

**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 Date: 31.07.2024
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O.A. No.928 of 2024

D.A. NevrekarApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for Respondents.

2. Learned Advocate for Applicant states that Applicant who was serving on the post of 'Forester' at Badlapur in 'Badlapur Forest Range' of 'Thane Forest Division' has been recently transferred on basis of directions given by Revenue & Forest Department on 10.07.2024 to the 'Additional Chief Conservator Forest (Administration Subordinate Cadres) Nagpur'.

3. Learned Advocate for Applicant then refers again to the directions of Revenue & Forest Department on 10.07.2024 to state that 'Transfer Order' of Applicant came to be issued by 'Additional Chief Conservator Forest (Administration Subordinate Cadre) Nagpur' on 24.07.2024 as per provisions of 'Section 4(4)(ii)' and 'Section 4(5)' of 'The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' based on recommendation made earlier by 'CSB' under 'Chief Conservator Forests (Territorial), Thane'.

4. Learned Advocate for Applicant thereupon states that 'Chief Conservator of Forest (Territorial) Thane', has thereupon issued 'Office Order' on 29.07.2024 to effect to transfer of Applicant from the post of 'Forester' at Badlapur in 'Badlapur Forest Range' of 'Thane Forest Division' to the post of 'Forester' at

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Kola in 'Murbad Forest Range' of 'Thane Forest Division'.</p> <p>5. Learned Advocate for Applicant emphasizes that transfer of Applicant from post of 'Forester' at Badlapur in 'Badlapur Forest Range' of 'Thane Forest Division' could not have been done on request of Applicant; as Applicant had been posted there on 09.08.2021 and was yet to complete 'Normal Tenure' of 3 Years. Further it is necessary to contend that Revenue and Forest Department GR dated 11.01.2018 does not validly designate 'Competent Transferring Authority' and next 'Superior Transferring Authority' of 'Forest Department' as it cannot be substitute for 'Notification' required to be issued under 'Section 7' of 'The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.</p> <p>6. Learned Advocate for Applicant then draws attention to provisions of GAD GR dated 11.02.2015 which relates to 'Mid Term' and 'Mid Tenure' transfers of 'Government Servants' and specifically draws attention to contents of 'Para 5' which require 'Peoples Representatives' like 'MLA's/MLC's to send their recommendation letter alongwith attached representation made by 'Government Servants'.</p> <p>7. Learned Advocate for Applicant further amplifies the present context of 'Mid Term' & 'Mid Tenure' transfer of Applicant by referring to the Judgment passed by Hon'ble Bombay High Court, in Writ Petition No. 8987/2018 dated 21.12.2018 which extensively dealt with the issue of 'Political Influence' in matters relating to transfers of 'Government Servants' under 'The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.</p> <p>8. Learned PO seeks time to obtain information about the issues raised by learned Advocate for Applicant.</p> <p>9. The transfer of Applicant from post of 'Forester' at Badlapur in 'Badlapur Forest Division' of 'Thane Forest Division' to post 'Forester' at Kola in 'Murbad Forest Range' of 'Thane Forest Division' appears to have been done 'prima-facie' based on the request made by 'MLA' from Nashik District. Therefore the validity of</p>

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	<p>'Transfer Order' issued by Additional 'ACCF' (Administration & Subordinate Cadre), Maharashtra State Nagpur, on 24.07.2027 and subsequent 'Office Order' issued by 'Chief Conservator of Forest (Territorial) Thane' on 29.07.2024 will have to be tested not only on facts and circumstances but also for validation under provisions of law which span across 'Section 3(1)', 'Section 4(4)(ii)' and 'Section 4(5)' of Maharashtra Transfer Act 2005. Hence till such time as information is received by learned PO, it is necessary to give directions to maintain 'Status Quo' in respect of 'Transfer Orders' issued by 'Additional Chief Conservator Forest (Administration Subordinate Cadre) Nagpur' on 24.07.2024 of both Applicant and Respondent No.3.</p> <p>10. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>11. Issue notice before admission returnable on 21.08.2024</p> <p>12. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>13. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>14. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>15. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>16. S.O. to 21.08.2024.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</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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Date : 31.07.2024

O.A.No.510 of 2024

R. A. Badekar

....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for Applicant and Shri D. R. Patil, learned Presenting Officer for Respondents.

