

**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: 03.12.2020</p> <p align="center">O. A. No.129 of 2020</p> <p>D.T. Chavan & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed by 51 Van Majoors claiming relief of implementation of old pension scheme instead of Defined Contribution Pension Scheme dated 31.10.2005. The Applicants claims to be in service much prior to 31.10.2005 and their services were regularized in terms of G.R. dated 16.10.2012. The Perusal of regularization order of the Applicants reveals that since they have completed five years service on 30.06.2004 they were regularized as Van Majoors in terms of G.R. dated 16.10.2012. Thus it appears that they were in service, may be on daily wages, for more than five years prior to cut of date 30.04.2004. Applicants therefore contend that they are entitled to old pension scheme which is replaced by Defined Contribution Pension Scheme in 2005.</p> <p>3. Despite enough chances Respondents failed to file the reply in O.A.. Notices were issued to Respondents on 24.02.2020 and enough time was availed for filing reply. Ultimately having found that Respondents are not interested in filing reply the matter was taken up for final hearing at the stage of admission in view of specific order passed by this Tribunal on 20.10.2020.</p> <p>4. Today, when the matters is taken up for hearing it is noticed that union of the Applicant have made representation on 26.03.2019 to the Respondents No.3&4 (page 199 & 200 of paper book) for applicability of Old pension scheme. However, no decision is taken on the representation.</p>

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

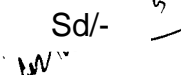
Tribunal's orders

5. Mr. Sanjay B. Kamble, Assistant Conservator of Forest, SGNP Mumbai is present of behalf of Respondents No.3&4 but unable to enlighten the Tribunal about the status of representation. However the fact remains that no such decision is taken. Indeed competent authority is Government and therefore the representation ought have been forwarded to Government for appropriate decision. In absence of decision it would not be appropriate to proceed with the matter. In first place it is for the Government to take decision which can be subject to judicial preview.

6. In view of above learned Advocate for the Applicant submits that matter be disposed of with directions, to Respondents to take decision on the representation made by union. He further seeks permission to submit detail and proper representation in support of claim for old pension scheme setting out the grounds as the representation filed by union is very short and cryptic.

7. In view of above O.A. is disposed of with following directions.

- a. Respondents are directed to take decision on the representation made by union dated 26.03.2019 within two months from today.
- b. The Applicants are at also liberty to make detail representation within seven days. If such representation is made it shall be also considered alongwith the representation made by union.

Sd/- 
(A.P. Kurhekar)
Member (J)

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Date: 03.12.2020


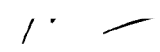
O. A. No.1085 of 2017

D.T. NawleApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. In this P.H. matter learned P.O. has filed short Additional Affidavit on behalf of Respondents No.1 to 4. It is taken on record.
3. Learned Advocate for the Applicant seeks time to deal with Additional Affidavit today filed by learned P.O. and intend to file counter Affidavit.
4. In view of above adjourned to 10.12.2020.

Sd/-
W^v
(A.P. Kurhekar)
Member (J)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.12.2020</p> <p>O.A.No.657 of 2020</p> <p>S.A. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Counsel holding for Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. The learned Counsel prays for Notice. 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 18.02.2021. 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 18.02.2021.  Sd/-  (Mridula Bhatkar, J.) Chairperson

W

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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
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Date : 03.12.2020

O.A.No.640 of 2020

R.M. Maske ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Dr. Gunratan Sadavarte, learned Advocate for the Applicant is absent.
3. The learned P.O. submits that the copy of O.A. is not served upon them. The same be served forthwith.
4. S.O. to 28.01.2021.

Sd/-
(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 : 03.12.2020

O.A.No.615 of 2020

D.B. Parjane ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The applicant seeks the modification of the order dated 29.08.2019 to certain extend, especially regarding the punishment of withholding the increments for two weeks.
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 18.02.2021.
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. The learned P.O. to file affidavit-in-reply.
9. S.O to 18.02.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 03.12.2020

O.A.No.677 of 2020 to O.A.No.680 of 2020

V.R. Mode (O.A.677/2020)

S.S. Mujawar (O.A.678/2020)

R.S. Patil (O.A.679/2020)

S.A. Patil (O.A.680/2020) ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, with Smt. Archana B.K. learned Presenting Officers for the Respondents.

