

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.356 of 2022

**Mr.R.S. Kore through legal heirs
Smt. S.R.Kore and Shri A.R. Kore**

)..... Applicants

Versus

State of Maharashtra & Ors.

)...Respondents

Shri Arvind V. Bandiwadekar, Counsel for the Applicant

Smt. Archana B. K., Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 29.09.2022

ORDER

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. Shri Vishwanath Indise, Joint Commissioner, State Excise, M.S. Mumbai is also present. In the morning session, the specific directions were given to learned P.O. to keep him present and to explain why retiral benefits are not paid to the legal heirs of the deceased Government servant.
2. The Applicant has raised following claims :-
(A) Pension, (B) Leave Encashment (C) GPF (D) GIS (E) Medical reimbursement (F) Compensation of Rs.50 Lakhs in terms of G.R. dated 29.05.2020.
3. The deceased Government servant was Excise Inspector at State Excise Office, Nagpur. He died on 06.09.2020 due to Covid-19 at Sangali.
4. As per record, the Applicant was on duty at Nagpur on 21.08.2020 and that day he was not feeling well. It was Covid-19 Pandemic situation. The Applicant's native place is Sangali, therefore, he rushed to Sangali for treatment. He was admitted in hospital at Sangali on 26.08.2020 and died on 06.09.2020. Dr. Anil Mandake certified that he died due to Covid-19. The Respondent No.3 -Superintendent, State Excise,



Nagpur also issued certificate that on 21.08.2020 the deceased Government servant was infected with Covid-19 and died on 06.09.2020.

5. In view of above, prima-facie the Applicant was fulfilling necessary condition for grant of compensation in terms of G.R. dated 29.05.2020. Despite this position, no steps were taken by the Respondents for grant of compensation. This is one of the reliefs claimed in the O.A. When this aspect is brought to the notice of Joint Commissioner, State Excise, he submits that he will look into the matter to examine it for eligibility of the Applicant for compensation in terms of G.R. dated 29.05.2020. In fact, such decision ought to have been taken immediately after the death of the deceased Government servant but no such steps are taken which shows insensitivity of the Respondents.

6. As regard other retiral benefits, the Respondents sought to contend that the deceased Government servant was on supernumerary post, therefore, pension is not granted for want of decision in this behalf by the Government. It appears that in respect of Government Servants who were appointed on supernumerary post, the Government had appointed one study group for making recommendations to the Government whether to grant pension to such Government servants. The study group already submitted its report but no decision is taken by the Government.

7. Leaving aside the entitlement of the pension which will be decided on merit, presently I see no reason to withhold following retiral benefits of the deceased Government servant :-

(A) Leave Encashment, (B) GPF, (C) GIS, (D) Medical reimbursement bill.

8. Indeed, the Government had issued Circular dated 08.04.2021 to release GPF and GIS of those Government servants who are appointed on supernumerary post. Infact, this amount being of Government servant's contribution, there is absolutely no reason to withhold the same. Even after Circular dated 08.04.2021, no steps are taken to release GPF and GIS.

9. Learned P.O. submits that the medical reimbursement bill is in process and will be paid soon.
10. As regard leave encashment, learned P.O. submits that it is not paid since the deceased Government servant was on supernumerary post. This could not be the ground to withhold leave encashment since the deceased Government servant is entitled to it in terms of Rule 68 of Maharashtra Civil Services (Leave) Rules, 1981. The deceased Government servant died in harness and, therefore, cash equivalent to leave salary in respect of period of earned leave at this credit subject to maximum 300 days is required to be paid. I, therefore, find no justification for withholding the same.
11. In view of above, the Respondents are directed to take necessary steps immediately and to ensure the payment of leave encashment, GPF, GIS and medical reimbursement bill within two weeks from today.
12. In addition to above, the Respondent No.2 – Commissioner, State Excise, Mumbai is also directed to examine the papers about entitlement of the Applicant for ex-gratia payment of Rs.50 Lakhs to the Applicant and shall apprise the Tribunal about the same on next date. The Joint Commissioner Shri Vishwanath Indise is present in the Tribunal and is directed to ensure the compliance of this order. He should remain present on next date to apprise the Tribunal about the steps taken by him.
13. S.O. to 13.10.2022.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.569 of 2022 in O.A. No.963 of 2022</u></p> <p>S.S. Mahajan & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 29.9.2022</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.963 of 2022</u></p> <p>S.S. Mahajan & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, 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 13.10.2022. The respondents are directed to file reply. Ld. Advocate for the applicants submits that this matter is squarely covered by the judgment and order dated 23.9.2022 passed by this Tribunal in OAs No.557/2021 & 676/2021 (S.M. Mutekar & Ors. Vs. State of Maharashtra & Ors). Ld. CPO to verify.</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 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.</p> <p style="text-align: right;">Sd/- (Medha Gadgil)^u Member (A) 29.9.2022</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.968 of 2022