2. The learned Advocate for Applicant states that Applicant had been working on post of 'Clinical Psychologist' at 'Yerwada Central Jail' since 2005 although on 'Temporary Basis for terms of '11 Months' which last expired on 28.02.2024. Thereafter, Applicant has not been continued since 01.03.2024 on post of 'Clinical Psychologist' at 'Yerwada Central Jail' for next term of '11 months' by the 'Director of Health Services, Maharashtra State, Mumbai'.

3. The learned Counsel for Applicant then draws attention to 'Judgment' dated 12.07.2016 passed in O.A.s No.240/2015 & 336/2015 filed by (a) S. J. Wagh and (b) R. A. Badekar who is also Applicant in present O.A. No.510/2024. The 'Para 7' of this Judgment' dated 12.07.2016 reads as under :-

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"7. The respondents are directed to restore the applicants S/S S.J. Wagh and R.A. Badekar to the post that they were discontinued from by way of the orders herein impugned within a period of two weeks from today. This order shall continue till such time as the regularly appointed MPSC candidate become available to replace the applicants and subject to their satisfactory performance. They shall not however be replaced by another ad hoc employee. The conditions imposed by this Tribunal's order in OA No.924/2004 shall continue to govern both these OAs as well. These OAs are allowed in these terms with no order as to costs. Hamdast."

4. The learned PO seeks more time to obtain specific information about the reasons for discontinuation of Applicant who was serving on 'Temporary Basis' on post of 'Clinical Psychologist' upon completion of last appointment on 'Temporary Basis' for period of '11 Months' on 28.02.2024 as it is purportedly based on contents of 'Para 9(c)' of 'Section II – Non Statutory Rules' under 'Part 1' of 'Maharashtra Prison Manual 1979' which provides for 'Fixed Tenure' of 2 Years for (i) 'Maharashtra Medical and Health Services Officers : Class II and (ii) Maharashtra Medical and Health Services Officers : Class III'

5. The 'Medical Branch' described in 'Section II – Non Statutory Rules' : 'Part 1' of 'Maharashtra Prison Manual 1979' consists of (a) Maharashtra Medical and Health Service Officers : Class II, (b) Maharashtra Medical and Health Service Officers : Class-III, (c) Laboratory Technician (d) Compounders, (e) Male Nurse and (f) Nursing Orderlies. Hence, it is quite evident that Applicant who was serving on post of 'Clinical Psychologist' on 'Temporary Basis' for terms of '11 Months' does not belong to cadres of either (i) 'Maharashtra Medical and Health Services : Class – II' or (ii) 'Maharashtra Medical and Health Services Class III'. Further the Applicant though serving on 'Temporary Basis' for period of '11 Months' as 'Clinical Psychologist' in 'Yerwada Central Jail', the post which has been categorized as 'Class-I' and

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created only for (a) 'Yerwada Central Jail' and (b) 'Nagpur Central Jail'.

6. The 'Clinical Psychologists' who are required to serve in (a) 'Yerwada Central Jail' and (b) 'Nagpur Central Jail' must have been assigned specific duties and responsibilities under the 'Maharashtra Prison Manual 1979' or by way of 'GR/Circular' of Home Department. As the post of 'Clinical Psychologist' at 'Yerwada Central Jail' is different from posts of (i) Chief Medical Officer, (ii) Medical Counselor who have since been subjected to 'Disciplinary Proceedings' and even served with 'Suspension Orders'; therefore *prima facie* it does not appear that Applicant was not connected with the serious incident that is mentioned in 'Affidavit-in-Reply' dated 25.06.2024 filed by 'Superintendent' of 'Yerwada Central Jail'. Hence, it seems that only on grounds of certain apprehensions, the appointment of Applicant who was serving on post of 'Clinical Psychologist' on 'Temporary Basis' since 2005 was not continued beyond 01.03.2024. Further, it needs to be ascertained how reports dated 5.11.2009 and dated 29.1.2010 about the Applicant can now become grounds to discontinue renewal of appointment of Applicant on post of 'Clinical Psychologist' on 'Temporary Basis' for '11 Months' after 01.03.2024 and instead propose appointment of some other 'Clinical Psychologist'. If reports dated

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05.11.2009 and 29.1.2010 about Applicant were indeed of serious nature; then these were required to be produced at the time of hearing of O.A.No.336/2015 filed by Applicant which came to be decided by Judgment passed on 12.07.2016. The Judgment passed in OA No.336/2023 on 12.07.2016 is now binding as it had recorded the following specific finding viz "*not to discontinue the services of the Applicants till such time as regularly appointed MPSC Candidate become available to replace the Applicant*".

