

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>05.02.2021</u></p> <p style="text-align: center;"><u>O.A 829/2019</u></p> <p>Shri A.B Ghadge & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Mangal Bhandari, learned advocate for the applicants and Smt K.S Gaikwad, learned Presenting Officer for Respondents no 1 to 4. None present for Respondents no 5 to 14.</p> <p>2. Neither advocate for Respondents no 5 to 14 nor Respondents no 5 to 14 are present at 10.30 am today.</p> <p>3. There is no communication from Respondent no. 5 to 14 and the learned advocate for Respondents no 5 to 14 is coming from Aurangabad. We keep this matter at 12.30 pm.</p> <p>4. Later on at 12.30 Shri Pramod Kulkarni, learned advocate for Respondents 5 to 14 is present. Mr Upasni, Law Officer from office of Director General of Police, M.S, Mumbai is also present.</p> <p>5. Learned P.O on instructions from Mr Upasni, Law Officer in the office of D.G.P, informs the Tribunal that so far as the information has transpired, 11 persons are benefited due to the judgment passed by D.B of M.A.T, Aurangabad dated 24.3.2017 in O.A 378/2016 & Ors the (Shivaji Nivruti Wagh Vs. State of Maharashtra & Ors). It is pointed out by Mr. Pramod Kulkarni, learned advocate submits that he has filed O.A 228/2019 (Shri Eknath Gaikwad Vs State of Maharashtra & Ors) which was decided on 7.3.2019, in his favour.</p> <p>6. Learned P.O submits that he is also one of those 11 persons who got the benefit of the judgment dated 24.3.2017 in O.A 378/2016, delivered by the Division Bench of the Tribunal, Aurangabad Bench. Learned P.O submits that out of those 11 persons only two persons, that is present Respondents no 5 & 6 are given promotions. So they are actual beneficiary of the decision of the M.A.T, Aurangabad Bench.</p> <p>7. In para 3 of the order dated 4.12.2020, on submission of Mr Kulkarni, that he has filed 5 more Original Applications, i.e. Shri Shivaji Wagh Vs. State of Maharashtra. Learned counsel was directed and authorized to bring files form Aurangabad as the Aurangabad Bench is not functional. It was agreed that the matter pertaining to this issue is pending before Principal Bench.</p>

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8. Mr Pramod Kulkarni, now corrects his earlier statement made on 4.12.2020 and states that only one Original Application No. 346/2017 filed jointly by Shri Balaji Latpate, Shri Munde, and Shri Swamy is pending before the M.A.T, Aurangabad Bench.

9. Shri Eknath N. Gaikwad, who is the beneficiary due to the decision of the D.B of the Tribunal, Aurangabad Bench dated 7.3.2019 in O.A 228/2019 is necessary party and therefore, his name is added as Respondent no. 15. Amendment is to be carried out forthwith. The learned counsel Mr. Kulkarni to take note of the same. Amendment to be carried out in the copies of Respondents. Mr Kulkarni, informs that he has appeared for Mr Eknath N. Gaikwad before the Tribunal so he will take instructions and thereafter file Vakalatnama on 9.2.2021 by email.

10. Learned P.O to inform the number and names of the persons who are the beneficiary of the judgment in O.A 378/2016 of M.A.T, Aurangabad Bench besides the Respondents Shri Eknath Gaikwad, Shri Munde, Shri Latpate and Shri Swamy. The Registrar, M.A.T Mumbai is directed to call the record and proceedings in O.A 346/2017 of Shri Munde, Shri Latpate and Shri Swamy which is pending before M.A.T, Aurangabad to Principal Bench.

11. S.O to 11.2.2021 at 10.30 am.

Sd/-

Sd/-

Sd/-

(A.P Kurhekar) (P.N Dixit) (Mridula Bhatkar, J.)
Member (J) Vice-Chairman (A) Chairperson

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

**ORIGINAL APPLICATION NO.829 OF 2019
(Corrected as per Farad order dated 08.02.2021)**

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

Shri Mangal Bhandari, learned Advocate for the Applicants.
Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
Shri Pramod Kulkarni, learned Counsel for the Respondents No.5 to 14.

