

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;">Date: 31.03.2023</p> <p style="text-align: center;">O.A. No.82 of 2020</p> <p style="text-align: center;">A.N. AgnihotriApplicant VersusRespondents. The State of Maharashtra & Ors.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri Iqbal Qureshi, learned Advocate for the Respondent No.4.</p> <p>2. On instruction from Respondent No.3, learned Advocate for Respondent No.4 has submitted that Respondent No.3 had engaged another Counsel Mr. Subodh Naik but he has expired last month. He further informs that Respondent No.3 wants to engage another Counsel for the argument.</p> <p>3. In view of above, we grant two weeks time to Respondent No.3 to engage another Counsel by way of last chance.</p> <p>4. S.O. to 19.04.2023.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A)</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> </div> </div> <p style="text-align: center; margin-top: 20px;">NMN</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"><u>O.A. No.947 of 2022</u></p> <p>Dr. Rashmi S. Kulkarni ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.D. Rananaware, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that result of the applicant is declared by MPSC and she has secured 49 marks in Open category, while the cut-off marks is 63.</p> <p>3. In view of the above, nothing remains in the OA and the same is disposed off.</p> <p align="center">Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 31.3.2023 31.3.2023</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.946 of 2022</u></p> <p>Dr. Shital A. Khadse ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.D. Rananaware, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that MPSC has declared the result and applicant has secured more marks than cut-off marks.</p> <p>3. We therefore direct the respondents to keep one post of Assistant Professor in Pathology vacant in applicant's category.</p> <p>4. S.O. to 5.4.2023 at 10.30 a.m. HOB.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 31.3.2023 31.3.2023</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.941 of 2022</u></p> <p>Dr. (Miss) Gulshan K.M.A. Ansari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.A. Siddiqui, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that MPSC has declared the result and applicant has secured more marks than cut-off marks.</p> <p>3. We therefore direct the respondents to keep one post of Assistant Professor in Pathology vacant in applicant's category.</p> <p>4. S.O. to 5.4.2023 at 10.30 a.m. HOB.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 31.3.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 31.3.2023</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.860 of 2022</u></p> <p>Dr. Shailendra H. Anande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Kiran D. Bhage i/b. Jay & Co., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that MPSC has declared the result and applicant has secured more marks than cut-off marks.</p> <p>3. We therefore direct the respondents to keep one post of Assistant Professor in Pathology vacant in applicant's category.</p> <p>4. S.O. to 5.4.2023 at 10.30 a.m. HOB.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 31.3.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 31.3.2023</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.837 of 2022</u></p> <p>Dr. Vaishnavi S. Salunkhe @ Pawar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.V. Thorat, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that MPSC has declared the result and applicant has secured more marks than cut-off marks.</p> <p>3. We therefore direct the respondents to keep one post of Assistant Professor in Pathology vacant in applicant's category.</p> <p>4. S.O. to 5.4.2023 at 10.30 a.m. HOB.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 31.3.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 31.3.2023</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**REVIEW APPLICATION NO.21 OF 2022
IN
ORIGINAL APPLICATION NO.154 OF 2022**

1. The Chief Conservator of Forest.)
[Territorial], Nashik.)...**Applicant**
(**Ori. Respondent**)

Versus

1. Tulshiram R. Jadhav.)
R/at St Post : Kathipada,)
Tal. : Surgana,)
District : Nashik - 422 211.)

2. The Principal Secretary,)
Forest Department, Mantralaya,)
Mumbai - 400 032.)

3. The Principal Chief Conservator of)
Forest [Head of Forest Force],)
Vanbhavan, Near Police Gymkhana,)
Ramgiri Road, Civil Lines,)
Nagpur - 440 001.)

4. The Addl. Principal Chief Conservator)
of Forest, (H.R.D. & Admin.),)
Seminary Hills, Civil Lines,)
Nagpur - 440 001.)...**Respondents**
(**Ori. Applicants**)

Mr. A.J. Chougule, Presenting Officer for Applicant (Ori. Respondent)

Mr. M.F. Wasif, Advocate for Respondent (Ori. Applicant)

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 31.03.2023

WMB

ORDER

1. This Review Application is filed by Original Respondents for review of order dated 26.08.2022 passed by the Tribunal in O.A.No.154/2022 on 26.08.2022.
2. Heard Shri A.J. Chougule, learned Presenting Officer for original Respondents and Shri M.F. Wasif, learned Advocate for original Applicant.
3. Shortly stated facts giving rise to this Review Application are as under :-

The original Applicant Tulshiram R. Jadhav is serving in Forest Department as Vanpal and was posted at Umbarthan (E), Nashik. By order dated 07.08.2021, he was transferred to Social Forestry, Karjat, Ahmednagar. He had challenged the order dated 07.08.2021 by filing O.A.No.588/2021. When that O.A. was taken up for hearing, the learned P.O. made a statement on instructions that Applicant will be accommodated as Vanpal at Chausala, Dindori, Forest Division €, Nashik. It is on the basis of this statement, O.A.No.588/2021 was disposed of on 07.08.2021. However, he was not relieved, and therefore, filed O.A.No.154/2022.

