Respondent Nos.2 to 4 absent though served.</p> <p>2. The Applicant has filed the present O.A. challenging order dated 15.09.2021 issued by the Government to the extent of denial of posting as per his options submitted by him when called for by the Government.</p> <p>3. The Applicant was serving in the cadre of Deputy Director of Industries and was in the zone of consideration for promotional post of Superintending Industries Officer which is equivalent to General Manager District Industries Centre. The Government by letter dated 04.05.2021, called options from the Applicant and others who were in the zone of consideration. Accordingly, the Applicant has submitted his options by letter dated 05.05.2019 and gave preference to posting at Kolhapur, Nashik or Palghar. However, by order dated 15.09.2021, the Applicant was given posting at Nanded. The Respondent No.2- Shri Shelke who was serving at Kolhapur was given extension which was sought by the Applicant. The Respondent No.3- Smt. V. B. Sone was already working on the promotional post and by order dated 28.08.2021, she was given posting at Palghar which was 3<sup>rd</sup> option of the Applicant. Insofar as, 2<sup>nd</sup> option Nashik is concerned, it was given to Respondent No.4.</p> <p align="right">[P.T.O.]</p>



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

Tribunal's orders

4. It is on this background, the Applicant has filed present O.A. *inter-alia* contending that he was not given options as sought and Government acted arbitrarily by continuing the Respondent No.2 – Shri Shelke at Kolhapur.
5. True, this is not a case of transfer but it is posting on promotion. However, there is no denying that before issuance of transfer, the Government had called options from the Applicant and others.
6. On 10.03.2022 when the matter was taken up for hearing that time, it was brought to the notice of the Tribunal by learned Counsel for the Applicant that Respondent No.2- Shri Shelke has overstayed at Kolhapur and again due for transfer in May, 2022. Learned P.O. is, therefore, directed to apprise the Tribunal as to whether the Applicant can be posted at Kolhapur in place of Respondent No.2- Shri Shelke in general transfer of May, 2022.
7. Today, learned P.O. however submits that she cannot make specific statement but admits that the Respondent No.2 – Shri Shelke is due for transfer in May, 2022. According to her, the Applicant can make a representation which can be considered by the Government.
8. Thus, having heard learned Counsel for the Applicant and learned P.O. for the Respondents, present O.A. can be disposed of by giving suitable directions particularly having noticed that the Respondent No.2- Shri Shelke is posted at Kolhapur from 2016 and had already secured 2-3 extensions. Thus, in general transfer of May, 2022, he will be completing more than six years. Significantly, the record shows that earlier also he was at Kolhapur from 2002 to 2008. It is quite un-understandable how a person can be posted at one place for such a longer period which is nothing but undue favour.
9. O.A. is, therefore, disposed of with directions to Applicant to make representation giving option of Kolhapur and Respondent No.1 should consider the same in general transfer of May, 2022 in the light of observations made by this Tribunal as above.
10. No order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No.

