

**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>31.07.2023</u></p> <p><u>O.A 941/2023</u></p> <p><u>SPEAKING TO THE MINUTES</u></p> <p>Smt Saroj D. Turbadkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned counsel submits that there is typographical mistake in the order dated 31.7.2023. In the order dated 31.7.2023, in para 6 instead of the 'Assistant Professor (Medicine)' it should be corrected as 'Assistant Professor (Microbiology)'.</p> <p>3. Learned P.O submits to the order of the Court.</p> <p>4. Accordingly in para 6 instead of the 'Assistant Professor (Medicine)' it should be read as 'Assistant Professor (Microbiology)'</p> <p>5. Ordered accordingly.</p> <p style="text-align: right;">Sd/- ✓ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>31.07.2023</u></p> <p><u>O.A 931/2023</u></p> <p><u>SPEAKING TO THE MINUTES</u></p> <p>Dr N.V Suryawanshi ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant has moved application for Speaking to the Minutes. He stated that in the cause title of the order dated 31.7.2023, the name of the applicant is mentioned as Dr N.Y Suryawanshi. However, name of the applicant is Dr N.V Suryawanshi. Hence requested for necessary correction.</p> <p>3. Learned P.O submits to the order of the Court.</p> <p>4. Accordingly in the cause title of the order dated 31.7.2023, the name of the applicant should be read as Dr. N.V Suryawanshi.</p> <p>5. Ordered accordingly.</p> <p style="text-align: right;">Sd/- J'' (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.982 OF 2016

N.M. Pathan ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

Ms. Punam Mahajan, learned Advocate for the Applicant.

Ms. Archana B.K., learned Presenting Officer for the Respondents

Date : 31.07.2023.

CORAM : JUSTICE MRIDULA BHATKAR, CHAIRPERSON
MS. MEDHA GADGIL, MEMBER (A)

SPEAKING TO THE MINUTES

1. Learned Advocate for the Applicant Ms. Mahajan has submitted that in the judgment dated 17.07.2023, Prayer Clause (C) instead of,

“Applicant’s service is to be considered as continuous service for the purpose of pecuniary benefits except back wages from the date of this judgment.”

it should be read as,

“Applicant’s service is to be considered as continuous service for all purposes including pecuniary benefits except back wages.”

3. Ordered accordingly.

Sd/-

(Medha Gadgil)
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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..... Applicant/s

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p>O.A.No.96/2023</p> <p>Dr. N.P. MahajanApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate adjourned to 02.08.2023 at 10.30 a.m. P.H.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	31.07.2023
	<u>O.A 935/2023</u>
	<p>Shri Kailash B. Khedkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant working as Assistant Project Officer in Tribal Development Department, challenges the suspension order dated 13.7.2023 and prays that Respondents be directed to reinstate the applicant in service.</p> <p>3. Learned counsel for the applicant relies on the suspension order dated 13.7.2023 and submits that it is outcome of suspension syndrome. Learned counsel for the applicant pointed out the report dated 23.2.2022 of the Project Officer, Mr Gaikwad addressed to the Additional Collector, Tribal Development Thane. In this letter, the Project Officer has in writing exonerated the applicant of all the allegations made against him, on making enquiry with the concerned persons. She pointed out to the letter dated 1.7.2022 which is referred to in the order of suspension. Learned counsel pointed out that the letter written by Mr Mahendra Varbhuvan, Additional Commissioner, Tribal Development to the Commissioner, Tribal Development, Nasik, requesting to take action against the applicant wherein the reference is made to two letters, i.e., letter by the Project Officer, Pen, Raigad dated 15.2.2021 and letter dated 20.11.2021 written by Mr Mahesh Kolte, Saraswati Apartment, Bosari, Pune.</p> <p>4. Learned P.O seeks time to take instructions in the matter.</p> <p>5. Learned P.O is granted one weeks' time to take instructions in the matter and also responsible Officer from the Department is directed to remain present.</p> <p>6. S.O to 9.8.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">Akn</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>31.07.2023</u>
	<u>O.A 940/2023</u>
	<p>Yusuf M. Shaikh ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Priti Walmbe, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant working as Revenue Assistant challenges the transfer order dated 17.6.2023 transferring the applicant from the post of Revenue Assistant Tahsil Office, North Solapur to Tahsil Office, Mohol.</p> <p>3. Learned counsel for the applicant submits that the applicant was due for transfer and submits that the applicant has given three options for his choice posting as per G.R dated 9.4.2018, but the same has not been considered. Learned counsel for the applicant submitted that the three options where the applicant has given the choice for his posting are vacant and nobody is posted in the said posts.</p> <p>4. Learned P.O submits that the applicant is required to give 10 options. However, the applicant has given three options. Moreover, he has given all the three options in Solapur City only. Learned P.O on instructions submits that the post at North Solapur Tahsil office is at present vacant and nobody is posted there.</p> <p>5. In view of the above, the impugned transfer order dated 17.6.2023 is stayed and the applicant is allowed to work at North Solapur till filing of the reply.</p> <p>6. Issue notice before admission returnable on 18.8.2023.</p> <p>7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. 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>11. S.O to 18.8.2023.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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

