

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 style="text-align: center;"><u>O.A. No.868 of 2023</u></p> <p>N.N. Chavan ...Applicant Vs. The State of Maharashtra & Ors. ...Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri A.P. Khakar, Learned Advocate for the Applicant and Shri A.J. Chougule, Learned Presenting Officer for the Respondents. 2. The GAD is the nodal 'Administrative Department' dealing with the implementation of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' and in this regard has also issued several 'Government Resolution/Government Circulars.' Therefore, it is against this background that directions were issued to GAD on 05.09.2023 and 20.09.2023 to furnish information about what progress is made to bring these 'Government Resolutions/Circulars' in alignment with provision of 'Section 2' and 'Schedule' under "The Rights of Persons with Disabilities Act, 2016". 3. The case of Applicant deserves special consideration as he is a 'Care Giver' to his 100% 'Blind Child' and if 'Interim Relief' is not granted at this stage under 'proviso clause' of 'Section 24' of Administrative Tribunals Act, 1985, it may result in such loss being caused to the Applicant and his 100% 'Blind Child' which cannot be adequately compensated by money. Therefore, though grant of 'Interim Relief' has not been prayed for by the Applicant in this OA No.868 of 2023, it has become necessary to 'Suo-Moto' give directions to adequately protect the 'Legal Rights' of Applicant and his 100% Blind Child under "The Rights of Persons with Disabilities Act, 2016". Learned Advocate for the Applicant states that he is willing to effect amendment to this OA 868 of 2023 to include prayer for the grant of 'Interim Relief' to the Applicant. 4. Learned. PO on behalf of the Respondents states that the case of the Applicant has been considered as per the 'Policy Guidelines' in respect of GAD Government Resolutions and Government Circulars and therefore Applicant posted to Nagpur Division consequent to his promotion as Deputy Collector.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. "The Rights of Persons with Disabilities Act, 2016" defines under (1) 'Section 2(h) - Discrimination', (ii) 'Section 2(y) - Reasonable Accommodation'. Further, Section 3(5) directs that 'Appropriate Government' as defined in Section 2(b)(ii) shall take necessary steps to ensure "reasonable accommodation" for the person with disabilities. Additionally Section 20(3) requires every establishment of 'Appropriate Government' to provide "reasonable accommodation" and appropriate barrier free and conducive environment to the employees with disability, while Section 20(5) specially directs that Appropriate Government may frame policies for posting and transfer of employees with disability. Furthermore, Section 33(1) directs that every 'Appropriate Government' shall identify posts in the establishment which can be held by category of person with "benchmark disability" in respect of the vacancies reserved in accordance with the provisions of Section 34. Therefore, it is expected that all these observations are noted by GAD and Social Justice and Special Assistance Departments of State Government and relied upon for effective implementation of these provisions of "The Rights of Persons with Disabilities Act, 2016".</p> <p>6. The Respondent No.1 is therefore directed to ensure that 'One Post' of 'Deputy Collector' in 'PMC' and 'PCMC' areas is kept vacant in any of the 'Cadre Posts' or 'Deputation Posts' till the Next Date.</p> <p>7. S.O. to 9th October, 2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member-A 29.09.2023</p> <p>(skw)</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.1241 of 2023</u></p> <p>Dr. Kiran Kuwar ...Applicant Vs. The State of Maharashtra & Ors. ...Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri S.S. Dere, Learned Advocate for the Applicant and Shri A.J. Chougule, Learned Presenting Officer for the Respondents. 2. The Ld. Advocate for the Applicant submits that Applicant seeks direction to Respondent No.1 to promote him to the post of Education Officer. The Ld. Advocate submits that the DE was initiated earlier. It is completed in July, 2023. He seeks that DE to be set aside. On 23.07.2023, the DE was concluded. 3. The DPC was held on 30.08.2023. The Ld. Advocate for the Applicant submits that the name of the Applicant is considered for promotion, but it is kept in Sealed Envelope. 4. As the DE is already over, this Tribunal cannot give direction to Government to promote the Applicant. 5. The Ld. Advocate Shri S.S. Dere submits that he will amend the prayer. The copy of the amended prayer is to be served on the Department forthwith. 6. Issue notice to the Respondents made returnable on 9th October, 2023. 7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 8. 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. Respondents are put to notice that the case would 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.