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.03.2022</p> <p align="center"><b>O.A.No.232 of 2022 with O.A. No.233 of 2022</b></p> <p><b>D. D. Harale</b>  <b>N. J. Vedpathak</b> <span style="float: right;">....Applicants</span>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. filed Affidavit of Shri Eknath Dawale, Principal Secretary, Agriculture, Animal Husbandry, Dairy Development &amp; Fisheries Department, Mantralaya, Mumbai along with annexures in both the Original Applications in terms of order passed by the Tribunal on 22.03.2022 whereby Principal Secretary was directed to explain the delay in conclusion of D.E.</p> <p>3. The Applicant in O.A.No.232/2022 stands retired on 30.04.2020 as Agricultural Assistant. Whereas, the Applicant in O.A. No.233/2022 stands retired on 31.05.2014 from the post of Tracer. Joint enquiry against 14 delinquents was initiated by issuance of charge sheet dated 26.08.2014 and the Applicants were amongst them. The Enquiry Officer was appointed belatedly on 12.07.2017 and submitted its report on 19.09.2019 but thereafter also no further steps were taken for passing final order in D.E.. It is only after passing stern order by this Tribunal in these O.As. things were moved and now, it is only on 25.03.2022 belatedly the show cause notices were issued to the Applicants about proposed punishment. In Affidavit, the Principal Secretary stated that on receipt of explanation / reply, further orders would be passed soon.</p> <p>4. As regard delay caused after receipt of enquiry report in Affidavit it is stated that due to Covid-19 pandemic situation and insufficiency of staff further steps could not be taken expeditiously. This explanation is not satisfactory since the Enquiry Officer has already submitted report on 19.09.2019 when there was no such Covid-19 pandemic situation or lockdown. There was enough period with the Government to finalize the D.E. <span style="float: right;">I.P.T.O.</span></p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Indeed as per provision of Departmental Enquiry Manual and Circular dated 07.04.2008, enquiry was required to be completed maximum within one year and where enquiry is not completed within one year, specific order for extension of time is required to be obtained from the Head of the Department. In the present matter, admittedly no such extension was sought. Suffice to say, the Respondents acted in derogation of Circular date 07.04.2008. As per the said Circular, if enquiry remains pending for five years or more, the Government is under obligation to fix responsibility and to take departmental action against the concerned for such inordinate delay. But there is complete defiance of Circular dated 07.04.2008.</p> <p>6. Suffice to say, the delay at each stage in processing the matter is evident. The Tribunal has come across several such instances where D.Es are not completed within time and the Tribunal has passed stern orders but in vain.</p> <p>7. Now the D.E. is at the verge of completion, therefore, both these Original Applications can be disposed off with suitable directions.</p> <p>8. Both the Original applications are disposed of with directions to Respondent No.1 to pass final order in D.E. in accordance to law within a month from today and it be communicated to the Applicants within a week thereafter.</p> <p>9. The Respondents are further directed to release remaining retiral benefits of the Applicants subject to outcome of D.E. within two weeks from the date of passing of final order in D.E.</p> <p>10. Since, the Tribunal has noticed inordinate delay in processing the matters after receipt of enquiry report dated 19.09.2021, the Tribunal hope that the Principal Secretary would take necessary steps to find out who is responsible for the delay and take necessary action against the concerned for negligence in discharging duties.</p> <p>11. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center"><b>O.A. No.264 of 2022</b></p> <p>R.P. Gage .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Yashodeep Deshmukh, learned Advocate instructed by Ms. Sonali Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In present O.A. the Applicant has sought direction to the Respondents to release arrears of pay from 09.04.1999 to 30.11.2005 with interest.</p> <p>3. The office has raised objection that the O.A. is barred by limitation and M.A. for condonation of delay is not filed.</p> <p>4. When specific query was raised to the Applicant as to nature of pay and allowances he prayed for in the prayer clause he states that it pertains to the pay and allowances on the ground of deemed date of promotion.</p> <p>5. Perusal of record reveals that the Applicant had initially filed O.A. No.48/2017 challenging order dated 21.04.2014 whereby his claim for pay and allowance from deemed date of promotion i.e. from 09.04.1999 was rejected. The Applicant was promoted in 2005. O.A. No.48/2017 was disposed by the Tribunal on 08.09.2017 thereby giving direction to the Respondents to take decision about the pay and allowance from Deemed date of promotion. Thereafter the Applicant had filed C.A. No.38 of 2018 which is disposed of on 31.01.2022.</p> <p align="right">[P.T.O.]</p>

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

**Tribunal's orders**

6. Learned P.O. has pointed out that in pursuance of the direction given by Tribunal in O.A. No.48/2017, Respondents have already taken decision on 23.03.2018 thereby rejecting the claim of the Applicant for pay and allowance from 09.04.1999 to 30.11.2005.

7. However, present O.A. is filed from simpliciter direction to release pay and allowance (promotional post) from 1999 to 2005 without challenging order dated 23.03.2018 and secondly without filing M.A. for condonation of delay. When these aspects are brought to the notice of the Applicant, the Applicant's counsel sought permission to withdraw O.A. with liberty to file afresh O.A. along with M.A. for condonation of delay.

