

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**M.A.No.45 of 2020 in O.A.No.51 of 2020 With
M.A.No.46 of 2020 in O.A.No.52 of 2020 With
M.A.No.47 of 2020 in O.A.No.53 of 2020 With
M.A.No.48 of 2020 in O.A.No.54 of 2020 With
M.A.No.69 of 2020 in O.A.No.488 of 2019 With
M.A.No.70 of 2020 in O.A.No.491 of 2019 With
M.A.No.71 of 2020 in O.A.No.492 of 2019 With
M.A.No.72 of 2020 in O.A.No.493 of 2019 With
M.A.No.146 of 2020 in O.A.No.217 of 2020**

Mr. K.B. Shivsharan (M.A.No.45/2020 in O.A.No.51/2020)
Mr. D.P. Patil (M.A.No.46/2020 in O.A.No.52/2020)
Mr. S.U. Sonawane (M.A.No.47/2020 in O.A.No.53/2020)
Mr. N.D. Trigune (M.A.No.48/2020 in O.A.No.54/2020)
G.R. Khandagale (M.A.No.69/2020 in O.A.No.488/2019)
V.V. Alange (M.A.No.70/2020 in O.A.No.491/2019)
D.L. Melge (M.A.No.71/2020 in O.A.No.492/2019)
S.K. Vhanmane (M.A.No.72/2020 in O.A.No.493/2019)
N.S. Kalyansheeti (M.A.No.146/2020 in O.A.No.217/2020)

..Applicants

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Arjun Patil, learned Advocate for the Applicant.
Ms. K.S. Gaikwad, learned Presenting Officer for the Respondent.

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

DATE : 30.09.2021.

PER : Ms. Medha Gadgil, Member (A)

ORDER

1. The learned Advocate for the Applicants submits that all the Applicants are Agriculture Assistance were punished on 23.07.2014 for misconduct. The said order was challenged by all the applicants in appeal before the Respondent No.2 in August, 2014. The first hearing

on appeal was held on 30.03.2017 and second hearing was held on 07.10.2017. However no decision on the appeal has been taken till date despite of the various reminders and representations by the Applicants to the Respondent No.2.

2. Applicants challenged the original order of punishment for which they have approached the Tribunal. Applicants filed M.A.No.69/2020, M.A.No.70/2020, M.A.No.71/2020 & M.A.No.72/2020 in view of condonation of delay of 283 days for filing O.A.No.488/2019, O.A.No.491/2019, O.A.No.492/2019 and O.A.No.493/2019.

3. There is no fault of the applicants as no decision was taken by the Respondent No.2 for which the applicants waited for years. However Respondent no.2 did not pass any order.

4. Learned P.O. for the Respondents opposed, but submits to the orders of the Tribunal.

5. In view of the submissions of learned Advocate for the Applicants we are of the view that the reasons given for the delay are satisfactory. Hence, M.A.No.69/2020, M.A.No.70/2020, M.A.No.71/2020 & M.A.No.72/2020 are hereby allowed and disposed of.

6. In M.A.No.47/2020, M.A.No.48/2020 and M.A.No.146/2020 there is no delay. The order of punishment was passed on 30.06.2018 and thereafter the applicants filed appeal in M.A.No.47/020 on 15.06.2017, M.A.No.48/2020 on 05.09.2018 and M.A.No.146/2020 on 26.03.2018

respt. No hearing was given in the appeal. In these three matters i.e. O.A.No.53/2020, O.A.No.54/2020 and O.A.No.217/2020 it was expected from the office of Respondent No.2 to decide the appeal. Therefore it was obligatory on the part of the applicants to wait for 6 months after filing of the appeal. As no decision was passed in the appeal limitation started running after 6 months from the date of filing of the reply and thereafter one year is the period under Limitations Act for filing application from the date of cause of action. Thus in O.A.No.53/2020, O.A.No.54/2020 and O.A.No.217/2020 cause of action arose on 21.09.2019. Thus in M.A.No.47/2020, M.A.No.48/2020 and M.A.No.146/2020 there is delay of 130 days in filing of O.A.No.53/2020, O.A.No.54/2020 and O.A.No.217/2020. The delay caused because the order in appeal was not passed, hence we condone the delay. Hence, M.A.No.47/2020, M.A.No.48/2020 and M.A.No.146/2020 are hereby allowed and disposed of.

7. M.A.No.45/2020 and M.A.No.46/2020 is filed for condonation of delay of 395 days and 365 days in filing O.A.No.51/2020 and O.A.No.52/2020 respectively. In O.A.No.51/2020 the second show cause notice was issued on 12.05.2017 and the applicant replied on 29.05.2017. Hence the period of limitation ended on 29.11.2018 and in O.A.No.52/2020 the second show cause notice was issued on 12.05.2017 and the applicant replied on 28.06.2017. Hence the period of limitation ended on 28.12.2018.

8. In view of above, M.A.No.45/2020 and M.A.No.46/2020 are hereby allowed and disposed of.

9. The learned P.O. for the Respondents prays for time for filing affidavit-in-reply, however we do not think it is necessary to file reply. The learned P.O. submits to the orders of the Tribunal.

10. Issue notice before admission returnable in all Original Applications on 21.10.2021.

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

12. Applicants are authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. 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. Applicants are directed to file Affidavit of compliance and notice.

15. Meanwhile the authority is directed to take proper steps while taking decision.

16. Adjourned to 21.10.2021.

Sd/-
(Medha Gadgil)
Member(A)

n . n n H .
Sd/-
/v.
(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.717 OF 2021

DISTRICT : MUMBAI

Smt. Sujata A. Patil.

)...**Applicant**

Versus

The State of Maharashtra.

)...**Respondent**

Mr. A.V. Bandiwadekar, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 30.09.2021

ORDER

1. The Applicant has challenged the transfer order dated 09.09.2021 whereby she is transferred from the post of Assistant Commissioner of Police, Meghwadi Divisioni, Jogeshwari to Assistant Commissioner of Police, Mira Bhayandar, Vasai-Virar Police Commissionerate *inter-alia* contending that she is transferred mid-term and mid-tenure on the basis of alleged default report and it is in contravention of Maharashtra Police Act.