4. When O.A.No.154/2022 was taken up for hearing, the Tribunal observed that in view of commitment made in O.A.No.588/2021 by the Respondents and order passed by the Tribunal on 17.08.2021, the Respondents were obliged to pass order posting the Applicant at Chausala, but he was not relieved. Therefore, the Tribunal disposed of O.A.No.154/2022 on 26.08.2022 in following terms.

"1. Heard Shri M. F. Wasif, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. At the very outset, it needs to be stated that there is nothing to be adjudicated in this O.A. and the Applicant is unnecessarily dragged to file this O.A. for direction to the Respondents to relieve him so as to join the post where he is transferred. Indeed, the Respondents themselves ought to have taken care of the situation but they failed to do so, and therefore, the Applicant is constrained to file this O.A. The Applicant is working as Forester. He was posted at Umbarthan, Vanshetra Umbarthan (Pradeshik), East Nashik. The Respondents by order dated 13.08.2021 transferred him from Social Forestry Department, Karjat-1 to Social Forestry Department, Ahmednagar. Being aggrieved by it, the Applicant has filed the present O.A. No.588/2021 before this Tribunal. The said O.A. was disposed of by the Tribunal on 17.08.2021 as per following order :-

"2. The applicant working as Van pal, Umbarthan Vanshetra Umbarthan (Pradeshik) East Nasik Forest Division to Vanpal challenges orders dated 07.08.2021 transferring the applicant to Social Forestry, Karjat-1, Social Forestry, Karjat, Social Forestry Dept., Ahmednagar.

3. Learned Counsel for the Applicant submits that the Applicant was due for transfer and the applicant has given 10 preferences for his choice positing as per G.R. dated 09.04.2018.

4. Learned P.O. on instructions from Shri Nitin Gudge, Chief Conservator of Forest, Nashik stated that the Applicant will be posted as Vanpal at Chausala, Dindori (Pradeshik), Forest Division, East Nashik.

5. In view of the above, Original Application stands disposed of with directions to the Respondents to post the applicant as Vanpal at Chausal, Dindori (Pradeshik), Forest Division, East Nasik."

3. Thus, in view of above, the Respondents were obliged to pass posting order of the Applicant at Chausala, Dindori Forest Circle, Forest Division, East Nashik. However, the Respondents did not pass posting order as per the statement made by them before Tribunal and, therefore, the Applicant was continued to work at Umbarthan.

4. Ultimately, the Respondents passed order dated 12.10.2021 thereby transferring and posting the Applicant as Forester, Chausal, Vanshetra Dindori (Pradeshik), East Division, Nashik. Despite the issuance of transfer order, the Applicant is not relieved and worst part is that he is not paid salary for last nine months. The Applicant is not paid his salary though he is still working and for no reasons salary is not paid.

5. The Affidavit in Reply filed by the Respondents do not dispute the factual aspect. All that technical pleas raised that as per Maharashtra Civil Services Rules, the Applicant was to take charge as Forester, Karjat and has to join at Chausala where he was posted by order dated 12.10.2021. This contention is totally absurd to say least. Since the Applicant's posting order is modified in view of the statement made by learned P.O. before the Tribunal and also issued transfer order modifying

his positing and transferring him at Chausala then the question of asking the Applicant to 1st join at Karjat is totally absurd.

6. In view of above, O.A. is disposed of with following directions :-

(A) The Respondent No.4-Chief Conservator of Forest (Territorial), Nashik Circle, Nashik is directed to relieve the Applicant in terms of transfer order dated 12.10.2021 whereby he is posted as Forester, Chausala, Dindori (Pradeshik), East Division Nashik within two weeks and also to pay his entire arrears of salary before relieving him.

(B) If salary is not paid within two weeks, it shall carry interest at the rate 9% from the date of default till payment.

(C) On receipt of relieving order, the Applicant should join his new posting at Chausala in accordance to rules.

(D) No order as to costs.”