8. S.O. to 13.08.2024.

Sd/-

(Debashish Chakrabarty)
Member (A)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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(Presenting Officer.....)

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	<p>Date: 31.07.2024</p> <p>O.A. No.26 of 2022 with M.A. No.201 of 2022 with O.A. No.306 of 2022 with O.A. No.1089 of 2022 with O.A. No.428 of 2022 with O.A. No.696 of 2022 with O.A. No.697 of 2022 with O.A. No.698 of 2022 with O.A. No.952 of 2022 with O.A. No.1096 of 2022 with O.A. No.07 of 2023 with O.A. No.105 of 2023 with O.A. No.106 of 2023 with O.A. No.129 of 2023 with O.A. No.165 of 2023 with O.A. No.172 of 2023 with O.A. No.181 of 2023 with O.A. No.182 of 2023 with O.A. No.191 of 2023 with O.A. No.194 of 2023 with O.A. No.207 of 2023 with O.A. No.215 of 2023 with O.A. No.263 of 2023 with O.A. No.265 of 2023 with O.A. No.289 of 2023 with O.A. No.325 of 2023 with O.A. No.477 of 2023 with O.A. No.541 of 2023 with O.A. No.567 of 2023 with O.A. No.568 of 2023 with O.A. No.595 of 2023 with O.A. No.609 of 2023 with O.A. No.831 of 2023 with O.A. No.859 of 2023 with O.A. No.878 of 2023 with O.A. No.912 of 2023 with O.A. No.913 of 2023 with O.A. No.1099 of 2023 with O.A. No.1293 of 2023 with O.A. No.1294 of 2023 with O.A. No.1468 of 2023 with O.A. No.179 of 2024 with O.A. No.191 of 2024 with O.A. No.222 of 2024 with O.A. No.638 of 2024 with O.A. No.1464 of 2023 with O.A. No.1485 of 2023 and Other Connected matters</p> <p>A.K. Pawar & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, Shri A.V. Bandiwadekar, Shri M.D. Lonkar, learned Advocates for Applicants, Shri A.J. Chougule, Smt. K.S. Gaikwad & Smt. Archana B.K., learned Presenting Officer for Respondents. Shri N.W. Sawant, learned Advocate for the Applicant is Not Present.</p>

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2. Learned PO states that meeting of 'PEB' under 'Commissioner of Police, Greater Mumbai' was held on 25.07.2024.
3. Learned PO further states that based on decisions taken in meeting of 'PEB' held on 25.07.2024, by Order dated 30.07.2024 of 'Commissioner of Police, Greater Mumbai' about 100 'Police Constables' including 37 Applicants have been relieved to join on 'Inter District Transfer' in other 'Police Establishments' viz (a) 'Commissioners of Police' and (b) 'Superintendents of Police'.
4. Learned PO mentions that she will place on record copy of Order dated 30.07.2024 of 'Commissioner of Police, Greater Mumbai' by filing 'Affidavit-in-Reply'.
5. The 'Affidavit-in-Reply' must include details of phase wise (a) 'Deployment Plan' of newly recruited 'Police Constables' and (b) 'Relieving Plan' of serving 'Police Constables'; including remaining Applicants with reference to individual 'Police Establishments' viz (a) 'Commissioners of Police' and (b) 'Superintendents of Police'.
6. The 'Interim Relief' if granted earlier in any 'Group of O.A's' mentioned above therefore continue till 'Next Date'.
7. S.O. to 19.08.2024.

Sd/-
(Debashish Chakrabarty)
Member (A)

AGR

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Date: 31.07.2024

**O.A. No.416 of 2024 with O.A. No.423 of 2024 with
O.A. No.424 of 2024 with O.A. No.466 of 2024 with
O.A.No.467 of 2024 with O.A. No.959 of 2023 with
O.A. No.1540 of 2023**

**A.H. Magar & Ors.,
Versus**

.....Applicants

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri K.R. Jagdale, Shri G.A. Bandiwadekar, Shri S.S. Dere, learned Advocate for Applicants and Smt Archana B.K., Shri A.J. Chougule, Shri A.D. Gugale, Smt. K.S. Gaikwad. learned Presenting Officers for Respondents.