CORAM : JUSTICE MRS. MRIDULA BHATKAR, CHAIRPERSON
SHRI P.N. DIXIT, VICE-CHAIRMAN

DATE : 05.02.2021

PER : JUSTICE MRS. MRIDULA BHATKAR, CHAIRPERSON

O R D E R

1. Heard Shri Mangal Bhandari, learned Advocate for the Applicants, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Shri Pramod Kulkarni, learned Counsel for the Respondents No.5 to 14.

2. While hearing the O.A.No.829/2019 learned Advocate Shri Bhandari has pointed out the judgment of the Division Bench of Maharashtra Administrative Tribunal, Aurangabad Bench in O.A.No.378, 38, 39, & 40 all of 2016 decided on 24.03.2017 in case of Shivaji Nivruti Wagh & Ors. Versus State of Maharashtra & Ors. He pointed out that the present applicants were not party in those

applications decided by the Division Bench of M.A.T., Aurangabad Bench and the Applicants are challenging the issue of requirement of minimum marks in one paper of written examination and two practical examinations. In support of the submission, he pointed out Rule 180 of the Maharashtra Police Manual of 1959.

3. The learned Counsel Shri Pramod Kulkarni, who is appearing for the Respondents No.5 to 14 has moved the M.A. on the point of maintainability of the O.A. in view of the earlier order of the Division Bench of M.A.T., Aurangabad Bench in O.A.No.378, 38, 39, & 40 all of 2016 decided on 24.03.2017. He made demand for constitution of Larger Bench.

4. Shri Bhandari, learned Counsel has also submitted that the matter needs to be referred to the Larger Bench.

5. During the course of arguments of Shri Bhandari, learned Counsel for the Applicant, we found that the Division Bench of M.A.T., Aurangabad Bench has allowed the applications of the present Respondents i.e. Respondents No.5 to 14 (then Applicants) and directed that, candidates should secure the aggregate 50% of the marks jointly in the paper of written examination as well as 2 practical examinations.

6. On perusal of Rule 180(3)(e) of Maharashtra Police Manual of 1959, we are of the considered view that as we differ from the said judgment of O.A.No.378, 38, 39, & 40 all of 2016 decided on 24.03.2017. Thus, the matter needs reference.

7. In view of Rule 180(3)(e) of Maharashtra Police Manual of 1959, we therefore accept the submissions made by the learned Counsel for both the sides on the point of moving this before the Larger Bench. We therefore, make reference to Larger Bench on the following issue :-

Whether the view taken by the earlier Division Bench in O.A.No.378, 38, 39, & 40 all of 2016 decided on 24.03.2017 of Aurangabad Bench of this Tribunal is in consonance with Rule 180(3)(e) of the Maharashtra Police Manual 1959 ?

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

Sd/-
(Mridula Bhatkar J.,)
Chairperson

prk

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Date : 08.02.2021

O.A.No.829 of 2019

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

Suo Motu speaking to minutes.

In paragraph 7 of order dated 05.02.2021, the sentence,

"Whether Clause 4 of Circular dated 21.02.2014 (Exhibit 'A' of O.A.) and Clause 13 of Circular dated 30.01.2014 (Exhibit 'C' of O.A.) are in consonance with Rule 180(3)(e) of the Maharashtra Police Manual 1959?"

Is to be read as,

"Whether the view taken by the earlier Division Bench in O.A.No.378, 38, 39, & 40 all of 2016 decided on 24.03.2017 of Aurangabad Bench of this Tribunal is in consonance with Rule 180(3)(e) of the Maharashtra Police Manual 1959?"

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1166 OF 2019

Dr. Amol R. Patil.

)...Applicant

Versus

1. The State of Maharashtra & Anr.)...Respondents

Smt. S.T. Suryawanshi, Advocate for Applicant.

Smt. K.S. Gaikwad, Presenting Officer for Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 05.02.2021

ORDER

1. In the present O.A, the Applicant's grievance is that he is not getting posting as per his choice given by him in counseling at the time of absorption in regular service. Initially, the Applicant was appointed on Ad-hoc Medical Officer for 11 months in 2008, and thereafter, he was continued in service as an ad-hoc Medical Officer.