8. Allowed to withdraw O.A. with liberty to file afresh proper O.A. with M.A. for condonation of delay subject to law and limitation.

9. No order as to costs.

Sd/-

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

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.03.2022</p> <p align="center"><b>O.A.No.274 of 2022</b></p> <p><b>V. R. Gosavi</b> <span style="float: right;"><b>...Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. This O.A. was taken up for hearing yesterday and was adjourned for today on request of learned P.O. to take instructions in the matter and to apprise the Tribunal about patent illegality crept in suspension order.</li> <li>3. The Applicant is working as Naib Tahsildar. He came to be suspended by Divisional Commissioner, Kokan Division by order dated 11.03.2022 whereby he is suspended by way of deemed suspension w.e.f. the date of his arrest i.e. 25.02.2022.</li> <li>4. The Applicant has challenged the suspension order on the ground that he was not at all in custody for 48 hours, and therefore, the order of deemed suspension is <i>ex-facie</i> illegal. Second ground is that he being Naib Tahsildar, the competent Authority is Government and not Divisional Commissioner.</li> <li>5. Perusal of record reveals that the Applicant was arrested by Anti Corruption Bureau under the provisions of Prevention of Corruption Act, 1988 on 25.02.2022 and was produced before Additional Learned Sessions Judge, Thane on the same day. The record further depicts that he was released on bail of Rs.15,000/- on the same day as seen from bail order.</li> </ol> <p 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
	<p>6. As such, there was no detention of 48 hours in police custody or judicial custody which is condition precedent for invoking deemed suspension. However, he is suspended by way of deemed suspension from the date of arrest i.e. 25.02.2022 invoking Rule 4(2)(a) of Maharashtra Civil Services (Discipline &amp; Appeal) Rules 1979 which is <i>ex-facie</i> illegal.</p> <p>7. Learned P.O. on instruction states that the department will take remedial measures. She fairly concedes that there was no detention of 48 hours invoking provisions of deemed date of suspension.</p> <p>8. In view of above, without touching in other grounds, impugned suspension order dated 11.03.2022 being <i>ex-facie</i> illegal is liable to be quashed.</p> <p>9. In view of above, the suspension order dated 11.03.2022 is quashed and set aside.</p> <p>10. The Respondent is directed to reinstate the Applicant in service and thereafter he is at liberty to take further remedial measures for suspension if advised in accordance to law.</p> <p>11. No order as to costs.</p> <p>12. Hamdast granted.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.03.2022</p> <p align="center">O.A.No.132 of 2022</p> <p>Dr. K. K. Patankar <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. sought time to file reply stating that similar issue is pending before this Tribunal in O.A.No.805/2021 which is fixed on 08.04.2022 and requested to keep this matter on same day.</p> <p>3. S.O. to 08.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>



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	<p align="center"><b><u>29.03.2022</u></b></p> <p align="center"><b><u>O.A 245/2022</u></b></p> <p>Shri J.M Gund &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. M.P.S.C, Respondent no. 4, is hereby directed not to proceed in the matter.</p> <p>3. S.O to 30.3.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member (A) <span style="float: right;">Chairperson</span></p> <p>Akn</p>

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	<p><b>Date : 29.03.2022</b></p> <p align="center"><b>M.A.No.167 of 2022 in O.A.No.432 of 2016</b></p> <p>P.P. Lokhande .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Mr. K.S. Gaikwad, learned Presenting Officer for the Respondents. Applicant present in person.</p> <p>2. M.A.No.167/2022 is filed by learned Advocate for the Applicant to restore O.A.No.432/2016. The learned Advocate submits that order dated 22.03.2022 seeking permission to withdraw the order passed in O.A.No.432/2016 be restored.</p> <p>3. The Applicant does not want to withdraw the O.A. The Applicant who is present in the Tribunal is asked whether he wants to continue this matter. He answers in positive.</p> <p>4. In view of above, M.A. is allowed. O.A. is restored and fixed on 27.04.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center"><b>(Medha Gadgil)</b> <span style="float: right;"><b>(Mridula Bhatkar, J.)</b></span> Member(A) <span style="float: right;">Chairperson</span></p> <p>prk</p>