5. Now R.A. is filed by the Respondents to review the aforesaid order.

6. The learned Presenting Officer submits that Applicant did not join at Karjat, and therefore, he is not entitled to pay and allowances, and therefore, difficult to comply the order passed by the Tribunal on 26.08.2022. He, therefore, submits that the order dated 26.08.2022 should be recalled and O.A. be heard on merit.

7. Whereas learned Advocate for the Applicant opposed Review Application stating that the matter does not fall within the ambit of order 47 Rule 1 of CPC.

8. Having gone through the orders passed by the Tribunal, it is obvious that O.A.154/2022 was not decided on merit, but was disposed of in view of order passed by the Tribunal in earlier O.A.588/2021 on the basis of statement made by P.O. There seems to be controversy about the factual aspect of joining at Karjat and entitlement to pay and allowances.

9. Since O.A.154/2022 was not decided on merit, it would be appropriate to recall the order of disposal of O.A. dated 26.08.2022 and hear O.A. on its own merit.

10. In view of above, the order dated 26.08.2022 is recalled and O.A. be kept for hearing on merit on 17.04.2023.

11. The Review Application is accordingly allowed and disposed of with no order as to costs.

Sd/-

(A.P. KURHEKAR)
Member-J

skw

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	<p>Date : 31.03.2023</p> <p align="center">O.A.Nos.435 to 441 of 2022 with O.A.851 of 2022 with O.A.1123 & 1124 of 2022 and O.A.564 of 2022</p> <p>Shri A. H. Keer and Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. P. B. Walimbe, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for hearing, learned Counsel for the Applicant requested for short adjournment to prepare the matter.</p> <p>3. Learned C.P.O. also requested to take Affidavit in Reply in O.A.No.436, 437, 438, 439 and 1123/2022.</p> <p>4. In the interest of justice, allowed to file the reply. It be taken on record.</p> <p>5. S.O. to 21.4.2023, 1 Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 31.03.2023</p> <p align="center">O.A.No.135 of 2022</p> <p>A. D. GaikwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, 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 Sur-Rejoinder on behalf of Respondent Nos.2 and 3. It is taken on record.</p> <p>3. Learned Counsel for the Applicant sought time to take instructions from the Applicant and to argue the matter.</p> <p>4. S.O. to 19.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 31.03.2023</p> <p align="center">O.A.No.848 of 2023</p> <p>V. B. SaravadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that she has already filed praecipe before the Division Bench for hearing of this matter with the matters already pending before the Division Bench and circulation is granted for 12.04.2023.</p> <p>3. S.O. to 13.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 31.03.2023</p> <p align="center">O.A.No.203 of 2023</p> <p>R. N. RudrurkarApplicant</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 Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that reply is under preparation and same will be filed during the course of the day. statement is accepted. It be taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>4. S.O. to 19.04.2023.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 31.03.2023</p> <p align="center">O.A.No.660 of 2022</p> <p>Y. M. KokadwarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The court time is over and, therefore, matter is adjourned for hearing. 3. Interim relief to continue till next date. 4. S.O. to 12.04.2023 as a part-heard. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>