2. The perusal of record tendered by the learned P.O. reveals that Police Establishment Board (PEB) headed by Additional Chief Secretary, Home in a meeting dated 30.08.2021 transferred 92 Police Officials under the caption of 'Administrative Reason'. The meeting was also attended by Shri Sanjay Pandey, Director General of Police as a Vice-

under

Chairperson of PEB amongst other members. The file was then placed before Hon'ble Chief Minister, he being competent transferring authority who approved the transfers, and accordingly, transfer orders were issued.

3. Since there was no specific reference of the default report in the minutes of PEB dated 30.08.2021 when the matter was taken up for interim relief on 23.09.2021, the statement was made by learned P.O. that he can file Affidavit of Director General of Police to establish that the default report was placed before PEB and on consideration of the same, the transfer was effected.

4. Today, accordingly, Shri Sanjay Pandey, Director General of Police has filed through learned P.O. and it is taken on record.

5. In Para No.3 of Affidavit, he stated as under :-

“3. I say that as a matter of fact, the meeting of P.E.B.No.1 for examining and making recommendations to the “competent transferring authority”, the various cases of transfers of Dy.S.P./A.C.P. was also held on same dated i.e. on 30.08.2021.

It is further submitted that the report as mentioned above in para no.2 was placed by the then A.D.G. Establishment, and the then Member Secretary of P.E.B.No.01, Shri K.K. Sarangal (who handed over his charge of A.D.G. Estt. To Shri S.K. Singhal, A.D.G. on 06/09/2021) was placed by him before P.E.B.No.1 in the meeting and was discussed in the said meeting held on 30.8.21 (in which I was also present, being Vice Chairperson of the P.E.B.No.1) and P.E.B.No.1 came to subjective satisfaction and therefore it was decided by the P.E.B.No.1 to recommend mid-tenure transfer of the applicant herein from Mumbai City to Mira-Road, Bhayander, Vasai, Virar Police Commissionerate in the existing vacancy on the basis of the aforementioned Report. This is more evident on the basis of the small note made by the then A.D.G. Estt. And the then Member Secretary of the P.E.B.No.1 dated 30.08.2021. However, unfortunately, the same factual position was not reflected in the P.E.B.No.1's meeting held on 30.8.21.”

6. In view of above, the learned P.O. submits that even if there is no specific reference of default report in minutes of PEB, the Affidavit filed by Director General of Police clearly establishes that the default report was placed before the PEB which recommended to transfer the Applicant.

He, therefore, submits that though in PEB minutes, it is not specifically mentioned, the fact remains that the default report dated 30.08.2021 was very much placed before the PEB and on consideration of the same, the PEB had recommended for mid-tenure transfer of the Applicant.

7. Per contra, Shri Bandiwadekar, learned Advocate for the Applicant submits that in absence of any reference of default report in PEB minutes, the filing of Affidavit is nothing but to attempt to patch-up the lacuna and in absence of discussion about the default report in PEB minutes, the impugned transfer order is *prima-facie* unsustainable in law.

8. The leaned Advocate for the Applicant referred to the decision of this Tribunal in **O.A.No.806/2019 (Sachin Bari Vs. State of Maharashtra) decided on 03.10.2019** as well as order of Hon'ble High Court in **Writ Petition No.8434/2017 (Additional Chief Secretary Vs. Arun Pawar) decided on 5th September, 2018** and **Writ Petition No.5614/2021 (Sachin Patil Vs. State of Maharashtra) decided 20.09.2021**. In **Sachin Bari's** case (cited supra), the O.A. was allowed on merit on the ground that there was no such discussion of administrative exigency or default report in the minutes of PEB. Indeed, they were shown transferred having fallen in the parameters laid down by Election Commission of India in its letter dated 11.07.2019. In that case also, the Affidavit was filed by Shri Sarangal, Principal Secretary of PEB that default report was discussed in the Committee and it was the ground for transfer. However, the Tribunal disbelieved it in the facts and circumstances of the case and allowed the O.A. Whereas, in Writ Petition No.8437/2017, 70 Officials were transferred invoking Section 22N(2) of Maharashtra Police Act without recording individual reasons. It is in that context, the Hon'ble High Court held that the minutes do not record satisfaction of the Members of the Board that the transfers were warranted in public interest or on account of administrative exigency. Whereas, in Writ Petition No.5614/2021, the Hon'ble High Court by order dated 20.09.2021 granted interim relief to the transfer order of a



Member of Indian Police Service, wherein it was found that the complaints which was the basis of the mid-tenure transfer was not reflected in the minutes of PEB. The Hon'ble High Court observed that "Perusal of relevant file does not establish that the PEB did at all peruse any of the complaints relating to formation of subjective satisfaction that the mid-term transfer of the Petitioner on the ground that there were allegations of corruption against him is warranted.

9. Now turning the facts of the present case, the perusal of file reveals that Joint Commissioner of Police by his covering letter dated 30.08.2021 has forwarded default report dated 11.01.2021 submitted by Dr. Maheshwar Reddy, Deputy Commissioner of Police, default report dated 10.06.2021 submitted by Shri Sandip Karnik, Additional Commissioner of Police and default report dated 27.05.2021 submitted by Dr. Maheshwar Reddy, Deputy Commissioner of Police. In all these reports, the recommendations were made to transfer the Applicant on the ground that there were several complaints against her from subordinates and Applicant is found not able to work on executive post. In default report, what was attributed to the Applicant is as under :-