Tribunal's orders

Date : 31.07.2023

O.A.No.949/2023

S.S. Gaikwad ...Applicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. R.D. Patil, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents
2. Applicant prays that this Tribunal be pleased to call for the records of the case from the Respondents and after examining the same quash and set aside the communication letter dated 17.07.2023 rejecting the request of the Applicant to participate in the recruitment process for the post of Police Patil in village Charholi Khurd, Talukar Khed, District Pune.
3. Learned P.O. has pointed out that Clause 1(f) of the G.R. dated 16.10.2008 mentions that caste reservation as mentioned at Serial No.1, 2 and 3 are interchangeable amongst themselves and in this group there is no reference of Special Backward Class and the post at Charholi, Khurd is reserved for Special Backward Class.
4. Considered submissions. In view of the explanation that in the Clause 1(f) of the G.R. the reference of SBC is absent in the said G.R and therefore, prima facie, it cannot be accepted and if the post of SBC falls vacant, then it will go to the candidates of the other reserved categories like the Applicant.
5. Hence, no relief can be granted at this stage. In view that the relief prayed for is rejected and the interviews are tomorrow, nothing remains in this O.A.
6. In view of above, O.A. stands dismissed.

Sd/-

/ (Mridula Bhatkar, J.)
Chairperson

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..... Applicant/s

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..... Respondent/s

(Presenting Officer.....)

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	<p style="text-align: center;"><u>31.07.2023</u></p> <p style="text-align: center;"><u>O.A 934/2023</u></p> <p>Shri Saheb E. Desai ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant working as Assistant Commissioner (Food), challenges the suspension order dated 3.3.2023 and direct the Respondents to reinstate the applicant w.e.f 20.5.2023, and issue the posting order accordingly. It is further prayed that the Respondents be directed to release the pay and allowances for the period from 20.5.2023 till the date of reinstatement along with arrears of subsistence allowance within a period of 1 month. By way of interim relief the applicant prays to stay the effect and operation of the suspension order dated 3.3.2023.</p> <p>3. Learned counsel for the applicant relies on the judgment of this Tribunal dated 11.7.2023 in O.A 44/2023, wherein the ratio laid down in the case of Ajay Kumar Chaudhary Vs. Union of India & Ors (2015) 7 SCC 291 are discussed. Learned counsel submits that in view of the mandate of the Hon'ble Supreme Court the applicant should have been reinstated in service on 20.5.2023.</p> <p>4. Learned P.O seeks time to take instructions in the matter and file affidavit in reply.</p> <p>5. Issue notice before admission returnable on 28.8.2023.</p> <p>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.</p> <p>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.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>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.</p> <p>9. 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>10. S.O to 28.8.2023.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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

Tribunal's orders

Date: 31.07.2023

O.A. No.215 of 2017

A.R. PatilApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant is seeking promotion to the post of Assistant Registrar from the post of Co-operative Officer Grade – I. His grievance is that Roaster point was not correctly ascertained in select list of 2016 for VJ (A) category.