2. The learned Counsel submits that the applicants challenge the impugned transfer order dated 03.08.2020 of all Group C employees who are working in the Forest Department.

3. The learned Counsel submits that before approaching M.A.T. all the applicants had filed the complaint before the Industrial Court, Sangli and they were granted interim relief, but however for want of jurisdiction, the Industrial Court allowed to withdraw the same unconditional. Thereafter, all the applicants approached the Hon'ble High Court, wherein the Hon'ble High Court had set aside the order of the Industrial Court and granted permission to the applicants to approach this Tribunal. Therefore all the applicants are here.

4. The learned Counsel submits that all the applicants were thus protecting the transfer from August 2020, though they have joined respective posts. They have approached this Tribunal for seeking relief on the basis of similar judgment passed by this Tribunal in O.A.Nos.352, 387, 436 and 448 of 2020 dated 24.11.2020, wherein the Tribunal held that Group C employees have two tenures of three years each and thus they are transferable after six years.

5. The learned P.O. submits that on the basis of the facts and the order passed by the Tribunal the learned P.O. to take the instructions from the respondents.

6. S.O. to 15.12.2020. Office objection to be removed till next date.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 03.12.2020

O.A.No.699 of 2020

S.B. Jagtap ... Applicant

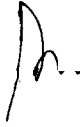
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The matter be placed before the Division Bench on 15.12.2020, as the subject matter pertains to Division Bench.

3. Adjourned to 15.12.2020.

 Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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Date : 03.12.2020

O.A.No.689 of 2020 with O.A.No.693/2020

A.M. Kharade (O.A.689/2020)
S.U. Khokale (O.A.690/2020)
U.G. Kadam (O.A.691/2020)
G.S. Kaspate (O.A.692/2020)
V.P. Sable (O.A.693/2020) ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. K.S. Gaikwad, with Smt. Archana B.K., learned Presenting Officers for the Respondents.
2. All the five matters are taken together, as all the applicants, who are Police Constables, working at different Police Stations in Pune are transferred to Police Head Quarter, Pune challenging their respective transfer order which were made by issuing order dated 26.09.2020.
3. The learned Counsel submits that the transfers are challenged because they are mid-term / mid tenure. She further submits that she relies on the Government Resolution dated July, 2020.
4. The learned P.O. seeks time to file affidavit-in-reply. Copy of the same be served upon learned Advocate in advance at least one week before due date.
5. The learned P.O. produces the minutes of the meeting dated 26.09.2020 of Police Establishment Board, wherein these applicants are transferred on administrative ground. However, learned P.O. are directed to explain in their affidavit-in-reply the administrative exigencies for which the applicants are transferred.

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

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

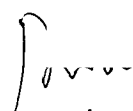
7. Issue notice before admission returnable on 07.01.2021.

8. 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 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.

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. 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. Applicants are directed to file Affidavit of compliance and notice.

11. S.O. to 07.01.2021.



Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 03.12.2020</p> <p align="center">O.A.No.625 of 2020</p> <p>S.S. Rajadhyaksha ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. The matter is regarding retirement benefit as per 7th Pay Commission. 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 04.02.2021. 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



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8. The learned Counsel submits that the applicant retired on 03.01.2017 and thereafter the Government paid the provisional pension till December 2017.

9. Respondents are directed to start the provisional pension immediately and also the arrears in respect of the provisional pension are to be paid to the applicant on or before 31.01.2021.

10. Affidavit-in-reply is to be filed by the respondents on or before next date.

11. S.O. to 04.02.2021.



Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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I N

Original Application No. of 20

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O.A. No.616 of 2020

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

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

2. Shri R.A. Khadse, Under Secretary, General Administration Department, who is present in the Court informs that the Government has passed Maharashtra Act of 2018 on the point of Maratha Reservation on 30.9.2018 after Act of 2015 i.e. 1 of 2015.

3. GAD to file reply on the point whether the order passed on 9.9.2020 by the Hon'ble Supreme Court of India is applicable to the Act of 2018 and also to explain in writing whether the order passed by the Hon'ble Supreme Court is applicable to the removal of temporary/ad hoc persons who were appointed from the open category for 11 months in the reserved post for ESBC or ACBC.