P.B. Gaikwad ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief 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 6.10.2022. The respondents are directed to file reply. Ld. CPO to verify the factual position.

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)
29.9.2022

(sgj)

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

Tribunal's orders

O.A. No.965 of 2022

D.J. Patil & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief 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 10.10.2022. The respondents are directed to file reply. Caveats No.106, 107 & 108/2022 are filed. Ld. CPO waives service of notice.

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)
29.9.2022

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.570 of 2022 in O.A. No.965 of 2022</u></p> <p>D.J. Patil & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 29.9.2022</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 align="center"><u>C.A. No.68 of 2022 in O.A. No.818 of 2019</u></p> <p>J.L. Mondkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that order dated 7.1.2021 passed by this Tribunal in the above OA has been only partially complied with and applicant has been considered and given promotion by order dated 16.12.2021. However, the matter regarding regularization of suspension period has not yet been decided as a result of which deemed date cannot be granted. He further submits that applicant is due to retire within a period of one year.</p> <p>3. We direct the respondents to take decision of regularization of suspension period of the applicant within a period of two weeks, failing which notice of contempt will be issued.</p> <p>4. S.O. to 13.10.2022.</p> <p align="right">Sd/- (Medha)Gadgil Member (A) 29.9.2022</p> <p>(sg)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.173 of 2022</u></p> <p>J.N. Shaikh ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 13.10.2022 for final hearing. High on Board.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 29.9.2022</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 align="center"><u>O.A. No.267 of 2022</u></p> <p>M.V. Rajguru & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.R. Asawa, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 3.11.2022 for final hearing.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 29.9.2022</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 align="center"><u>O.A. No.585 of 2022</u></p> <p>S.D. Suryawanshi & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants tenders application dated 27.9.2022 signed by both the applicants requesting to grant permission to withdraw the above OA. The said application is taken on record and marked Court Exhibit No.1 for identification.</p> <p>3. In view of the said letter dated 27.9.2022, the Ld. Advocate for the applicant seeks leave to withdraw the above OA.</p> <p>4. OA is allowed to be withdrawn and disposed off as such.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 29.9.2022</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.896 of 2022</u></p> <p>Sujata Supnekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. None for the Applicant.</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 13.10.2022. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. 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 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.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 29.9.2022</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.855 of 2022

V.S. Naik ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Pradip Patil, learned Advocate for the Applicant and Smt. 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 3.11.2022. 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 Gadgi)
Member (A)
29.9.2022

(sgj)

**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 : 29.09.2022</p> <p align="center">O.A.No.984 of 2021</p> <p>S. B. GopaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The matter is for hearing without reply since the Respondents failed to file affidavit in reply. However, learned P.O. requested to take affidavit in reply.</p> <p>3. Allowed to file the same in the interest of justice.</p> <p>4. S.O. to 14.10.2022.</p> <p align="right">^ Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</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 : 29.09.2022</p> <p align="center">O.A.No.486 of 2020</p> <p>S.D. TajaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant as well as learned P.O., the matter is adjourned for producing deposition of witnesses.</p> <p>3. S.O. to 10.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>

Date : 29.09.2022

O.A.No.953 of 2022

Shri Arif Ahmed K. ShaikhApplicant

Versus

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

1. Heard Shri Nitin Pokharankar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. The Applicant has challenged recovery notice dated 26.08.2021 whereby sum of Rs.9,29,784/- is sought to be recovered which was paid to him by granting increments though he has not passed requisite examinations in terms of rules within stipulated time.
3. Issue notice before admission returnable on 03.11.2022.
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 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 Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

