

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.187 of 2020

V. D. Gujar

)..... **Applicant**

Versus

State of Maharashtra & Ors.

)...**Respondents**

Shri M. D. Lonkar, Counsel for the Applicant

Ms S. P. Manchekar, Chief Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 05.03.2020

ORDER

1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The Applicant has challenged the impugned order dated 28.02.2020 whereby he is abruptly relieved by Respondent No.3 – S.R.A., Mumbai, contending that it is in gross violation of Government Resolution dated 16.02.2018 which governs the conditions in the matter of deputation and cancellation of the deputation.

3. The Applicant is in the cadre of Deputy Collector and while he was awaiting posting, by order dated 11.02.2019 passed by Respondent No.1, he was posted in Housing Department, Mantralaya, Mumbai. Accordingly on 12.02.2019 he joined on the post of Deputy Collector, S.R.A., Mumbai on deputation. However, by impugned order dated 28.02.2020, he was abruptly relieved by the Respondent No.3 from the establishment of S.R.A. without assigning any reason or having any reference of his further posting. All that in impugned order dated 28.02.2020, it is stated that Applicant is being relieved. As such, no reason is forthcoming in the impugned order.

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4. The present O.A. taken up for admission and for consideration of interim relief on 03.03.2020 but on the request of learned C.P.O., the matter was adjourned to 04.03.2020. On 04.03.2020 also the matter was again adjourned on request of learned C.P.O. for today to produce the record so as to justify the impugned order and reasons for such abrupt cancellation of deputation.

5. However, today learned C.P.O. submits that no record is available. She, therefore, requested for two weeks time to file reply.

6. Whereas, learned Counsel for the Applicant has requested for interim relief contending that the impugned order is totally unsustainable in law. He referred to G.R. issued by the G.A.D. dated 16.02.2018 which inter-alia states that initially deputation period shall be at least 3 years and if for some reasons borrowing authority does not require his services, then the borrowing authority needs to make report to the parent department by giving three months time. However it is not applicable, in case deputation is required to be cancelled on the ground of serious misconduct.

7. In present case as stated above, no reason is forthcoming for abrupt cancellation of deputation despite enough time granted to learned C.P.O. Neither any record is produced to show the reasons for abrupt cancellation of deputation order nor any submission is made as to what prompted for abrupt cancellation of deputation. Thus impugned order seems arbitrary.

8. As such, prima-facie impugned order is not accordance to G.R. dated 16.02.2018 and arbitrary. The Applicant is left without any positing.

9. In view of above, impugned order dated 28.02.2020 is stayed till the filing of reply and he be reinstated on the post held by him.

10. Issue notice before admission returnable on 19.03.2020.
11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
12. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
13. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
14. 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.
15. 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.
16. S.O. to 19.03.2020.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

**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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C.A.55 of 2019 in O.As.805, 806 & 807 of 2016

R.V. Dube & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO mentions that matter is before the Hon'ble High Court and the next date of hearing is 20.3.2020.

3. In view of the same adjourned to 26.3.3020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

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

Tribunal's orders

O.A. No.179 of 2020

V.G. Padvi ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Sri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The respondents are directed to file short reply with reference to paras 6.11 & 7.20 of the OA particularly in view of the fact that the applicant has been cleared from the DE by the appellate authority. The respondents are also directed to file short reply regarding legal impediment in considering the prayer clause 15(b). Reply to be filed by 31.3.2020.

3. Issue notice returnable on 31.3.2020.

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

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

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

9. Steno copy permitted.

Sd/-

(A.P. Karhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

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

Tribunal's orders

O.A. No.183 of 2020

J.B. Bangar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Issue notice returnable on 21.4.2020.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.
7. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgi)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

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.192 of 2020

H.A. Warwate & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. Advocate for the applicants submits that he may be allowed to take instructions from the applicants regarding prayers in the DA.

3. As per his request adjourned to 12.3.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgl)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directians and Registrar's orders	Tribunal's orders
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M.A. No.123 of 2020 in O.A. No.192 of 2020

H.A. Warwate & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. By this MA, the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20

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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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M.A. No.120 of 2020 in O.A. No.178 of 2020

C.T. Chaudhari & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. By this MA, the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.