3. When the matter is taken up for hearing, Tribunal raised query to the learned Advocate for the Applicant as to how O.A. is maintainable in view of the decision of Hon'ble High Court in Shri Vijay Ghogare and Ors. case, whereby reservation in promotion is done away. As such, in view of decision of Hon'ble High Court there could be no reservation in promotion. Whereas in present case, the Applicant is seeking promotion on the basis of reservation of VJ (A) category.

4. Learned Advocate for the Applicant realizing legal hurdle, on instruction from the Applicant who is present in the Court sought permission to withdraw O.A. with liberty to approach the Tribunal after the decision of Hon'ble Supreme Court in Shri Vijay Ghogare and Ors. case.

5. In view of above, permission granted to withdraw O.A. with liberty as prayed.

6. No order as to costs.

Sd/-

(Debashish Chakrabarty)
Member (A)

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Sd/-

(A.P. Kurhekar)
Member (J)

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p style="text-align: center;">O.A.No.985 of 2017</p> <p>M. N. PastapureApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The perusal of record reveals that after long time, today the matter is listed for final hearing for the first time. Therefore, in the interest of justice, the matter is adjourned to give one opportunity to Applicant and his Counsel.</p> <p>3. S.O. to 08.08.2023.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Debashish Chakrabarty) Member (A)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> </div> </div>

**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 align="center"><u>31.07.2023</u></p> <p align="center"><u>O.A 909/2023</u></p> <p>S.S Sagwekar Applicant Vs. The State of Maharashtra & Ors Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant, Shri A.J Chougule, learned P.O for the Respondent no. 1 and Smt Punam Mahajan, learned counsel for Respondent no. 2.</p> <p>2. The applicant challenges the impugned transfer order dated 30.6.2023 passed by Respondent no. 1 under which he posted on probation Respondent no. 2, as Circle Officer, Kulgaon, Tal-Ambarnath, Dist-Thane, instead of transferring the applicant as Circle Officer, Murbad, Dist-Thane as per the provisions of G.Rs dated 9.4.2018 and 11.7.2000.</p> <p>3. Learned counsel for the applicant submits that the applicant is working in the Tribal area since 4.10.2018 till date and he is due for transfer and therefore he is required to be considered against his preference posting. Learned counsel submits that the applicant has given 8 option of his choice and none of them is considered. Applicant is not transferred and he wants to be transferred at the choice posting.</p> <p>4. Learned P.O submits that the applicant has worked at Kulgaon from 2007 to 2018 nearly for 10 years and 4 months.</p> <p>5. Learned counsel for Respondent no. 2 submitted that the Respondent no. 2 joined service in the year 2008.</p> <p>6. Issue notice before admission returnable on 18.8.2023.</p> <p>7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. By Hand delivery, speed post, courier notice to be served, and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/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>11. S.O to 18.8.2023.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>kn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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..... 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>31.07.2023</u></p> <p style="text-align: center;"><u>O.A 931/2023</u></p> <p>Dr N.Y Suryawanshi ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant, working as Assistant Professor, (Medicine) Group-B, Grant Medical College, J.J Hospital, Mumbai challenges the transfer order dated 30.6.2023 transferring him to the post of Assistant Professor (Medicine), Group-B, Government Medical College, Alibaug.</p> <p>3. Learned counsel submits that as per G.R dated 9.4.2018, the preference should have been called for choice posting, which is not done by the Respondents. Learned counsel for the applicant relies on the order of this Tribunal dated 21.7.2023 in O.A 887/2023 and submits that the name of the applicant Dr. Nitin Suryawanshi is appearing at Sr. No. 8 of the transfer order dated 30.6.2023 and the applicant in O.A 887/2023 Dr. Rohit Deshpande is appearing at Sr. No. 4 of the said transfer order dated 30.6.2023. Learned counsel submits that the facts are same and therefore, he be protected by same interim relief granted in O.A 887/2023. Learned counsel further submitted that nobody is posted in place of the applicant. Learned counsel for the applicant shows service of notice on the Respondents.</p> <p>4. Learned P.O submits that he has no instructions in the matter and seeks time.</p> <p>5. Considered the submissions of learned counsel for the applicant and the learned P.O. This Court has taken a view in O.A Nos 884, 885 & 888/2023 by order dated 21.7.2023, that this is mid-term transfer in view of Section 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.</p> <p>6. In view of the above, the transfer order dated 30.6.2023 is stayed and the applicant is allowed to</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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continue Assistant Professor, (Medicine) Group-B, Grant Medical College, J.J Hospital, Mumbai, till next date.