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

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

11. 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.

12. S.O. to 9th October, 2023.

Sd/-

Sd/-

(Debashish Chakrabarty) / (Mridula Bhatkar, J.)
Member-A Chairperson
29.09.2023 29.09.2023

(skw)

**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.1244 of 2023</u></p> <p>S.S. Thote ...Applicant Vs. The State of Maharashtra & Ors. ...Respondents</p> <p>1. Heard Shri M.D. Lonkar, Learned Advocate for the Applicant and Shri A.J. Chougule, Learned Presenting Officer for the Respondents.</p> <p>2. The Learned Advocate for the Applicant states that the Applicant is working on the post of Police Constable in the establishment of Commissioner of Police, Mumbai and had made an application for 'Inter-District Transfer' to the establishment of Commissioner of Police, Chatrapati Sambhaji Nagar. The Commissioner of Police, Chatrapati Sambhaji Nagar by letter dated 06.07.2023 had conveyed to Police Commissioners of Mumbai/ Nagpur/ Thane/ Navi Mumbai/Nashik their consent to some Police Constables' request for 'Inter-District Transfers' to Chatrapati Sambhaji Nagar and requested that they be relieved within a period of One Month. However, some Police Constables were not relieved, and therefore, the Commissioner of Police, Chatrapati Sambhaji Nagar specifically wrote to Commissioner of Police, Mumbai requesting on 22.09.2023 that the concerned Police Constables be relieved, otherwise, the consent given earlier on 06.07.2023 would stand cancelled by the Commissioner of Police, Chatrapati Sambhaji Nagar.</p> <p>3. The Learned Advocate for the Applicant states that she is working in Mumbai whereas her husband is working in Indian Army on the post of Lance Naik and is presently posted at Congo in Africa. Therefore, her request for 'Inter-District Transfer' from the establishment of Commissioner of Police, Mumbai to establishment of Commissioner of Police, Chatrapati Sambhaji Nagar is to be given due consideration. The Commissioner of Police, Chatrapati Sambhaji Nagar is thus directed to keep 'One Post' of Police Constable available for the Applicant to join on 'Inter-District Transfer', if she was to be relieved by Commissioner of Police, Mumbai after 30.09.2023.</p>

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

Tribunal's orders

4. The Commissioner of Police, Chatrapati Sambhaji Nagar is also directed not to cancel the consent given for her 'Inter-District Transfer' on 6th July, 2023.

5. The Learned PO was also heard though he did not have any specific submissions to make in absence of any definite information from the Commissioner of Police, Chatrapati Sambhaji Nagar with respect of the case of the Applicant, which is amongst many other such pending cases of 'Inter-District Transfers' in the establishment of Commissioner of Police, Mumbai.

6. Issue notice returnable on 16.10.2023.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. 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. Respondents are put to notice that the case would 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. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.

11. 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.

12. S.O to 16th October, 2023.

Sd/-

(Debashish Chakrabarty)
Member-A
29.09.2023

(skw)


**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 align="center"><u>O.A.1239/2023</u></p> <p>B.D. Khobragade ...Applicant Vs. The State of Maharashtra & Ors. ...Respondents</p> <p>1. Heard Shri B.A. Bandiwadekar, Learned Advocate for the Applicants and Smt. K.S. Gaikwad, Learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicants are working as Primary Teachers in Ashram Schools in the Tribal Development Department and seek promotion to the post of Secondary Teachers, as there are many existing vacancies.</p> <p>3. The Respondents to give instructions to PO by giving reason as to why the process of promotion is not processed.</p> <p>4. S.O. to 17th October, 2023.</p> <p align="center">Sd/- Sd/- </p> <p align="center">(Debashish Chakrabarty) / (Mridula Bhatkar, J.) Member-A Chairperson 29.09.2023 29.09.2023</p> <p>(skw)</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
---	-------------------

M.A.620/2022 in O.A.1239/2022

Shri B.D. Khobragade & Ors. ...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri B.A. Bandiwadekar, Learned Advocate for the Applicant and Smt. K.S. Gaikwad, Learned Presenting Officer for the Respondents.

