

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.01.2020</p> <p>R.A. No.24 of 2019 in O. A. No.277 of 2017 with O.A.No.278 of 2017</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>M. S. Shete & Drs. ...Respondents (Ori. Applicants)</p> <ol style="list-style-type: none"> 1. Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents). None for the Respondents (Ori. Applicants). 2. Issue notice before admission returnable on 08.02.2020. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to ¹⁰08.02.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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 : 01.01.2020</p> <p>O.A.No.1083 of 2019 with 1086/19, 1087/19, 1092/19, 1093/19 with M.A.621/19 with 1094/19 with M.A.622/19 with 1088/19 with 1095/19 with O.A.1112/19 with DA 1212/19</p> <p>S. A. Waghmare & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri M. B. Kadam, Shri U. V. Bhosale and Shri A. V. Bandiwadekar, learned Counsels for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.2. On request of learned P.O., one week's time is granted for filing reply on behalf of Government, if any.3. Interim relief to continue till next date.4. S.O. to 08.01.2020. <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(G.C.P.) J 2959 (A) (50,000--3-2017)

[Spl.- MAT-F-2 E.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT _____ Applicant/s

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders ar directians and Registrar's orders	Tribunal's orders
	<p>Date : 01.01.2020</p> <p>O.A.No.546 of 2016</p> <p>A. L. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. R Kori holding for Shri R. G. Panchal, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief resenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed additional Affidavit to the short Affidavit filed on behalf of the Respondent Nos.1 to 4 pertaining to undertaking submitted by the Applicant. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for final hearing.</p> <p>4. S.O. to 08.01.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

(G.C.P.) J 2959 (A) (50,000--3-2017)

[Spl.- MAT-F-2 E.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No.

of 20

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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 : 01.01.2020</p> <p>O.A.No.998 of 2017</p> <p>M. J. P. MontodeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This matter was heard on previous dates and today it was kept for filing affidavit on behalf of the Respondents on the point of application allegedly filed by the Applicant on 06.08.1990 seeking correction in date of birth.</p> <p>3. Learned C.P.O. seeks two day's time for filing affidavit.</p> <p>4. S.O. to 03.01.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 01.01.2020</p>
	<p>O.A.No.664 of 2019</p> <p>S. B. GalkwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., earlier the amendment is already carried out challenging the order dated 15.07.2019 which was passed during the pendency of this O.A..</p> <p>3. Learned Counsel for the Applicant has pointed out that prayer in respect of order dated 15.07.2019 is not properly worded, and therefore, he wants to correct the prayer clause and also seeks permission to incorporate further pleadings of absence of CSB etc. in support of his challenge.</p> <p>4. Allowed to carry out the amendment. It be incorporated within three days.</p> <p>5. One week's time is granted to Respondents to file the reply to amended O.A.</p> <p>6. S.O. to 08.01.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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 : 01.01.2020</p> <p>O.A.No.385 of 2018</p> <p>S. S. RawleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In the present matter, the Applicant has challenged the Impugned order of punishment dated 26.11.2015 whereby the punishment of reduction of 6% pension for one year u/s 27 of Maharashtra Civil Services (Pension) Rules, 1982 has been imposed.</p> <p>3. As per office order dated 10.10.2019, the subject of minor punishment is assigned to this bench. Minor punishments are defined in Rule 5 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 which does not included punishment of reduction of pension as happened in the present case.</p> <p>4. Registrar is, therefore, directed to examine the matter and to place it before appropriate bench.</p> <p>5. S.O. to 15.01.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.01.2020 O.A.No.1172 of 2019</p> <p>Dr. S. K. WalinjkarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. V. Thorat, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is challenging the impugned order dated 27.09.2019 whereby the recovery of Rs.16,52,552/- made toward excess payment of increments etc. and recovery of Rs.12,50,024/- made toward Non Practicing Allowance is sought. Thus, by impugned order, the directions were issued to recover (Rs.16,15,552 + 12,50,024) = Rs.28,62,576/-. The Applicant stands retired w.e.f. 30.12.2019.</p> <p>3. In view of above, learned Counsel for the Applicant seeks interim relief to the impugned order relying on the decision of the Hon'ble Supreme Court in <i>Civil Appeal No.11527/2014 (State of Punjab and others Vs. Rafiq Masih (White Washer))</i>, decided on 18th December, 2014 as well as on the decision given by the Hon'ble High Court in W.P. No.6261/2017 decided along with connected Writ Petitioners on 26.04.2019 wherein recovery of the excess payment made towards Non Practicing Allowance is quashed being inequitable.</p> <p>4. Per contra, learned C.P.O. submits that the Applicant is Group-A officer and has given undertaking that if the excess amount is found then he would refund the same. She, therefore, relied on the judgment of the Hon'ble Supreme Court in <i>High Court of Punjab & Haryana & Ors. V/s Jaydev Singh 2016 AIR SC 3523</i> wherein the Hon'ble Supreme Court held that where undertaking is given by the employee from Group-A then such recovery is permissible.</p> <p>5. The Respondents yet have not filed the reply and two weeks' time is sought for filing reply.</p> <p>6. In view of above, in my considered opinion, at this stage recovery of Rs.12,50,024/- toward NPA is prima-facie not permissible in view of decision of the Hon'ble High Court in W.P. No.6261/2017. To this extent, interim relief, therefore, deserves to be granted.</p> <p>7. By way of interim relief, the recovery of Rs.12,50,024/- pertaining to NPA. is stayed till further orders.</p> <p>8. Respondents are directed to file reply on next date so that matter can be expedited.</p> <p>9. S.O. to 15.01.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member</p>