- “०१ सपोआ. मेघवाडी विभाग श्रीमती सुजाता पाटील यांनी त्यांच्या मुलांना कोविड-१९ लसीकरणासाठी कुपर रुग्णालयात नेले असता तेथील रुग्णालयीन कर्मचारी यांनी त्यांचे मुलाचे रजिस्ट्रेशन झालेले नसल्याने लसीकरण होणार नाही असे सांगितल्याने सपोआ मेघवाडी विभाग, श्रीमती सुजाता पाटील यांनी त्यांच्याशी वादविवाद करून, रुग्णालयीन कर्मचारी हे त्यांचे शासकीय कर्तव्य करीत असताना त्यांचे कर्तव्यामध्ये अडथळा निर्माण केला. सदरबाबत कुपर रुग्णालयाचे अधिष्ठाता यांनीसुद्धा सपोआ मेघवाडी विभाग यांना समजवण्याचा प्रयत्न केला असता त्यांनी रुग्णालयाचे अधिष्ठाता यांच्याशी हुज्जत घालून अत्यंत अशोभनीय वर्तन पोलीस खात्याची प्रतिमा मलीन केली आहे. तसेच सदर प्रकाराबद्दल सपोआ मेघवाडी विभाग श्रीमती सुजाता पाटील यांनी युट्युब व व्हाट्सअपवर मीडियाद्वारे प्रसिद्धी देऊन सहानुभूती मिळवण्याचा केविलवाणा प्रयत्न केलेला आहे.
- ०२ सपोआ मेघवाडी विभाग श्रीमती सुजाता पाटील ह्या त्यांचे दैनंदिन कर्तव्य कालावधीमध्ये वरिष्ठांना वारंवार व्हाट्सअपद्वारे संदेश पाठवून त्या मानसिक तणावाखाली असून, कोणत्याही क्षणी आत्महत्या करेन अशी धमकी देत आहेत.
- ०३ सपोआ मेघवाडी विभाग श्रीमती सुजाता पाटील ह्या त्यांचा हेतू साध्य करण्यासाठी त्यांचे कार्यालयात येणारे तक्रारदार तसेच हितचिंतक यांना वरिष्ठ पोलीस निरीक्षक मेघवाडी व जोगेश्वरी पोलीस ठाणे तसेच पोलीस ठाण्यातील कार्यरत अधिकारी यांचे विरुद्ध तक्रार करण्यास चिथावणी देत आहेत.
- ०४ सपोआ मेघवाडी विभाग श्रीमती सुजाता पाटील ह्या त्यांचे विभागांतर्गत मेघवाडी व जोगेश्वरी पोलीस ठाण्यातील कार्यरत अधिकारी व अंमलदार यांच्याशी अत्यंत अर्वाच्च व अश्लील भाषेत बोलून त्यांचे मानसिक खच्चीकरण करीत आहेत.

- ०५ सपोआ मेघवाडी विभाग श्रीमती सुजाता पाटील हया त्यांचा हेतू साध्य करण्यासाठी पोलिस ठाणे मार्फतीने करण्यात येणा-या प्रतिबंधक कारवाई दरम्यान सामनेवाला त्यांचे कार्यालयात गेला असता त्या शिबीगाळ करणे, निरर्थक बोलले त्याच प्रमाणे तक्रारदारांना सामनेवालेच्याविरोधात खोट्या तक्रारी दाखल करण्याची विथावणी देत आहेत.
- ०६ सपोआ मेघवाडी विभाग श्रीमती सुजाता पाटील हया पोलिस ठाण्याच्या प्रत्येक कामात हस्तक्षेप करीत असून पोलिस अधिकारी व अंमलदार यांना फोन करून अथवा त्यांच्या पोलीस ठाणे भेटीदरम्यान त्यांच्या दालनात बोलावून दमदाटी करणे, अप्रत्यक्षरित्या पैशाची मागणी करणे तसेच अधिकारी/अंमलदारांना चुकीचे सल्ले देणे असा प्रकार वारंवार करीत आहेत.”

10. As stated above, the Director General of Police in his Affidavit has stated that default report was discussed in PEB and it was the reason for transfer. He submits that inadvertently, the said discussion was not recorded in the minutes of PEB. Indeed, it ought to have found place in the minutes of PEB and non-recording of the same necessarily shows want of proper care while recording the minutes of PEB. Be that as it may, material to note that when the file was placed before the Hon'ble Chief Minister, it was specifically mentioned in Para No.3 that the PEB had recommended for mid-term transfer of the Applicant on default report, which was at Page No.97 of the file. The Hon'ble Chief Minister being competent transferring authority has, therefore, approved the minutes of PEB. As such, while considering the minutes of PEB, the default report was very much there in the file before Hon'ble Chief Minister. This being the position, *prima-facie*, the competent authority on objective assessment of the situation transferred the Applicant. This is material distinguishing aspect in the matter unlike the Judgments referred by the learned Advocate for the Applicant.

11. True, as submitted by the learned Advocate for the Applicant that before issuance of transfer, no Memo or Show Cause Notice was given to the Applicant. However, this aspect pales into insignificance in view of Judgment of Hon'ble Supreme Court in **(2004) 4 SCC 245 (Union of India & Ors. Vs. Janardhan Debanath & Ors.)** wherein in Para No.14, the Hon'ble Supreme Court held as under :-

“14. The allegations made against the respondents are of serious nature, and the conduct attributed is certainly unbecoming. Whether there was any mis-behaviour is a question which can be gone into in a departmental

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proceeding. For the purposes of effecting a transfer, the question of holding an enquiry to find out whether there was mis-behaviour or conduct unbecoming of an employee is unnecessary and what is needed is the prima facie satisfaction of the authority concerned on the contemporary reports about the occurrence complained of and if the requirement, as submitted by learned counsel for the respondents, of holding an elaborate enquiry is to be insisted upon the very purpose of transferring an employee in public interest or exigencies of administration to enforce decorum and ensure probity would get frustrated. The question whether respondents could be transferred to a different division is a matter for the employer to consider depending upon the administrative necessities and the extent of solution for the problems faced by the administration. It is not for this Court to direct one way or the other. The judgment of the High Court is clearly indefensible and is set aside. The writ petitions filed before the High Court deserve to be dismissed which we direct. The appeals are allowed with no order as to costs."

12. Needless to mention that a Government servant has no vested right to continue at one place for a particular period since transfer is an incidence of service. The transfer order passed in administrative exigency cannot be interfered unless it is in contravention of express provision of law. True, the provisions of Maharashtra Police Act ensures normal tenure of two years to the Applicant and she is transferred without completion of two years' period in a present post. However, exception is carved out under Section 22N(2) of Maharashtra Police Act, which empowers competent authority to transfer Police Official mid-tenure on administrative exigency or in public interest. The administrative exigency in it's compass includes transfer on default report.