2. Later by Notification dated 11.01.2019, the policy decision was taken by Government to absorb 738 Ad-hoc Medical Officers (Group-B) and to give them posting accordingly. Since Applicant's wife is also serving as Ad-hoc Medical Officer at Jalgaon, the Applicant by letter dated 10.06.2019 requested for his posting on absorption at (i) Epidemic Medical Officer, Jalgaon, (ii) Medical Officer, Civil Hospital, Jalgaon, (iii) Medical Officer, Ayurvedic Dispensary, Hartala, Tal. Muktainagar,

Amol R. Patil

District Jalgaon, (iv) Medical Officer, Ayurvedic Dispensary, Taldalwadi, Tal. Raver, District Jalgaon and (v) Medical Officer, Primary Health Centre, Lohara, Tal. Raver, District Jalgaon. However, the Applicant was given posting at Primary Health Centre, Vasa, Tal. Talasari, District Palghar. Thereafter, he made representations, but the same were not considered.

3. During pendency of O.A, by order dated 17.01.2020, the representation was rejected on the ground that, at present, no post of Medical Officer is vacant in Jalgaon Gramin. It is further stated in impugned order that as per Notification dated 11.01.2019, the candidate was required to serve for 10 years in Gramin or Adivasi Zone.

4. The Applicant is also raised ground of discrimination stating that even after absorption in case of 7 Medical Officers, they were transferred and accommodated on request, but he subjected to hostile treatment.

5. During the course of hearing, the learned Advocate for the Applicant has submitted that at present also, the post of Medical Officer in Jalgaon District is vacant.

6. In view of above, it is necessary to take clarification from Respondent No.1 as to how many and which posts of Medical Officer were vacant in Jalgaon Gramin at the time of counseling of the Applicant and also to clarify as to how many posts were vacant in Jalgaon Gramin at the time of rejection of representation of the Applicant. Furthermore, Affidavit should contain as to how many posts from Jalgaon Gramin are presently vacant.

7. The learned Advocate for the Applicant is also directed to file Affidavit along with documents to show previous posting of those seven Medical Officer and their subsequent posting orders to find out whether the Applicant is really subjected to discrimination.

8. Adjourned to 15th February, 2021.

Sd/-

(A.P. KURHEKAR)
Member-J

SKW

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.02.2021</p> <p>O.A.No.534 of 2020</p> <p>M. V. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents is present.</p> <p>2. There is a leave note of Smt. Punam Mahajan, learned Counsel for the Applicant.</p> <p>3. In view of leave note, the matter is adjourned to 12.02.2021.</p> <p>4. Interim relief to continue till next date.</p> <p>5. S.O. to 12.02.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Memoranda of Coram, Tribunal's orders or and Registrar's orders	Tribunal's orders Date : 05.02.2021
	O.A.No.103 of 2020
	<p>N. G. DeshmukhApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p>
	<p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p>
	<p>2. In present Original Application, the challenge is to the transfer order dated 04.12.2018 whereby the Applicant was transferred from the post of Chief Officer, Mangalvedha Municipal Council, Baramati as Chief Officer to Kinwat, Dist. Nanded.</p>
	<p>3. During the course of hearing of learned Counsel as well as learned C.P.O., it is transpired that as the Applicant did not join at a place of transfer, he was suspended by order dated 16.02.2019. The Applicant had challenged the said order in O.A.No.100/2020 which was allowed by order dated 03.02.2020 whereby giving directions to the Respondent to take review within four weeks.</p>
	<p>4. In view of above, the Applicant was reinstated in service by order dated 04.06.2020 and was posted as Assistant Commissioner, Municipal Corporation, Pune.</p>
	<p>5. Today, learned C.P.O. has tendered the copy of subsequent order dated 29.12.2020 whereby the Applicant has been promoted on the post of Assistant Commissioner (Group-A), Pimpri-Chinchwad Municipal Corporation and has also tendered the copy of letter dated 24.12.2020 whereby the period from 17.02.2019 to 04.06.2020(absence period) has been treated /regularized as extra ordinary leave. The orders are taken on record and marked by letter 'X'.</p>
	<p>6. Learned C.P.O. therefore, submits that in view of this subsequent events challenged to transfer order dated 04.12.2018 does not survive.</p>
	<p>7. Per contra, Shri A. V. Bandiwadekar, learned Counsel for the Applicant submits that challenge to transfer order dated 04.12.2018 still subsists since it is in contravention of provision of law and it needs to be decided on its own merit without considering subsequent development.</p>
	<p>8. The matter is adjourned on request of learned Counsel for the Applicant for filing additional Affidavit-in-Reply in respect of orders tendered by learned C.P.O. today.</p>
	<p>9. S.O. to 15.02.2021.</p>
	<p>Sd/- (A.P. Kurhekar) Member(J)</p>

