

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 30.11.2022</p> <p style="text-align: center;"><b>C.A. No.77 of 2022 in O.A. No.759 of 2022</b></p> <p><b>S.D. Kulkarni</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Reply today. It is taken on record. Decision in the matter was taken by Hon'ble Governor on 01.02.2022 and it was received by the Department – Respondent No.1 on 22.02.2022. Accordingly, file is moved to G.A.D. on 14.03.2022 and G.A.D. has replied on 03.08.2022. G.A.D. further has finally given approval on 21.10.2022. Thereafter, file was sent to MPSC on same day for the consent and received consent on 16.11.2022. Final order was issued on 21.11.2022 to release pension. On 24.11.2022 it was sent to Accountant General.</p> <p>3. Learned P.O. on instruction from Shri Sunil Natekar, Desk Officer, Agriculture and Fisheries, Mantralaya, Mumbai submits that the Department is not moving proposal for the interest of 9% as per the order of the Tribunal.</p> <p>4. Respondents are directed to comply with the order of the Tribunal regarding interest by sending proposal. Proposal regarding Pension can be sent to Accountant General and interest can be separately sent to G.A.D.</p> <p>5. S.O. 14.12.2022.</p> <p style="text-align: center;">Sd/-  (Medha Gadgil)  Member (A)</p> <p style="text-align: center;">Sd/-  (Mridula R. Bhatkar, J.)  Chairperson</p> <p>NMN</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

of 20

IN

Original Application No.