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.1020 of 2021</u></p> <p>Jayashree D/o Govind Naik ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Ms. Madhavi Ayyappan i/b Talekar &amp; Associates, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Ld. Advocate for the applicant submits that OA No.1020 of 2021 is to be restored as the Division Bench of the Hon'ble High Court by order dated 23.3.2022 has set aside the order dated 31.1.2022 passed by this Tribunal with a direction that the matter is to be expedited.</p> <p>3. Accordingly, OA is restored and directions are given to the Ld. CPO that this matter is also to be included in the group of matter where validity of sports certificate is under challenge. Group is fixed tomorrow. Ld. CPO for the respondents to waive service. Ld. CPO to give information as to when reply would be filed in these matters. It is already informed to all the counsel appearing in this group of matters that after completion of the pleadings, matters will be heard together in the second week of April, 2022.</p> <p>4. S.O. to 30.3.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member (A) <span style="float: right;">Chairperson</span> 29.3.2022 <span style="float: right;">29.3.2022</span></p> <p>(sgj)</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 : 29.03.2022</b></p> <p align="center"><b>O.A.No.280 of 2022 with M.A.No.159 of 2022 (Caveat No.78 of 2022) with O.A.No.281 of 2022 with M.A.No.160 of 2022 (Caveat No.77 of 2022)</b></p> <p>G.G. Daga &amp; Ors. (O.A.280/22 with M.A.159/2022) Y.S. Kulkarni &amp; Ors. (O.A.281/22 with M.A.160/22) .....Applicants</p> <p align="center">Vs.</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Hassan Khan, learned Advocate a/w. Mr. Sayyad Tousaf, learned Advocate for the Applicants, Mr. S.V. Waghmare, learned Advocate for the Caveat No.78/2022, Mr. Talekar, learned Senior Counsel for the Caveat No.77/2022 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Advocate Mr. Waghmare appearing for Caveator submits that he is not made a party Respondent in both the O.As. i.e. O.A.No. 280/22 and O.A.No.281/22. Matter pertains to selection process i.e. appointment. M.P.S.C. is served.</p> <p>3. The learned Advocate Mr. Hassan Khan submits that he has emailed the Mr. Talekar appearing for Respondents No.3 to 9 in O.A.No.281/2022. However, Mr. Talekar submits that he has not received any email. He submits that the Caveat Application No.77/2022 in O.A.No.281 /2022 is served. However, Caveat Application No.78/2022 in O.A.No.280/2022 is not served.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 13.04.2022</p> <p 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
	<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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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. 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>9. In both these matters M.P.S.C. and Respondent State needs two weeks time to file affidavit in reply. The learned Advocate appearing for the other Private Respondents are also directed to file short affidavit within two weeks. Till then M.P.S.C/ Respondents are directed that if any appointments are made for the post mentioned in O.As, it will be subject to outcome of the O.As.</p> <p>10. Adjourned to 13.04.2022.</p> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></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"><u>O.A. No.240 of 2022</u></p> <p>Shivaji V. Shinde ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Yashodeep Deshmukh i/b Ms. Sonali Pawar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In this matter the applicant, who has hearing disability, prays that the directions be given to the respondents to prepare the select list for promotion to the post of Deputy Engineer (Mechanical) in the office of respondent no.3 as per clause 4 of GR dated 25.7.2021 and to follow the quota strictly on rotation basis to specified a, b and c category. Ld. Advocate for the applicant submits that applicant is to be allotted a seat in B category i.e. hearing impairment category (HIH). Ld. Advocate for the applicant submits that applicant stands at Sr. No.1 in the seniority list of HIH.</p> <p>3. Ld. CPO seeks time to take instructions and file short affidavit in reply to the interim relief. She submits that due to financial year end it is difficult to take instructions from the department as they are busy with the budget. She submits that process of promotion is also going on and no ad-interim relief be granted till short affidavit in reply is filed.</p> <p>4. After considering submissions made by counsel for both the sides, we direct the respondents that promotions orders, if any, issued to the post of Deputy Engineer (Mechanical) under respondent no.3 will be subject to outcome of this OA. The respondents shall make it public and known to all the candidates, if they are promoted in the category of physically challenged persons. This order is only qua physically challenged persons.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>6. Issue notice before admission returnable on 13.4.2022. The respondents are directed to file reply.</p> <p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 29.3.2022 29.3.2022</p> <p>(sgj)</p>