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Date: 05.02.2021

O.A. No.541 of 2019

P.G. BhaleraoApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri Anil Jaiswar, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. In the present O.A., the challenge is to the suspension order dated 03.10.2017. Indeed, the O.A. itself was filed belated i.e. on 11.06.2019 challenging the suspension order.
3. It is pointed out by learned P.O. that the charge-sheet was served upon the Applicant on 18.11.2017 and during the pendency of this O.A., the D.E. has been completed by passing final order dated 21.12.2019 thereby imposing the punishment of removal of service.
4. As such, in view of order of removal from service challenge to the suspension order itself has become infructuous.
5. Despite the above position the learned Advocate for the Applicant submitted that he wants to take instructions from the client and matter to be adjourned.
6. Since, O.A. itself has become infructuous there is no propriety to keep the O.A. alive.
7. In view of above, the O.A. stands disposed of with no order as to costs.
8. Applicant is at liberty to take further course of action in accordance to law.


(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

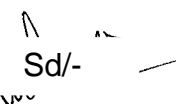
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	<p align="center">Date: 05.02.2021</p> <p align="center">O.A. No.291 of 2018</p> <p>V.D. DangatApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The perusal of record reveals that the matter was lastly listed before this Tribunal on 20.03.2020, and thereafter, it remained unlisted due to Covid-19 Pandemic situation and lockdown. Today, for the first time, it is taken on board by circulation.</p> <p>3. As today it is taken by circulation, the learned P.O. seeks time to take instructions and argue the matter.</p> <p>4. Adjourned for Final Hearing on 24.02.2021.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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	<p>Date : 05.02.2021</p> <p align="center">O.A.No.62 of 2021</p> <p>R.S. Jogi ... Applicant</p> <p align="center">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. By order dated 22.02.2018, the Revenue and Forest Department has appointed the Enquiry Officer by designation "Regional Special Officer for Departmental Enquires", Konkan Division, Konkan.</p> <p>3. The learned P.O. on instructions from Shri Anant J. Shetye, Under Secretary, Revenue Department, Shri Bhansaheb Phatangave, Resident Deputy Collector, Encroachment Removal Western and Shri Kumbhar Sunil N, Assistant Section Officer, Revenue Department, Mantralaya, informs that Mrs. P.P. Sable, Revenue Department, Mantralaya who was at that time holding the post was appointed as Enquiry Officer.</p> <p>4. On instructions he further informs that on 04.06.2018 for the first time Mrs. Sable wrote a letter to the Revenue and Forest Department and demanded all the papers necessary for the departmental enquiry. Pursuant to that the Revenue and Forest Department directed the Divisional Commissioner, Konkan Division, to hand over and make available the necessary enquiry papers to Mrs. Sable. On 03.09.2018, the Divisional Commissioner wrote a letter to the Additional Collector (East) giving directions to make available all the documents necessary to the Enquiry Officer to conduct enquiry. Following which reminder letters dated 10.09.2019,</p>

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01.04.2019 and 28.05.2019 were written by Mr. Annasahab B. Misal, then Divisional Commissioner to Mr. Vivek Gaikwad, Additional Commissioner (East).

