

MA.166/2020 in RA.6/2020 in OA.563/2019

The State of Maharashtra & Ors. ..Applicants
(Ori. Respondents)
Vs.
Mohd. H.H. Kacchi ..Respondent
(Ori. Applicant)

Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Applicants-original Respondents and Shri M.B. Kadam, learned Advocate for the Respondent-original Applicant.

2. The State has filed MA No.166 of 2020 for condonation of delay in filing RA No.6 of 2020 in OA.563/2019 and period to be condoned is 2 months and 22 days.

3. Ld. Advocate for the respondent-original applicant argues that delay in filing RA may not be condoned.

4. Ld. CPO submits that respondents in the OA were constrained because of the extra-ordinary situation on account of pandemic due to COVID-19. They were also helpless because of the complete lockdown immediately after judgment dated 2.3.2020.

5. As the reasons submitted by the Ld. CPO are valid and because of the extra-ordinary situation on account of pandemic due to COVID-19 and consequent lockdown the respondents were not in a position to file RA in the stipulated period of 30 days.

6. In view of the above delay of 2 months and 22 days is condoned in filing RA. MA disposed off accordingly.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

(sgj)

RA.6/2020 in OA.563/2019

The State of Maharashtra & Ors.

..Applicants
(Ori. Respondents)

Vs.

Mohd. H.H. Kacchi

..Respondent
(Ori. Applicant)

Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Applicants-original Respondents and Shri M.B. Kadam, learned Advocate for the Respondent-original Applicant.

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 15.12.2020. Ld. Advocate for Respondent-original applicant waives service of notice.
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. Private service is allowed in view of this present COVID-19 Pandemic situation. 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.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

(sgj)

M.A.181/2020 in RA.8/2020 in OA.399/2018

P.V. Korpale

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri A. Awasarmol, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent.

2. This MA No.181 of 2020 is filed for condoning the delay in filing RA No.8 of 2020 in OA No.390 of 2018. The Ld. Advocate for the applicant submits that delay of 31 days in filing RA may be condoned. In this case the OA was decided on 14.1.2020 and the admissible period for filing RA as per Rule 18 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 is thirty days. The said rule reads as under:

“18. Review of application to be filed within thirty days. No application for review shall be entertained unless it is filed within thirty days from the date of the order of which the review is sought.”

3. Ld. PO seeks two seeks time to file reply in the MA.

4. By consent adjourned to 15.12.2020.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

(sgi)

M.A. No.226 of 2020 in O.A. No.495 of 2020

S.A. Shaikh & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. There is a delay of 5 years and 6 months in filing this matter. Ld. PO seeks time to file reply. Time granted by way of last chance.

3. S.O. to 2.2.2021.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
1.12.2020

(sgj)

O.A. No.1115 of 2019

S.B. More ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for Respondents No.1 to 3 and Ms. Lata Patne, learned Advocate holding for Shri V.B. Joshi, learned Advocate for Respondent No.4.

2. Reply filed by respondent no.4 is taken on record. Last chance granted to file reply on behalf of respondents no.1 to 3.

3. S.O. to 16.2.2021.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
1.12.2020

(sgj)

O.A. No.1180 of 2019

S.M. Wankhede ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant files affidavit in rejoinder and the same is taken on record.
3. Admit.
4. Place the above matter for final hearing on 26.2.2021.
5. Ld. PO submits that liberty be given to file sur-rejoinder. Liberty granted.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
1.12.2020

(sgj)

O.A. No.219 of 2020

R.A. Nagare

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. Smt. Punam Mahajan, learned Advocate for the Applicant has filed leave note.

2. Admit.

3. Ld. CPO informs that there is another similar matter which is also ready for hearing and it can be clubbed with this matter.

4. S.O. to 11.12.2020 for final hearing.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
1.12.2020

(sgj)

O.A. No.256 of 2020

S.A. Trimbake

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO submits that reply will be filed on 3.12.2020.

3. S.O. 3.12.2020.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
1.12.2020

(sgj)

MA.700/2019 in RA.23/19 in OA.1052/16

V.S. Kalekar

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. Bhagyashree Upadhyay, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant submits that out of 165 respondents the applicant has served 104 respondents. However, it is difficult to serve the remaining 61 respondents. The applicant to file affidavit of service of 104 respondents as well as service made to the office of Ld. CPO.