7. Issue notice before admission returnable on 28.8.2023.

8. 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.

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

10. 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.

11. 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."

12. S.O to 28.8.2023.

Sd/-

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

Akn

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Chairperson

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	<p><u>31.07.2023</u></p> <p style="text-align: center;"><u>O.A 941/2023</u></p> <p>Smt Saroj D. Turbadkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant challenges the transfer order dated 30.6.2023 whereby the applicant has been transferred from the post of Assistant Professor (Microbiology) Group-B, Grant Medical College, J.J Hospital, Mumbai to the post of Assistant professor (Microbiology), Group-B, Government Medical College, A,</p> <p>3. Learned counsel submits that as per G.R dated 9.4.2018, the preference should have been called for choice posting, which is not done by the Respondents. Learned counsel for the applicant relies on the order of this Tribunal dated 21.7.2023 in O.A 887/2023 and submits that the name of the applicant Dr. Nitin Suryawanshi is appearing at Sr. No. 8 of the transfer order dated 30.6.2023 and the applicant in O.A 887/2023 Dr. Rohit Deshpande is appearing at Sr. No. 4 of the said transfer order dated 30.6.2023. Learned counsel submits that the facts are same and therefore, he be protected by same interim relief granted in O.A 887/2023. Learned counsel further submitted that nobody is posted in place of the applicant. Learned counsel for the applicant shows service of notice on the Respondents.</p> <p>4. Learned P.O submits that he has no instructions in the matter and seeks time.</p> <p>5. Considered the submissions of learned counsel for the applicant and the learned P.O. This Court has taken a view in O.A Nos 884, 885 & 888/2023 by order dated 21.7.2023, that this is mid-term transfer in view of Section 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.</p> <p>6. In view of the above, the transfer order dated 30.6.2023 is stayed and the applicant is allowed to</p>

[PTO.]

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12. S.O to 28.8.2023.

Sd/-

^v
(Mridula Bhatkar, J.)
Chairperson

Akn

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

Tribunal's orders

Date: 31.07.2023

O.A. No.400 of 2017

V.B. Ghogare & Ors.,Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt Archana B.K., learned Presenting Officer for the Respondents and Shri A.V. Bandiwadekar, learned Advocate for the Respondent Nos.5,6,7,9 to 13,15,16.

2. Today A.V. Bandiwadekar, learned Advocate for the Respondent filed Vakalatnama on behalf of Respondent Nos.17 & 18 and sought one week time to file their Affidavit.

3. There is no appearance on behalf of Respondent Nos.8 & 14. Office to verify about their services and submit the report.