4. Shri R.A. Khadse, Under Secretary informs us that Law & Judiciary Department and Advocate General both have opined in this matter. Therefore, we want the concerned information before us.

5. S.O. to 10.12.2020.

Sd/-

(P.N. Dixit)
Vice-Chairman
3.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
3.12.2020

**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.

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O.A. No.338 of 2020

K.B. Kakade ..Applicant
 Vs.
 The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO seeks two weeks time to file reply. Respondents should serve reply within two weeks to the applicant.

3. S.O. to 2.2.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
3.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
3.12.2020

**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.

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O.A. No.256 of 2020

Dr. (Smt.) Snehal A. Trimbake ..Applicant
 Vs.
 The State of Maharashtra & Ors. ..Respondents


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

2. Ld. CPO files reply on behalf of respondents and the same is taken on record. Ld. CPO points out the order dated 13.11.2020. The respondents have taken decision on the application of the applicant of Voluntary Retirement and it has been declared that she is voluntarily retired from 1.6.2020.

3. In view of ^{same} ~~us~~ nothing remains in this matter. However, Ld. Advocate for the applicant claims relief after seeking instructions.

4. S.O. to 26.2.2021 for final hearing.

Sd/-
 (P.N. Dixit)
 Vice-Chairman
 3.12.2020

Sd/- 
 (Mridula R. Bhatkar, J.)
 Chairperson
 3.12.2020

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

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O.A. No.216 of 2020

S.W. Thakare ..Applicant
 Vs.
 The State of Maharashtra & Ors. ..Respondents

Heard Shri P.K. Shahane, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1, 2, 4 to 7 and Shri Suhas R. Mandal, learned Advocate holding for Shri N.K. Rajpurohit, learned Advocate for Respondent No.3-Union of India.

2. Ld. Advocate for respondent no.3 seeks four week time to file reply.

3. S.O. to 4.2.2021.

Sd/-
 (P.N. Dixit)
 Vice-Chairman
 3.12.2020

(sgj)

Sd/-
 (Mridula R. Bhatkar, J.)
 Chairperson
 3.12.2020

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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
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O.A. No.193 of 2020

S.D. Jaybhaye ..Applicant
 Vs.
 The State of Maharashtra & Ors. ..Respondents

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

- 2. Last chance given to the respondents to file reply otherwise the matter will be proceeded without reply.
- 3. S.O. to 7.1.2021.

Sd/- (P.N. Dixit) Vice-Chairman 3.12.2020 (sgj)	 Sd/- (Mridula R. Bhatkar, J.) Chairperson 3.12.2020
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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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O.A. No.733 of 2019 with
MA.506/19, MA.410/19 & MA.149/2020

M.R. Rathod & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Sushant Valimbe, learned Advocate with Shri Abhinav Tewari, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. To be listed along with OA No.733 of 2019.
3. S.O. to 7.2.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
3.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
3.12.2020

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	<p>Date: 03.12.2020</p> <p style="text-align: center;">O. A. No.1189 of 2019</p> <p>D.J. AmbilwadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri D.J. Ambilwade, learned Applicant in Person is present and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. seeks one week time to file Sur-Rejoinder on the ground that department instructions are awaited. In this matter Applicant has filed Rejoinder on 29.10.2020 and matter was adjourned for 24.11.2020 for filing Sur-Rejoinder. On 24.11.2020 no Sur-Rejoinder was filed and matter was adjourned for today for hearing at the stage of admission.</p> <p>3. As such the period of more than one month is already given to Respondent to file Sur-Rejoinder. If, Respondents really wanted to file Sur-Rejoinder then the same should have been done within a period of one month which is sufficient for filing Sur-Rejoinder. However, on request of C.P.O. one week time is granted as last chance to file Sur-Rejoinder with specific directions that no further time will be granted and that will be heard finally on same date.</p> <p>4. Applicant is retired Government Servant and coming from Nashik. He requested that on next date the matter be heard finally.</p> <p>5. Learned C.P.O. is directed to ensure that Sur-Rejoinder is filed and matter is heard on next date.</p> <p>6. S.O. to.10.12.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 03.12.2020</p> <p>O. A. No.225 of 2020</p> <p>P.M. TeliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Additional Affidavit by way of Sur-Rejoinder. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant adjourned for Final Hearing on 22.12.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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Date: 03.12.2020

O. A. No.212 of 2020

S.H. ParcheApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri Gaurav A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Today, Learned P.O. has filed Affidavit-in-Rejoinder. It is taken on record.
3. Adjourned for Hearing at the stage of Admission.
4. S.O. to.22.12.2020.