2. This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-

(Debashish Chakrabarty)
Member-A
29.09.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
29.09.2023

(skw)

**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
---	-------------------

M.A.623/2023 in O.A.1242/2023

Shri Ajit Dessai & Ors. ...Applicants
Vs.
The State of Maharashtra & Ors. ...Respondents

1. Heard Shri U.V. Bhosle, Learned Advocate for the Applicant and Smt. S.P. Manchekar, Learned Chief Presenting Officer for the Respondents.

2. This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-
(~~Debashish Chakrabarty~~)
Member-A
29.09.2023

Sd/-
(Mridula Bhatkar, J.)
Chairperson
29.09.2023

(skw)

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

Tribunal's orders

Date : 29.09.2023

O.A.No.1219/2023

S.S. PatilApplicant
Vs

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. S.S. Dere, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The learned C.P.O. stated that the directions in order dated 26.09.2023 has been implemented by the District Health Officer, Zilla Parishad, Thane; Deputy Director of Health Services, Mumbai Division Thane and Commissioner of Health Services, Mumbai.

3. Learned C.P.O. submitted letter written by the Commissioner of Health Services, Mumbai on 29.09.2023 to the Applicant communicating that she has been found to be ineligible to be recommended as 'In Service Candidate' for admission to 'Post Graduate Courses' under 'NEET PG:2023' as there is FIR registered against the Applicant in Police Station, Bhiwandi on 02.09.2023 under Section 409 of IPC and proposal for suspension of Applicant, has also been submitted by District Health Officer, Zilla Parishad, Thane to the Deputy Director of Health Services, Mumbai, Division Thane.

4. Learned C.P.O. then stated that the Commissioner, Health Services, Mumbai has decided the applicant was ineligible to be recommended as 'In Service Candidate' for admission to 'Post Graduate Courses' under 'NEET PG:2023' as per 'New Guidelines' issued on 19.07.2023 by the Public Health Department.

5. Learned C.P.O. further stated that following the decision taken by Commissioner Health Services, Mumbai on 29.09.2023, nothing survives in the O.A.No.1219/2023 and this was agreed upon by the learned Advocate for the Applicant.

6. The O.A.No.1219/2023 is therefore disposed off with. No Order as to Costs.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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 style="text-align: center;"><u>O.A.1243/2023</u></p> <p>Shri P.S. Bhandari ...Applicant Vs. The State of Maharashtra & Ors. ...Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, Learned Advocate for the Applicant and Smt. K.S. Gaikwad, Learned Presenting Officer for the Respondents. 2. The Ld. Advocate for the Applicant submits that Applicant seeks direction against the Respondents to modify the seniority list dated 07.07.2022 in the cadre of District Health Officer (DH), Civil Surgeon and Specialist. The Applicant is Specialist and he is shown at Serial No.104. The Ld. Advocate submits that Applicant's placement should be at Serial No.102-A. On 21.07.2022 (Exh.'J'), the Applicant has taken objection to the seniority list and it is not yet considered by the Department. The Ld. Advocate submits that 20 juniors are likely to be promoted. 3. Issue Notice to the Respondents made returnable on 20.10.2023. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. 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. Respondents are put to notice that the case would 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. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.

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

Tribunal's orders

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.