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	<p>Date : 31.03.2023</p> <p align="center">O.A.No.176 of 2021</p> <p>S. C. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Deokar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. sought three days time to file additional affidavit stating difficulty of absence of departmental officials due to March ending.</p> <p>3. S.O. to 05.04.2023.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date : 31.03.2023</p> <p align="center">M. A. No.223 of 2023 in O.A.No.825 of 2021</p> <p>Shri G. S. KaranjeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed for amendment to introduce some additional pleadings in support of the claim raised in O.A.</p> <p>3. Since the matter is part-heard, one week time is granted to file reply to M.A.</p> <p>4. S.O. to 05.04.2023.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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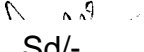
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	<p>Date : 31.03.2023</p> <p align="center">O.A.No.354 of 2022</p> <p>S. G. GoleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that on previous date i.e. 20.01.2023, the Applicant and his Counsel were absent but matter was adjourned to give one opportunity.</p> <p>3. However, today also the Applicant and his Counsel are absent. It seems that they are not interested in the matter.</p> <p>4. Hence, O.A. is dismissed in default. No order as to costs.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date : 31.03.2023</p> <p style="text-align: center;">O.A.No.65 of 2023</p> <p>I. S. Aswar ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan , 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 and Shri A. B. Moon, learned Counsel for Respondent No.2.</p> <p>2. In this O.A., the Respondent No.2 Shri Dhammajyoti Gajbhiye joined as Director General, Dr. Babasaheb Ambedkar Research & Training Institute, Pune. However, later Shri Dhammajyoti Gajbhiye is transferred and in his place Shri Sunil Vare is posted.</p> <p>3. Indeed, there was no need to join Shri Dhammajyoti Gajbhiye in his personal capacity and impleading the Director General, BARTI would be enough. Therefore, permission is granted to delete the name of Shri Dhammajyoti Gajbhiye from title clause and Respondent No.2 shall be Director General, BARTI.</p> <p>4. Respondent No.1 and 2 have already filed reply.</p> <p>5. Learned Counsel for the Applicant however sought time to file Rejoinder.</p> <p>6. S.O. to 05.05.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p style="text-align: left; margin-top: 20px;">vsm</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 : 31.03.2023</p> <p align="center">O.A.No.339 of 2023</p> <p>H. R. PatankarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Pooja Mankoji holding for Shri S. S. Dere , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired on 31.10.2019 but gratuity is not paid till date, beside provisional pension was paid upto 17.09.2021 and thereafter stopped. He, therefore, filed present O.A. for releasing retiral benefits with interest.</p> <p>B. Learned P.O. is directed to take instructions as to why retiral benefits are withheld and to apprise the Tribunal at 2.30 P.M.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm L.O.</p> <p>4. In afternoon session, learned P.O. on instructions submits that because of delay in verification of service book, the gratuity is not paid till date.</p> <p>5. Since the Applicant stands retired on 31.10.2019 but deprived of gratuity and another benefits, O.A. deserves to be expedited. There was neither any criminal prosecution nor D.E. pending at the time of retirement. This being so there was no legal hurdle to withhold retiral benefits.</p> <p>6. One week time is granted to learned P.O. for filing reply so that O.A. could be disposed of without further delay.</p> <p>7. S.O. to 10.04.2023. Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J) [P.T.O.]</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><u>31.03.2023</u></p> <p><u>O.A 19, 20, 21, 88 and 223/2023</u></p> <p>V.A Banne & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel Shri Sachin Hande, for the applicant in O.A 275/2023 prays that the said matter be tagged along with the present Original Applications, as the issue pertains to the selection process.</p> <p>3. O.A No. 275/2023 be tagged with the present Original Applications.</p> <p>4. S.O to 17.4.2023.</p> <p style="text-align: right;">Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>Akn</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
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31.03.2023

O.A 1154/2022

Shri A.K Kadam & Ors ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms Punam Mahajan, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O submits that affidavit in reply will be filed during the course of the day.

3. S.O to 12.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

Akn

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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31.03.2023

O.A 1301, 1302 & 1303/2022

Shri A.A Wanve ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms S.P Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O is granted three weeks' time to file affidavit in reply by way of last chance.

3. S.O to 21.4.2023.

Sd/-

**(Medha Gadgil)
Member (A)**

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

Akn

**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
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31.03.2023

O.A 1043/2021

Shri A.S Jaiswal ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri O.M Lonkar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Admit.

3. Place for final hearing on 20.4.2023. H.O.B.

Sd/-

**(Medha Gadgil)
Member (A)**

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

Akn

**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;"><u>31.03.2023</u></p> <p style="text-align: center;"><u>O.A 275/2023</u></p> <p>Shri S.B Belunkhe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Sachin Hande, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 17.04.2023.</p> <p>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.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit in not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption 'for Dismissal' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>8. S.O to 17.4.2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">Akn</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: 31.03.2023</p> <p align="center">O.A. No.1164 of 2022 with O.A. No.125 of 2023</p> <p>Y.S. Tekawade P.V. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today learned C.P.O. has tendered a letter dated 29.03.2023 issued by Mr. A.E. Kulkarni, Joint Secretary, Home Department.</p> <p>3. In view of the letter dated 29.03.2023, Respondents are directed to send the Applicants for the training which is giving to start from 03.04.2023.</p> <p>4. Since the grievance of the Applicant is redressed. O.A. is accordingly disposed of with no order as to costs.</p> <p align="right">Sd/-</p> <p align="center"> (Medha Gadgil) / (Mridula R. Bhatkar, J.) Member (A) Chairperson </p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 31.03.2023</p> <p align="center">M.A. No.218 of 2023 in O.A. No.568 of 2021</p> <p>D.R. MadaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri L.S. Deshmukh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant prays to amend the O.A. Permission as prayed is granted. Amendment be carried out forthwith. Amended copy be served on the Respondents.</p> <p>3. M.A. is accordingly disposed of.</p> <p align="right">Sd/-</p> <p align="center">(Medha Gadgil) / (Mridula R. Bhatkar, J.) Member (A) Chairperson</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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31.03.2023

M.A 93/2023 in O.A 691/2021

Dr S.B Chavan & Ors ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The present Misc Application is filed seeking condonation of delay in filing the Original Application.