13. In view of above, *prima-facie*, the impugned transfer order is in consonance with Section 22N(2) of Maharashtra Police Act. Interim relief is, therefore, declined.

14. S.O. to 21st October, 2021.

Sd/-

^{WN}
(A.P. KURHEKAR)
Member-J

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p>O.A.No.746 of 2021</p> <p>K. D. Baraf & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 28.10.2021. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 28.10.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p>M.A.No.650 of 2019 in O.A.No.1135 of 2019</p> <p>S. J. KadamApplicants Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. M.A.No.650/2019 is filed for condonation of delay of one year and fifteen days caused in filing O.A.No.1135/2019 in which the Applicant has sought refund of Rs.53,466/- done after retirement from his gratuity. The Applicant stands retired on superannuation on 30.06.2016 and after retirement without giving any notice or intimation to the Applicant sum of Rs.53,466/- was directly recovered / adjusted from his gratuity. The Applicant came to know about the same only on 08.05.2017 from entry in bank passbook. He contends that there was marriage of his son in 2017 and thereafter his wife was admitted for some period in the hospital, and therefore, he could not file the O.A. within limitation.</p> <p>2. In M.A. notices were issued on 02.12.2019 and since then enough time was granted to the Respondents to file reply but they failed to do so. Therefore, on previous date, the matter was taken up for hearing without reply having found that the Respondents are least interested in filing reply. Resultantly, averment made by the Applicant about reasons for condonation of delay has gone uncontroverted. Apart the Applicant is retired as PSI and recovery has been done without any intimation or notices to him from gratuity which <i>ex-facie</i> not permissible. I am, therefore, inclined to condone the delay to decide the O.A. on merit.</p> <p>3. In view of above, the delay caused in filing O.A. is condoned.</p> <p>4. M.A. is accordingly allowed and disposed of with no order as to costs.</p> <p style="text-align: right;">\n 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

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 : 30.09.2021</p> <p align="center">O.A.No.1135 of 2019</p> <p>S. J. KadamApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. This O.A. was filed along with M.A.No.650/2019 for condonation of delay in which notices were issued on 02.12.2019 but no reply is filed though enough time is availed. The Tribunal, therefore, condoned the delay by passing separate order in M.A.No.650/2019.</p> <p>2. Insofar as this O.A. is concerned, it pertains to recovery of Rs.53,466/- from the gratuity of the Applicant who stands retired on 30.06.2016 as a Group-C employee.</p> <p>3. Shri A.R. Joshi, learned Counsel for the Applicant submits that since the Applicant retired as Group-C employee, the recovery of excess payment is impermissible in view of the decision of the Hon'ble Supreme Court in <i>Civil Appeal No.11527/2014 (State of Punjab and others Vs. Rafiq Masih (White Washer))</i>, decided on 18th December, 2014.</p> <p>4. He further submits that before making recovery, no notice / intimation is given to the Applicant and it was directly adjusted from gratuity.</p> <p>5. Perusal of gratuity payment from Page No.8 reveals that there was over payment. He was shown entitled for gratuity of Rs.2,84,955/-. Whereas, sum of Rs.2,31,489/- was only paid to him towards gratuity as seen from the bank statement. Thus, (2,84,955-2,31,489)=53,466 seems to have been recovered from gratuity directly without issuing any notice to the Applicant.</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. In <i>Rafiq Masih's</i> case (cited supra), the Hon'ble Supreme Court held that recovery from retired employee belonging to Class-III and IV is not permissible. In the present case, the excess payment seems to have been made due to wrong fixation of pay scale without any fraud on the part of Applicant for the same. As such, the department seems to have made over payment but the same has been recovered directly from gratuity which is totally impermissible in view of the judgment of Hon'ble Supreme Court in <i>Rafiq Masih's</i> case.</p> <p>7. In view of above, O.A. deserved to be allowed by issuing directions to the Respondents to refund Rs.53,466/- to the Applicant within stipulated period. Hence, the following order:-</p> <p style="text-align: center;"><u>ORDER</u></p> <p>(A) Original Application is allowed.</p> <p>(B) The Respondents are directed to refund of Rs.53,466/- to the Applicant within eight weeks from today failing which they will liable to pay interest at the rate 8% till payment.</p> <p>(B) No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>ysm</p>