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>Date: 03.12.2020</p> <p>O. A. No.159 of 2020</p> <p>S.V. SatheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Applicant and his learned Advocate Smt. Punam Mahajan both are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Adjourned for hearing at the stage of admission on 07.01.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date: 03.12.2020

O. A. No.136 of 2020

H.V. BhatApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Applicant and his learned Advocate Smt. Punam Mahajan both are absent. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Adjourned for hearing at the stage of admission on 07.01.2021.

^
Sd/-

vv
(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
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Date: 03.12.2020

O. A. No.46 of 2020

P.J. JadhavApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Applicant and his learned Advocate Smt. Punam Mahajan both are absent. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. Adjourned for hearing at the stage of admission on 07.01.2021.

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
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Date: 03.12.2020

O. A. No.1058 of 2019

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

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Matter pertains to denial of Time Bound Promotion.
3. Pleading is already completed.
4. Be listed for Final Hearing.
5. S.O. to. 15.12.2020.

Sd/-
VVV
(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>Date: 03.12.2020</p> <p align="center">O. A. No.200 of 2020</p> <p>M.P. JamadarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Applicant and his learned Advocate Shri J.N. Kamble, both are absent. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1 to 3. It is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 17.12.2020.</p> <p align="right"> [^] Sd/- ^v (A.P. Kurhekar) Member (J) </p> <p>NMN</p>


IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.12.2020</p> <p style="text-align: center;">R.A. No.10 of 2020 in O. A. No.837 of 2019</p> <p>D.K. PajaiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, Applicant has filed Affidavit-in-Rejoinder. It is taken on record.</p> <p>3. On request of learned P.O. matter is adjourned for hearing of R.A.</p> <p>4. S.O. to 17.12.2020.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 03.12.2020</p> <p style="text-align: center;">R.A. No.22 of 2019 in O. A. No.1116 of 2016</p> <p>U.S. SalunkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.S. Salunke, Applicant in Person and Smt. Archana B.K., learned Presenting Officer holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today the matter is taken on board by circulation as it was not listed due to Covid-19 Pandemic situation.</p> <p>3. Applicant submits that he has received the copy of reply recently and requested for grant of time to file Rejoinder.</p> <p>4. Two weeks time is granted for filing Affidavit-in-Rejoinder if any.</p> <p>5. S.O. to 15.12.2020.</p> <p style="text-align: right;">Sd/- _____ (A.P. Kurhekar) Member (J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A. No.720 of 2020

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

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

2. Ld. CPO produces letter dated 23.10.2020 of cancelling validity of sports certificate of the applicant. Ld. CPO informs on query that no notice was given to the applicant before cancellation of his validity of sports certificate and the termination of his services.

3. Similar issue has come before us in group of OAss No.653 of 2020 & 11 Ors. (A.M. Sapkal Vs. State of Maharashtra & Ors.) decided on 26.11.2020 wherein the sports certificate in Power Lifting issued by the Vidarbha Power Lifting Association were cancelled.

4. This matter is also specially on the point of not following the principles of natural justice and show cause notice ought to have been given to the applicant before cancelling the validity of sports certificate and terminating the services. Hence, we pass the following order:

(a) The respondents shall withdraw their respective orders on or before 4.12.2020. The respondents are free to give show cause notice to the applicant or other similarly situated government servants. However, the notice should include the reasons of the cancellation of validity to enable the applicant to meet the objections effectively. If such orders are issued, personal hearing to be given to all

M

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

Tribunal's orders

such similarly situated persons thereafter within 3 weeks.

(b) In the event of any order of cancellation of the validity of the sports certificate is passed, thereafter for one week no further order of termination is to be passed from the date of the service of the order.

(c) The applicant and similarly situated persons are hereby directed to appear before the respondent authority as and when date and time is given along with the documents, if any, and co-operate the authority.