9. S.O. to 20th October, 2023

Sd/-

(Debashish Chakrabarty)
Member-A
29.09.2023

(skw)

Sd/-

(Mridula Bhatkar, J.)
Chairperson
29.09.2023

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.09.2023</p> <p style="text-align: center;">C.A.No.45/2023 in O.A.No.614/2022 (D.B.)</p> <p>N.D. GangurdeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.J. Chougule, learned Presenting Officer for the Respondents</p> <p>2. Ms. Punam Mahajan, learned Counsel for the Applicant is absent.</p> <p>3. Learned P.O. has filed affidavit that the order dated 29.06.2022 passed by the Tribunal in O.A.No.614/2022 is complied with. He states that affidavit dated 26.09.2023 is not found on record.</p> <p>4. Adjourned to 09.10.2023.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p>

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.732 of 2023</u></p> <p>M.R. Sadawarte & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri P.B. Kamble, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Reply and rejoinder are already filed.</p> <p>3. Admit.</p> <p>4. S.O. to 5.10.2023 for final hearing.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson 29.9.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda or Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.772 of 2023</u></p> <p>K.R. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant and his advocate are absent.</p> <p>3. S.O. to 17.10.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 29.9.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.09.2023</p> <p align="center">C.A.No.41/2023 in O.A.No.297/2015 (D.B.)</p> <p>U.N. YadavApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents</p> <p>2. All the Respondents are directed to file affidavit-in-reply in compliance of the representation dated 24.08.2022. It is to be noted that six months time was granted by this Tribunal by order dated 08.08.2022. The said time ended in the month of February, 2023. However, there is no compliance of the said order.</p> <p>3. Learned P.O. has produced the copy of letter dated 07.06.2023 communicating the decision to the Skill Development and Entrepreneurship Department. Learned P.O. has submitted that this order/decision was communicated to the Applicant on 22.08.2023.</p> <p>4. All the Contemnors are directed to file their affidavit by way of last chance.</p> <p>5. Adjourned to 20.10.2023. <i> </i></p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

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

Tribunal's orders

Date : 29.09.2023

C.A.No.56/2023 in O.A.No.614/2014 (D.B.)

D.E. HirdeApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Applicant in person and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents

2. Applicant, Mr. Hirde is present before the Court as learned Counsel Mr. C.T. Chandratre, learned Counsel is unable to attend the court.

3. Party-in-person has submitted that the Contempt Application is filed for non compliance of order dated 06.06.2022 passed by the Tribunal in O.A.No.614/2014 with O.A.No.938/2016. Party in person points out that the Respondent no.3 in O.A.No.614/2014 Mr. S.D. Bhor, Transport Commissioner Office had filed Writ Petition challenging the order dated 06.06.2022. The Party in person informs that no relief was granted by the Hon'ble High Court and the said order of Hon'ble High Court was challenged by Mr. Bhor before the Hon'ble Supreme Court. The Hon'ble Supreme Court in SLP (Civil) Dairy No(s).19297/2023 on 15.05.2023 heard the matter. The Hon'ble Supreme Court had also not granted any relief. Therefore the Petitioner sought withdrawal with liberty to seek interim relief from the Hon'ble High Court. The said Petition was thus, withdrawn from the Hon'ble Supreme Court and was submitted before the Hon'ble High Court. Party in person has produced the copy of order dated 15.05.2023 passed in SLP (Civil) Dairy No(s).19297. It be taken on record and marked as Exhibit-A.

3. Learned P.O. has pointed out affidavit-in-reply dated 20.09.2023 filed in C.A. through Mr. Parag Jain-Nainutia, Principal Secretary, Home Department (Transport) Mantralaya. Learned P.O. has submitted that on 26.06.2023 the Law and Judiciary Department granted permission to challenge the order of M.A.T. before the Hon'ble High Court.

5. In view of above, issue Contempt notice to Respondent No.1, Shri Parag Jain (Nainutiya), Principal Secretary (Transport), Home Department, Mantralaya and Respondent No.2, Mr. Vivek Bhimanwar, the Transport Commissioner.

6. Learned P.O. has requested that Contempt Notice may not be issued. However, considering the chronology of the events and time taken for compliance of the order, it is the fit case to issue Contempt Notice

7. Adjourned to 05.10.2023. Hamdast. //

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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

M.A. No.585 of 2023 in O.A. No.249 of 2022

S.S. Kamble ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents No.1 & 3 and Shri M.B. Kadam holding for Smt. Savita Suryawanshi, learned Advocate for Respondent No.2.