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	<p>Date : 30.09.2021</p> <p align="center">M.A.No.381 of 2021 with O.A.No.746 of 2021</p> <p>K. D. Baraf & Ors.Applicants</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. 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 case is 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.No.381 /2021 is allowed.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">Date: 30.09.2021</p> <p align="center">O.A. No.745 of 2021</p> <p>Dr. A.C. SasaneApplicant Versus 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. As observed by this Tribunal in order dated 28.09.2021, the Applicant was given posting at Primary Health Centre, Amboli, Tal. Trimbakeshwar, Dist. Nashik by order dated 09.08.2021 without confirming or verifying vacancy position. The Applicant was serving at Nandgaon and in view of transfer order dated 09.08.2021 he was relived on 31.08.2021. However, it was revealed that there was no such vacancy at Amboli and Deputy Director, Health Services, Nashik by his letter dated 01.09.2021 brought this aspect to the notice of Director to modify his transfer order or to post him in district on vacant post. Later by order dated 16.09.2021, Deputy Director, Health Services, Nashik temporarily posted the Applicant at Malegaon but again on very next date i.e. 17.09.2021, one Dr. Sonavane was posted at Malegaon where the Applicant was to be temporarily posted. Thus it is because of this mess and lack of coordination though the Applicant was relived on 31.08.2021 he was unable to join at the place he was transferred for want of vacancy and it has happened twice.</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>3. However, today learned P.O. submits that know post is available at Amboli, Tal. Trimbakeshwar, Dist. Nashik, in view of transfer of Dr. Chatar who is transferred by order dated 17.09.2021. He therefore submits that in view of this subsequent development now the Applicant can join at Amboli. He further submits that necessary orders to that effect will be passed by the Department today, this statement is accepted.</p> <p>4. Learned Advocate for the Applicant submits that his client will join at Amboli without prejudice to his right to challenge the same order as may be permissible in law. His submission is quite fair.</p> <p>5. So far as pay and allowance from 01.09.2021 till the date of joining of the Applicant at Amboli is concerned, obviously he is entitled to treat the said period as waiting period and entitled to pay and allowances since it happened due to non coordination and lack of proper care which is required to be taken before transferring him. Respondents ought to have taken care to verify the availability of post before transferring the Applicant.</p> <p>6. In view of above, O.A. is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 30.09.2021</p> <p align="center">O.A. No.486 of 2020</p> <p>S.D. TajaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of Respondent No.1. It is taken on record.</p> <p>3. S.O. to 04.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 30.09.2021</p> <p align="center">O.A. No.676 of 2021 with M.A. No.330 of 2021</p> <p>S.B. PatilApplicant Versus 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 Applicants are seeking Deemed date of Promotion without making any representations. 3. As follows^{p.17} Section 20 of Administrative Tribunal Act, Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. In present matter the Applicants have not made any representations for grant of Deemed Date of Promotion, and therefore, <i>prima-facie</i> O.A. is not maintainable. 4. Shri S.S. Dere requested for one week time to make a statement about the maintainability of the O.A. 5. S.O. to 05.10.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p>Date : 30.09.2021</p> <p>O.A.No.136 of 2021</p> <p>S.B. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K. holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. Smt. Mahajan, learned Counsel is on leave note.</p> <p>3. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 and. It is taken on record.</p> <p>4. The matter is adjourned for hearing at the stage of admission.</p> <p>5. S.O. to 26.10.2021.</p> <p style="text-align: right;">Sd/- ✓ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 30.09.2021</p> <p style="text-align: center;">O.A.No.722of 2021 With O.A. No.723 of 2021 (Speaking to Minutes)</p> <p>P. D. Nimbalkar B.A. YadavApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R. L. Kulkarni, learned Counsel for the Applicant and Smt. Archana B. K. , learned Presenting Officer for the Respondents. 2. This matter is taken on today's board for 'Speaking to Minutes' since the name of the Applicant in O.A.No.723/2021 is not mentioned in the title clause of the order and secondly instead of showing presence of learned Counsel, it is stated that the Applicant is heard in present. 3. In Para No.1, it is stated 'Heard the Applicant in person & Smt. Archana B.K., learned Presenting Officer for the Respondents.' Whereas, the Applicants were represented by Advocate Shri R. L. Kulkarni but wrongly it is mentioned that Applicant in person. It be corrected as 'Heard learned Counsel for the Applicants in place of Applicant in person.' 4. Secondly, the name of Applicant in O.A.No.723/2021 is not reflected in the title clause. His name is Bharat Appa Yadav. It be included in the title clause. 5. Corrections be accordingly made. 6. No order as to costs. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="705 303 932 334">Date : 30.09.2021</p> <p data-bbox="807 381 1372 412">M.A.No.682 of 2019 in O.a.No.1214 of 2019</p> <p data-bbox="705 443 1387 553">D. K. BendreApplicants Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li data-bbox="705 592 1473 734">1. M.A.No.682/2019 is filed for condonation of delay of ten months caused in filing O.A.No.1214/2019 filed for direction to refund Rs.1,05,369/- which is directly adjusted from gratuity after retirement. <li data-bbox="705 767 1473 875">2. Heard Shri A.R. Joshi holding for Shri V. V. Joshi , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. <li data-bbox="705 914 1473 1094">3. The Applicant joined as Police Constable on 01.01.1998 and stands retired from the post of Head Constable on 30.04.2017 (Group-C employee). It is only after retirement, sum of Rs.1,05,369/- was recovered from gratuity without any intimation or notice to the Applicant. <li data-bbox="705 1133 1473 1545">4. Insofar as the excess payment is concerned, the Respondents in reply committed the recovery of Rs.1,05,369/- stating that pay was wrongly fixed from 01.01.1998, and therefore, the excess payment of Rs.1,05,369/- was paid to him. Thus, the excess payment was on account of mistake on the part of department in fixation of pay and no fraud can be attributed to the Applicant. Admittedly, the Applicant retired as Group-C employee and no notice was given to him before effecting recovery. It is only from perusal of bank passbook, later he came to know about the recovery of excess payment. <li data-bbox="705 1584 1473 1880">5. The Applicant being retired as Group-C employee in view of the decision of the Hon'ble Supreme Court in <i>Civil Appeal No.11527/2014 (State of Punjab and others Vs. Rafiq Masih (White Washer))</i>, decided on 18th December, 2014, the recovery of excess payment from retiral benefits is not permissible. The excess payment was made for a period excess in five years but recovered only after retirement which is totally impermissible in law. <li data-bbox="705 1919 1473 2022">6. In view of above, delay caused in filing O.A. is condoned and M.A. as well as O.A. deserves to be allowed. Hence the following order :- <p data-bbox="1027 2035 1121 2060" style="text-align: center;">ORDER</p> <ol style="list-style-type: none"> <li data-bbox="736 2073 1191 2099">(A) M.A. as well as O.A. are allowed. <li data-bbox="736 2112 1458 2254">(B) The Respondents are directed to refund Rs.1,05,369/- to the Applicant within eight weeks from today, failing to which amount shall carry interest at the rate 9% till the date of payment. <li data-bbox="736 2266 1034 2292">(C) No order as to costs. <p data-bbox="1152 2344 1223 2382" style="text-align: right;">Sd/-</p> <p data-bbox="1074 2408 1277 2485" style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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	<p>Date : 30.09.2021</p> <p align="center">O.A.No. 474 of 2021</p> <p>V. B. KambleApplicant</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. On request of learned P.O., three days time is granted for filing reply since it is under preparation.</p> <p>3. S.O. to 04.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>ysm</p>