of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p align="center"><b>O.A.No.400 of 2022</b></p> <p>R. D. Kurangal <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Ms S. T. Suryavanshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Later on in the afternoon session, Ms S. T. Suryavanshi, learned Counsel for the Applicant stated that she has instruction to appear in the matter. She submits that in the morning session she was before the Consumer Forum, and therefore, could not attend the matter. She, therefore, requested to restore the O.A.</p> <p>3. In view of above, the order of dismissal is recalled and O.A. is restored for hearing.</p> <p>4. S.O. to 16.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p align="center"><b>O.A.No.1054 of 2022</b></p> <p>V. D. Suryawanshi <span style="float: right;">...Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has tendered reply on behalf of the Respondent. It is taken on record.</p> <p>3. This O.A. be kept for hearing with connected O.A. No.674/2022.</p> <p>4. S.O. to 06.12.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p align="center">O.A.No.806/2022, 473/2022, 921/2021 &amp; 879 of 2022</p> <p>D. D. Harale &amp; Ors. <span style="float:right">....Applicants</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit on behalf of the Petitioner in O.A.473/2022. It is taken on record.</p> <p>3. S.O. to 07.12.2022.</p> <p align="right">           Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p>O.A.No.760 of 2022</p> <p>M. P. Patil ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Sur-Sur-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 07.12.2022.</p> <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 : 30.11.2022</p> <p>O.A.No.1200 of 2022</p> <p>Laxman J. Thakur .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. In 2<sup>nd</sup> round of litigation, the Applicant has challenged communication dated 18.10.2022 whereby his pay &amp; allowances are revised w.e.f.01.01.2006 and recovery is sought.</li> <li>3. The Applicant prayed for interim relief 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), decided on 18th December, 2014</i> and prayed for interim relief.</li> <li>4. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>5. Issue notice before admission returnable on 04.01.2023.</li> <li>6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</li> <li>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</li> <li>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>9. 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/ <del>Miscellaneous</del> Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / <del>Miscellaneous</del> Application shall stand dismissed.</li> <li>10. S.O. to 04.01.2023</li> <li>11. In the meantime, there shall be interim stay to the order of recovery till filing of reply.</li> </ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p style="text-align: center;">O.A.No.1199 of 2022</p> <p>Kishor J. Mhatre .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. In 2<sup>nd</sup> round of litigation, the Applicant has challenged communications dated 28.10.2022, 11.11.2022 and 24.11.2022 whereby his pay is revised from 2005 and recovery is sought. The Applicant is also asked to give consent letter.</li> <li>3. The Applicant contends that he being group 'D' employee is covered by 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), decided on 18th December, 2014</i> and prayed for interim relief.</li> <li>4. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>5. Issue notice before admission returnable on 04.01.2023.</li> <li>6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</li> <li>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</li> <li>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>9. 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/ <del>Miscellaneous</del> Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / <del>Miscellaneous</del> Application shall stand dismissed.</li> <li>10. S.O. to 04.01.2023</li> <li>11. In the meantime, there shall be interim stay to the order of recovery till filing of reply.</li> </ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p align="center">O.A.No.471 of 2022</p> <p>K. G. Patkar <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. Heard Shri 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 Affidavit in Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 14.12.2022.</p> <p align="right">           Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><b><u>O.A.537/2022</u></b></p> <p><b>Shri A.P. Sansare</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; Ors.</b> ... Respondents</p> <p>1. Heard Shri M.F. Wasif, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents is present.</p> <p>2. Learned P.O. sought permission to file Additional Affidavit along with some Annexures which according to her necessary for adjudication of the matter. Allowed to file the same with copy to other side.</p> <p>3. Learned Advocate for the Applicant sought one week time to respond to the Affidavit and Annexures filed by P.O. today.</p> <p>4. S.O. to 07.12.2022.</p> <p style="text-align: right;">\n Sd/- <b>(A.P. Kurhekar)</b> <b>Member-J</b> <b>30.11.2022</b></p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b><u>30.11.2022</u></b></p> <p align="center"><b><u>M.A 697/2022 in C.A 78/2022 in O.A 89/2022</u></b></p> <p>Shri Prakash R. Acharekar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Smt K.S. Gaikwad, holding for Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O states all the pensionary benefits except regular pension and gratuity are paid to the applicant.</p> <p>3. As the order of the Tribunal has been complied with, Misc Application stands disposed of.</p> <p align="center">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>30.11.2022</u></b></p> <p align="center"><b><u>O.A 677/2019</u></b></p> <p>Shri H.T Shinde ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Admit. Place for final hearing on 25.1.2023.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>30.11.2022</u></b></p> <p align="center"><b><u>O.A 431/2022</u></b></p> <p>Shri T.P Sonawane ... Applicant Vs. The State of Maharashtra &amp; 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. Learned P.O seeks time to file affidavit in reply.</p> <p>3. Time granted by way of last chance to file affidavit in reply.</p> <p>4. S.O to 21.12.2022.</p> <p align="center">Sd/-</p> <p align="center"><b>(Medha Gadgil)</b> <b>Member (A)</b></p> <p>Akn</p> <p align="right">Sd/-</p> <p align="right"><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></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: 30.11.2022</p> <p align="center">C.A. No.47 of 2021 in O.A. No.280 of 2017 with O.A. No.241 of 2019</p> <p>V.V. Punathil .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Smt. Shipla S. Magdum, Executive Engineer, Krishna Irrigation Department is present in Court pursuant to the earlier order dated 23.11.2022. She submits that the Applicant has been paid his Gratuity yesterday i.e. 29.11.2022, regarding payment of arrears of Pension as per 7<sup>th</sup> Pay Commission. She submits that the file has been submitted to the Accountant General Office on 16.11.2022. Executive Engineer is directed to given their official email id. to the Applicant or his Counsel on which the application for Leave Encashment is to be sent.</p> <p>3. We notice it has been delayed for a long time therefore, we direct Respondents to comply with the matter positively within one week.</p> <p>4. Executive Engineer is directed to remain present on every hearing.</p> <p>5. <i>ng</i> S.O. to <sup>12</sup><del>07</del>.12.2022.</p> <p align="center">Sd/- _____ (Medha Gadgil) Member (A)</p> <p align="center">Sd/- _____ (Mridula R. Bhatkar, J.) Chairperson</p> <p align="right">[P.T.O.]</p> <p align="left">NMN</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>Date: 30.11.2022</p> <p align="center">O.A. No.1162 of 2022</p> <p>Smt. S.A. Pathare .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Respondents to take instructions on the point of pending Departmental Enquiry of the Applicant for which here case was not considered for promotion.</p> <p>3. S.O. to 02.12.2022.</p> <p align="center">Sd/- (Medhā Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 30.11.2022</b></p> <p><b>O.A. No.1148 of 2022</b></p> <p><b>Shri. V.B. Yende</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <ol style="list-style-type: none"> <li>1. Shri H.M. Inamdar, learned Advocate for the Applicant is absent. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.</li> <li>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>3. Issue notice before admission returnable on 04.01.2023.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. 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.</li> <li>8. S.O. to 04.01.2023.</li> </ol> <p style="text-align: center;">Sd/-  (Medha Gadgil)  Member (A)</p> <p style="text-align: center;">Sd/-  (Mridula R. Bhatkar, J.)  Chairperson</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

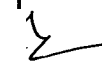
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Original Application No.