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

4. Issue notice before admission returnable on 28.04.2023.

5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

9. S.O to 28.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

**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><u>31.03.2023</u></p> <p><u>O.A 994/2022</u></p> <p>Shri P.B Bagal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O seeks time to file affidavit in reply.</p> <p>3. S.O to 21.4.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn (Mridula Bhatkar, J.) Chairperson</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
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~~29~~
31
29.03.2023

**M.A 38/2023 in C.A 7/2023 with O.A 1012,
1013/2016 and 763/2017 with M.A 63/2023 in C.A
11/2023 with O.A 1013, 642/2016 with O.A 764 &
766/2017**

S.S Mirgal & Ors
B.D Kadam & Ors ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms Aishwarya Belhekar holding for Ms Preeti Walimbe, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O seeks time to file reply to the Misc Applications.

3. S.O to 13.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

**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

O.A.244/2022

Shri D.S. Patil

... Applicant

Vs.

The State of Mah. & ors.

... Respondents

Speaking to Minutes

1. Respondent No.4 - Complainant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.
2. The matter is listed today in view of preceipe filed by Respondent No.4 in O.A.No.244/2022. The Tribunal disposed of O.A. on 26.07.2022 on merit.
3. Initially, Respondent No.4 - Complainant was not party to the O.A, but later she was joined as Respondent No.4 in terms of order passed by Hon'ble High Court in Writ Petition No.7138/2022, dated 22.06.2022. Thereafter, Tribunal heard the parties, their Counsels and disposed of O.A. on 26.07.2022.
4. In OA, Applicant Dhiraj S. Patil has challenged the legality of suspension order dated 02.03.2022. The complaint of physical exploitation made by Respondent No.4 - Complainant was the reason for suspension of the Applicant by the Government.
5. The Tribunal upheld the legality of suspension order. However, suspension being found prolonged, it was revoked and directions were issued to reinstate the Applicant in service and to complete the DE within three months.
6. Now this preceipe is filed to hide the name and address of Respondent No.4 and to refer Respondent No.4 as XYZ or Complainant, Since in view of the decision of Hon'ble Supreme Court, the name of victim and identity should not be disclosed. The order passed by the Tribunal is uploaded on Website disclosing the name of Respondent No.4.

[PTO.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The perusal of order passed by the Tribunal reveals that Respondent No.4 - Complainant was subjected to physical exploitation. Thus, she seems to be victim. Therefore, it would be appropriate to refer Respondent No.4 as Complainant in the Title Clause of C.A. as well as in the order passed by the Tribunal on 22.07.2022 and it be referred as Complainant instead of her name.</p> <p>8. The corrected order be accordingly uploaded on Website.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 31.03.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 322 OF 2023

DISTRICT : PUNE

Dr Malakappa M. Patil & Ors)...**Applicants**

Versus

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

Shri Sarfaraj J. Shaikh a/w Shri S.S Gite, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mrs Medha Gadgil (Member) (A)

DATE : **29.03.2022**

ORDER

1. All the 27 applicants are Doctors having BAMS qualification prays that they want to apply for the posts of Food Safety Officer and Assistant Commissioner of Food which are going to be filled-up by the Respondent pursuant to the advertisement dated 24.02.2023. The last date of filling up the form is 04.04.2023. Hence the O.A. is circulated for urgent hearing.

2. Learned Advocate for the Applicant has submitted that the forms filled up by the applicants are not accepted by the website of M.P.S.C., and they are getting remark that they are not eligible for



the said posts. Learned Advocate has submitted that on enquiry the M.P.S.C. has stated that as per the Government policy for the post of Food and Safety Officer the candidates should hold the degree in other Sciences or degree in Medicine from recognized University. Learned counsel has submitted that the Government considered that the Ayurveda is not Medicine and the degree in BAMS is not a degree in Medicine and therefore they seek interim order from the Tribunal that they are to be allowed to fill up the forms and appear for the examination going to be held on 04.06.2023.

3. Learned C.P.O. while opposing this O.A has relied on the judgment of Hon'ble High Court Allahabad Bench dated 27.01.2015 passed by the Division Bench in Writ Petition No.2754/2015, Dr. Amit Pandey & Ors. Versus State of Uttar Pradesh has held that it would not be proper for this Court to include or read any other degree awarded by the councils under other Acts referred above into the definition of medicine. She has pointed out that in the judgment defining Sections 2(e) and 2(f) under Indian Medical Council Act 1970. Learned C.P.O has further submitted that the Deputy Director, Food Safety and Standards Authority of India (FSSAI) by letter of September, 2021, the addressed to the Government of Maharashtra has informed that relying on the judgment of the Hon'ble High Court of Allahabad dated 27.1.2015 in W.P no. 2754/2015, has observed that 'degree in Medicine' doesn't include any other system of Medicine.