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	<p>Date : 30.09.2021</p> <p align="center">O.A.No. 540 of 2021</p> <p>E. P. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondent No.1 and Shri R. M. Kolge, learned Counsel for the Respondent No.2.</p> <p>2. Today, Shri Kolge, learned Counsel for the Respondent No.2 has filed reply. It is taken on record.</p> <p>3. Learned Counsel for the Applicant submits that Rejoinder will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>4. The matter is adjourned for hearing at the stage of admission.</p> <p>5. S.O. to 28.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">O.A.No.407 of 2021</p> <p>R. M. DhangareApplicant</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., enough chances are granted for filing 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 28.10.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 30.09.2021</p> <p align="center">O.A.No.398 of 2021</p> <p>Dr. B.M. DahiphaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Anand Gugale holding for Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., enough chances are granted for filing 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 28.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center"><u>30.09.2021</u></p> <p align="center"><u>O.A 472/2019</u></p> <p>Shri S.B Kashid ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard applicant in person and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the concerned officer from Higher and Technical Education is on leave and hence matter be adjourned.</p> <p>3. In view of the above, matter adjourned to 5.10.2021.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p>

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	<p>Date : 30.09.2021</p> <p align="center">O.A.No.461 of 2021</p> <p>R. R. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record. 3. The matter is adjourned for hearing at the stage of admission. 4. S.O. to 28.10.2021. <p align="right"> ↙ Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p align="center">Date: 30.09.2021</p> <p align="center">O.A. No.706 of 2021</p> <p>S.D. NalavadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Learned P.O. submits that issue of proposal of transfer of the Applicant to Dhule, Jalgaon, Jawhar or Mahad is under consideration and requested for one week time so that, by that time decision is taken. 3. In view of above, one week time is granted to take decision as well as to file Reply to O.A. on merit. 4. Interim relief to continue till next date. 5. S.O. to 07.10.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 30.09.2021</p> <p>O.A. No.667 of 2021</p> <p>H.N. GangurdeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt K.S. Gaikwad, 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. 28.10.2021.</p> <p style="text-align: right;">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date : 30.09.2021</p> <p align="center">O.A.No.350 of 2021</p> <p>Dr. S. A. TrimbakeApplicant</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. , two weeks time is granted for filing reply as a last chance.</p> <p>3. S.O. to 19.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 30.09.2021</p> <p align="right">O.A.No.394 of 2021</p> <p>Dr. S. H. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, the matter is for filing Rejoinder but the same is not filed. 3. Hence, the matter is kept for hearing at the stage of admission with liberty to file Rejoinder in the meantime. 4. S.O. to 28.10.2021. <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p style="text-align: center;">O.A.No.743 of 2021</p> <p>S. B. UmbrajkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S.S.Dere, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 28.10.2021. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within t days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 28.10.2021. <p style="text-align: right;">\n 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 : 30.09.2021</p> <p align="center">M. A. No.358 of 2021 in O.A.No.655 of 2021</p> <p>J.M. KumbharApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. Smt. Mahajan, learned Counsel for the Applicant is on leave note.</p> <p>3. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 to 3 in O.A., It is taken on record.</p> <p>4. The matter is adjourned for hearing at the stage of admission along with M.A.No.358/2021 which is filed for addition of party.</p> <p>5. S.O. to 14.10.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p align="center">O.A.No.558 of 2021</p> <p>V. A. GavadeApplicant</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 P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 11.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

Date : 30.09.2021

O.A.No.736 of 2021

V. D. Wakhare

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri R. L. Kulkarni, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 28.10.2021.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 28.10.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p>O.A.No.376 of 2021</p> <p>A. M. NatekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.</p> <p>3. Since the pleading is complete, the matter is admitted for final hearing.</p> <p>4. S.O. to 28.10.2021.</p> <p style="text-align: right;">^ Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 30.09.2021
	<p style="text-align: right;">O.A.No. 669 of 2021</p> <p>Pramila P. GiriApplicant</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. Archan B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is granted for filing reply.</p> <p>3. S.O. to 18.10.2021.</p> <p style="text-align: right;">^ Sd/- vvv (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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



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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p align="center">O.A.No.1227 of 2019</p> <p>H. S. KhudeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant his Counsel are absent. Smt. Archana B. K. holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. Smt. Mahajan, learned Counsel for the Applicant is on leave note.</p> <p>3. In view of the leave note of learned Counsel, the matter is adjourned for admission.</p> <p>4. S.O. to 18.10.2021.</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 _____

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Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date : 30.09.2021</p> <p align="center">O.A.No.580 of 2021</p> <p>V. S. MaliApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. A. Jadhavar holding for Shri S. R. Ghanvat, learned Counsel for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed reply on behalf of the Respondent No.5. It is taken on record. 3. On request of learned P.O., two weeks time is granted for filing reply on behalf of Respondent Nos.1 to 4, if any. 4. S.O. to 11.10.2021. <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 30.09.2021</p> <p>O.A. No.650 of 2021</p> <p>A.D. MengeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, 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 submits that he will file Affidavit-in-Rejoinder during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Matter is kept for hearing at the stage of admission.</p> <p>4. S.O. to 29.10.2021.</p> <p style="text-align: right;">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p> <p style="text-align: right;">[P.T.O.]</p>