5. A lot of time is consumed to obtain instructions from the three officers who are present, when the query was made by the Tribunal as to when the papers of the enquiry were sent to the Enquiry Officer?

6. We are informed that the said papers were sent and reached yesterday i.e. on 04.02.2021. It is to be noted that a matter was on yesterday's board as well and we made enquiry about the delay in conducting the enquiry.

7. Today also no satisfactory answers are coming from the State and therefore we specifically direct the learned P.O. to prepare a short affidavit giving the chronology of the movement of file and enquiry papers and giving reasons as to who is responsible for not sending the papers to the enquiry officer for the last 3 years. Affidavit is to be filed at 04.00 p.m. today itself.

8. Steno copy and Hamdast is allowed.

9. Adjourned to today i.e. 05.02.2021 at 4.00 p.m.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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**Later on
05.02.2021**

O.A 62/2021

Smt Rajashree S. Jogi ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. Shri Chougule informs that more time is required to file affidavit in reply in view of the details collected.

3. S.O 9.2.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p><u>05.02.2021</u></p> <p style="text-align: center;"><u>C.A 28/2020 In R.A 13/2019 in O.A 35/2019</u></p> <p>Shri Yogesh L. Dharavane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The application is moved for the compliance of the order dated 18.12.2019 in R.A 13/2019 in O.A 35/2019 , by which order the Tribunal has directed the Respondents to include the name of the applicant as per rule in the waiting list within a period of eight weeks from the date of the order. However, the Respondents have not taken any decision and therefore the present C.A is filed for the compliance of the said order.</p> <p>3. Learned counsel for the applicant has pointed out that in the Review Application, the Tribunal has ordered that the name of the applicant is to be included as per rules in the waiting list and in para 12 it is specifically ordered that the R.A is therefore allowed and the prayer at para 13 (a) and (b) succeed. Learned counsel for the applicant points out to para 2 of the contempt application where in prayer (a) and (b) of the O.A are reproduced. Learned counsel submits that in the prayer the applicant has asked to include the name of the applicant in the wait list effective from the date of his application i.e. 29.1.2009.</p> <p>4. Learned P.O has relied on the affidavit in reply dated 21.10.2020, of Respondent nos 1 to 3 filed by Shri Vijay. S Gogre, Superintending Engineer, Thane Irrigation Circle, Thane, wherein the apology is tendered for the delay and compliance of the order. Learned P.O submits that the Government has not taken decision for inclusion of names of candidates applying for compassionate appointment on the point whether the name of a person for compassionate appointment to be included from the date of application. Learned P.O mentions that till then such substitution was not permissible as per G.R dated 20.5.2015.</p> <p>5. Shri Chougule has further submitted that the Respondents has given letter dated 5.2.2021 written by Shri .Y.B Patil, Executive Engineer, Bhatsa Dam Management Department wherein Government has taken decision to include the name of the applicant Yogesh</p>

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Laxman Dharavane, in the waiting list subject to the decision in W.P 94446/2020.

6. On perusal of the said letter, Mr Bhosel, learned counsel for the applicant objects that the applicant's name is to be included from the date of his application, i.e 29.1.2009. There is no statement in this letter and in support of his submission, he relied on the judgment of the Hon'ble High Court dated 11.3.2020 in Dnyaneshwar R. Musane Vs. The State of Maharashtra & Ors, W.P 6267/2018 and he further relied on the decision of the D.B of the Hon'ble Bombay High Court dated 18.7.2018 in State of Maharashtra & Ors Vs. Smt Anusaya V. More & Anr. W.P 13932/2017.

7. We have considered the submissions made by both the learned counsel. Mr Y.B Patil, Executive Engineer, Respondent no. 2 is present. We would like to point out that in W.P 6267/2018 dated 11.3.2020, the D.B of the Bombay High Court has addressed the said G.R dated 20.5.2015 and has observed as under:-

"We hold that the restriction imposed by the Government Resolution dated 20.5.2015 that if name of one legal representative of deceased employee is in the waiting list of persons seeking appointment on compassionate ground, then that person cannot request for substitution of name of another legal representative of that deceased employee, is unjustified and it is directed that it be deleted."