Sd/-

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

(sgj)

**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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O.A. No.178 of 2020

C.T. Chaudhari & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. Advocate for the applicants seeks permission to enclose the rules regarding Tax Assistants. Permission granted.

3. As per his request adjourned to 17.3.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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O.A. No.1038 of 2019

A.N. Bhalchandra ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. CPO files sur-rejoinder on behalf of the respondents and the same is taken on record.

Sd/-

Sd/-

(A.P. Kurhekar)

(P.N. Dixit)

Member (J)

Vice-Chairman (A)

5.3.2020

5.3.2020

(sgj)

**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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O.A. No.177 of 2020

M.S. Nigewar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.

2. At the request of Ld. Advocate for the applicant, adjourned to 12.3.2020.

Sd/-

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

(sgj)

**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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O.A. No.994 of 2019 with M.A. No.43 of 2020

S.A. Narawade ..Applicants

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 permission to withdraw the earlier affidavit filed on behalf of Settlement Commissioner in MA. Permission granted.

3. Ld. PO files replies on behalf of respondent no.2 and Settlement Commissioner in MA and the same are taken on record.

4. S.O. of 12.3.2020

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgl)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

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.1223 of 2019

A.P. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Omkar A. Keni, learned Advocate holding for Shri P.S. Pathak, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO files reply and the same is taken on record.

3. S.O. to 19.3.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

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.25 of 2020

C.N. Suryawanshi & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Siddharth Khandelwal, learned Advocate i/b Talekar & Associates for the Applicants, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Ms. Vijayalaxmi Khapade, learned Advocate for Respondents No.1 & 2.

2. Ld. Advocate for respondents no.1 & 2 mentions that affidavit would be served to the Ld. Advocate for the applicant by email before 9.3.2020.

3. S.O. to 12.3.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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M.A. No.569 of 2019 in O.A. No.925 of 2017

D.K. Gunjal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant; Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 to 6 and Shri M.D. Lonkar, learned Advocate for Respondents No.8, 9, 10, 16 & 52.

2. Shri S.B. Deore, Ld. Advocate files his Vakalatnama in OA No.925 of 2017 on behalf of Respondents No.18 & 44.

3. Ld. Advocate for the applicant mentions that cause title of MA is defective and he seeks permission to replace the same. Permission granted.

4. S.O. to 26.3.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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M.A. No.475 of 2019 in O.A. No.925 of 2017

D.K. Gunjal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 to 6 and Shri M.D. Lonkar, learned Advocate for Respondents No.8, 9, 10, 16, 52 & 84(a).

2. Ld. Advocate Shri Lonkar files reply on behalf of proposed respondent no.84(a) and the same is taken on record.

3. S.O. to 26.3.2020.

Sd/-

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

(sgj)

**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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O.A. No.830 of 2019 with M.A. No.450 of 2019

S.P. Sangave & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO files reply in OA and the same is taken on record.

3. Ld. Advocate for the applicants submits that prayers of the applicants in the OA have been satisfactorily met except of applicant No.7, who is facing DE. Therefore, he requests that the OA may be disposed off.

4. In view of the above OA as well as MA are disposed off.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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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M.A. No.555 of 2019 in O.A. No.999 of 2019

N.V. Thokal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Utkarsh Desai, learned Advocate holding for Shri P.S. Bhavake, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This MA is for condoning the delay in filing OA.

3. For the reasons mentioned therein, MA for condonation of delay is allowed and disposed off as such.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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M.A. No.474 of 2019 in O.A. No.862 of 2019

D.K. Gunjal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondent No.1 and Shri M.D. Lonkar, learned Advocate for Respondent No.2.

2. Ld. Advocate for respondent no.2 files reply and the same is taken on record.

3. S.O. to 26.3.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

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.554 of 2018 with M.A. No.346 of 2018

R.R. Tarkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri S.P. Kanade, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. PO seeks time to file reply in the OA. MA & OA will be heard together for final hearing.

3. At her request adjourned to 10.4.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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.