8. S.O. to 03.11.2022.

Sd/-

(A.P. Kurhekar)
Member(J)

**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 : 29.09.2022</p> <p align="center">O.A.No.917 of 2022</p> <p>N. M. RathodApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Tribunal by order dated 15.09.2022 issued notices to the Respondents as to why sue motu contempt proceeding should not be initiated against them for willful defiance for the directions given by the Tribunal in order dated 28.09.2021.</p> <p>3. Learned P.O. sought time to file reply to the show cause notice. Three days time is granted.</p> <p>3. The Respondents should file separate Affidavit in Reply to the show cause notice.</p> <p>4. S.O. to 04.10.2022.</p> <p 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. 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 : 29.09.2022</p> <p>O.A.No.743 of 2022</p> <p>Dr. Kanchan S. MadarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. time is granted to file Affidavit in Reply.</p> <p>3. S.O. to 13.10.2022 with connected O.A.No.744/2022.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member(J)</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 : 29.09.2022</p> <p align="center">O.A.No.63 of 2021</p> <p>R. G. LandeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit in reply to the amended portion on behalf of the Respondent No.4. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant. The matter is adjourned for hearing.</p> <p>4. S.O. to 10.11.2022.</p> <p 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. 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: 29.09.2022</p> <p>M.A. No.565 of 2022 in O.A. No.958 of 2022</p> <p>A.D. Wankhade & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Om M. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: center;">^ Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p style="text-align: center;">O.A. No.958 of 2022</p> <p>A.D. Wankhade & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Om M. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed the present O.A. claiming benefit of increment due on 1st July of the year of their retirement. They retired in the period from 2015 to 2020 at one day earlier of the due date of retirement i.e. 30th June, and therefore not granted increment which was due on 1st July.</p> <p>3. Indeed, the issue of entitlement of retired Government servant for entitlement to increment due on 1st July and is decided by this Tribunal in various proceeding. Tribunal in reference to the decision of Hon'ble Supreme Court and Hon'ble High Court granted relief to retired Government servants.</p> <p>4. The Applicants being similarly situated person are therefore required to be treated similarly. Government ought to have been taken cognizance of various judicial orders passed by the Tribunal.</p> <p>5. Learned P.O. is directed to take instruction from the Respondents as to why similar relief should not be granted to the Applicant being similarly situated persons.</p> <p>6. Learned P.O. sought one day time to take instructions.</p> <p>7. S.O. to 30.09.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.957 of 2022</p> <p>M.R. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The Applicant stands retired on 31.12.2012 but his retiral benefits are withheld. Perusal of record reveals that he was absent from duty from 26.05.2009 to 31.03.2010 for 280 days and again from 01.04.2010 to 04.07.2010 for 90 days. The Applicant contents that he had submitted application for grant of leave from time to time but it is not decided though he retired in 2012. 3. The competent authority ought to have been taken decision in the matter of leave much earlier since it being not taken the Applicant has filed the present O.A. 4. Learned P.O. sought time to take instruction from the Respondents as to why appropriate order in the matter of leave is not passed by the Department. 5. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 6. Issue notice before admission returnable on 13.10.2022. 7. 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.T.O.

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

Tribunal's orders

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.

9. 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.

10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

11. S.O. to 13.10.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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: 29.09.2022</p> <p align="center">O.A. No.959 of 2022 with O.A. No.962 of 2022</p> <p>M.R. Jadhav L.G. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicants stands retired from Government service on 31.12.2012 and 31.05.2008 respectively but till date they are deprive of getting retirement benefits because of non passing of final order in D.E. in which enquiry officer has submitted report to the disciplinary authority in 2012.</p> <p>3. The Perusal of record reveals that while the Applicants were in service offence u/s. 468, 471, 420, and 34 of I.P.C. was registered and chargesheet was filed before learned CJM, Solapur on 30.12.2013. Simultaneously D.E. was initiated in 2010. Enquiry officer submitted report to the disciplinary authority in 2012 holding the Applicants guilty. Disciplinary authority issued show cause notice to which the Applicant submitted their Reply in 2014. However, thereafter no further steps were taken for passing final order in D.E. Therefore, after waiting for long time the Applicant approached this Tribunal by filing this proceeding.</p> <p>4. Obviously, there is delay of near about 8 years in not passing final order in D.E. which <i>prima-facie</i> shows inaction and negligence on the part of concerned which needs to be viewed seriously. It is because of the failure of Respondents the Applicants are deprived of getting retiral benefits for more than a decade.</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