8. In W.P 13932/2018, the D.B of Bombay High Court, has considered the similar issue in respect of inclusion of candidate on compassionate ground in the waiting list from the date of the application and it held that the name is to be entered in the said waiting list by according it due seniority with effect from the date of application of the applicant.

9. After pointing out these rulings the Respondent no. 2 who is present in person has corrected the statement in the letter dated 5.2.2021 that the name of the applicant will be included from the date of his application, i.e. 29.1.2009 within one week, which is subject to decision of W.P 94446/2020. The letter is taken on record and marked as Exh.1.

10. The statement of Respondent no. 2, though is accepted, however, it being contempt, we call upon Respondent no. 2 to make this particular statement on affidavit today itself.

11. C.A stands disposed of.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

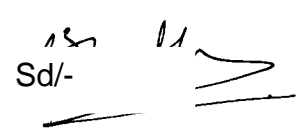
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	<p><u>05.02.2021</u></p> <p align="center"><u>O.A 68/2021</u></p> <p>Smt Shalan R. Koli ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Neelima Gohad, learned P.O for the Respondents.</p> <p>2. The applicant, who is working as Senior Clerk, in the office of Commissioner, Employment State Insurance Scheme, prays for the declaration that she is deemed to have been retired from the post of Senior Clerk w.e.f 16.5.2020 in pursuance of the Voluntary Retirement application dated 17.2.2020, and she is entitled to all consequential service benefits. The applicant also prays that the order dated 13.12.2019, 6.3.2020 and 28.9.2020 thereby rejecting her application for Voluntary Retirement are to be quashed and set aside.</p> <p>3. Issue notice returnable 22.3.2021.</p> <p>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 may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 22.3.2021.</p> <p align="right">  Sd/- (Mridula Bhatkar, J.) Chairperson </p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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	<p>Date : 05.02.2021</p> <p align="center">O.A.No.39 of 2014</p> <p>P.T. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri. G. Deshpande, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In this matter after completion of the pleading the matter was heard, however, in between the amendment was suggested. The applicant has already carried out the amendment. The learned P.O. seeks short time to file reply. It is to be noted that the matter pertains to 2014 so top priority will be given to this matter. Respondents to file affidavit-in- reply within two weeks.</p> <p>3. Matter is adjourned to 17.02.2021 and copy of the affidavit-in-reply be served to the applicant two days in advance.</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman</p> <p align="center">Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

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	<p>Date : 05.02.2021</p> <p>O.A.No.511 of 2015</p> <p>Dr. M.M. Thombare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Lata Patne, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents, Shri Nair, learned Special Counsel for Respondents No.1 to 3 and Shri C.T. Chandatre, learned Counsel holding for Shri M.D. Lonkar, learned Counsel for Respondent No.4</p> <p>2. The learned Counsel appearing for Respondents no.1 to 3 submits that the applicant is retired and she has been given all the retirement benefits.</p> <p>3. The learned Counsel for the Applicant has furnished substituted copy of O.A. along with written notes of arguments. The same are taken on record.</p> <p>4. Adjourned to 19.03.2021.</p> <p>Sd/- Sd/- (P.N. Dixit) (Mridula Bhatkar J.) Vice-Chairman Chairperson</p> <p>prk</p>

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Date : 05.02.2021

O.A.No.1103 of 2016

P.T. Patil ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms. N. Bhide, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. It is the part heard. The learned Counsel submitted that she will give the detailed representation regarding her claim and the ground of parity to the Respondents.

3. The learned P.O. submits that the Respondents will consider the same again and will consider the revision of pay as per the policy of the Government.