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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 30.09.2021</p> <p>O.A. No.648 of 2021</p> <p>M.M. ThakurApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Gaurav 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 for filing Affidavit-in-Reply.</p> <p>3. S.O. to 11.10.2021.</p> <p style="text-align: right;">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.09.2021</p> <p align="center">O.A. No.635 of 2021</p> <p>M.D. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant at very outset submits that issue is regarding appointment with retrospective date, and therefore, matter pertains to Division Bench. He submits that he will take circulation from Division Bench for listing it before D.B.</p> <p>3. Registrar is therefore directed to place the matter before appropriate Bench.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p align="right">O.A.No.397 of 2021</p> <p>N. G. ShaikhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present. 2. Shri C. T. Chandratre, learned Counsel for the Applicant is on leave note. 3. Enough time is granted for filing reply but the same is not filed. Hence, I am not inclined to grant further time. 4. O.A. be kept for hearing at the stage of admission without reply. 5. S.O. to 28.10.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p align="center">O.A.No.357 of 2021 with O.A. No.358 of 2021</p> <p>J. P. Chavan & Anr. D. R. Nikam & 2 Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 18.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.09.2021</p> <p align="center">O.A. No.892 of 2017</p> <p>D.G. BasutkarApplicant 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 has sent her leave note. 3. Smt. K.S. Gaikwad, learned P.O. for the Respondent is present. 4. In view of leave note adjourned for Final Hearing. 5. Apart, learned P.O. is directed to take instructions about the decision of Hon'ble High Court in Writ Petition No.1064/2020 and Writ Petition No.2065/2020 if any, since this O.A. was adjourned in view of pendency of said Writ Petition as observed in earlier orders. 6. S.O. to 18.10.2021. <p align="right">  (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p align="center">O.A.No.557 of 2021</p> <p>S. M. Mutekar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer holding for 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 for filing reply.</p> <p>3. S.O. to 18.10.2021.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member(J) </p> <p>ysm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p align="center">O.A.No.437 of 2021</p> <p>S. A. ChavanApplicant</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. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 28.10.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p align="center">Date: 30.09.2021</p> <p align="center">O.A. No.166 of 2019</p> <p>N.W. Dandekar & 9 Ors. Applicant Versus The State of Maharashtra & Ors. Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In terms of order passed by the Tribunal on 21.09.2021, the Applicant has made certain amendment in O.A. challenging communication dated 30.03.2021.</p> <p>3. Learned P.O. therefore wants to file Reply to the amendment, and therefore, sought two weeks time.</p> <p>4. Two weeks time is granted to file Additional Reply to the amendment.</p> <p>5. S.O. to 14.10.2021.</p> <p align="right">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.09.2021</p> <p align="center">M.A.No.34 of 2021 in O.A.No.55 of 2021</p> <p>S. B. Savlekar & Ors.Applicants Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. R. Joshi holding for Shri V. V. Joshi, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondent Nos.1 and 2 and Shri M. S. Lagu, learned Counsel for the Respondent Nos.3 and 4.</p> <p>2. At the very outset. Learned P.O. and learned Counsel for the Respondent Nos.3 and 4 submit that the Applicants have directly filed this O.A. without making representation for pay parity.</p> <p>3. The Applicants are claiming equal pay for equal work in view of certain decisions rendered by this Tribunal. If this was so, the Applicants were required to make representations to Respondents but they were directly filed this O.A. They are in service.</p> <p>4. Learned Counsel for the Applicants is, therefore, directed to satisfy the Tribunal how O.A. is maintainable without filing representation to the Respondents.</p> <p>5. On request of learned Counsel for the Applicants, two weeks time is granted.</p> <p>6. S.O. to 11.10.2021.</p> <p align="right">^ Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> <p align="right">[PTO.]</p>

FARAD CONTINUATION SHEET No.

Office Memoranda of Coram, Tribunal's orders or Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>C.A. No.31 of 2021 in O.A. No.367 of 2020</u></p> <p>Dr. A.R. Patil ..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. Pursuant to order dated 8.9.2021, Ld. PO produces GR dated 15.9.2021 issued by Higher and Technical Education Department, Mantralaya, Mumbai. The said letter is taken on record and marked Exhibit 'A' for identification. In the said GR in para 2 it is mentioned that the Hon'ble High Court in W.P. No.2046 of 2010 has passed the following order on 19.10.2013:</p> <p style="text-align: center;"><i>"However, in the facts and circumstances of the case, we direct that the petitioners shall be entitled to regular salary from 1st November, 2013 and would not be entitled to claim any monetary-benefits for the past services rendered by them in spite of their regularization. Needless to state that since the petitioners' services are regularized, they shall be entitled to the continuity in service for all other purposes except monetary purposes from the date of their first appointment."</i></p> <p>3. Ld. Advocate for the applicant states that order dated 16.3.2021 passed in the above OA has not been complied with as continuity in service has been granted from the 2004 and pay fixation has to be done from 2004.</p> <p>4. However, para 5 of the order dated 16.3.2021 passed in above OA reads as under:</p>

[P.T.O.]

"5. In view of above, OA is disposed of with direction to the Respondent to release monetary benefits in terms of Government order dated 10.3.2021 within two months from today."

5. Thus, we are concerned only with the monetary benefits in view of order dated 16.3.2021. However, there is no whisper of pay fixation from the date of first appointment of the applicant from 2004.

6. We have perused the GR dated 10.3.2021, GR dated 15.9.2021 and also order dated 19.10.2013 of the Hon'ble High Court.

7. In view of the above, we are of the opinion that order has been complied with and nothing remains in the CA. Hence, CA is disposed off.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)
30.9.2021

(Mridula R. Bhatkar, J.)
Chairperson
30.9.2021

(sgj)