2. Learned PO present copy of the Order dated 30.07.2024 of 'Additional DG (Establishment) in office of 'DGP, Maharashtra State' whereby Applicants who are 'Senior Clerks' serving in establishment of 'Commissioner of Police, Greater Mumbai' have now been relieved to join on 'Inter establishment Transfers' in other 'Police Establishments' viz (a) Commissioners of Police (b) Spl IGP's and (c) Superintendents of Police.

3. Learned PO seeks time to file copies of all the Orders dated 30.07.2024 issued by 'Additional DG (Establishment) in office of 'DGP, Maharashtra State' and information about subsequent action taken by 'Commissioner of Police, Greater Mumbai'.

4. The 'Commissioner of Police, Greater Mumbai' had already been informed by directions in 'Para 7' of Order dated 25.06.2024 to relieve the Applicants within 'One Week' of receiving permission from 'Additional DG (Establishment)' in office of 'DGP, Maharashtra State'. Thus as per Order dated 30.07.2024 of 'Additional DG (Establishment)' in office of 'DGP, Maharashtra State' the 'Commissioner of Police, Greater Mumbai' is again informed to relieve Applicants within 'One Week' so as to enable them to join on 'Inter Establishments Transfers' in other 'Police Establishments' viz. (a) Commissioners of Police (b) Spl IGP's and (c) Superintendents of Police.

5. S.O. to 14.08.2024

Sd/-

**(Debashish Chakrabarty)
Member (A)**

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

Date: 31.07.2024

O.A. No.790 of 2024

M.S. WamanApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri S.S. Dere, learned Advocate for Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents.

2. Learned PO states that 'Divisional Joint Director Agriculture; Nashik Division, Nashik' has now partially modified earlier Order dated 28.06.2024 to transfer Applicant to post of 'Agriculture Supervisor' Dindori -II under 'Taluka Agriculture Officer; Dindori, District-Nashik' as per directions given in Order dated 02.07.2024 and based on 'Interim Relief' granted to Applicant.

3. Learned PO further states 'Divisional Joint Director Agriculture; Nashik Division, Nashik' by Order dated 10.07.2024 has accordingly retransferred Applicant to post of 'Agriculture Supervisor, Igatpuri -II' under 'Taluka Agriculture Officer, Igatpuri, District Nashik'.

4. Learned PO thereupon mentions that he would like to place on record Order dated 10.07.2024 of 'Joint Director Agriculture; Nashik Division, Nashik' by way of brief 'Affidavit-in-Reply'.

5. S.O. to 21.08.2024.

Sd/-
(Debashish Chakrabarty)
Member (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date : 31.07.2024

O.A.No.931 of 2024

Santosh P. BhatambrekarApplicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents
2. Learned Advocate for Applicant states that Applicant who was working on the post of 'Joint Sub-Registrar (Class II), Haveli No.24, District Pune' was served with 'Suspension Order' dated 19.10.2023 of 'Revenue and Forest Department' which mentions his 'Head Quarter' during 'Suspension Period' to be the office of 'Joint District Registrar (Class 1) cum Collector of Stamp, Gadchiroli'.
3. The learned Advocate for Applicant then submits that Applicant has since reported to office of 'Joint District Registrar (Class I) cum Collector of Stamp, Gadchiroli'; but he has not being paid 'Subsistence Allowance' for 'Six Months' out of 'Nine Months' since 'Suspension' Order dated 19.10.2023.

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

4. Learned Advocate for Applicant further submits that 'Head Quarter' of Applicant after passing 'Suspension Order' dated 19.10.2023 to be fixed as office of 'Joint District Registrar (Class I) cum Collector of Stamps, Gadchiroli' was not in accordance with guidelines in GAD Circular dated 19.03.2008 as well as not in consonance with 'Judgments' passed in (i) O.A.No.855/2018, (ii) O.A. No.284/2017, (iii) O.A. No.833/2023, (iv) O.A.834/2023 & (v) O.A.509/2024.

5. The Additional Chief Secretary, Revenue and 'Forest Department' is therefore directed to ensure that 'Subsistence Allowance' as due to Applicant during 'Suspension Period' is regularly paid to Applicant. The arrears of 'Subsistence Allowance' as of 31.07.2024 should invariably be paid within next 15 days.