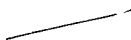
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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 : 29.03.2022</b></p> <p align="center"><b>O.A.No.203/2022 with O.A.No.167/2022 with O.A.No.144/2022 with O.A.No.145/2022 with O.A.No.146/2022</b></p> <p>A.M. Halasangi (O.A.203/2022) S.B. Godase (O.A.167/2022) A.H. Daphal (O.A.144/2022) A.D. Nazirkar &amp; Ors. (O.A.145/2022) T.R. Andhale &amp; Ors. (O.A.146/2022) .....Applicants</p> <p align="center">Vs.</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants in O.A.144/2022, O.A.145/2022 &amp; O.A.146/2022 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Mr. S.S. Dere, learned Advocate for the Applicants is absent.</p> <p>3. The learned C.P.O. submits that today during the course of the day she will file affidavit-in-reply in O.A.No.203/2022 and O.A.No.167/2022. It be taken on record. Copy be served upon learned Advocate for the Applicant. Affidavit-in-reply is already filed in O.A.144/2022, O.A.145/2022 &amp; O.A.146/2022.</p> <p>4. The learned Advocate Mr. Bandiwadekar files affidavit-in-rejoinder in O.A.No.144/2022. Taken on record. Copy is served upon learned C.P.O.</p> <p>5. Adjourned to 04.04.2022.</p> <p align="center">Sd/-  Sd/- </p> <p align="center"><b>(Medha Gadgil)</b> <b>Member(A)</b></p> <p align="center"><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>prk</p> <p align="right">[P.T.O.]</p>



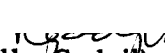

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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 : 29.03.2022</b></p> <p align="center"><b>O.A.No.31 of 2022</b></p> <p>Y.B. Wagh .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Applicant in person and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Party in person files affidavit-in-rejoinder. Taken on record. Copy is served upon learned C.P.O. for the Respondents.</p> <p>3. Admit and kept for final hearing on 21.06.2022.</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**

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b>Date : 29.03.2022</b></p> <p align="center"><b>O.A.No.158 of 2022</b></p> <p>S.B. Kobalkar .....Applicant 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. S.B. Rathod, learned Advocate for the Applicant is absent. Applicant is present.</p> <p>3. The learned C.P.O. submits that copy of O.A. is not served to the office of C.P.O.</p> <p>4. Matter pertains to 2<sup>nd</sup> Time Bound Promotion. The learned Advocate is directed to serve the copy of the office of C.P.O.</p> <p>5. Adjourned to 25.04.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p align="left">prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 29.03.2022</b></p> <p align="center"><b>O.A.No.1064 of 2021</b></p> <p>G.M. Chaudhari .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. G.B. Solanke, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Admit and kept for final hearing on 15.06.2022.</p> <p>Sd/- <span style="float: right;">Sd/-</span></p> <p>(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p>prk</p>