2. On 22.9.2023 Ld. Advocate for respondent no.3 sought time to file reply in MA. Last chance was granted and matter was adjourned today. Shri Kadam, Ld. Advocate wants to argue the matter without reply.

3. Ld. Advocate for the applicant submits that applicant challenges order dated 13.12.2021 qua respondent no.2 and has filed this MA for amending the OA as per Schedule 1, 2 & 3 annexed to the MA. By Schedule-1 he wants to add prayer clause 10(a)(b) and 10(a)(b)(c). By Schedule-2 he wants to add respondent no.4. By Schedule-3 he wants to add para 7.7 & 7.8 which is pertaining to Recruitment Rules. Ld. Advocate for the applicant submits that OA is filed on 15.3.2022. Both the respondents have filed reply. OA is admitted and at the time of hearing the Tribunal has made observation in the order dated 21.8.2023 in respect of omission on the part of the applicant. Hence, this MA is moved in order to remove the lacunas.

4. Shri Kadam, Ld. Advocate for Respondent no.2 opposes the MA on the ground that there is repetition of the averments by way of prayer. Secondly applicant is challenging the order dated 16.9.2019. Hence, it is beyond limitation. Amendment can be granted if at all there is subsequent development. The applicant was aware of the fact when he filed the OA. Applicant is negligent. Lacunas cannot be filled by way of amendment.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>5. Ld. CPO submits to the order of the Court.</p> <p>6. Ld. Advocate for the applicant submits that these are frivolous objections of respondent no.2</p> <p>7. Ld. Advocate for the applicant submits that certificate of the respondent of 2019 is challenged of his Home Guard category.</p> <p>8. Considering the nature of amendment and so also the submissions and objections raised by the Ld. Advocate for Respondent No.2, in order to adjudicate the matter it is necessary to allow this amendment otherwise it will lead to multiple litigation. MA is allowed. Amendment be carried out within two weeks and amended OA be served to all the respondents. The respondents are thereafter allowed to file reply to the amended OA. MA disposed off.</p> <p>9. OA adjourned to 17.11.2023.</p>	<p>2 11</p>
<p>(sgj)</p>	<p>Sd/- (Mridula Bhatkar, J.) Chairperson 29.9.2023</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 align="center"><u>M.A. No.584 of 2023 in O.A. No.94 of 2022</u></p> <p>S.S. Zade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents No.1 & 3 and Shri M.B. Kadam holding for Smt. Savita Suryawanshi, learned Advocate for Respondent No.2.</p> <p>2. On 22.9.2023 Ld. Advocate for respondent no.3 sought time to file reply in MA. Last chance was granted and matter was adjourned today. Shri Kadam, Ld. Advocate wants to argue the matter without reply.</p> <p>3. Ld. Advocate for the applicant submits that applicant challenges order dated 13.12.2021 qua respondent no.2 and has filed this MA for amending the OA as per Schedule 1, 2 & 3 annexed to the MA. By Schedule-1 he wants to add in prayer clause 10(a) and wants to add prayer clause 10(a)(b). By Schedule-2 he wants to add respondent no.4. By Schedule-3 he wants to add para 7.7 & 7.8 which is pertaining to Recruitment Rules. Ld. Advocate for the applicant submits that OA is filed on 31.1.2022. Both the respondents have filed reply. OA is admitted and at the time of hearing the Tribunal has made observation in the order dated 21.8.2023 in respect of omission on the part of the applicant. Hence, this MA is moved in order to remove the lacunas.</p> <p>4. Shri Kadam, Ld. Advocate for Respondent no.2 opposes the MA on the ground that there is repetition of the averments by way of prayer. Secondly applicant is challenging the order dated 16.9.2019. Hence, it is beyond</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>limitation. Amendment can be granted if at all there is subsequent development. The applicant was aware of the fact when he filed the OA. Applicant is negligent. Lacunas cannot be filled by way of amendment.</p> <p>5. Ld. CPO submits to the order of the Court.</p> <p>6. Ld. Advocate for the applicant submits that these are frivolous objections of respondent no.2</p> <p>7. Ld. Advocate for the applicant submits that certificate of the respondent of 2019 is challenged of his Home Guard category.</p> <p>8. Considering the nature of amendment and so also the submissions and objections raised by the Ld. Advocate for Respondent No.2, in order to adjudicate the matter it is necessary to allow this amendment otherwise it will lead to multiple litigation. MA is allowed. Amendment be carried out within two weeks and amended OA be served to all the respondents. The respondents are thereafter allowed to file reply to the amended OA. MA disposed off.</p> <p>9. OA adjourned to 17.11.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 29.9.2023</p> <p>(sgj)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.09.2023</p> <p style="text-align: center;">O.A.No.1232/2023</p> <p>L.M. Koli & Ors.Applicants Vs The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadear, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The 90 Applicants prays that Respondent no.2 be directed to accept their application forms and to allow them to appear for the Limited Departmental Competitive Examination for the post of PSI which is going to be held on 03.10.2023.</p> <p>3. Learned Counsel has submitted that last date for accepting the application forms is 03.10.2023. Learned Counsel seeks for interim relief that M.P.S.C. be directed to accept the application forms of the applicants. Learned Counsel has submitted that all the Respondents were served on 25.09.2023 i.e. on the date on which O.A. is filed on 25.09.2023</p> <p>4. Learned C.P.O. has submitted that she is unable to make submissions for want of instructions from the Respondents. She has submitted that the Government has declared holiday today and therefore nobody is available to give instructions.</p> <p>5. The cause of action aroused from the date of advertisement i.e. 08.09.2023 when the post was uploaded on the official website of M.P.S.C. The period for submission of application forms mentioned in the advertisement is during the period from 11.09.2023 to 03.10.2023.</p> <p>6. Learned Counsel has submitted that the applicants made representation to all Respondents. He has submitted that Applicant No.1 by his letter dated 11.09.2023 has made representation to G.A.D. i.e. Respondent No.4. Learned Counsel has submitted that the Applicant No.1 also made</p>