6. The 'Additional Chief Secretary, Revenue and Forest Department' also informed that decision to fix 'Head Quarter' of Applicant during 'Suspension Period' as office of 'Joint District Registrar (Class I)' cum Collector of Stamp, Gadchiroli' appears to be without much rationale against backdrop of GAD Circular dated 19.03.2008 and Judgments in (i) O.A.No.855/2018, (ii) O.A. No.284/2017, (iii) O.A. No.833/2023, (iv) O.A.834/2023 & (v) O.A.509/2024. Hence, reasons behind the decision to fix 'Head Quarter' of Applicant during 'Suspension Period' as office of 'Joint District Registrar (Class I) cum Collector of Stamp, Gadchiroli' needs to be explained and relevant 'File Notings' provided within period of 'Two Weeks'.

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

7. Issue notice before admission returnable on 07.08.2024.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No.

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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>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.</p> <p>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.</p> <p>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.</p> <p>11. 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.</p> <p>12. S.O. to 07.08.2024</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p>

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT
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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 : 31.07.2024</p> <p>O.A.No.465 of 2024</p> <p>S. M. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned PO has filed Affidavit in Reply on behalf of Respondent Nos.1 to 3. It is taken on record.</p> <p>3. S.O. to 06.08.2024.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p>

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

..... Applicant/s

(Advocate)

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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 : 31.07.2024</p> <p>O.A.No.457 of 2024</p> <p>Dr. D. K. PardeshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned PO has filed Affidavit in Reply on behalf of Respondent Nos.1 to 5. It is taken on record.</p> <p>3. S.O. to 20.08.2024.</p> <p style="text-align: center;">Sd/- (<u>Debashish Chakrabarty</u>) Member (A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT
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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 : 31.07.2024</p> <p>O.A.No.86 of 2024 with O.A.No.87 of 2024</p> <p>B. L. DadgeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Advocate for Applicant has filed Affidavit in Rejoinder. It is taken on record.</p> <p>3. S.O. to 19.08.2024.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p>

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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
	<p>Date : 31.07.2024</p> <p>O.A.No.1305 of 2023</p> <p>S. S. DhainjeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Advocate for Applicant has filed Affidavit in Rejoinder. It is taken on record.</p> <p>3. S.O. to 19.08.2024.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member (A)</p>

vsm

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

Date : 31.07.2024 Tribunal's orders

O.A.No.922 of 2024

Sanjay V. Shinde

....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadkar, learned Counsel for Applicants and Shri D. R. Patil, learned Presenting Officer for the Respondents

2. The learned Advocate states that Applicant who is working on post of 'Clerk' in office of 'Deputy Superintendent of Land Records, Yerwada, District Pune' has filed this O.A.No.922/2024 only to seek directions to both (a) 'Settlement Commissioner and Director of Land Records, Maharashtra State, Pune' and (b) 'Deputy Director of Land Records, Pune Region, Pune' to decide long pending representations submitted by Applicant to seek 'Time Bound Promotion' to posts of (i) 'Maintenance Surveyor' and (ii) 'Head Quarter Assistant'.

3. The prayer of Applicant is limited to seek directions to decide long pending representations submitted between 21.05.2021 till 02.02.2024 seeking 'Time Bound Promotion' to posts of (i) 'Maintenance Surveyor' and (ii) 'Head Quarter Assistant'.

3. The (a) 'Settlement Commissioner and the Director of Land Records, Maharashtra State, Pune' and (b) 'Deputy Director of Land Records, Pune Region, Pune' are thus directed to decide representations submitted by Applicant between 21.05.2021 till 02.02.2024 based on rule and regulations within a period of 'Six Weeks'. The decision as the case may be; should be communicated thereafter within 'Two Weeks' to Applicant'.