5. With these directions OA stands disposed off.

Sd/-

(P.N. Dixit)
Vice-Chairman
3.12.2020

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
3.12.2020

(sgl)

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><u>O.A. No.730 of 2020 (Mumbai) and</u> <u>OAs. No.526 to 530 of 2020 (Aurangabad)</u></p> <p>D.M. Kadam (OA.730/2020) S.U. Salunkhe (OA.526/2020) L.S. Sapkal (OA.527/2020) B.P. Bhotkar (OA.528/2020) B.C. Sonawane (OA.529/2020) D.G. Paithane (OA.530/2020) ..Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants, Smt. K.S. Gaikwad, learned Presenting Officer for Respondents in OA No.730/2020 and Shri Milind Mahajan, Ld. CPO, MAT, Aurangabad Bench for the Respondents in OAs. No.526 to 530 of 2020.</p> <p>2. In all these matters the applicants claim that they are entitled to be considered for promotion to the post of Armed Deputy Superintendent of Police/Assistant Commandant on the basis of interpretation of the letter dated 29.12.2017 by the Nagpur Bench of this Tribunal in its order dated 13.2.2020 passed in OA No.953/2019 (DB) so also the order dated 3.3.2020 passed by Mumbai Bench in OAs. No.807, 939 & 991 of 2019 and GR dated 28.2.2017.</p> <p>3. Applicants pray that the respondents be directed to consider the applicants for promotion and issue promotion orders accordingly. All the applicants have taken benefit of reservation when they were holding the post of PSI and promoted to the post of PI. Now, at this stage they are not claiming any reservation as they are not entitled to however they in fact stand higher in the select list of 2019-2020 issued on 25.11.2020. However, the names of these applicants are not mentioned in the select list but the names</p>

W

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>of juniors persons are included. Thus, all these applicants have made representations on or about 28.11.2020.</p> <p>4. Ld. Advocate for the applicants have placed the order dated 1.12.2020 passed by the Nagpur Bench of this Tribunal in OAs. No.825 & 826 of 2020 (DB). Ld. Advocate submits that the order passed in similar facts and the Tribunal has directed the respondents to maintain status quo for a period of two weeks and take decision within two weeks. The order passed by the Division Bench of Nagpur Bench is handed over to Shri Milind Mahajan, Ld. CPO, MAT, Aurangabad and Smt. K.S. Gaikwad, Ld. PO and the similar order is passed in all these matters.</p> <p>5. The respondents are directed to decide the representation of the applicants within two weeks. OAs stand disposed off.</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman 3.12.2020</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 3.12.2020</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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C.A. No.34 of 2020 in O.A. No.404 of 2018

V.P. Pawar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri V.P. Sangvikar, learned Advocate with Shri M.L. Dhone, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO files reply of Shri Tikaram Waman Karpate, Deputy Secretary, GAD wherein in para 4 the judgment and order dated 14.1.2020 passed by the Hon'ble Supreme Court in Civil Appeal No.1567/2017 (SLP (C) No.24994/2016) Siddaraju Vs. State of Karnataka & Ors. is mentioned regarding providing reservation in Group A and B post to the persons with disability. The approval of the Cabinet is required about such reservation in promotion for the disabled persons in Group A and B posts. As per the instructions given by the said officer, who is present in the Court, the decision is awaited from the Cabinet.

3. It is to be noted and we point out that this OA is pending since 2018 so also the decision taken by the Tribunal that such promotions are to be provided however still the matter is kept pending and no decision is taken by the Cabinet even after 11 months have lapsed after the decision of the Hon'ble Supreme Court. We have taken note of COVID-19. However, it is necessary for the respondents to place decision before us within 15 days.

4. Ld. Advocate for the applicant submits that the Government is in process of promoting other persons and if such persons are appointed and if all the posts are filled up by regular promotion then there is every likelihood that the applicant may not get promotion for want of vacancy. He



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

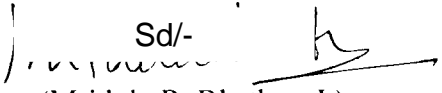
Tribunal's orders

places the order dated 3.11.2020 passed by the Hon'ble High Court in W.P. No.13058 of 2018 Bholaso V. Chaugule Vs. The State of Maharashtra wherein the Division Bench has directed the Government not to finalise the process of selection for the post of Assistant Block Officer for which the petitioner in that petition had approached the Hon'ble High Court.