4. S.O. to 09.08.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 31.07.2023</p> <p align="center">O.A. No.418 of 2017</p> <p>S.D. KharatApplicant VersusRespondents. The State of Maharashtra & Ors.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. R. Gadhari, learned Advocate for the Respondent No.4 is absent.</p> <p>3. Learned Advocate for the Applicant submit that in present case promotion is claimed on the basis of reservation which is still subjudice before Hon'ble Supreme Court in Shri Vijay Ghogare and Ors. matter. He therefore requested to adjourn the matter awaiting decision of Hon'ble Supreme Court.</p> <p>4. S.O. to 29.08.2023.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</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 : 31.07.2023</p> <p>O.A.No.192 of 2017</p> <p>P. B. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has tendered Affidavit of Shri Sadashiv Salunkhe, Secretary (Roads), P.W.D. in terms of order passed by the Tribunal on 27.07.2023. It is taken on record.</p> <p>3. On request of learned C.P.O., the matter is adjourned for final hearing on 02.08.2023.</p> <p>4. S.O.to 02.08.2023.</p> <p>Sd/- Sd/-</p> <p>(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) 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 style="text-align: center;"><u>M.A. No.376 of 2022 in O.A. No.737 of 2021</u></p> <p>S.S. Bhamare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant and Advocate both are absent.</p> <p>3. This MA is for condonation of delay.</p> <p>4. MA is dismissed.</p> <p style="text-align: center;">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 31.7.2023 31.7.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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


(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>31.07.2023</u></p> <p>Later on</p> <p align="center"><u>M.A 376/2022 in O.A 737/2021</u></p> <p>Shri S.S Bhamare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri P.P Mengane, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant is present and submits that due to some personal difficulties he was not able to be present when the matter was called out today in the morning. Learned counsel for the applicant files application seeking restoration of the Original Application. The said application is taken on record and marked as Exh. I.</p> <p>3. The Application is restored and placed for hearing on 7.8.2023 at 10.30 am and if the learned counsel for the applicant is not present the matter will be dismissed.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Akn</p> <p align="right">Sd/- </p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.As. No.94 & 249 of 2022</u></p> <p>S.S. Zade S.S. Kamble ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 & 3.</p> <p>2. Matter called out and Ms. Savita Suryawanshi, learned Advocate for Respondent No.2 is not present.</p> <p>3. Ld. Advocate for the applicants submits that respondent no.2 got the Home Guard certificate on 16.9.2019 when the cutoff date was 3.9.2019.</p> <p>4. We keep back this matter as we had granted last chance to the Ld. Advocate for Respondent No.2 on 24.7.2023 to file reply of respondent no.2 in OA No.249/2022. Today the matter will proceed.</p> <p>5. Kept back.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 31.7.2023 31.7.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p>O.A.No.167/2023 with O.A.No.173/2023</p> <p>S.B. Khedkar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Mr. S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to verify whether the case of the applicants is similar to the judgments he has relied.</p> <p>3. Adjourned to 17.08.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 31.07.2023

**O.A.No.894/2023 with O.A.No.895/2023 with
O.A.No.896/2023**

B.P. Survase & Ors.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. R.V. Shinde, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Applicants seek direction from the Respondents to appointment the Applicants as Multipurpose Health Worker in the Public Health Department.

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 07.08.2023.

5. Applicants are authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. 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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.

9. Adjourned to 07.08.2023.

Sd/-

(Medha Gadgil)
Member (A)