4. The OA No.922/2024 is accordingly disposed off. No Order as to Costs.

Sd/-

(Debashish Chakrabarty)
Member (A)

**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: 31.07.2024</p> <p>O.A. No.1245 of 2023</p> <p>Dr. V.B. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for Applicant through 'Video Conference' and Smt. Archana B.K., learned Presenting Officer for Respondents.</p> <p>2. 'Interim Relief' to continue till 'Next Date'.</p> <p>3. S.O. to 07.08.2024.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>AGR</p>

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

Tribunal's orders

Date: 31.07.2024

O.A. No.881 of 2023 with O.A. No.867 of 2023 with
O.A. No.931 of 2023 with O.A. No. 941 of 2023 with
O.A. No.885 of 2023 with O.A. No.1017 of 2023 with
O.A. No.1113 of 2023

Dr. S.M. Borate

Dr. B.S. Nagargoje

Dr. N.V. Suryawanshi

S.D. Turbadkar

Dr. V.K. Ambore

Dr. D.R. Katke

Dr. S.A. Rokade

.....Applicants

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for Applicant through 'Video Conference', Shri K.R. Jagdale, Shri M.D. Lonkar, learned Advocates for Applicants. Shri P.S. Nagargoje, learned Advocates is not present on behalf of his Applicant and Smt. K.S. Gaikwad, learned Presenting Officer on behalf of Respondents.

2. 'Interim Relief' to continue till 'Next Date'.

3. S.O. to 07.08.2024.

Sd/-

(Debashish Chakrabarty)
Member (A)

**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: 31.07.2024</p> <p>M.A. No. 454 of 2024 IN O.A. No.909 of 2024</p> <p>K.A. Kumbhar & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for Applicant and Smt. Archana B.K., learned Presenting Officer for Respondents.</p> <p>2. The Applicants by M.A. No. 454 of 2024 in O.A. No.909 of 2024 are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in this M.A. No. 454 of 2024, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite Court Fees, if not already paid. M.A. No. 454 of 2024 is accordingly disposed off.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>AGR</p>

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

Tribunal's orders

Date: 31.07.2024

O.A. No.909 of 2024

K.A. Kumbhar & Ors.,Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri U.V. Bhosle, learned Advocate for Applicant and Smt. Archana B.K., learned Presenting Officer for Respondents.
2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 19.08.2024.
4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.
8. S.O. to 19.08.2024.

Sd/-
(Debashish Chakrabarty)
Member (A)

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

Tribunal's orders

Date : 31.07.2024

O.A.No.866/2024

P.L. Gurav .Applicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents
2. Mr. A.A. Ghosale, learned Counsel for the Applicant has filed leave note.
3. At the request of learned C.P.O. adjourned to 28.08.2024.

Sd/-

(Medha Gadgil)
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

Date : 31.07.2024

M. A. No.458 of 2024 in O.A.No.893 of 2024

S. Khalate

....Applicant

Versus

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

1. Heard Shri A. C. Sawant, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents
2. The office objection, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 07.08.2024.
4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ ~~Miscellaneous~~ Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / ~~Miscellaneous~~ Application shall stand dismissed.
8. S.O. to 07.08.2024

Sd/-
(Debashish Chakrabarty)
Member (A)

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

Tribunal's orders

Date : 31.07.2024

O.A.No.1239/2023

B.D. Khobragade & Ors. .Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicants (through video conference) and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents

2. Learned P.O. has submitted that out of 32 applicants, promotion orders dated 29.07.2024 are issued in respect of 22 applicants. She has further submitted that in respect of 7 applicants due to want to certain documents the promotion orders are not yet issued. This has been informed to the Applicants. Learned P.O. has submitted that the copies of said promotion orders are placed on record.

3. In view of the above, adjourned to 09.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.1108/2022

S.A. Jadhav .Applicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar,
learned Counsel for the Applicant (through video
conference) and Ms. S.P. Manchekar, learned Chief
Presenting Officer for the Respondents

2. At the request of learned Counsel adjourned
to 19.08.2024.

Sd/-

(Medha Gadgil)
Member (A)

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

Date : 31.07.2024

O.A.No.823/2024

D.M. Umak & Ors. .Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. O. Kulkarni, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents

2. AT the request of learned C.P.O. adjourned to 21.08.2024 for filing reply.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

**C.A.No.58/2023 in O.A.No.823/2022 with
C.A.No.59/2023 in O.A.No.878/2022**

Dr. V.N. Waghmare & Ors.

Dr. R.R. Rajput

.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents
2. Mr. K. Gajra, learned Counsel for the Applicant is absent.
3. Learned C.P.O. has submitted that in view of the pending Writ Petition before the Hon'ble High Court, C.A. is adjourned to 09.08.2024.