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

Tribunal's orders

representation dated 13.09.2023 to the Home Department praying that the period of two years is to be considered as the age relaxation as the examinations could be conducted on account of COVID-19 pandemic. Learned Counsel has submitted that the examination which of the year 2021 was conducted in the year 2022 and further the examination of the year 2019 and 2020 were not conducted on account of COVID-19 pandemic. On query learned Counsel has submitted that the last examination was conducted in the year 2017. Learned Counsel has submitted that all the applicants are entitled to get the benefit of G.R. dated 03.03.2023 of giving age relaxation by two years on account of COVID-19 pandemic and also has submitted that the cut-off should have been fixed as 01.01.2023 instead, for this examination the cut-off is fixed as 03.10.2023.

7. We direct learned Counsel to give information in tabular form of all the 90 applicants whereby the date of birth, eligibility, how many chances of the examination are availed of by the Applicants i.e. how many attempts made by the applicants, so also when the Applicants became age barred. After preparing this tabular form of all the applicants we request learned Counsel to provide the summary of all the applicants of this table. The said table and summary is to be emailed to the office of C.P.O. on or before 02.10.2023, so that learned C.P.O. will be able to go through the same on 03.10.2023.

8. Adjourned to 03.10.2023 at 2.30 p.m.

Sd/-

Sd/-

(Debashish Chakrabarty)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

**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><u>O.As. No.310 & 311 of 2023</u></p> <p>N.B. Rathod A.Y. Madale ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In these two matters the applicants pray that the order dated 10.2.2023 permanently debarring them from appearing in the examination of MPSC w.e.f. 30.7.2022 be quashed and set aside. The applicants further seek declaration that the order dated 10.2.2023 shall not come in their way to appear for the post of PSI through LDCE.</p> <p>3. Shri Suhas Autade, Joint Secretary, MPSC is requested to appear before this Tribunal to assist the Tribunal.</p> <p>4. S.O. to 3.10.2023. Part heard.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Debashish Chakrabarty) ✓ (Mridula Bhatkar, J.) Member (A) Chairperson 29.9.2023 29.9.2023</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.1237/2023</u></p> <p>M.T. Ligade ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant challenges the order dated 08.06.2023 and General Merit List dated 12.09.2023 and further seeks direction that the name of 20 ineligible candidates are to be deleted. The Learned Advocate for the Applicant submits the names of 54 candidates stand deleted pursuant to the order passed by Hon'ble High Court on 15.09.2023 holding them ineligible. 3. Issue notice returnable on 16th October, 2023. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. 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. Respondents are put to notice that the case would 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. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed. 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. 9. Keep this OA on 16th October, 2023 in Urgent Admission caption. <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Debashish Chakrabarty) (Mridula Bhatkar, J.) Member-A Chairperson 29.09.2023 29.09.2023</p>

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

Tribunal's orders

Date : 29.09.2023

O.A.No.1233/2023

M.V. KadamApplicant
Vs
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. S.S. Dere, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Applicant is Education Officer holding additional charge of Joint Secretary Divisional Education Board, Nashik challenges D.E. dated 31.07.2019.