5. In view of this we order that the Respondent-State shall keep one post of Deputy Controller of Legal Metrology, Group A in Metrology Department, vacant to avoid any further complication and frustration of the order passed by this Tribunal.

6. S.O. to 12.1.2021.

Sd/-
(P.N. Dixit)
Vice-Chairman
3.12.2020

Sd/- 
(Mridula R. Bhatkar, J.)
Chairperson
3.12.2020

(sgj)

**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
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O.A. No.1133 of 2018

B.A. Kale & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.R. Deshpande, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO informs that the file is pending with the Hon'ble Chief Minister. Hence, one week.
3. S.O. to 10.12.2020.

Sd/-
(P.N. Dixit)
Vice-Chairman
3.12.2020

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
3.12.2020

(sgj)

**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
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O.A. No.303 of 2020

M.N. Thosare ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondent No.1 and Shri Nilesh S. Patil, learned Advocate for Respondent N.2.

2. Shri Nilesh S. Patil, learned Advocate submits that he is filing his appearance for Respondent No.2. He submits that respondent no.2 is retired and settled at Nagpur.

3. Ld. CPO informs that no financial repercussions will be against respondent no.2 as he has already worked as Joint Director of Sports and Youth Services till his retirement.

4. Respondent no.2 states that he will file reply within one week and will serve copy to the Ld. Advocate for the applicant two days in advance.

5. S.O. to 11.12.2020.

Sd/-

(P.N. Dixit)
Vice-Chairman
3.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
3.12.2020

**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
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Date : 03.12.2020

**M.A.No.310 of 2020 in O.A.No.577 of 2020 (Aurangabad)
with O.A.No.577 of 2020**

S.N. Sherkhane (M.A.No.310/2020) ... Intervener

P.Y. Shelar (O.A.No.577/2020) ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

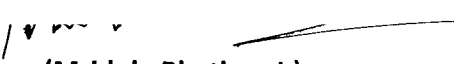
1. Heard Shri M.A. Patil, learned Advocate for the Intervener in M.A.No.310/2020, Shri K.R. Jagdale, the learned Advocate for the Applicant in O.A.No.577/2020 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The present M.A.No.310/2020 is for intervention. The learned Advocate Shri K.R. Jagdale is directed to add Mr. Sunil Nagnath Sherkhane as Respondent No.4 in O.A.No.577/2020.

3. The learned Counsel Mr. M.A. Patil submits that the applicant in O.A.No.577/2020 had prayed the stay for transfer order dated 01.10.2020 transferring him from Barshi District, Solapur to the post of Tahasildar, Command Area Development Authority, Solapur.

4. By order dated 15.10.2020 the applicant's posting at Barshi was protected as if nobody had taken charge. The learned Counsel Mr. Patil submits that the Intervener, Mr. S.N. Sherkhane was transferred from Ashta to Barshi against the clear vacancy which arose due to the transfer on the same date i.e. 01.10.2020. The Intervener, Mr. S.N. Sherkhane has been relieved on 15.10.2020. However, on the same day the Applicant, Mr. P.Y. Shelar received the order protecting his transfer. Hence, the Intervener, Mr. S.N. Sherkhane, though relieved on 15.10.2020, was left without any posting.