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
	<p>Date : 31.07.2023</p> <p>C.A.No.54/2023 in O.A.No.257/2019 With C.A.No.55/2023 in O.A.NO.256/2019</p> <p>Dr. P.D. ShendgeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to file reply.</p> <p>3. Time granted adjourned to 04.08.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">prk</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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
	<p>Date : 31.07.2023</p> <p>R.A.No.6/2023 in O.A.No.187/2021</p> <p>D.N. ShindeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Mr. D.B. Khaire, learned Advocate for the Applicant is absent. Heard Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. seeks time to file reply.</p> <p>3. Time granted adjourned to 21.08.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>prk</p> <p>Sd/- (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
	<p>Date : 31.07.2023</p> <p>O.A.No.219/2023</p> <p>S.K. KuteApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.A. Devkhile, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to file reply.</p> <p>3. Time granted adjourned to 21.08.2023.</p> <p>Sd/- <i>NS</i> (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p style="text-align: center;">O.A.No.420/2023</p> <p>S.K. KuteApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.A. Devkhile, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to file reply.</p> <p>3. Time granted adjourned to 21.08.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p>O.A.No.420/2023</p> <p>D.M. BhamrayApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Mr. S.S. Dere, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. seeks time to file reply.</p> <p>3. Time granted adjourned to 03.08.2023.</p> <p>-----</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p>O.A.No.460/2023</p> <p>B.B. Pawar & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.B. Gaikwad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to file reply.</p> <p>3. Time granted adjourned to 17.08.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

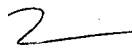
M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.452 of 2022</u></p> <p>D.A. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji 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. Ld. CPO submits that she will give the names and addresses of the persons who are likely to be effected and who are proposed respondents.</p> <p>3. Ld. Advocate for the applicant is allowed to carry out the amendment today if the names and addresses are furnished today and then she is directed to do the needful.</p> <p>4. S.O. 14.8.2023. Interim relief to continue.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 31.7.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 31.7.2023</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.82 of 2016</u> <u>(OA.256/2013 – Aurangabad)</u></p>
	<p>Ravindra R. Mistry ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p>
	<p style="text-align: center;">Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p>
	<p>2. Applicant and his advocate both are absent.</p>
	<p>3. This is the last chance for the Ld. Advocate for the applicant to appear before this Tribunal in this matter. This is a matter of 2016 and needs to be decided as we are clearing the matters of 2016 by way of special drive. Hence, we keep back this matter in order to secure presence of the Ld. Advocate for the applicant.</p>
	<p>4. Applicant is 63 years old. Ld. PO to find out the current position of the applicant.</p>
	<p>5. Ld. CPO informs that Shri S.D. Joshi, learned Advocate for the applicant had contacted her and informed that applicant is suffering from Cancer and therefore the matter can be worked out.</p>
	<p>6. We fail to understand how the matter can be worked out unless the Ld. Advocate for the applicant is present or he files an application either for withdrawal or for any other case, so that the matter can be worked out. Therefore, we asked the Incharge Registrar of this Tribunal to contact Shri S.D. Joshi, learned Advocate for the applicant on telephone. Incharge Registrar submits that Shri Joshi, Ld. Advocate has told her that he has given No Objection to the applicant and applicant is suffering from Cancer but whatever relief he has prayed are granted by the respondents. We keep this matter tomorrow. If the Ld. Advocate is present tomorrow, we will give him audience otherwise the matter will be dismissed.</p>
	<p>7. S.O. to 1.8.2023.</p>
	<p style="text-align: center;">Sd/- Sd/- </p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 31.7.2023 31.7.2023</p>
	<p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p>O.A.No.481/2023</p> <p>R.B. Mote & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Mr. Talekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Learned Advocate seeks timing to file affidavit stating the number of hours the Applicants have been working. Learned Advocate seeks permission to make G.A.D. as Respondent in the array of Respondents. 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 17.08.2023 to added Respondent, General Administration Department. 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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed. 9. Last chance granted to learned C.P.O. to file reply. No order of outsource is to be issued in place of the 3 applicants whose services are terminated. 10. Adjourned to 17.08.2023. <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