Sd/-

Sd/-

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

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

prk

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

Tribunal's orders

Date : 31.07.2024

C.A.No.20/2024 in O.A.No.907/2022

S.P. Malusare .Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Suraj V. Gadkari i/b. Mr. Rushikesh Kale, learned Counsel for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents

2. C.A. is filed for non-compliance of order dated 24.04.2023 passed in O.A.No.907/2022 adjourned to 21.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

**C.A.No.24/2024 in O.A.No.255/2022 with
C.A.No.25/2024 in O.A.No.256/2022 with
C.A.No.26/2024 in O.A.No.257/2022 with
C.A.No.27/2024 in O.A.No.258/2022 with
C.A.No.45/2024 in O.A.No.254/2022**

U.D. Ghorpade
D.A. Bharnade
S.G. Mutkule
S.R. Umathe
S.A. Wahatule

.Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicants (through video conference) and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents

2. Learned P.O. has submitted that during the course of the day affidavit-in-reply regarding compliance of the order passed in O.As will be filed. It be taken on record and copy be served upon the concern.

3. In view of above, as the order in O.A. has been compliance with, C.As. stands disposed of.

Sd/-

Sd/-

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

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

prk

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

Tribunal's orders

Date : 31.07.2024

R.A.No.11/2023 in O.A.No.1027/2019

L.D. Surnar .Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents
2. Mr. R. Hake Patil, learned Counsel for the Applicant is absent.
3. Learned P.O. seeks time to construct the brief of R.A. as she does not have the copy of the same.
4. Time granted. Adjourned to 14.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.103/2023

S.G. Chavan & Ors. .Applicants
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents
2. Mr. K.S. Patil, learned Counsel for the Applicant is absent.
3. At the request of learned P.O. adjourned to 04.09.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.1232/2023

L.M. Koli & Ors. .Applicants

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. Bhushan A. Bandiwadekar, learned Counsel for the Applicants (through video conference), Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Mr. K.R. Upasani, learned Counsel for Respondent No.2 (M.P.S.C.)

2. Learned C.P.O. has submitted that during the course of the day she will file affidavit-in-reply on behalf of Home Department. It be taken on record and copy be served upon the concern.

3. Learned Counsel Mr. Upasani has already filed affidavit-in-reply on behalf of Respondent No.2

4. Learned Counsel Mr. Bandiwadekar states that affidavit-in-reply of Respondent No.4, G.A.D. is awaited.

5. Last chance granted to learned Respondent No.4 for filing reply. If reply is not filed by next date, matter will proceed without reply.

6. Adjourned to 28.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.1323/2023

S.N. Patil

.Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. L.S. Deshmukh, learned Counsel for the Applicants (through video conference) and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Reply is filed. Admit. Place for Final hearing with liberty to file rejoinder.

3. Adjourned to 28.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.1521/2023

S.D. Rajguru

.Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Punam Mahajan, learned Counsel for the Applicants (through video conference) and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. At the request of learned P.O. adjourned to 24.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.381/2024

R.B. Gunjal .Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Mr. K.R. Jagdale, learned Counsel for the Applicants is absent.
3. Reply is filed. Admit. Place for Final hearing with liberty to file rejoinder.
4. Adjourned to 04.09.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.614/2024

J.H. Patil

.Applicant

Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Archana B.K., learned Presenting Officer for the Respondents.
2. Mr. R.M. Kolge, learned Counsel for the Applicants is absent.
3. At the request of learned P.O. adjourned to 04.09.2024 for filing reply.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

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

Tribunal's orders

Date : 31.07.2024

O.A.No.617/2024

B.K. Gule .Applicant
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Mr. U.V. Bhosle, learned Counsel for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned P.O. has submitted that as per interim relief representation of the applicant is decided on 31.07.2024 and copy is served to the Applicant. She further submitted that during the course of the day she will be filing affidavit-in-reply. It be taken on record and copy be served upon the concern.