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.59 of 2019 in O.As.1041, 1042 & 1046 of 2017

L.B. Kadam & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Applicants as well as Ld. Advocate for the Applicants are absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. According to the Ld. PO in similar matters Hon'ble High Court has stayed the proceedings on 3.3.2020. In the present case according to her stay was granted as well however, she has not produced copy. She is directed to produce copy of the order.

3. S.O. to 31.3.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
5.3.2020

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
5.3.2020

**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 : 05.03.2020

O.A.No.121 of 2020

1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant, Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Smt. Punam Mahajan, learned Counsel for the Respondent No.2.
2. Today, learned P.O. has filed reply on behalf of the Respondent No.1. It is taken on record.
3. On request of Smt.Punam Mahajan, learned Counsel for the Respondent No.2, two weeks time is granted for filing reply on behalf of Respondent No.2.
4. S.O. to 19.03.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

DISTRICT _____

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

Date : 05.06.2020

**M. A. No.117 of 2020 in O.A. No.136 of 2019
with
M.A.No.536 of 2019 in O.A.No.136 of 2018**

1. Heard Shri A. C. Chatuphale, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1 and 3, Shri D. B. Khaire, learned Counsel for the Respondent No.2 and Shri A. V. Bandiwadekar, learned Counsel for the Original Applicant.

2. Today, Shri A. V. Bandiwadekar, learned Counsel for the Original Applicant has filed reply. It is taken on record.

3. S.O. to 09.06.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.03.2020</p> <p>O.A.No.159 of 2020</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the impugned transfer order dated 20.02.2020 whereby he is transferred from Pune Commissionerate to Satara on the ground that though he never requested for transfer, the Respondent No.2-Commissioner of Police transferred him to the establishment of Superintendent of Police, Satara unilaterally and in contravention of provisions of Maharashtra Police Act. 3. When the matter was taken up for admission on request of learned P.O., it was adjourned to find out whether the Applicant had made any request for transfer. 4. Today, learned P.O. has tendered the file for perusal of Tribunal which shows that there is matrimonial dispute in the family of Applicant. The Applicant and his wife both are in police department and were serving at on the establishment of Commissioner of Police. However, the Applicant's wife made request to the Commissioner of Police, Pune to transfer her as well as her husband to Satara so that they can live separately from parents of the Applicant. 5. Thus, it is on the request letter of the wife, the Applicant has been transferred to Satara without placing the matter before appropriate PEB. Such transfer order would have also consequence of losing seniority of the Applicant if he joins at on the establishment of Satara. 6. Thus, what transpires that admittedly the Applicant had never requested for transfer but he is transferred on the request of his wife. Matrimonial dispute seems to be the reason for making application by wife. 7. Be that as it may, prima-facie the impugned order is unsustainable in law. 8. In view of above, impugned order dated 20.02.2020 is hereby stayed. Respondent No.2 is directed to reinstate the Applicant on his original post immediately. 8. Homeast granted. 9. S.O. to 27.03.2020 for filing reply. <p style="text-align: right;">Sd/- (A.V. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

DISTRICT _____

..... Applicant/s

(Advocate)

versus

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

The State of Maharashtra ^{vsm} and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

Date : 05.03.2020

O.A.No.337 of 2018

1. Heard Shri Y. R. Shah, learned Counsel for the Applicant, Ms N. G. Gohad, learned Presenting Officer for the Respondent Nos.1 and Shri S. G. Walhekar, learned Counsel for the Respondent No.3
2. Today, Shri S. G. Walhekar, learned Counsel for the Respondent No.3 has filed Sur-Rejoinder. It is taken on record.
3. Matter is adjourned for hearing at the stage of admission.
4. S.O. to 30.03.2020.

Sd/-

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

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

Date : 05.03.2020

O.A.No.922 of 2019

1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today, learned P.O. has tendered the order dated 04.03.2020 stating that as per recommendation of Review Committee, the suspension of the Applicant is revoked and he is reinstated in service. It is further stated in the order that posting order will be issued soon.

3. Learned Counsel for the Applicant raised grievance of non-payment of subsistence allowance since May, 2019.

4. In view of above, Original Application needs to be disposed of with suitable directions as the issue of suspension no more survive.