3. Learned Counsel has submitted that Enquiry Officer is appointed in the year 2023. He has submitted that the D.E. is not completed within the time frame as the ratio laid down by the Hon'ble Supreme Court in the case of **Prem Bath Bali Versus Registrar, High Court of Delhi & Anr., Civil Appeal No.958/2010 dated 16.12.2015** and also as per G.R. of April, 2008. It is also further prayed that the case of the Applicant is to be considered for promotion to the post of Deputy Director on the basis of Clause 9 of the G.R. dated 15.12.2017.
4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
5. Issue notice before admission returnable on 16.10.2023.
6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
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.
8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.
9. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.

10. Adjourned to 16.10.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

Date : 29.09.2023

O.A.No.1159/2023

R.K. KawaleApplicant

Vs

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. S.T. Bhosale, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Applicant, Practicing Advocate challenges communication dated 29.03.2023 and seeks suitable directions in respect of the recommendation to the post of Under Secretary (Legal), Group-A, Law and Judicial Department.

3. Learned Counsel has submitted that the Respondent No.2 has recommended the name of Respondent No.3 on 23.03.2023 and the same is to be stayed.

4. It is not found that it is urgent matter as the order passed on 23.03.2023 is challenged today.

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 20.10.2023.

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.

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. Applicants are 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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.

11. Adjourned to 20.10.2023 for hearing on interim relief.

Sd/-

Sd/-

(**Debashish Chakrabarty**)
Member (A)

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.09.2023</p> <p align="center">M.A.No.613/2023 in O.A.No.1232/2023</p> <p>L.M. Koli & Ors.Applicants Vs The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadear, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p align="right">Sd/-</p> <p align="center">Sd/-</p> <p>(Debashish Chakrabarty) / (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>MA No.337/2023 in OA No.971/2019</u> <u>MA No.338/2023 in OA No.973/2019.</u> <u>MA No.339/2023 in OA No.1022/2019</u></p> <p>R.P. Gaikwad M.V. Sontakke D.N. Lone ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants submits that Commissioner, Tribal Development, Nashik is a necessary party and he wants to add him as party respondent in MAs.</p> <p>3. The said request is allowed. Ld. Advocate for the applicants is directed to carry out the amendment and serve amended MA on all the respondents including added respondent.</p> <p>4. S.O. to 12.10.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 29.9.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders.	Tribunal's orders
	<p style="text-align: center;"><u>C.A. No.79 of 2023 in O.A. No.650 of 2015</u></p> <p>M.R. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Applicant and his Advocate both the absent.</p> <p>2. At the request of Ld. PO for verifying the affidavit of contemnor the time is granted.</p> <p>3. S.O. to 3.10.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 29.9.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.09.2023</p> <p>O.A.No.641/2020 (D.B.)</p> <p>G.B. SukenkarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. At the request of learned Counsel adjourned to 06.10.2023.</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 29.09.2023</p> <p>C.A.No.50/2022 in O.A.No.493/2021 (D.B.)</p> <p>S.G. ParabApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents</p> <p>2. In view that the order passed by this Tribunal in O.A.No.493/2021 is pending before the Hon'ble High Court, C.A. is adjourned to 01.12.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) 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 : 29.09.2023