5. Learned P.O. is therefore directed to take instructions from the Respondent as to why final order is not passed in D.E.
6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
7. Issue notice before admission returnable on 13.10.2022.
8. 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.
9. 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.
10. 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.
11. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.
12. S.O. to 13.10.2022.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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: 29.09.2022</p> <p align="center">O.A. No.249 of 2021 with O.A. No.250 of 2021</p> <p>M.S. Wagh R.Y. ChandramoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Ankita Naik, learned Advocate holding for Shri I.M. Koparkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today matter is for filing Rejoinder but the same is not filed.</p> <p>3. ^{Mr}Dr perusal of record reveals that Applicants have not challenged the impugned communication whereby the request made by the Applicant to substitute name in waiting list is rejected. All that in prayer clause the Applicant sought direction for substitution.</p> <p>4. One week time is granted to take necessary steps.</p> <p>5. S.O. to 06.10.2022.</p> <p align="right"> ↴ Sd/- (A.P. Kurhekar) Member (J) </p> <p align="left">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.731 of 2022</p> <p>P.N. DekhaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Enough time is granted to file Affidavit-in-Reply but the same is not filed. Hence, I am not inclined to grant further time. This O.A. pertains to compassionate appointment and needs to be decided expeditiously. 3. O.A. be kept for hearing at the stage of admission without Reply. 4. S.O. to 14.10.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.728 of 2022</p> <p>S.D. Jagdale & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</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. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.1 & 2. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted to file Affidavit-in-Rejoinder.</p> <p>4. S.O. to 13.10.2022.</p> <p align="right"> \ Sd/- v (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.689 of 2022</p> <p>S.S. ChandaliyaApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.S. Gaikwad, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted to file Affidavit-in-Reply but the same is not filed. Hence, I am not inclined to grant further time.</p> <p>3. O.A. be kept for hearing at the stage of admission without Reply.</p> <p>4. S.O. to 17.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.654 of 2022</p> <p>V.G. GuravApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present. 3. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance. 4. S.O. to 13.10.2022. <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">M.A. No.474 of 2022 in O.A. No.632 of 2022</p> <p>G.M. ShaktiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Vishal Hegde, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.2 & 3. It is taken on record.</p> <p>3. Adjourned for hearing.</p> <p>4. S.O. to 07.10.2022.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">M.A. No.437 of 2022 in O.A. No.727 of 2022</p> <p>S.R. Shaikh MunnirApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 14.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p>O.A. No.966 of 2022</p> <p>S.V. RajeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged order dated 19.04.2022 whereby his pay and allowance is refixed and benefit of Time Bound Promotion was withdrawn. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 03.11.2022. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications 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 Applications shall stand dismissed. 9. S.O. to 03.11.2022. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</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: 29.09.2022</p> <p align="center">M.A. No.446 of 2021 in O.A. No.821 of 2021 with O.A. No.46 of 2020</p> <p>P.J. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Applicant and his Advocate both are absent. 2. Smt. Punam Mahajan, learned Advocate for the Applicant has sent her leave note. 3. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. 4. In view of leave note adjourned for hearing. 5. S.O. to 18.10.2022. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.913 of 2022</p> <p>A.S. MoreApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent No.1, Shri A.V. Bandiwadekar, learned Special Counsel for Respondent No.2 and Shri Rushikesh P Sable, learned Advocate holding for Shri Kunal Damale, learned Advocate for Respondent - MIDC.</p> <p>2. Learned Advocate for the Applicant filed praecipe for withdrawal of M.A. along with letter of the Applicant dated 26.09.2022 wherein he prayed for withdrawal of O.A. The Applicant is also present before the Tribunal and sought permission to withdraw O.A.</p> <p>3. In view of above, permission is granted to withdraw O.A.</p> <p>4. Letter of the Applicant is taken on record and marked with letter 'X' for identification.</p> <p>5. O.A. is accordingly disposed of with no order as to costs.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p> <p align="right">[P.T.O.]</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.912 of 2022</p> <p>N.V. GavaliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent No.1, Shri A.V. Bandiwadekar, learned Special Counsel for Respondent No.2 and Shri Rushikesh P Sable, learned Advocate holding for Shri Kunal Damale, learned Advocate for Respondent - MIDC.</p> <p>2. Learned Advocate for the Applicant filed praecipe for withdrawal of M.A. along with letter of the Applicant dated 26.09.2022 wherein he prayed for withdrawal of O.A. The Applicant is also present before the Tribunal and sought permission to withdraw O.A.</p> <p>3. In view of above, permission is granted to withdraw O.A.</p> <p>4. Letter of the Applicant is taken on record and marked with letter 'X' for identification.</p> <p>5. O.A. is accordingly disposed of with no order as to costs.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.744 of 2022</p> <p>Dr. K.S. MadarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, 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 as last chance.</p> <p>3. Interim relief to continue till next date.</p> <p>4. S.O. to 13.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.749 of 2022 with O.A. No.750 of 2022 with O.A. No.751 of 2022</p> <p>K.S. Jaware T.A. Jadhav A.N. GhodkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. 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. three days time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 04.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