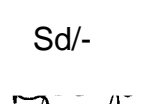
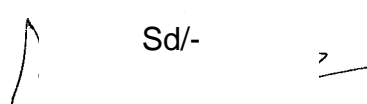
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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 : 29.03.2022</b></p> <p align="center"><b>O.A.No.876 of 2021</b></p> <p>H.A. Redekar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. A.S. Patil, learned Advocate 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. time granted for filling affidavit-in-reply. Copy of reply be served upon learned Advocate at least two days in advance.</p> <p>3. Adjourned to 20.04.2022.</p> <p align="center">Sd/-  Sd/- </p> <p align="center"><b>(Medha Gadgil)</b> <b>Member(A)</b></p> <p align="center"><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></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><b>Date : 29.03.2022</b></p> <p align="center"><b>O.A.No.853 of 2021</b></p> <p>V.D. Jadhav .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Reply is already filed. Admit with liberty to file rejoinder, if any.</p> <p>3. Adjourned to 25.04.2022.</p> <p>Sd/-  Sd/- </p> <p><b>(Medha Gadgil)</b> <b>Member(A)</b></p> <p><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 29.03.2022</b></p> <p align="center"><b>O.A.No.845 of 2021</b></p> <p>V.T. Bandri .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. U.V. Bhosle, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Respondents are directed to consider the order dated 16.03.2022 passed by the Hon'ble High Court at Aurangabad Bench in Writ Petition No.14820/2021, Moreswar R. Hadke Versus The State of Maharashtra &amp; 2 Ors.</p> <p>3. Adjourned to 11.04.2022.</p> <p align="center">Sd/- <span style="float: right;">Sd/-</span></p> <p align="center">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p align="center">prk</p>


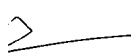
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 29.03.2022</b></p> <p align="center"><b>O.A.No.818 of 2021</b></p> <p>V.S. Hipparkar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant was removed from served by way of punishment in view of being found unfit due to bipolar affective disorder with defective colour vision. The Applicant went on unauthorized leave. The show cause notice was given to him. The learned P.O. for the Respondents submits that the Applicant has refused to appear before the medical board of J.J. Hospital.</p> <p>3. The Applicant is directed to appear before the medical board within two weeks as and when he is directed to appear.</p> <p>4. Adjourned to 18.04.2022. Interim relief to continue till next date.</p> <p align="center">Sd/-  Sd/- </p> <p align="center"><b>(Medha Gadgil)</b> Member(A)</p> <p align="center"><b>(Mridula Bhatkar, J.)</b> Chairperson</p> <p>prk</p> <p align="right">[P.T.O.]</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 : 29.03.2022</b></p> <p><b>O.A.No.496 of 2021</b></p> <p>R.H. Kazi .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Affidavit-in-reply is filed. Adjourned to 25.04.2022 for rejoinder if any.</p> <p>Sd/-  Sd/- </p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>



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

**Tribunal's orders**

**Date : 29.03.2022**

**O.A.No.283 of 2022**

S.K. Rajput .....Applicant  
Vs.  
The State of Maharashtra & Ors. ....Respondents.

1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

3. Issue notice before admission returnable on 26.04.2022

4. 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 M.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. 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.

7. Adjourned to 26.04.2022.

Sd/-

(Medha Gadgil)  
Member(A)

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

**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>Date: 29.03.2022</p> <p align="center">O.A. No.172 of 2022</p> <p>Dr. S.V. Kachare .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Applicant and his Advocate both are absent.</li> <li>2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</li> <li>3. On request of learned P.O. one week time is granted to file Affidavit-in-Reply as last chance.</li> <li>4. S.O. to 05.04.2022.</li> </ol> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center">O.A. No.151 of 2022</p> <p>S.K. Lendave &amp; Ors. ....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri S.N. Biradar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 12.04.2022.</p> <p align="right">   <b>(A.P. Kurhekar)</b>  <b>Member (J)</b> </p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center">O.A. No.133 of 2022</p> <p>S.P. Bombe .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri Ganesh Masurkar, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri Gaurav Bandiwadekar, learned Advocate for the Respondent No.3.</p> <p>2. On request of learned P.O. and Shri G.A. Bandiwadekar, learned Advocate for Respondent No.3 two weeks time is granted to file Affidavit-in-Reply on behalf of the Respondents.</p> <p>3. S.O. to 12.04.2022.</p> <p align="right">^ Sd/- v' (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center">M.A. No.155 of 2022 in O.A. No.131 of 2022</p> <p>P.P. Mahajan .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. Shraddha Raut, learned Advocate holding for Shri A.S. Singh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for amendment in O.A with prayer clause stating that inadvertently the date of impugned order was not mentioned correctly. Suspension order is dated 11.08.2021 but it is referred 20.12.2021 which is now sought to be corrected.</p> <p>3. Allowed to correct O.A. with prayer clause. Amendment be carried out immediately and corrected O.A. be supplied to the Respondent.</p> <p>4. M.A. is accordingly disposed of with no order as to costs.</p> <p>5. Respondent shall file Reply in O.A. by next date.</p> <p>6. S.O. to 13.04.2022.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 29.03.2022</p> <p align="center">O.A. No.101 of 2022</p> <p>S.T. Ghawali .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today leaned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission with liberty to file Sur-Rejoinder, if any.</p> <p>4. S.O. to 21.04.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center">O.A. No.50 of 2022</p> <p>M.A. Kamble .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 11.04.2022.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center">O.A. No.987 of 2021</p> <p>B.A. Yadav .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri R.L. Kulkarni, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</li> <li>2. Learned P.O. submits that Affidavit-in-Reply is under preparation and the same will be filed during the course of the day. Statement is accepted. It be taken on record.</li> <li>3. On request of learned Advocate for the Applicant two weeks time is granted to file Rejoinder.</li> <li>4. O.A. be kept for hearing at the stage of admission.</li> <li>5. S.O. to 13.04.2022.</li> </ol> <p align="right">Sd/- v (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>