2

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In view of this Misc. Application to intervene is allowed.</p> <p>6. The ground is made out and Mis. Application is disposed off as allowed.</p> <p>7. The learned C.P.O. today files affidavit in reply in O.A. and prays that the interim stay granted be vacated as the respondents have followed the proper procedure.</p> <p>8. The learned Counsel for the applicant Mr. Jagdale wants to file rejoinder. Hence time granted. Rejoinder to be filed without fail.</p> <p>9. Matter is fixed on 10.12.2020.</p> <p style="text-align: right;">Sd/-  (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
	<p>Date : 03.12.2020</p> <p>M.A.No.282 of 2020 in O.A.No.215 of 2019 (Aurangabad) with O.A.No.215 of 2019</p> <p>S.N. Narsude ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Counsel submits that the applicant was transferred from Amhednagar to Nashik by order dated 01.07.2019 and he joined his post at Nashik rural on 15.07.2019.</p> <p>3. By this M.A. the Applicant seeks relief for promotion to the post of Deputy Superintendent of Police. The present M.A. is filed under Section 25 of Administrative Tribunal Act 1985 for maintainability on O.A. at Principal Bench at Mumbai.</p> <p>4. The applicant has now joined his post at Nashik and therefore this matter can be heard by the Principal Bench at Mumbai.</p> <p>5. Applicant is allowed to collect all the record and proceedings with affidavit-in-reply filed in this O.A. from Aurangabad Bench and submit the same before the Principal Bench at Mumbai and also to furnish the copy of the same to the learned C.P.O.</p> <p>6. The O.A.NO.215/2019 is allowed to transfer from Aurangabad Bench to Principal Bench at Mumbai.</p> <p>7. M.A.No.282/2020 is disposed off as allowed and O.A.No.215/2019 is adjourned to 28.01.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 03.12.2020

O.A.No.497 of 2020

H.P. Waghela ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri P.L. Rathod, the learned Advocate along with Shri P.S. Rane, the learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The applicant prays for grant of full pension as per order dated 28.06.2019.

3. The learned Counsel submits that the order dated 27.10.2011 for recovery of Rs.5,55,765/- was set aside subsequently by order dated 28.06.2019.

4. The learned P.O. seeks time to file affidavit-in-reply. Time granted. Copy of the reply be given to learned Advocate in advance.

5. Matter already adjourned to 21.01.2021.

Sd/-

(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 : 03.12.2020</p> <p align="center">O.A.No.711 of 2020 with O.A.No.712 of 2020</p> <p>R.K. Kudtarkar &Ors. (O.A.711/2020) S.V. Kolvankar & Ors. (O.A.712/2020) ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicants in both the Original Applications claim benefit of amended Assured Carrier Progression Scheme (ACPS) with effect from 21.09.2005.</p> <p>3. The learned Counsel submits that the claim is made on the basis of the ratio laid down in the judgment passed by the Hon'ble High Court in Writ Petition No.9051/2013, (State of Maharashtra v/s. Meena Kuwalekar & Ors), decided on 28.04.2016 and also in Writ Petition No.9962/2010, (Director of Technical Education Vs. Kum. Nanda C. Chavan) decided on 06.02.2021.</p> <p>4. The learned P.O. to file affidavit-in-reply. Copy to be served upon learned Counsel on or before next date.</p> <p>5. The learned Counsel submits that the applicants do not want to suffer the financial losses therefore they have accepted the benefit of ACPS from 2010, though under protest they claim that the benefit under the ACPS is to be made applicable to them from 2005 onwards.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Accordingly, the applicants will submit the forms along with the applications for protest.</p> <p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 04.02.2021.</p> <p>9. 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 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.</p> <p>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.</p> <p>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.</p> <p>12. S.O. to 04.02.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;"> </p> <p style="text-align: right;">(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
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Date : 03.12.2020

**M.A.No.312 of 2020 in O.A.No.711 of 2020
with
M.A.No.313 of 2020 in O.A.No.712 of 2020**

R.K. Kudtarkar &Ors. (M.A.312/2020 IN O.A.711/2020)
S.V. Kolvankar & Ors. (M.A.313/2020 IN O.A.712/2020)
... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. There are applications for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matters, the present Misc. Applications are allowed subject to Applicants paying requisite court fees, if not already paid.

5. Miscellaneous Applications are allowed.

Sd/-

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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


of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.12.2020</p> <p style="text-align: center;">O.A.No.296 of 2020</p> <p>Dr. R.S. Hiray ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The learned Counsel files affidavit-in-rejoinder along with G.R. dated 05.09.2018. The said G.R. states about handling over of the additional charge to the senior most experienced Government servant.</p> <p>3. The learned P.O. informs that he needs to take the instructions from the Department.</p> <p>4. Time granted. Adjourned to 08.01.2021 for Final Hearing.</p> <p style="text-align: right;">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
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Date : 03.12.2020

O.A.No.668 of 2020

Dr. D.P. Mane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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


2. The learned C.P.O. files affidavit-in-reply and the learned Advocate files affidavit of service. Both are taken on record.