4. Per Contra, learned counsel for the applicants has relied on the judgment of Single Judge, of the Madurai Bench of the Madras High Court dated 23.3.2023 in W.P (MD) No. 4882/2023 & Ors and has submitted that this judgment is the final judgment and Madurai Bench of the Madras High Court has considered the

judgment of the Allahabad High Court and given relief finally allowing the Doctors having degree in Siddha and B.D.S.

5. The Medical Council Act of 1956 has defined Medicine under Section 2(f) as follows:-

- (f) "Medicine" means modern scientific medicine in all its branches and include surgery and obstetrics, but does not include veterinary medicine and surgery."

Thus, the Medical Council of India in order to establish uniform standard of higher qualification in Medicine has introduced the 1933 amendment and the word 'Medicine' is defined to mean 'modern scientific medicine' which connotes allopathic medicine including surgery and obstetrics, but excluding veterinary medicine and surgery.

6. We have considered the interim order of the Division Bench of the Allahabad High Court and so also the final judgment of the Madurai Bench of the Madras High Court. The expression 'medicine' obviously includes Siddha system of medicine which is ancient Indian medicine. The degree secured in that field of medicine is recognized as Degree in Medicine by the Madurai Bench of the Madras High Court.

7. Prima facie, we are of the view that the word 'medicine' which is defined in Rule 2(f) of the Medical Council of India Act, 1956, is to be restricted^{to} and is to be read for the purpose of Medical Council Act, 1956^{only}, which is one of the branches of the Medicine. 'Medicine' is a wider connotation includes various branches i.e., Auyrveda, Unani, Homeopathy etc. The definition of Medicine under Section 2(f) cannot be made applicable when the word 'medicine' as a whole is understood. Apart from Allopathy,

there can be other branches of medicine by which the patients are cured and are recognized by the Medical Council of India, i.e., Unani, Ayurveda, Allopathy and Siddha.

8. We also rely on the final judgment of the Madurai Bench of the Madras High Court dated 23.3.2023 in W.P (MD) No. 4882/2023. We grant interim relief at this stage by directing the Respondent, M.P.S.C, to allow the applicants to submit the application form from today for Preliminary Examination to be conducted for the post of Food Safety Officer and Assistant Commissioner for Food as per advertisement dated 24.2.2023 and 17.3.2023 and allow them to appear for the examination on 4.6.2023.

9. Respondent, M.P.S.C is directed to make available the on-line application site open to the applicants to fill up the form and any decision in the matter will be subject to the outcome of the Original Application.

10. S.O to 18.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 29.03.2022

Dictation taken by : A.K. Nair.

**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 : 31.03.2023</p> <p align="center">O.A.No.23 of 2023</p> <p>G. M. Shakti ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. Hegde, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that reply is under preparation and same will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 21.04.2023.</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 : 31.03.2023</p> <p align="center">O.A.No.58 of 2023</p> <p>A. D. MoreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Shri D. B. Khaire, learned Counsel for the Applicant has sent leave note. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. Learned P.O. sought three days time to file reply.</p> <p>3. S.O. to 05.04.2023.</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 : 31.03.2023</p> <p align="center">O.A.No. 563 of 2022</p> <p>V. D. Panvalkar ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. P. Walimbe, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted to file reply but same is not filed. Hence, I am not inclined to grant further time.</p> <p>3. O.A. to proceed without reply and be kept for hearing.</p> <p>4. S.O. to 21.04.2023.</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.

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 31.03.2023 ^{Tribunal's orders}</p>
	<p>O.A.No.134 of 2023</p> <p>C. R. GangodeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. 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 06.04.2023.</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. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p align="center">Tribunal's orders</p>
	<p>Date : 31.03.2023</p> <p align="center">O.A.No.1136 of 2022 With O.A.No.1137 of 2022</p> <p>Dr. A. A. Upadhyay Dr P. A. MeshramApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. P. Potbhare, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. Smt. Anita Kolpekar holding for Shri A. S. Gaikwad, learned Counsel for Respondent Nos.4 and 5.</p> <p>2. Today, learned P.O. has filed reply on behalf of Respondent Nos.1 to 4 (O.A.1136/2022) It is taken on record.</p> <p>3. Insofar as O.A.No.1137 is concerned, learned P.O. has filed reply on behalf of Respondent nos.1 to 5. It is taken on record.</p> <p>4. Two weeks time is granted to learned Counsel for the Applicant to file Rejoinder.</p> <p>5. S.O. to 18.04.2023.</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
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31.03.2023

C.A 31/2023 in O.A 478/2022

Shri P.B Bagal ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.