3. Adjourned to 04.09.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

**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 : 31.07.2024</p> <p align="center">O.A.No.1476/2023</p> <p>R.H. Patil & Ors. .Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. N. Jagtap a/w. Ms. Prachi Mulje, learned Counsel for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Mr. S. Nakadi, learned Counsel for Respondent no.2 and Mr. A. Deshpande, learned Counsel for Respondent No.5 are absent.</p> <p>3. Nine applicants working as Nurse in Public Health Department challenges Notification and Rules dated 27.02.2021.</p> <p>4. Learned Counsel Mr. Jagtap has submitted that Respondent No.5 has already filed affidavit-in-reply.</p> <p>5. Learned C.P.O. seeks time to file affidavit-in-reply. It be taken on record and copy be served upon the concern. However, learned C.P.O. has submitted that affidavit-in-reply of Respondent No.5 is not served to the office of C.P.O.</p>

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

Tribunal's orders

6. Respondent No.5 is directed to serve copy of affidavit-in-reply to all the concern.
7. Suo moto speaking to minutes in order dated 03.07.2024. In order dated 03.07.2024, the name of the learned Counsel Mr. N. Jagtap is not shown and it is mentioned as 'None present for the applicants'. However, the same is to be corrected.
8. Learned P.O. submits to the orders of the court.
9. In view of above, appearance of learned Counsel Mr. N. Jagtap is to be shown as present in order dated 03.07.2024. Ordered accordingly.
10. Adjourned to 28.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk

**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 : 31.07.2024</p> <p align="center">O.A.No.910/2024 with O.A.No.911/2024</p> <p>N.B. Sanap H.S. Rewaskar .Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Counsel for the Applicants and Ms. K.S. Gaikwad and Ms. Archana B.K., learned Presenting Officers for the Respondents in O.A.No.910/2024 & 911/2024 respectively.</p> <p>2. Learned Counsel has submitted that Applicants Mr. N.B. Sanap (O.A.No.910/2024) and Mr. H.S. Rewaskar (O.A.No.911/2024) have applied for the post of Deputy Director (Group-A) and Assistant Director (Group-B) respectively in the office of Industry, Safety and Health Department. Applicants pray to quash and set aside the impugned order dated 19.07.2024 and direct the Respondent No.1 to issue appointment order of the applicants for the respective posts in the light of the Recruitment Rule 2009, and the Advertisement dated 25.02.2022. Learned Counsel has submitted that similar challenge was made before the Aurangabad Bench in O.A.No.576/2024 and it was directed to keep one post vacant for the applicant in the said case. Learned Counsel seeks similar relief in the present O.A.</p> <p>3. Learned Counsel has submitted that Applicant in O.A.No.910/2024 has worked as Sectional Engineer, Regional Workshop, Peth Road, Nashik during the period from 01.08.2016 to 31.01.2022 and Applicant in O.A.No.911/2024 has worked as Junior Engineer in Mechanical Sub Division, Ghulewadi, Sangameer during the period from 01.04.2013 to 31.07.2016 and Sectional Engineer in Regional Workshop Sub Division, Nashik during the period from 01.08.2016 to 31.01.2022. Hence, Applicant has a composite period of nine years as experience. Learned Counsel has pointed out the definition of 'Factory' as per Section 2(m) of the Factories Act No.63 of 1948.</p>

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

Tribunal's orders

4. The Applicant, Mr. Sanap's experience of working during the period from 01.08.2016 to 31.01.2022 and Applicant, Mr. Rewaskar's experience of working during the period from 01.04.2013 to 31.07.2016 and thereafter from 01.08.2016 to 31.01.2022 is to be counted as valid experience.

5. Learned Counsel has submitted that selection process was completed on 25.09.2023 and Respondent issued G.R. on 12.10.2023. In the said G.R. the Recruitment Rules, 2009 was changed which is not as per law. He has also pointed out paragraph 6 of letter dated 26.04.2024 addressed to the Superintending Engineer, Mechanical Division, Nashik wherein it is informed that the experience of the applicant in O.A.No.911/2024 is of 8 years and 10 months and it is consistent with the Recruitment Rules for the post for which he is selected.

6. Today, Mr. K.P. Patil, Under Secretary from the office of Respondent No.1, Labour Department is present. Learned P.O. has submitted that the Applicants are having the experience of working in 'Workshop' whereas the experience of working in 'Factory' is required as per rules.

7. In view of above, we would like to make Water Resource Department, suo moto as party Respondent in O.As in the array of Respondents. Learned Counsel is directed to make necessary amendment and serve the copy to the added Respondent, Water Resource Department.

8. We direct the concern Department not to issue any appointment order till we consider the case of the Applicants for interim relief. Respondent-Department is directed to maintain status quo as on today.

9. Adjourned to 13.08.2024.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

prk