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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.37 of 2019 in O.A. No.322 of 2017</u></p> <p>Dr. P.W. Kahdezod ..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. Ld. PO produces a letter dated 27.9.2021 from District Health Officer, Z.P., Palghar to Deputy Director, Health Services, Mumbai Circle, Thane and submits that interest on delayed payment of pensionary benefits has been disbursed on 17.9.2021. The letter is taken on record and marked Exhibit 'A' for identification.</p> <p>3. In view of the above, the CA does not survive and is disposed off accordingly.</p> <p align="center"> Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 30.9.2021 30.9.2021 </p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center"><u>C.A. No.27 of 2021 in O.A. No.1228 of 2019</u></p> <p>R.K. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Smt. Punam Mahajan, learned Advocate for the applicant has filed Leave Note.</p> <p>3. Pursuant to order dated 8.9.2021, Ld. PO produces letter dated 6.8.2021 addressed to CPO and submits that bill regarding payment of GPF, which was pending, has been sanctioned on 6.8.2021. The letter is taken on record and marked Exhibit 'A' for identification.</p> <p>4. S.O. to 7.10.2021.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 30.9.2021 (sgj)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 30.9.2021</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p align="center"><u>C.A. No.22 of 2021 in O.A. No.21 of 2017</u></p> <p>A.A. Pawar ..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. Id. PO states that affidavit in reply will be filed by 7.10.2021.</p> <p>3. S.O. to 7.10.2021.</p> <p align="center">Sd/- <i>h</i> Sd/- <i>z</i></p> <p>(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 30.9.2021 30.9.2021</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.734 of 2021</u></p> <p>R.R. Gabhale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. K.S. Gaikwad. learned Presenting Officer for the Respondents.</p> <p>2. Smt. Punam Mahajan. learned Advocate for the applicant has filed Leave Note.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 12.10.2021. The respondents are directed to file reply.</p> <p>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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 30.9.2021 30.9.2021</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.535 of 2021</u></p> <p>A.S. Dighe ..Applicant Vs. The State of Maharashtra & Ors. , ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri R.S. Apte, learned Senior Counsel with Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that GAD is made party respondent no.12 and served on 9.9.2021.</p> <p>3. None is present from respondent no.12-GAD.</p> <p>4. Ld. PO is directed to inform GAD to send a responsible officer.</p> <p>5. Shri R.S. Apte, Ld. Senior Counsel seek one weeks time to file reply on behalf of the State.</p> <p>6. Senior Counsel to send the reply by email to the Ld. Advocate for the applicant by 6.10.2021.</p> <p>7. S.O. to 7.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha/Gadga) (Mridula R. Bhatkar. J.) Member (A) Chairperson 30.9.2021 30.9.2021</p> <p>(sgj)</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>30.09.2021</u></p> <p align="center"><u>O.A 1059/2012</u></p> <p>Shri D.C Kalambe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. By order dated 22.2.2021 the matter was adjourned at the request of learned counsel for the applicant. Pursuant to order dated 12.8.2021, the matter was adjourned at the request of learned counsel for the applicant that he wanted to carry out amendment in view of the retirement of the applicant on 30.8.2014.</p> <p>3. However, today, learned counsel for the applicant submits that he has not received any instructions from the applicant and he is therefore not in a position to make necessary amendment.</p> <p>4. Hence, in view of para 3 of the order dated 12.8.2021, and the relief claimed at prayer clause a, b, c and d, the matter has become infructuous and is accordingly dismissed.</p> <p align="center">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.154 of 2021</u></p> <p>S.S. Samant ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.B. Kale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that reply will be filed during the course of the day.</p> <p>3. S.O. to 28.10.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 30.9.2021 30.9.2021</p> <p>(sgj)</p>

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	<p><u>30.09.2021</u></p> <p align="center"><u>O.A 536 with O.A 537/2021</u></p> <p>Shri S.B Sonwane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.G Panchal, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the affidavit in reply is ready and will be filed by tomorrow.</p> <p>3. S.O to 21.10.2021.</p> <p align="right">Sd/-</p> <p align="right">Sd/-</p> <p>(Medha Gadgil) // Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>30.09.2021</u></p> <p style="text-align: center;"><u>O.A 620/2021</u></p> <p>Shri H.B Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Interim relief to continue till next date.</p> <p>3. S.O to 14.10.2021.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) / Chairperson</p> <p>Akn</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p style="text-align: center;"><u>O.A. No.20 of 2020</u></p> <p>N.S. Daud ..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. Pleadings are complete.</p> <p>3. Admit.</p> <p>4. Place the above matter for final hearing on 8.12.2021.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A) 30.9.2021</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson 30.9.2021</p> </div> </div>	

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	<p style="text-align: center;"><u>O.A. No.667 of 2020</u></p> <p>S.R. Karande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p style="text-align: center;">Heard Shri Kaustub Gidh holding for Shri Kranti L.C., learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. I.d. PO seeks time to file reply of respondent no.3.</p> <p>3. S.O. to 20.10.2021.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>30.9.2021</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.)</p> <p>Chairperson</p> <p>30.9.2021</p> </div> </div>

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	<p style="text-align: center;"><u>O.A. No.698 of 2020</u></p> <p>A.G. Sangar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Reply is already filed.</p> <p>3. Admit.</p> <p>4. Place the above matter for final hearing on 9.12.2021 with liberty to file rejoinder.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 30.9.2021 30.9.2021</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.66 of 2021</u></p> <p>D.D. Sonune . . . 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> <ol style="list-style-type: none"> 2. Reply and rejoinder are already filed. 3. Ld. PO seeks time to file sur-rejoinder. 4. S.O. to 10.12.2021. <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil) Member (A) 30.9.2021</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson 30.9.2021</p> </div> </div>

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	<p align="center"><u>C.A. No.31 of 2021 in O.A. No.367 of 2020</u></p> <p>Dr. A.R. Patil ..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. Pursuant to order dated 8.9.2021, i.e. PO produces GR dated 15.9.2021 issued by Higher and Technical Education Department, Mantralaya, Mumbai. The said letter is taken on record and marked Exhibit 'A' for identification. In the said GR in para 2 it is mentioned that the Hon'ble High Court in W.P. No.2046 of 2010 has passed the following order on 19.10.2013:</p> <p align="center"><i>"However, in the facts and circumstances of the case, we direct that the petitioners shall be entitled to regular salary from 1st November, 2013 and would not be entitled to claim any monetary benefits for the past services rendered by them in spite of their regularization. Needless to state that since the petitioners' services are regularized, they shall be entitled to the continuity in service for all other purposes except monetary purposes from the date of their first appointment."</i></p> <p>3. Ld. Advocate for the applicant states that order dated 16.3.2021 passed in the above OA has not been complied with as continuity in service has been granted from the 2004 and pay fixation has to be done from 2004.</p> <p>4. However, para 5 of the order dated 16.3.2021 passed in above OA reads as under:</p>

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	<p>5. In view of above CA is disposed of with direction to the Respondent to release monetary benefits in terms of Government order dated 10.3.2021 within two months from today.</p> <p>5. Thus, we are concerned only with the monetary benefits in view of order dated 16.3.2021. However, there is no whisper of pay fixation from the date of first appointment of the applicant from 2004.</p> <p>6. We have perused the GR dated 10.3.2021 & R dated 15.9.2021 and also order dated 13.10.2017 of the Hon'ble High Court.</p> <p>7. In view of the above, we are of the opinion that order has been complied with and nothing remains in the CA. Hence, CA is disposed off.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mrishita R. Bhutkar, J.)</p> <p style="text-align: center;">Member (A) Chairperson</p> <p style="text-align: center;">30.9.2021 30.9.2021</p> <p>(sgj)</p>