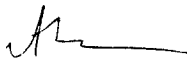
(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p>O.A.No.564/2023</p> <p>S.D. ShelkeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, 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. files reply.</p> <p>3. At the request of learned Advocate adjourned to 04.08.2023 under the caption 'For Urgent Admission'.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p>O.A.No.732/2023</p> <p>M.R. Sadawarte & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. P.B. Kamble, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks time to file reply.</p> <p>3. Time granted adjourned to 17.08.2023.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p style="text-align: center;">O.A.No.416/2020</p> <p>D.D. KambleApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. B.R. Deshmukh, learned Advocate for the Applicant, Mr. A.J. Chougule, learned Presenting Officer for the Respondents No.1 to 3 and Mr. Aditya Kharkar, i/b Mr. Warunjikar, learned Advocate for the Respondents No.4 and 5.</p> <p>2. Applicant is BAMS working as Medical officer challenges the Pay Fixation which was prepared by the Respondents.</p> <p>3. Learned Advocate Mr. Deshmukh has submitted that this is the third round of litigation. Earlier the Applicant has filed O.A.No.392/2016 for continuation of the service in view of the Notification of increasing the age of retirement from 58 years to 60 years. The Applicant was superannuated at the age of 58 years. When the matter reached the final stage he was already 60 years. By order dated 28.03.2019, the O.A. was allowed partly. Learned Advocate points out that the G.R. dated 03.01.2015 entitles the Medical officer the benefit of more two years for the service as the age of retirement was increased from 58 years to 60 years.</p> <p>4. During the course of arguments it is found that the Public Health Department is proper and necessary party. Learned Advocate Mr. Deshmukh has submitted that he will add the Public Health Department as party. Allowed to amend forthwith.</p> <p>5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Issue notice before admission returnable on 17.08.2023 to added Respondent, Public Health Department.</p> <p>7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. 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 Application shall be placed on board before the concerned Bench under the caption "for Dismissal" and thereafter on the subsequent date the Original Application shall stand dismissed.</p> <p>11. Learned Advocate Mr. Deshmukh is directed to serve the copy of O.A. to the concerned Department and also correct the pagination.</p> <p>12. Adjourned to 17.08.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.)</p> <p style="text-align: center;">Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.07.2023</p> <p style="text-align: center;">O.A.No.623/2023 with O.A.No.626/2023 with O.A.No.598/2023 with O.A.No.599/2023 with O.A.No.658/2023 with O.A.No.761/2023</p> <p>Dr. V.N. Dekate & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Gajra, learned Advocate i/b Mr. A.A. Desai, learned Advocate for the Applicants in O.A.No.623/2023, O.A.No.626/2023 and O.A.No.658/2023 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. Learned Advocate Mr. J.S. Deshmukh for the Applicants in O.A.No.598/2023 and O.A.No.599/2023 is absent.</p> <p>2. O.A.No.623/2023 is tagged in the present group of O.As. It is inadvertently not shown on today's board.</p> <p>3. Learned C.P.O. draw our attention to the short affidavit-in-reply dated 24.07.2023 filed by Mr. Ashish Kumar, Additional Chief Secretary, (Treasury and Accounts), Finance Department, Mantralaya. Paragraph 8 of the said affidavit reads as below :</p> <p style="padding-left: 40px;">"8. Hence, Medical officers who do not attain the age of 60 years during the period from 01.06.2022 to 31.05.2023 shall be deemed to retire on the last date of the month in which the Medical Officer attains the age of 60 years. E.g. Medical Officers who will complete 58 years of age on 24.04.2023 will retire on 30.04.2025 instead of retiring on 31.05.2023 as per the above provision. Also Medical Officers who will complete 58 years of age on 24.06.2023 will however retire on 30.06.2023 as per original provision of Rule 10 of the Maharashtra Civil Services (Pension), Rules, 1982"</p>

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

Tribunal's orders

4. On the basis of instructions from Public Health Department it is informed by learned C.P.O. that all these applicants are superannuated on 31.05.2023 and in most of the cases the pension payment orders are issued by the office of Accountant General in the month of June 2023 and July, 2023. Thus it is difficult now to take back these applicants in the Department. Learned C.P.O. has further informed that the opinion of the Law and Judiciary Department is sought and the said Department has given the opinion leaving the final decision to the concerned Department. After coming across this affidavit dated 24.07.2023 and hearing the position of the Applicants from the Public Health Department we are of the view that there is differing view and action between the Finance Department and Public Health Department.