4. Adjourned to 03.03.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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DISTRICT

..... Applicant/s



(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.172 of 2016</u></p> <p>D.S. Katke ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Arjun Pawar, learned Advocate holding for Shri M.B. Kolpe, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for Respondents No.4 and Shri B.A. Bandiwadkar, learned Advocate for Respondent No.7.</p> <p>2. Ld. Advocate for the applicant requests for adjournment.</p> <p>3. Ld. Advocate for respondent no.7 files sur-rejoinder and the same is taken on record.</p> <p>4. S.O. to 26.3.2021.</p> <p align="center">Sd/-  Sd/- </p> <p align="center">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 5.2.2021 5.2.2021</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 05.02.2021

O.A.No.509 of 2015

P.G. Kolapte ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt. N.G. Gohad, learned Presenting Officer for the Respondents. None for the Applicant

2. The learned P.O. submits that Respondent no.1, Maharashtra Sadan, Delhi has engaged a Special Counsel and he prays for adjourned. .

3. At the request of learned Special Counsel Adjourned to 03.03.2021. It is to be noted that it will be heard on that date.

Sd/-

**(P.N. Dixit)
Vice-Chairman**

Sd/-

**(Mridula Bhatkar J.)
Chairperson**

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 05.02.2021</p> <p align="center">O.A. No.385 of 2018</p> <p>S.S. RawleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents. 2. Today, the matter is taken on board by learned Advocate for the Applicant by circulation, since it was unlisted during the period of lockdown. 3. Matter pertains to punishment of 6% deduction of pension for one year. 4. On request of learned P.O. time is granted for Final Hearing. 5. Adjourned for Final Hearing on 10.02.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 05.02.2021</p> <p align="center">O.A. No.796 of 2018</p> <p>S.V. MohiteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Applicant and his Advocate both are the absent. Smt. Archana B.K., learned Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that the Applicant and his Advocate are frequently absent.</p> <p>3. After the period of lockdown, the matter was listed for hearing on 09.01.2021 but on that date also, Applicant and his Advocate both were absent, and therefore, the matter was adjourned on 19.01.2021. On 19.01.2021, the Applicant and his Advocate both were absent, and therefore, the matter was again adjourned.</p> <p>4. Today again, the Applicant and his Advocate both are absent. Thus, it appears that they are not interested in the matter. Hence, matter is dismissed for default. No order as costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 05.02.2021</p> <p align="center">O.A. No.379 of 2020</p> <p>R.M. ChavanApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri R.M. Kolge submits that he wants to file Rejoinder but his client is in service at Nagpur, and therefore, today he is unable to file Rejoinder and seeks time.</p> <p>3. Matter to be kept for hearing at the stage of admission with liberty to file Rejoinder, if any, on next date with specific instruction that no further time will be granted.</p> <p>4. S.O. to 24.02.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="left">NMN</p>

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	<p align="center">Date: 05.02.2021</p> <p align="center">O.A. No.291 of 2018</p> <p>V.D. DangatApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The perusal of record reveals that the matter was lastly listed before this Tribunal on 20.03.2020, and thereafter, it remained unlisted due to Covid-19 Pandemic situation and lockdown. Today, for the first time, it is taken on board by circulation.</p> <p>3. As today it is taken by circulation, the learned P.O. seeks time to take instructions and argue the matter.</p> <p>4. Adjourned for Final Hearing on 24.02.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Date : 05.02.2021

O.A.No.102 of 2020

S. H. Shaikh

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant submits that Affidavit-in-Rejoinder will be filed during the course of day. Statement is accepted. It be taken on record.

3. On request of learned Counsels, the matter is adjourned for hearing at the stage of admission.

4. S.O. to 25.02.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 05.02.2021</p> <p align="center">O.A. No.1222 of 2019</p> <p>S.J. HullyalkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate holding for Shri A.N. Ranade, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 18.02.2021. 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 Original Application. 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 three 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.

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

Tribunal's orders

8. S.O. to 18.02.2021.

9. In the present O.A., the challenge is to the suspension order dated 19.01.2018 and period of more than three years is over. Whereas, in terms of G.R dated 07.10.2011, the review was to be taken periodically, which appears to be not taken in present O.A. and Applicant is kept under prolong suspension.

10. Learned P.O. is, therefore, directed to take instructions in this behalf and appraise the Tribunal on next date without fail.

11. S.O. to 18.02.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN