

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date: 30.05.2024</p>
	<p style="text-align: center;"><b>O.A. No.491 of 2024 (Nagpur)</b></p> <p><b>M.S. Joshi</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri N.R. Saboo, learned Advocate for Applicant and Shri S.A. Sainis, learned Presenting Officer for Respondents through 'Video-Conference'.</p> <p>2. Learned Advocate for Applicant states that Applicant is eligible for appointment to post of 'ECG Technician' from 'EWS Category (General)' as per 'Selection List' published on 10.02.2024 by 'Deputy Director Health Services, Akola Circle, Akola'. However, Applicant has not been issued 'Appointment Letter' but instead has been declared as ineligible by 'Deputy Director Health Services, Akola Circle, Akola' letter dated 15.04.2024; because he had not submitted documents relating to specified 'Educational Qualification' for post of 'ECG Technician'.</p> <p>3. Learned Advocate for Applicant emphasizes that 'Deputy Director Health Service, Akola' letter dated 19.02.2024 mentions the reasons as 'No Diploma or Certificate in Cardiology'; even though relevant documents of specified 'Educational Qualification' for post of 'ECG Technician' had been submitted by Applicant.</p> <p>4. Learned Advocate for Applicant then drew attention to contents of 'Joint Director, Pune Health Services, Pune' letter dated 19.03.2024 addressed to 'Deputy Director Health Service, Akola Circle, Akola'</p>

Office Notes, Office Memoranda of Coram,  
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conveying that 'Bachelors of Science' degree could be considered for appointment to post of 'ECG Technician'.

5. Learned Advocate for Applicant further contended that as 'Joint Director Health Service, Pune' letter dated 19.03.2024 has already clarified to 'Deputy Director Health Service, Akola' that Applicant who holds 'Bachelor of Science' degree could be considered for appointment to post of 'ECG Technical' and as Applicant also holds 'PG Diploma ECG Technician (Cardiology)' awarded by 'Sant Gadge Baba Amravati University, Amravati'; therefore 'Deputy Director Health Services, Akola Circle, Akola' should issue 'Appointment Letter' without further delay to Applicant for post of 'ECG Technician' from 'EWS Category' (General) based on 'Selection List' published on 10.02.2024.

6. Learned PO emphasizes that Applicant does not fulfill criteria of 'Education Qualification' as specified under 'Para 2' of 'Advertisement' dated 28.08.2023 issued on by 'Commissioner Health Services and Director National Health Mission, Maharashtra State, Mumbai'.

7. The 'Educational Qualification' for post of 'ECG Technician' at 'Sr. No. 10' of 'Annexure' to 'Advertisement' dated 28.08.2023 reads as follows:-  
*'Possess a degree a Bachelor of Paramedical Technology in Cardiology or Bachelor of Science in Paramedical Technology in Cardiology; or Possess a degree of Bachelor of Science with Physics, and Chemistry or Biology; and a diploma or certificate in Cardiology'.*  
Therefore against this backdrop it would be appropriate if 'Commissioner Health Service and Director, National Health Mission, Maharashtra State, Mumbai' decides whether or not Applicant fulfills any of the specified 'Education Qualifications'; rather than leaving it to assessment by 'Deputy Director Health Services, Akola Circle, Akola' or clarification issued by 'Joint Director Health Services, Pune'.

8. The 'Commissioner Health Service and Director, National Health Mission, Maharashtra State, Mumbai' accordingly informed to decide within 'Two Weeks' whether or not Applicant fulfills criteria of specified 'Education Qualification' under 'Para 2' of 'Advertisement' dated 28.08.2023.

Office Notes, Office Memoranda of Coram,  
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9. The 'Deputy Director of Health Services, Akola Circle, Akola' therefore directed that till such time as eligibility of Applicant based on specified 'Education Qualification' is decided by 'Commissioner Health Services and Director, National Health Mission, Mumbai'; no action should be taken to fill up post of 'ECG Technician' from 'EWS Category (General)' as per 'Advertisement' dated 28.08.2023.

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

11. Issue notice before admission returnable on 28.06.2024.

12. 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.

13. 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.

14. 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.

15. 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.

16. S.O. to 28.06.2024.

sd/-

(Debashish Chakraborty)  
Member (A)

AGR

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 30.05.2024</b></p> <p style="text-align: center;"><b>O.A. No.490 of 2024 (Nagpur)</b></p> <p><b>N.G. Ghayal</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri S.R. Tiwari, learned Advocate for Applicant and Shri S.A. Sainis, learned Presenting Officer for Respondents through 'Video-Conference'.</li> <li>2. Learned Advocate for Applicant states that Applicant is seeking appointment to post of 'Accountant' (Group-C) from 'OBC Category' in office of 'Chief Conservator forest, (Territorial) Thane' as per 'Advertisement No. 10/1' dated 08.06.2023.</li> <li>3. Learned Advocate for Applicant further states that Applicant has 'Experience Certificate' of 'Daily Wage Forest Labourer' issued to him by 'RFO Chikaldara'. Therefore; Applicant should be called to complete the process of 'Verification of Documents' based on this 'Experience Certificate'.</li> <li>4. Learned PO contends that Applicant is not eligible for appointment to post of 'Accountant' (Group-C) in office of 'Chief Conservator forest, (Territorial) Thane' as per 'Advertisement No. 10/1' dated 08.06.2023; as he does not even possess the requisite 'Education Qualifications'.</li> <li>5. The 'Chief Conservator Forest, (Territorial) Thane' in above stated background is informed to call Applicant for 'Verification of Document' to first ascertain if Applicant possesses required 'Education Qualifications' and thereafter if 'Experience Certificate' has been issued by 'Competent Authority' specified for appointment to post of 'Accountant' (Group-C) in office of 'Chief Conservator forest, (Territorial) Thane' as per 'Advertisement No. 10/1' dated 08.06.2023.</li> </ol>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. The 'Chief Conservator of Forest (Territorial), Thane' while undertaking 'Verification of Documents' would be expected to observe policy guidelines issued by (a) Revenue &amp; forest Department GR dated 16.10.2012 &amp; (b) Revenue &amp; Forest Department GR dated 10.05.2018 as well as refer to 'Judgment' passed in O.A. No. 820/2023 and O.A. No. 1395/2023 on 26.02.2024.</p> <p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 20.06.2024.</p> <p>9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>10. 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>11. 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>12. 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.</p> <p>13. S.O. to 20.06.2024.</p> <p style="text-align: right;">sd/- (Debashish Chakrabarty) Member (A)</p> <p>AGR</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><b>Date : 30.05.2024</b></p> <p align="center"><b>O.A.No.1550 of 2023 (DB)</b></p> <p><b>U. B. Kumbhar</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri H. A. Sathe, learned Advocate for Applicant through Video Conference and Shri A. J. Chougule, learned Presenting Officer for Respondents.</p> <p>2. Learned Advocate for Applicant has filed 'Affidavit in Rejoinder' dated 15.04.2024. It is taken on record.</p> <p>3. Learned PO states that Applicant belongs to cadre of 'Forest Range Surveyor (Group -B) (Non-Gazetted)' for which 'Competent Transferring Authority' in respect of 'General Transfers' under Section 3(1)' is the 'Additional Principal Chief Conservator of Forest (Administration Subordinate Cadres) Maharashtra State, Nagpur' but in respect of transfers due to 'Special Reasons' or 'Exceptional Circumstances' under 'Section 4(4)' and 'Section 4(5)' of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' when prior approval is required to be taken, it is 'Principal Chief Conservator of Forest (HOFF) Maharashtra State, Nagpur' being next 'Superior Transferring Authority' under 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.</p> <p align="right"><i>[P.T.O.]</i></p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. Learned PO then states that recommendation for 'Mid Term' and 'Mid Tenure' transfer of Applicant was made by 'CSB-II' in its meeting held under 'Chief Conservator of Forest (Territorial), Pune' on 20.10.2023 and was approved by 'Additional Chief Conservator of Forest (Administration Subordinate Cadres) Maharashtra State, Nagpur' on 06.12.2023. However, when this came to knowledge of 'Principal Chief Conservator of Forest (HOFF) Maharashtra State, Nagpur' it was immediately revoked on 08.12.2023; as the 'Mid Term' and 'Mid Tenure' transfer of Applicant had not been approved as per 'Statutory Powers' under 'Section 4(4) and Section 4(5)' of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.</p> <p>5. Learned PO further emphasizes that even the meeting of 'CSB-II' held under 'Chief Conservator of Forest (Territorial), Pune' on 20.10.2023 was not in accordance with policy guidelines as this 'CSB-II' was not competent to consider request of Applicant for 'Mid Term' and 'Mid Tenure' transfer; because 'CSB-II' for cadre of 'Forest Range Surveyor' (Group B) (Non Gazetted) is at level of 'Additional Principal Chief Conservator of Forest (Administration Subordinate Cadres), Maharashtra State, Nagpur' as per Office Circular dated 28.03.2014.</p> <p>6. The request of Applicant which was earlier considered by 'CSB-II' under 'Chief Conservator of Forest (Territorial) Pune' against the backdrop stated above may now be placed before 'CSB-II' under 'Additional Chief Conservator of Forest (Administration Subordinate Cadres) Maharashtra State, Nagpur' as per Office Circular dated 28.03.2014.</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The 'CSB-II' constituted under 'Additional Principal Chief Conservator of Forest (Administration Subordinate Cadre) Maharashtra State Nagpur' being competent as per Office Circular dated 28.03.2014 may examine request of Applicant 'de-novo' with an 'Open Mind' and not being influenced by earlier decisions which resulted in 'Mid-term' and 'Mid-Tenure' transfer of Applicant on 06.12.2023 and its subsequent revocation on 08.12.2023.</p> <p>8. The 'CSB-II' under 'Additional Chief Conservator of Forest (Administration Subordinate Cadres) Maharashtra State, Nagpur' should submit its recommendation within 'Two Weeks' to 'Principal Chief Conservator of Forest (HOFF), Maharashtra State, Nagpur' who must thereupon take appropriate decision within 'One Week' in accordance with guidelines in Revenue and Forest Department GR dated 11.01.2018 and provisions of 'Section 4(4)' and 'Section 4(5)' of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.</p> <p>9. 'Interim Relief' to continue till Next Date.</p> <p>10. S.O. to 19.06.2024.</p> <p align="right">sd/- (Debashish Chakrabarty) Member (A)</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.**