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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center">M.A. No.124 of 2022 in O.A. No.844 of 2021</p> <p>C.S. Lokhande .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Reply to M.A.</p> <p>3. Learned P.O. submits that in terms of order passed by the Tribunal now the provisional pension is being paid.</p> <p>4. S.O. to 05.04.2022.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 29.03.2022</p> <p style="text-align: center;">O.A. No.272 of 2022</p> <p>R.G. Sanadi .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.S. Patil, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 14.09.2020 issued by the Respondent No.3 - Superintendent of Police, Kolhapur whereby he is transferred from Chandgad Police Station to Police Head Quarter, Kolhapur.</p> <p>3. As regard limitation, learned Advocate for the Applicant submit that in view of order passed by Hon'ble Supreme Court in Suo-Moto Writ Petition (Civil) No.03/2020, the period of limitation is extended due to COVID-19 Pandemic situation.</p> <p>4. Issue notice before admission returnable on 26.04.2022.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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 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
	<p>8. 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>9. In case notice is not collected within seven days or service report on affidavit is not filed 7 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>10. S.O. to 26.04.2022.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.03.2022</p> <p align="center"><b>M.A. No.90 of 2021 in O.A. No.164 of 2021</b></p> <p>R.B. Pingle .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. These M.A. and O.A. are filed challenging communication date 05.03.2018 issued by Respondent No.4 – The Director, Directorate of Treasuries and Accounts thereby stating that pay fixation of Police Head Constable is required to be done in terms of Rule 11(2) of M.C.S. (Pay) Rules, 1981. However, thereafter proposal were forwarded by Respondent No.4 to the Government for seeking guidance in the matter of pay fixation where there is promotion from the post of Police Naik to Police Hawaldar and matter was adjourned from time to time awaiting decision of the Government.</p> <p>3. Today, Learned P.O. has tendered communication dated 17.03.2022 issued by the Government to the Respondent No.4 stating that where there is promotion from the Post of Police Naik to Police Hawaldar there is higher responsibility, and therefore pay is required to be fixed in terms of Rule 11(1)(a) of M.C.S. (Pay) Rules, 1981. Letter dated 17.03.2022 is taken on record and marked by letter 'X'.</p> <p>4. Shri C.T. Chandratre, learned Advocate for the Applicant therefore submits that the grievance of the Applicant is now redressed and direction to be given to Respondent No.3 to take necessary steps in terms of communication dated 17.03.2022 issued by Government.</p> <p 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
	<p>5. In view of above, O.A. is disposed of with direction to Respondent No.3 to take appropriate steps in the matter of pay fixation of the Applicant in the light of communication dated 17.03.2022 issued by the Government within two months from today and arrears be paid accordingly.</p> <p>6. M.A. and O.A. are disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>