5. Original Application is disposed of with direction to the Respondents to issue posting order of the Applicant in accordance to rules within two weeks from today and shall also ensure the payment of subsistence allowance to the Applicant.

6. No order as to cost.

Sd/-

(A.P. Kurhekar)
Member(I)

vsm

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

Date : 05.03.2020

O.A.No.251 of 2019

1. Heard Shri C. B. Nikte, learned Counsel for the Applicant, Ms N. G. Gohad, learned Presenting Officer for the Respondent Nos.1 to 3 and Shri S. S. Dere, learned Counsel for the Respondent No.4.

2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.

3. Matter is adjourned for hearing at the stage of admission.

4. S.O. to 27.03.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 05.03.2020

O.A.No.189 of 2020

1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. At the very outset, learned Counsel for the Applicant submits that he intends to file Misc. Application for delay condonation, and therefore, requested to adjourn the matter.
3. S.O. dt 11.03.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 05.03.2020

O.A.No.1143 of 2018 with O.A. No.48 of 2019

1. Heard Shri M. K. Mishra, learned Counsel (O.A.1143/18) and Shri C. T. Chandratre, learned Counsel (O.A.48/19) for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Counsels for the Applicants submits that recently the Government had issued G.R. dated 02.03.2020 whereby the grievance raised by the Applicants in present O.A. stands redressed, and therefore, requested to withdraw the Original Applications.

3. In view of above, allowed to withdraw the Original Applications.

4. No order as to cost

Sd/-

^w
(A.P. Kurhekar)
Member(J)

vsm

**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 : 05.03.2020

O.A.No. 1028 of 2019

1. Heard Shri Arvind V. Bandiwadkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Pleading are complete. The matter is admitted for final hearing with liberty to learned Counsel to file Rejoinder, if necessary in the meantime.
3. S.O. to 30.03.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 05.03.2020.</p> <p><u>M.A 55/2020 in O.A 1034/2019</u></p> <p>Shri P.N BandgarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Prashant Suryavanshi, holding for Shri G.M Savagave, learned Advocate for the Applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned advocate for the applicant produced receipt of payment of Rs. 1000/- toward costs imposed on the applicant for restoration of the present M.A.</p> <p>3. In view of the same, present Misc Application is allowed and M.A 684/2019 in O.A 1034/2019 is restored.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A)</p> <p>akn</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 : 05.03.2020.</p> <p><u>M.A 684/2020 in O.A 1034/2019</u></p> <p>Shri P.N BandgarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Prashant Suryavanshi, holding for Shri G.M Savagave, learned Advocate for the Applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Misc Application is filed for condonation of delay of 5 years and 11 months.</p> <p>3. For the reasons stated in the Misc Application, M.A is allowed.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A)</p> <p>akn</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 Date : 05.03.2020.
	<p align="center"><u>O.A 1034/2019</u></p> <p>Shri P.N BandgarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Prashant Suryavanshi, holding for Shri G.M Savagave, learned Advocate for the Applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant has prayed as under:- "9(a) By a suitable order/direction, this Hon. Tribunal may be pleased to direct the Respondent no. 2 to decide the detailed representation dated 6.4.2019 (Exh. C) addressed by the applicant to the Respondent no.2 within such stipulated period and/or to communicate the decision thereon all within a period of 4 weeks from the date of the order of the Hon. Tribunal and accordingly the Applicant be granted all the consequential service benefits, as if the impugned order had not been passed." (Quoted from pages 9 & 10 of the O.A)</p> <p>3. The applicant has made a representation on 6.4.2019 (Exh. C, page no. 21 of the Paper Book), and the same has been acknowledged by the office of Respondent no. 2.</p> <p>4. Though nearly a period of one year is over, according to the applicant, he has not received any reply to the said representation.</p> <p>5. It would be therefore appropriate to give directions to the Respondents no 2 & 3 to consider the representation of the applicant dated 6.4.2019 and decide the same within a period of three months and communicate the same to the applicant within a period of four weeks thereafter.</p> <p>6. With the above directions, O.A stands disposed of. No order as to costs. Steno copy and Hamdast is granted.</p> <p align="right">Sd/- (P.N. Dixit) Vice-Chairman (A)</p> <p align="left">akn</p>