<b>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</b>	<b>Tribunal's orders</b>



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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 30.05.2024</p>
	<p><b>O.A.No.670 of 2024 (DB)</b></p> <p><b>N. D. Ghoderao</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri C. T. Chandratre, learned Advocate for Applicant and Shri A. J. Chougule, learned Presenting Officer for Respondents.</p> <p>2. Learned Advocate for Applicant submits that Applicant had last served on post of 'Superintendent' of 'Shantisadan Women Hostel, Ulhasnagar' from where she retired on 31.12.2015. She was served with 'Charge-Sheet' for 'Departmental Enquiry' on 29.12.2015 after she had been served with 'Suspension Order' on 17.07.2015 for dereliction of duties as 'Superintendent' of 'Shantisadan Women Hostel, Ulhasnagar'.</p> <p>3. Learned Advocate for Applicant further states that appointment of 'Presenting Officer' which had been made earlier on 28.06.2016 in respect of this 'Departmental Enquiry' against Applicant was belatedly modified on 02.01.2024. However, this has now resulted in commencement of 'Departmental Enquiry' after long period of 9 years for which 'Charge Sheet' had been served to her on 29.12.2015.</p> <p>4. The learned Advocate for Applicant states that this 'Departmental Enquiry' has recently commenced after long period of 9 years. Therefore, Applicant has represented to Principal Secretary, Women and Child Development Department on 16.04.2024 to close this 'Departmental Enquiry'. The Applicant has sought closure of 'Departmental Enquiry' ordered on 29.12.2015 based on certain landmark judgments of 'Hon'ble Supreme Court of India' regarding inordinate</p>

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	<p>delay in completion of Departmental Enquiry as well as 'GAD Government's Circulars' to complete on priority 'Departmental Enquiry' which are instituted against retired Government Employees. Further, she has also requested 'Regional Departmental Inquiry Officer, Konkan Division, Navi Mumbai' by letter dated 15.05.2024 to postpone the date of her 1<sup>st</sup> Attendance on 17.05.2024 till such time as her representation dated 15.04.2024 is decided by 'Principal Secretary, Women and Child Development Department'.</p> <p>5. The learned PO brings to notice that there is another preceding 'Departmental Enquiry' against Applicant in which the 'Enquiry Officer' as well as 'Presenting Officer' were appointed on 07.07.2015 and relates to the period when she was working on post of 'Superintendent' in 'Government Navjivan Women Hostel at Devnar, Mumbai' and states that this earlier 'Departmental Enquiry' is now at stage of completion since proposal has also been submitted to 'MPSC'.</p> <p>6. The fact remains that subsequent 'Departmental Enquiry' instituted against Applicant on 29.12.2015 has been inordinately delayed and thus 'Balance of Convenience' at this stage lies with Applicant. Further, she has already made representation to 'Principal Secretary, Women and Child Development Department' on 16.04.2024 to close this 'Departmental Enquiry'. Hence, it is directed that Respondent No.2- 'Regional Departmental Enquiry Officer, Konkan Division, Navi Mumbai' should not to proceed further with the conduct of the 'Departmental Enquiry' instituted against Applicant on 29.12.2015. The Respondent No.1-'Principal Secretary, Women and Child Development Department' is also informed to decide about representation of Applicant dated 16.04.2024 within a period of 'One Month' after giving opportunity of 'Personal Hearing' to Applicant.</p> <p>7. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 18.06.2024.</p> <p>9. 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>

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MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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	<p>10. 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>11. 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>12. In case notice is not collected within <b>seven</b> days or service report on affidavit is not filed <b>three</b> days before returnable date, the Original/ <del>Miscellaneous</del> Application shall be placed on board before the concerned Benches under the caption "<b>for Dismissal</b>" and thereafter on the subsequent date the Original / <del>Miscellaneous</del> Application shall stand dismissed.</p> <p>13. S.O. to 18.06.2024.</p> <p style="text-align: center;">sd/- (<b>Debashish Chakrabarty</b>) Member (A)</p> <p>vsm</p>

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

Date : 30.05.2024

O.A.No.615 of 2024  
(DB)

R. R. Shirke ....Applicant

Versus

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

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant through video conference and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 18.06.2024.

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~~ Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / ~~Miscellaneous~~ Application shall stand dismissed.

8. S.O. to 18.06.2024.

Sd/-

(Debashish Chakrabarty)  
Member (A)