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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: 30.11.2022</p> <p align="center">O.A. No.187 of 2021</p> <p>D.N. Shinde .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that the Applicant was appointed as Chowkidar and later he came to be appointed as Mistry on 20.02.1989 where he worked till 24.04.2002. She further states that both these posts were technical post and he was later absorbed as Mojanidar. In view of the submission of learned P.O. regarding G.R. dated 31.01.1989 of creation of new cadre which came to be absorbed in the cadre of Civil Engineering Assistant. We direct Deputy Secretary, Water Resources Department to file Affidavit pursuant to the following query.</p> <p>a) How many employees from the cadre of these 13 cadres which are mentioned in the G.R. dated 31.01.1989 were absorbed in the cadre of Civil Engineering Assistant.</p> <p>Deputy Secretary is also directed to consider the letter dated 10.09.2020 and the reasons stated therein by the Section Officer.</p> <p>3. S.O. to 05.12.2022.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="right">Sd/-  (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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

Tribunal's orders

Date: 30.11.2022

O.A. No.1149 of 2022

M.N. Kadam .....Applicant  
Versus  
The State of Maharashtra & Ors. ....Respondents.

1. Shri H.M. Inamdar, learned Advocate for the Applicant is absent. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.
2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 04.01.2023.
4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.
8. S.O. to 04.01.2023.

Sd/-  
(Medha Gadgil)  
Member (A)