2. The present Contempt Application is filed for compliance of the order of this Tribunal dated 30.9.2022. One month's time was granted for the compliance. The said one month's period was over on 30.10.2022.

3. Learned P.O seeks time. We grant two weeks' time to comply with the order of the Tribunal dated 30.9.2022.

4. S.O to 19.4.2023.

Sd/-

**(Medha Gadgil)
Member (A)**

Akn

Sd/-

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 31.03.2023</p> <p align="center">O.A. No.345 of 2023</p> <p>R.D. AkrupeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that she needs time to take proper instructions from the Respondents. The issue was raised in respect of Rules, 1939 are in-force today or not in view of repeal and amendment in many Acts and Rules after independence and also she needs to check and verify Para 7, Note 3B of the Judgment in <i>Writ Petition No.6179 of 2007 (Shri Anil M. Nimbhore V/s. State of Maharashtra and Ors.) decided on 07.01.2008 (Aurangabad)</i>.</p> <p>3. Learned Advocate for the Applicant submits that last date for online application on MPSC website is 3rd April 2023.</p> <p>4. In view of this, we make clear that if the Applicant succeeds then we will direct MPSC to open the link for the Applicant and to submit his application.</p> <p>5. S.O. to 03.04.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</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
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31.03.2023

C.A 06/2022 in O.A 574/2020

Smt L.D Veer ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant, Ms Archana B.K, learned P.O for the Respondents and Ms A.M Lonkar, learned counsel for the Respondents no 1, 2 & 3.

2. Learned counsel for Respondents no 1, 2 & 3 submits that the approval of granting Pension from the office of Accountant General was received on 9.3.2023 by Zilla Parishad and the bills have been prepared and sent to the Treasury Office on 31.3.2023.

3. In view of the above, matter adjourned to 21.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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31.03.2023

**C.A 20/2023 in O.A 397/2022 & C.A 21/2023 in
O.A 396/2022**

Shri A.B Gangurde
Shri R.S Kajale ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri G.A Bandiwadekar, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.

2. Learned P.O submits that the departmental enquiry is completed on 8.3.2023 and the decision is communicated to the applicants on the same day.

3. The Respondent-State is directed to take necessary steps in the matter before next date.

4. S.O to 21.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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31.03.2023**C.A 22/2023 in O.A 674/2022**

Shri V.D Suryavanshi

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

1. Heard Shri G.A Bandiwadkar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. Learned counsel for the applicant submits that W.P 3515/2023 has been filed before the Hon'ble High Court. Learned counsel for the applicant submits that on 30.3.2023, the Petitioners, Respondent-State pressed for interim relief, but it was not granted.

3. Learned P.O produces copy of letter addressed by the Assistant Government Pleader, High Court, wherein it is stated that the matter is now adjourned to 7.6.2023. Copy of the said letter is taken on record.

4. In view of the above, matter stands adjourned to 3.4.2023.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

**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 : 31.03.2023</p> <p align="center">O.A.No.339 of 2023</p> <p>H. R. PatankarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Pooja Mankoji holding for Shri S. S. Dere , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired on 31.10.2019 but gratuity is not paid till date, beside provisional pension was paid upto 17.09.2021 and thereafter stopped. He, therefore, filed present O.A. for releasing retiral benefits with interest.</p> <p>3. Learned P.O. is directed to take instructions as to why retiral benefits are withheld and to apprise the Tribunal at 2.30 P.M.</p> <p align="right">Sd/-</p> <p align="right">(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 : 31.03.2023</p> <p align="center">M.A. No.20 of 2019 in O.A.No. 54 of 2019</p> <p>G. A. TilekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Shri M.B. Kadam holding for Smt. Suryawanshi, learned Counsel for the Applicant states that she is busy in the High Court. Shri A. J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. S.O. to 28.04.2023.</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 : 31.03.2023</p> <p align="center">M. A. No.46 of 2023 in O.A.No.98 of 2023 With M.A.No.47 of 2023 in O.A. No.99 of 2023</p> <p>R.V. Khedekar P. M. TalathiApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. P. Walimbe, 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., two weeks time is granted to file reply to M.A.</p> <p>3. S.O. to 13.04.2023.</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 : 31.03.2023</p> <p align="center">M. A. No.199 of 2023 in O.A.No.462 of 2020</p> <p>D. R. Nalwade & 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 Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This M.A. for condonation of delay is filed in pending O.A. in view of plea of limitation raised by the Respondents in their Affidavit in Reply.</p> <p>3. Two weeks time is granted to file reply to M.A.</p> <p>4. S.O. to 17.04.2023.</p> <p align="right">Sd/-</p> <p align="right">(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 : 31.03.2023</p> <p>M. A. No.119 of 2023 in O.A.No.206 of 2023</p> <p>R. H. Phadtare & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P. H. Hendre, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This M.A. is filed to condone the delay of 12 years and 4 months caused in filing O.A. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 28.04.2023 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 M.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous 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. 9. S.O. to 28.04.2023. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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 : 31.03.2023

O.A.No.224 of 2023

V. R. Panchal

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. S. Dhannawat, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. The Applicant stands retired on 28.02.2022 but raised grievance of nonpayment of retiral benefits in terms of 7th Pay Commission revised pay scale, Beside he has raised some other issues about non receipt of benefit of ACPS scheme and of less grade pay.
3. On request of learned P.O., three weeks time is granted to learned P.O. to file reply.
4. In the meantime, the Respondents are directed to take all necessary steps to pay the difference in terms of 7th Pay Commission so that Applicant should get retiral dues as per his entitlement to revise pay scale. The issue of non-grant of ACPS and less grade pay needs to be decided on merit.
5. S.O. to 21.04.2023.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 31.03.2023

O.A.No.148 of 2023

Anita G. DhoreApplicant

Versus

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

1. Heard Smt. P. H. Hendre , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The Applicant has challenged communicated dated 10.05.2022 whereby claim for compassionate appointment is rejected.
3. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
4. Issue notice before admission returnable on 28.04.2023.
5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
8. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.
9. S.O. to 28.04.2023.

Sd/-

(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 : 31.03.2023</p> <p style="text-align: center;">O.A.No.347 of 2023</p> <p>S. R. DamseApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged his transfer order dated 17.03.2023 whereby he is transferred from Chakan Transport Division to Administration Department of Transport and in his place Respondent No.3 is posted. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 28.04.2023. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original/ Miscellaneous 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. 9. S.O. to 28.04.2023. <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. _____ 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 : 31.03.2023</p> <p align="center">O.A.No.550 of 2023</p> <p>O.S. YadavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. P. Potbhare, 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 additional affidavit with annexures in support of his claim of correct date of birth. It is taken on record.</p> <p>3. O.A. be kept for hearing with liberty to learned P.O. to file counter affidavit, if necessary.</p> <p>4. S.O. to 06.04.2023.</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 : 31.03.2023</p> <p>O.A.No.686 to 690/2019 with O.A.693/2019, O.As 695, 750, 752, 584, 585/2019 and O.A.994/2021</p> <p>Shri S. U. Shinde & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt.P. H. Hendre, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The perusal of record reveals that these group of O.As are adjourned since the W.P. is subjudice before the Hon'ble High Court. The issue involved in these group of O.A. are identical to the issue involved in W.P.</p> <p>3. Learned Counsel for the Applicants submits that W.P. is still subjudice and not yet decided and kept on 20.04.2023. These O.As are, therefore, required to be adjourned.</p> <p>4. S.O. to 28.04.2023.</p> <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">(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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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 : 31.03.2023</p> <p align="center">O.A.No.784/2019, 100/2021, 101/2021, 111/2021 and 113/2021</p> <p>J. R. Kumbhar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The perusal of record reveals that these group of O.As are adjourned since the W.P. is subjudice before the Hon'ble High Court. The issue involved in these group of O.A. are identical to the issue involved in W.P.</p> <p>3. Learned Counsel for the Applicants submits that W.P. is still subjudice and not yet decided and kept on 20.04.2023. These O.As are, therefore, required to be adjourned.</p> <p>4. S.O. to 28.04.2023.</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.

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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 : 31.03.2023</p> <p style="text-align: center;">O.A.No.158 of 2022</p> <p>S. B. KobalkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Supriya Rathod, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for hearing, it is noticed that impugned order under challenge is dated 19.03.2018 but M.A. is filed after the period of limitation was over. The Respondents have also raised the issue of limitation in Affidavit in Reply.</p> <p>3. Learned Counsel for the Applicant sought two weeks time to file M.A. for condonation of delay.</p> <p>4. Two weeks' time is granted to file M.A. for condonation of delay.</p> <p>5. If M.A. is filed within two weeks, O.A. be listed with M.A. If M.A. is not filed within two weeks in that event O.A. would stands dismissed without reference to the Tribunal.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>