O.A.No.847/2023
(Through video conference) (A'bad)

Dr. Pradyumna H. WarwantkarApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Pradnya Talekar, learned Counsel for the Applicant, Mr. M.S. Mahajan, learned Chief Presenting Officer for the Respondents and Mr. J.S. Deshmukh, learned Counsel for Respondent No.6.
2. Learned Counsel Mr. Deshmukh has filed affidavit-in-reply. The M.A.T. Bench Aurangabad is directed to send the copy of the same to Mumbai Bench.
3. Learned Counsel for the Applicant has submitted that the power to issue transfer order of the Applicant, who is the Medical Officer, is with Respondent No.2. She has further submitted that the Applicant's wife is working as Community Health Officer at Purjal, Taluka Aundha, District Hingoli and she is on her family way and there are some complications in her fetus.
4. Learned C.P.O. seeks time to file reply.
5. Time granted by way of last chance to learned C.P.O. to file reply.
6. Adjourned to 04.10.2023 at 10.00 a.m.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

1 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.1162/2023</u></p> <p>B.R. Behere ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents 1 & 2 and Shri Prakash Shejal, learned Advocate for Respondent No.3 - BMC.</p> <p>2. The Ld. CPO submits that the reply will be filed today on behalf of Respondent Nos.1 and 2 and reply of Mr. Rajgopal Devra, Addl. Chief Secretary, Revenue and Forest Department will be filed after two days. Therefore, the Ld. CPO seeks time.</p> <p>3. The Ld. Advocate for Respondent No.3 submits that the reply dated 27.09.2023 of Shri P. Velrasu, Addl. Municipal Commissioner (Projects) is filed.</p> <p>4. We have gone through the Affidavit-in-Reply filed by Shri P. Velrasu, Addl. Municipal Commissioner (Projects) dated 27.09.2023. However, we are not satisfied with his Affidavit-in-Reply, as our main query that why the letter dated 02.08.2023 sent by Divisional Commissioner, Nagpur Division, Nagpur why was not answered. We have taken note that this letter was in fact addressed to Municipal Commissioner, MCGM. However, before we may be constrained to summon Shri I.S. Chahal, Municipal Commissioner, MCGM, we would like to know from Shri P. Velrasu, Addl. Municipal Commissioner (Projects) why letter dated 02.08.2023 of Divisional Commissioner, Nagpur Division, Nagpur was not answered and whether the said letter was ever brought to the notice of Shri P. Velrasu, Addl. Municipal Commissioner (Projects) by Shri I.S. Chahal, Municipal Commissioner, MCGM.</p>

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

Tribunal's orders

5. We would like to inform that it is a serious matter of Suspension Order being passed against the Applicant and we are of the *prima facie* view that the high ranking officers from State Government and high ranking officers from MCGM have not followed the proper procedure in communication which resulted in suspension of the Applicant. We would therefore like to have the assistance of Shri P. Velrasu, Addl. Municipal Commissioner (Projects) on this point, so we by invoking the powers under Section 22(3)(a) of Administrative Tribunals Act, 1985 summon him to remain present on 3rd October, 2023 at 2.30 p.m. Shri P. Velrasu, Addl. Municipal Commissioner (Projects) to also throw light on letter dated 27.06.2023 by Municipal Commissioner, MCGM to the Addl. Chief Secretary, Revenue & Forest Department where the name of the Applicant is not mentioned though it was for filling up of existing Vacant Post of Deputy Collector.

6. S.O. to 3rd October, 2023 at 2.30 p.m.

Sd/-

(Debashish Chakrabarty)
Member-A
29.09.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
29.09.2023

(skw)