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 30.11.2022</b></p> <p align="center"><b>O.A.No.1168 of 2022</b></p> <p>M.S. Khadse ...Applicant Versus State of Maharashtra &amp; Ors. ....Respondents</p> <p>1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant challenges order dated 18.10.2022 wherein she was reverted from the post of Matron/Sister-Tutor to Staff Nurse on the ground that she has given false caste certificate and deceived to the Government. Furthermore, it was stated in the notice that the Deputy Director was directed to allow the Applicant to join on the vacant post of Staff Nurse on the establishment and recover the excess payment received from 1994 on the promotional post of Sister Tutor.</p> <p>3. Learned Advocate submits that the principles of natural justice were not followed in this case and no charge sheet was served on the applicant and hence impugned order dated 18.10.2022 deserves to be stayed.</p> <p>4. Learned C.P.O. submits that the Department made all efforts to serve charge-sheet on the Applicant, but the applicant never accepted the charge-sheet. She further submits that charge-sheet was served by all possible ways which includes hand delivery, through e-mail, by RPAD, through whats-app and by publication in newspaper, but the applicant never responded to any of them. The Departmental Enquiry would have been initiated against the applicant as the charge-sheet was issued on 21.10.2022. Public notice was <sup>PTO</sup> issued.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>issued in the Maharashtra Times on 22.11.2022 and another notice was issued on 23.11.2022.</p> <p>5. It appears that the Government has made all possible efforts to serve charge-sheet to the applicant. Meanwhile the Department issued her reversion order dated 18.10.2022 from the post of Sister Tutor to Staff Nurse. We merely deal with the compliance of Article 311 of the Constitution of India which is requisite for any reversion.</p> <p>6. In view of non-compliance of requisite condition of the Departmental Enquiry, we set aside order dated 18.10.2022 as it is IN violation of Article 311 of the Constitution of India. We make it clear that the Department is free to carry out the D.E. against the Applicant in pursuance of the charge-sheet in accordance with rules.</p> <p>7. We direct the applicant to cooperate in the D.E. which is to be completed forthwith. Applicant is directed to cooperate in the said D.E. which should be completed within a period of four months i.e. on or before 31.03.2023.</p> <p>8. In view that noting remains in the O.A., the same stands disposed of.</p> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(Medha Gadgil) <span style="float: right;">(Mridula Bhatkar, J.)</span> Member(A) <span style="float: right;">Chairperson</span></p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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 : 30.11.2022</p> <p align="center">O. A. No. 829 of 2021</p> <p>S. S. Kuwar <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. Perusal of record reveals that Applicant and his client are not attending the O.A. regularly. Indeed, once the O.A. was dismissed in default on 04.03.2022 but later it was restored in view of order passed in M.A. No.182/2022.</p> <p>3. However, today again the Applicant and his Counsel are absent. Thus, they seem not interested in the matter.</p> <p>4. O.A. is dismissed in default.</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
	<p>Date : 30.11.2022</p> <p style="text-align: center;">O.A.No.1181 of 2022</p> <p>D. B. Salunkhe <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri S. A. Kashid, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. The Applicant has challenged order dated 08.08.2022 issued by the S.D.O. where he is held ineligible for the post of Police Patil and appointment order of Respondent No.2 for the post of Police Patil.</li> <li>3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>4. Issue notice before admission returnable on 04.01.2023.</li> <li>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</li> <li>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.</li> <li>7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous Application 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 Application shall stand dismissed.</li> <li>9. S.O. to 04.01.2023.</li> </ol> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;"><b>(A.P. Kurhekar)</b> Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p align="center">O.A.No.987 of 2022</p> <p>A. D. Nathe <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, the matter is for filing Rejoinder but the same is not filed.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 14.12.2022.</p> <p align="right"> <sup>^</sup>  Sd/-  <sup>v</sup>  (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 : 30.11.2022</p> <p align="center">O.A.No.1066 of 2022</p> <p>K. D. Chavan <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri G. A. 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., one week time is granted for filing reply by way of last chance.</p> <p>3. S.O. to 07.12.2022.</p> <p align="right">Sd/- v v (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 : 30.11.2022</p> <p align="center">O.A.No.1098 of 2022</p> <p>D. S. Sul <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 14.12.2022.</p> <p align="right">             Sd/-            (A.P. Kurhekar)            Member(J)         </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.11.2022</p> <p align="center">O.A.No.400 of 2022</p> <p>R. D. Kurangal <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. The Applicant and his Counsel both are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</li> <li>2. On previous dates also the Applicant and his Counsel were absent and the matter was adjourned on leave note.</li> <li>3. However, today also the Applicant and his Counsel both are absent. They seem not interested in the matter.</li> <li>4. Original Application is dismissed in default.</li> </ol> <p align="right">Sd/- v (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 : 30.11.2022</p> <p align="center">O.A.No.101 of 2022</p> <p>S. T. Ghawali <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.2 who is added during the pendency of O.A. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 06.12.022.</p> <p align="right">Sd/- v (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 : 30.11.2022</p> <p>M. A. No.696 of 2022 in O.A.No.1127 of 2022</p> <p>S. D. Gawai .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri Om Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. This M.A. is filed for condonation of delay of 4 years and 10 months caused in filing O.A.No.1127/2022.</li> <li>3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>4. Issue notice before admission returnable on 04.01.2023.</li> <li>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</li> <li>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.</li> <li>7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the <del>Original</del>/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the <del>Original</del>/ Miscellaneous Application shall stand dismissed.</li> <li>9. S.O. to 04.01.2023. Sd/- (A.P. Kurhekar) Member(J)</li> </ol> <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><b>Date : 30.11.2022</b></p> <p align="center"><b>O.A.No.1134 with 1135 of 2022</b></p> <p><b>S. K. Patil</b> <b>R. K. Potle</b> <span style="float: right;"><b>....Applicants</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float: right;"><b>...Respondents.</b></span></p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicants retired on 31.07.2020 but gratuity is not paid due to pendency of criminal prosecution in terms of Rule 130(1) (c) of Maharashtra Civil Services (Pension), Rules 1982.</p> <p>3. Perusal of record reveals that the Applicants have filed W.P. No.2723/2009 to quash the criminal prosecution in which by order dated 19.04.2010, the criminal prosecution is stayed.</p> <p>4. When the issue of maintainability of these Original Applications is raised by the Tribunal, learned Counsel for the Applicants sought permission to withdraw the Original Applications with liberty to approach the Tribunal whenever cause of action would arise. He wants to get W.P. expedited so that there is finality to criminal prosecution.</p> <p>5. In view of above, permission is granted to withdraw both the Original Applications as prayed for.</p> <p>6. Original Applications are disposed of with no order as to costs.</p> <p align="right">Sd/- <b>(A.P. Kurhekar)</b> <b>Member(J)</b></p> <p>vsm</p>