5. Under such circumstances, it is appropriate for the Chief Secretary to call the responsible officer from the concerned Department, and give audience and find out the correct decision and accordingly inform the Tribunal. The said decision to be taken on or before 18.08.2023 and the same is to be reported to this Tribunal on 22.08.2023.

6. Adjourned to 22.08.2023. Interim relief, if any, is to be continued till next date.

Sd/-

(Medha Gadgil)
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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: 31.07.2023</p> <p style="text-align: center;">C.A. No.17 of 2023 in O.A. No.50 of 2019</p> <p>V.T. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Sunil Chavan, learned Advocate holding for Shri S.N. Rathod, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. This Contempt Application is filed to initiate contempt proceeding against the contemnor for disobedience of the order passed by the Tribunal on 02.02.2022 in O.A. 50/2019. Respondents filed Writ Petition No. 8103/2023 against order passed by the Tribunal and Hon'ble High Court by order dated 05.07.2023 disposed of Writ Petition with slight modification of the order passed by the Tribunal to the effect that while computing past services of the Respondents, the entire period of interruption in service from 27th Dec. 2007 to 24th May 2009 shall be excluded while counting qualifying service.</p> <p>3. Thus Respondents have to implement the order passed by the Tribunal with modification.</p> <p>4. Issue notice to the Contemnor to Show Cause as to why action for contempt of order passed by the Tribunal should not be initiated against them as per Contempt of Court Act, 1971.</p> <p>5. S.O. to 17.08.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Debashish Chakrabarty) (A.P. Kurhekar) Member (A) Member (J)</p>

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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.142 of 2018 with M.A. No.685 of 2019</u></p> <p>A.S. Huddar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Prachi Hendre holding for Shri V.V. Joshi, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant produces letter dated 31.7.2023 of the Ld. Advocate and letter dated 30.6.2023 of the applicant requesting for withdrawal of the above OA and MA. The letters are taken on record and marked Court Exhibit A for identification.</p> <p>3. OA and MA are allowed to be withdrawn and disposed off as such.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 31.7.2023</p> <p>(sgj)</p>

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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.343 & 344 of 2023</u></p> <p>S.S. Parate C.B. Patil ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Smt. Achana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Reply is already filed. Ld. Advocate for the applicants files rejoinders.</p> <p>3. Admit.</p> <p>4. S.O. to 10.8.2023 for final hearing.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 31.7.2023</p> <p>(sgj)</p>

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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="779 708 1015 741">Date: 31.07.2023</p> <p data-bbox="998 785 1291 819">O.A. No.1255 of 2022</p> <p data-bbox="779 862 1518 973">R.B. BhagwatApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p data-bbox="779 1056 1518 1179">1. Heard Shri R.L. Adhe, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p data-bbox="779 1236 1518 1360">2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply be way of most last chance.</p> <p data-bbox="779 1416 1128 1450">3. S.O. to 07.08.2023.</p> <p data-bbox="779 1532 1112 1669">Sd/- (Debashish Chakrabarty) Member (A)</p> <p data-bbox="1218 1532 1421 1669">Sd/- (A.P. Kurhekar) Member (J)</p> <p data-bbox="779 1700 836 1733">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: 31.07.2023</p> <p align="center">C.A. No.10 of 2023 in O.A. No.367 of 2022</p> <p>P.B. UmraniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Shri P.B. Umrani, Applicant-in-Person is absent. Shri. A.J. Chougule, learned Presenting Officer for the Respondents is present. Learned P.O. submits that proposal was resubmitted on 27.07.2023 and it will be cleared soon. He sought one week time to produce the sanctioned order. S.O. to 08.08.2023. <p align="center">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>