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	<p>Date : 01.01.2020</p> <p>M.A. No.677 of 2019 in O.A.No.497 of 2019 with O.A.Nos.660 & 661 of 2019</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>R. S. Khartode & Ors ...Respts (Ori. Applicants)</p> <ol style="list-style-type: none"> 1. Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents) and , learned Counsel for the Respondents (Ori. Applicants). 2. This M.A. is filed for extension of time to comply the directions given by this Tribunal in O.A.No.497/2019 decided along with connected O.As on 11.10.2019. Original Applications were allowed with direction to release the retiral benefits to the Applicants within two months from the date of order. As the compliance is not done, the Applicants are deprived of getting retiral benefits. 3. Indeed, as observed in the judgment passed in the O.A., the Applicants were entitled to the benefits in view of the settled legal position and the decision renders by this Tribunal in earlier proceeding. Despite this position, the Applicants were deprived of getting retiral benefits and they were constrained to file O.A. which was ultimately allowed on 11.10.2019. The period of two months given for compliance is already over. 4. In view of above, request for four months time for compliance of the order is unreasonable. 5. Learned Counsel for the Applicants (Ori. Respondents) however fairly concede that time till the end of January, 2020 be granted. 6. In view of above one month's time till 31.01.2020 is granted for compliance of the direction given by this Tribunal in O.A. decided on 11.10.2019. 7. Misc. Application is accordingly dispose of with no order as to cost. <p style="text-align: right;">Sd/- (A.P. Kurhekar)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.01.2020</p> <p>M.A. No.709 of 2019 in O.A.No.309 of 2019</p> <p>Dr. Salil V. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. P. Potbhare, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. M.A.No.709/2019 is filed seeking amendment to O.A. in view of retirement of the Applicant during the pendency of O.A. Initially, O.A. was filed challenging the recovery of Rs.18,35,527/- towards penal rate for occupation of Government Quarter. During the pendency of O.A., the Applicant stands retired on 31.08.2019.</p> <p>3. In view of retirement, the Applicant seeks to amend the O.A. to incorporate the relief pertaining to retiral benefits as well as LTC, Medical Bills etc contending that despite retirement, the same are not paid.</p> <p>4. As the proposed amendment is necessitated due to subsequent development of retirement, it is desirable to amend the O.A. and relief clause.</p> <p>5. In view of above, M.A. is allowed.</p> <p>6. Amendment be incorporated in O.A. within a week.</p> <p>7. Two weeks time is granted to Respondents to file reply to the amended O.A.</p> <p>8. S.O. to 16.01.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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Date : 01.01.2020

O.A.No.956 of 2019

R.M. BandarkarApplicant

Versus

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

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Today, learned C.P.O. has filed Affidavit in-Sur-Rejoinder on behalf of the Respondent No.1. It is taken on record.

3. Heard finally at the stage of admission.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(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 MA.698/2019 & MA.699/2019 in OA.905/2017
	<p>Dr. D. Simon ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>None for the Applicant. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Registrar is directed to place the above matter before appropriate bench as directed by order dated 20.12.2019.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) (P.N. Dixit) Member (J) Vice-Chairman (A) 1.1.2020 1.1.2020</p> <p>(sgj)</p>

M.A. No.625 of 2019 in O.A. No.874 of 2019

R.B. Shaikh ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Dhone, learned Advocate holding for
Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J.
Chougule, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant mentions that cost of
Rs.500/- as directed in order dated 19.12.2019 has been deposited.
In view of the same, MA No 625 of 2019 is restored to file.

3. Issue notice in MA returnable on 8.1.2020.

4. Tribunal may take the case for final disposal at this stage
and separate notice for final disposal need not be issued.

5. Applicant is authorized and directed to serve on
Respondents intimation/notice of date of hearing duly
authenticated by Registry, along with complete paper book of
M.A. Respondents are put to notice that the case would 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. The service may be done by hand delivery/ speed
post/courier and acknowledgement be obtained and produced
along with affidavit of compliance in the Registry within one
week. Applicant is directed to file affidavit of compliance and
notice.

8. In case notice is not collected within three days and if
service report on affidavit is not filed three days before returnable
date, MA shall stand dismissed without reference to Tribunal and
papers be consigned to record.

Sd/-

(A.P. Kurhekar)
Member (J)
1.1.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
1.1.2020