3 .S.O. to 12.01.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Accordingly, the applicants will submit the forms along with the applications for protest.</p> <p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 04.02.2021.</p> <p>9. 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 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.</p> <p>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.</p> <p>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.</p> <p>12. S.O. to 04.02.2021.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.493 OF 2020

Smt. Sanghratna Murlidhar Khillare **...Applicant**

Versus

The State of Maharashtra & Anr. **...Respondents**

Mr. Arvind V. Bandiwadekar, Advocate for Applicant.

Smt Archana B.K., Presenting Officer for Respondents.

CORAM : JUSTICE MRS. MRIDULA BHATKAR, (CHAIRPERSON)

DATE : 03.12.2020.

O R D E R

1. Heard Shri Arvind V. Bandiwadekar, the learned Advocate for the Applicant and Smt Archana B.K., learned Presenting Officer for the Respondents.
2. The Applicant, Deputy Chief Executive Officer, G.A.D, Zilla Parishad, Palghar is transferred by order dated 15.09.2020 to Block Development Officer, Panchayat Samiti Murbad, Thane.
3. The learned Counsel Mr. Bandiwadekar is challenging the impugned order on the following grounds :-
 - (a) The applicant was not due for transfer, as he has completed only one year at Palghar. The applicant was promoted and posted only on 03.08.2019 at Palghar. So it is mid-term and mid-tenure transfer.



(b) Secondly, the complaint given by one MLA Shri Sunil C. Busare dated 02.06.2020 against the Applicant which was received by the Government on 09.07.2020, is the basis for transfer which is against the law.

4. In the said complaint, it is stated that the Applicant is non-cooperative to the President and Vice-President of Zilla Parishad and also she is responsible for the return of non-utilization of fund of Rs.138 crores of the year 2019-2020.

5. The learned Counsel submits that she was never given any show cause notice, nor she was given opportunity to answer the allegations made against her.

6. The learned P.O. relied on the affidavit-in-reply filed by Dr. Vasant Gopal Mane, filed by Under Secretary, office of Rural Development Department, Mantralaya dated 13.10.2020. She submits that the applicant had completed 4 years and she was not cooperating with the President and the Vice-President so it was difficult to take forward the administration. Thus, the present Original Application is without any foundation and devoid of merit and hence it is to be dismissed. She further submits that her case was put up before the Civil Services Board which was conducted on 04.08.2020.

7. Heard submissions. On perusal of the affidavit it appears that the only reason for the transfer of the applicant is the complaint made by




MLA that due to the change in the political power she is not cooperating with the President and the Vice-President of the Zilla Parishad.

8. Perused the minutes of the Civil Services Board at sr no.18, the name of the applicant is appearing and the reason for transfer is mentioned as complaint received by M.L.A.

9. The amended Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'Transfer Act, 2005' for brevity) and the procedure laid down therein is based on the ratio laid by the Hon'ble Supreme Court in ***Writ Petition (Civil) No.82/2011 (T.S.R. Subramanian & Ors. Vs. Union of India & Ors.) dated 31st October, 2013*** with a view to arrest arbitrariness in the transfers. Hence protection and procedure given under 'Transfer Act' is to be strictly followed while taking the decision.

10. In view of the submissions of both the learned Counsel for the applicant and learned Presenting Officer for the Respondents, prima facie the case is made out by the applicant to give interim relief. Though the Government is empowered to transfer the Government servant even mid-term or mid-tenure or after completion of the regular tenure. Such power should not be used arbitrarily. If the State wants to transfer any Government servant on the basis of the complaint, then the opportunity to explain the allegation made therein is required to be given to the said Government servant. The principles of equity and natural justice are to



be followed by the State before taking decision against any Government servant.

11. The reliance is placed by the judgment of this Tribunal dated 29.09.2020 (Shri Sanjay Rambhau Kadam) in O.A.No.404 of 2020. The Respondent in the case in hand, matter ought to have issued notice and have called the Applicant to explain the allegations and thereafter should have taken the decision. Thus the impugned transfer order in the present O.A. is hereby cancelled and the applicant is directed to report back till 08.12.2020.

12. S.O. to 02.02.2021. Already adjourned and admitted.

Sd/-

/
(Mridula Bhatkar J.)
Chairperson

prk