3. The applicant is directed to serve copy of MA to office of Ld. CPO and Director General of Police. DGP office to provide email address of respondents on application made by the applicant to DGP Office.

4. S.O. to 4.2.2021.

Sd/-
(P.N. Dixit)
Vice-Chairman
1.12.2020

(sgj)

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
1.12.2020

Date : 01.12.2020

O.A.No.616 of 2020

K.S. Gaidhani ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In this matter affidavit-in-reply is filed by Shri Sanjay Nanduram Mhaske, Assistant Commissioner, in the office of Commissioner, Skill Development, Employment & Entrepreneurship, Konkan Bhavan on behalf of Respondents No.1 and 2.

3. After going through the affidavit-in-reply it appears Reply is filed on the basis of the opinion given by the G.A.D. dated 14.06.2020. The termination of the service is mainly based on the letters given by the Mr. Khadse, Under Secretary of G.A.D.

4. At this stage, in view of the judgment of the Supreme Court in ***Civil Appeal No.3123 of 2020 along with [SLP (C) No.15737 of 2019] Dr. Jaishri Laxmanrao Patil vs The Chief Minister & Anr. and other decided on 09.09.2020***

5. We are of the view that the opinion given by Mr. Khadse is illegal and also the interim order / the judgment of the ***Dr. Jaishri Laxmanrao Patil (cited supra)*** in the said petition passed on 12.07.2019 is not considered.

6. The learned Counsel Mr. Lonkar seeks permission to make G.A.D party as Respondent no.3. The prayer for amendment is allowed to be carried forthwith.

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

8. Issue notice before admission returnable to G.A.D. on 03.12.2020.

9. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

10. 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.

11. 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.

12. The learned P.O. is directed to ask Mr. Khadse, Under Secretary to remain present on the next date.

13. Adjourned to 03.12.2020.

SD/-
(P.N. Dixit)
Vice-Chairman

SD/-
(Mridula Bhatkar, J.)
Chairperson

Date : 01.12.2020

**O.A.No.269 of 2020
(virtual hearing)**

N.P. Kawthalkar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.D. Joshi, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. The learned C.P.O. for the Respondents informs that no instructions are received by him in this matter.

3. The learned Advocate for the Applicant has pointed out that the Applicant is going to retire on 31.03.2021. However, his transfer from Bhokar, District Nandad to Gadchiroli by order dated 10.08.2020.

4. This order, prima facie, appears amounting to breach of Section 5(1) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

5. Sufficient time is given to the Respondent-State to file reply therefore the case is made out for interim protection by the Applicant. Respondent is granted time to file affidavit-in-reply.

6. In view of above, following order is passed :-

(a) The order of transfer dated 10.08.2020 is hereby stayed.

(b) Respondent to accommodate the Applicant at his regular post at Bhokar.

(c) Applicant to join and start working at Bhokar.

(d) This order of interim stay will continue till next date.

7. S.O. to 12.01.2021.

SD/-

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

Date : 01.12.2020

O.A.No.720 of 2020

S.B. Angad ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Vinod P. Sangvikar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant working as X-ray Technician in Health Department since last two years challenges the order dated 24.11.2020 issued by Respondents no.1 and 6 and also the letter dated 23.10.2020 canceling the Sport Verification certificate.

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 03.12.2020.

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 O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. 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. 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. Learned C.P.O. seeks time to file affidavit.

9. S.O. to 03.12.2020.

SD/-

SD/-

(P.N. Dixit)
Vice-Chairman

(Mridula Bhatkar, J.)
Chairperson

Date : 01.12.2020

O.A.No.645 of 2020

D.D. Mali ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The applicant who is working as a Police Patil since 01.03.2018, challenges the order dated 21.10.2020, thereby cancelling his appointment as Police Patil in Tal. Maval, Village -Chandkhed, District Pune.

3. The applicant has filed the affidavit on 16.06.2017 along with his application for the post of Police Patil that he has no affiliation with any political party. Thereafter, on 09.08.2017 and 27.11.2017 he used the logo of the political party he belonged to earlier. He was appointed on 01.03.2018 as Police Patil. However, some villagers filed complaint against the applicant before the learned Magistrate and in the said Criminal case the punishment was issued under Section 420, 463, 465, 466, 468, 470,471, 472, 473 of the Indian Penal Code for cheating and forgery. Pursuant to that his order of appointment was cancelled by the Respondent.

4. The learned Counsel for the applicant submits that no show cause notice was given to him before the cancellation of his order. Secondly, the SDO has no power to review his own order of appointment by re-verifying the records.

5. In support of his submission learned Counsel relies of order dated 31.03.2017 passed in Writ Petition No.1515 of 2017 by Hon'ble High Court of judicature at Bombay Bench at Aurangabad, wherein in similar situation Aurangabad High Court has refused to entertain the petition filed by the party who had challenged the appointment of the public servant.

6. The learned P.O. while opposing this application has submitted that the applicant has made incorrect statement in his affidavit as he continued to have his association with the Political party even after the affidavit. He submitted that the applicant is already removed from the service and the respondent want short period to file the affidavit.

7. While meeting the submissions learned Counsel produces the letter dated 09.08.2017 given by the order bearer of the Political party of accepting the resignation of the applicant as the membership of the party

8. Admittedly, no notice was given to the applicant before termination of his service the principles of the natural justice had to be given and in view of judgment of Aurangabad High Court, prima facie case made out. Cancellation is hereby stayed till next dated. Respondents to file reply on or before next date.

9. Adjourned to 19.01.2021.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Date : 01.12.2020

O.A.No.686 of 2020

S.K. Bichkar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The Applicant is under suspension challenges the impugned order dated 28.06.2018 on the basis of Rule 4 (1)(a)(c) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and also claims the consequential service benefits from 20.06.2018.

3. Meanwhile the respondents are directed to conduct the Review.

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

5. Issue notice before admission returnable on 02.02.2021.

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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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.

8. 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.

9. Adjourned to 02.02.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Date : 01.12.2020

O.A.No.671 of 2020 with M.A.No.301 of 2020

S.K. Ghusar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Devan Dwarkadas, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant working in Police Department is transferred from Nashik Rural to CID Pune by order dated 29.10.2020 and challenges that Section 22(N) of the Maharashtra Police Act, 1951 is not followed.

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 10.12.2020.

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 in view of this present COVID-19 Pandemic situation. 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. 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. S.O. to 10.12.2020.

Sd/-

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

Date : 01.12.2020

O.A.No.367 of 2020

A.R. Patil

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

1. Heard Shri Bhushan V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Learned P.O. for the Respondent files affidavit-in-reply. The same is taken on record. Copy is served upon learned Advocate for the Applicant.
3. Adjourned to 09.02.2021.

Sd/-

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

Date : 01.12.2020

O.A.No.424 of 2020

Dr. K.B. Batte ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Bhushan V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Chief Presenting Officer for the Respondents.
2. Learned P.O. request for time for filing affidavit-in-reply.
3. Time granted by way of last chance. Adjourned to 16.02.2021.

Sd/-

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

prk

Date : 01.12.2020

O.A.No.459 of 2020

Dr. P.K. Kokollikar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Learned P.O. for the Respondent files affidavit-in-reply. The same is taken on record. Copy is served upon learned Advocate for the Applicant.
3. Adjourned to 19.01.2021.

Sd/-

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

prk

Date : 01.12.2020

O.A.No.457 of 2020

A.S. Shaikh ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri S.S. Dere, learned Advocate for the Respondent No.4. Applicant present in person.
2. Smt. Punam Mahajan, learned Advocate is absent and leave note is on record.
3. Adjourned to 15.12.2020.

Sd/-

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

prk

Date : 01.12.2020

O.A.No.554 of 2020

S.S. Kamble ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. It is the matter of transfer. The learned Counsel submits that the applicant is 57 years old and is going to retire in the month of May 2021. However, she is transferred mid-term from Nagpada Police Hospital to Thane Civil Hospital.

3. She was working a matron at Nagpada Police Hospital. However she is sent as a tutor when she was transferred.

4. The learned P.O. is granted last chance to file Affidavit- in-reply.

5. Adjourned to 10.12.2020.

Sd/-
(Mridula Bhatkar, J.)
Chairperson