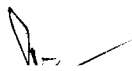
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p>O.A. No.760 of 2022</p> <p>M.P. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 17.10.2022.</p> <p style="text-align: right;">  Sd/- (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.766 of 2022</p> <p>A.B. NimbalkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Applicant and his Advocate both are absent. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance. S.O. to 13.10.2022. <p align="right"> Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.806 of 2022</p> <p>D.D. Harale,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 13.10.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 29.09.2022</p> <p align="center">O.A. No.784 of 2019 with O.A. No.100 of 2021 with O.A. No.101 of 2021 with O.A. No.113 of 2021 with O.A. No.111 of 2021</p> <p>J.R. Kumbhar Y.K. Potekar A.Y. Sakpal V.R. Raskar V.V. SarwankarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Writ Petition are still subjudice before Hon'ble High Court and requested to adjourn the matter.</p> <p>3. S.O. to 04.11.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.09.2022</p> <p align="center">O.A.No.194 of 2022</p> <p>S. A. ShindeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed present O.A. for directions to Respondents to release retiral benefits which were withheld on account of punishment of D.E. This is second round of litigation.</p> <p>3. Earlier the Applicant had filed O.A.No.279/2020 raising grievance that though he retired on 31.12.2017, his retiral benefits were withheld. At the time of retirement, there was no initiation of D.E. The D.E was initiated after one year of retirement. O.A. No.279/2020 was disposed of by order dated 07.06.2021 giving directions to the Respondents to release gratuity within two months from the date of order and directions were further issued to complete the D.E. within four months from the date of order without fail. In pursuance of the said order, the gratuity has been paid but the D.E. was not completed within time given by the Tribunal.</p>

[P.T.O.]

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

Tribunal's orders

4. The Applicant has again filed this O.A. and during pendency of this O.A. taking note of delay on the part of Respondents. Belatedly, the disciplinary authority issued show cause notice on 27.01.2022 as to why punishment of deduction of pension of 6% for one year should not be imposed. The Applicant submitted reply to it on 04.02.2022. The Principal Secretary, Food, Civil Supply & Consumer Protection Department, Mumbai had filed Affidavit. In affidavit, he stated that final order of punishment is passed on 18.07.2022. He has also tendered unconditional apology for delay caused in the matter.

5. As such, now the punishment being already passed by the order dated 18.07.2022, the Respondents ought to have taken further steps to grant pension to the Applicant as per his entitlement. However, till date Applicant has not paid pension.

6. Needless to mention, the pension has to be determined on the basis of pensionable pay which a Government servants get at the time of retirement. Since in D.E. final order is already passed on 18.07.2022, now there is no hurdle to take further steps to release pension.

7. In view of above, Original Application is disposed of with directions to the Respondents to ensure release of pension as per entitlement of the Applicant in the rules and monetary benefits be paid to him within six weeks from the date of order without fail. If the amount is not paid, it shall carry interest at the rate applicable to GPF from the date of default till the date of actual payment.

8. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm