

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

Tribunal's orders

05.11.2020

C.A 37/2020 in O.A 316/2019

K.D Binner & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Dr Gunratan Sadavarte, learned advocate for the applicants and Smt K.S Gaikwad, learned P.O for the Respondents.

2. This application for contempt is moved by 8 Ambulance Drivers who are working with the Respondents. It is contended by learned counsel for the applicants that order dated 18.9.2019 by D.B of this Tribunal is not complied with by the Respondents. He submits that immediate implementation of the recommendations of the Cabinet Sub-Committee is required. Learned counsel further submits that case of the applicants is squarely covered under the judgment of the D.B of Bombay High Court, Nagpur Bench in W.P 2046/2010 and W.P 10145/2014 along with W.P 7461/2014.

3. Learned P.O prays for time to obtain instructions.

4. The Respondents to take into account the directions given on 18.9.2019 by the D.B of this Tribunal in the above O.A. The relevant paragraph in the order is reproduced below:-

"The Committee was constituted under the Chairmanship of Hon'ble Minister, Public Health Department and Members were Hon'ble Minister Finance, Hon'ble Minister Public Health and Family Welfare and Hon'ble Minister, Rural Development Department. The Hon'ble Cabinet Sub Committee has made recommendation in this meeting which is enclosed along with letter filed by learned P.O. The same is taken on record and marked as Exhibit 'X' for identification. It appears that learned Advocate Dr. Gunratan Sadavarte for the applicant has also agreed with this recommendation.

In view of this Government is directed to follow the recommendations of the Cabinet Committee dated 28.6.2019 as expeditiously as possible."

5. S.O to 27.11.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

**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 : 05.11.2020
	<p>O.A.No.428/2020 with O.A.No.429 of 2020 with O.A.No.430/2020 with O.A.No.431/2020</p> <p>N.R. Tekam (O.A.428/2020) Y.D. Ogale (O.A.429/2020) R.K. Giripunje (O.A.430/2020) M.R. Chaudhari (O.A.431/2020) ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicant and Smt. K.S Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. It is pointed by the learned Counsel that pursuant to order dated 22.10.2020 till today no action is taken by the respondents in respect of the transfer of these four police personnels</p> <p>3. The learned P.O. is directed to verify whether the order of this Tribunal is followed and implemented.</p> <p>4. Adjourned to 26.11.2020.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p>O.A.No.336 of 2020</p> <p>M.L. Swani ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned C.P.O. submits that the order of suspension is rectified by corrigendum dated 28.10.2020 by which the applicant is suspended under rule 4(1)(c) of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 read with 4(2)(a) of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, as he remained in the police custody for more than 48 hours.</p> <p>3. The Respondents are directed to take review of the suspension of the applicant in the light of ratio laid by the Hon'ble Supreme Court in AJAY KUMAR CHOUDHARY VS. UNION OF INDIA, (2015) 7 SCC 291.</p> <p>4. Matter is adjourned to 05.01.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ 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	Date : 05.11.2020 Tribunal's orders O.A.No.313 of 2020
	<p>N.L. Thade ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Shri Sumit Kate i/b. Shri Uday Wanjikar, learned Advocates for Respondent No.3.</p> <p>2. The learned Counsel for the Applicant files affidavit-in-rejoinder. The same is taken on record. Learned Counsel submits that no Departmental Enquiry is initiated.</p> <p>3. Learned Counsel Shri Wanjikar submits that reply of Respondent No.3 is already on record.</p> <p>4. The learned C.P.O. seeks time to file reply. Last chance granted to file affidavit-in-reply.</p> <p>5. The Respondents are directed to take review of the suspension of the applicant in the light of ratio laid by the Hon'ble Supreme Court in AJAY KUMAR CHOUDHARY VS. UNION OF INDIA, (2015) 7 SCC 291</p> <p>6. Admitted and kept for final hearing on 02.02.2021.</p> <p style="text-align: right;">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Date : 05.11.2020

M.A.No.292 of 2020 with O.A.No.569 of 2020

The State of Maharashtra & Ors.

... Applicant (Org. Respondents)

Vs.

D.S. Rajput Respondents (Org. Applicant)

1. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicant (Org. Respondents).

2. Smt. Punam Mahajan, learned Advocate for the Applicant (Org. is absent).

3. The M.A. is filed by the State for the cancellation of interim stay order passed on 15.02.2020 mainly on the ground that though after taking circulation matter was posted on board on 15.10.2020. In the notice given by the learned Counsel on 13.10.2020 she has mentioned the date for the matter as 20.10.2020. The learned P.O. submits that therefore on that date the officer from the respondent did not attend the C.P.O. office and therefore the learned P.O. was left without instructions and without supportive documents.

4. I am informed that today, the learned Counsel Smt. Punam Mahajan is not present.

5. Perused the photocopy of the notice given by learned Counsel dated 13.10.2020 and it shows that the learned Counsel has communicated that the matter is scheduled on 20.10.2020. However the matter in fact was taken on 15.10.2020.

6. Prima facie it is a good ground to the cancel the order or to lift the stay. However today learned Counsel is not present and the M.A. is filed today. Therefore the matter along with M.A. is fixed on 19.11.2020 as First On Board.

7. M.A. and O.A. adjourned to 19.11.2020 as First on Board.

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

Date : 05.11.2020**O.A.No.399 of 2020 with O.A.No.400 of 2020**

B.A. Shinde (O.A.399/2020)

S.N. Jagtap (O.A.400/2020)

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicants, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent in O.A.No.399 /2020, Shri A.J. Chougule, learned P.O. for the Respondent No.1 in O.A.No.400/2020 and Ms. Ayesha Keshodwala i/b. C.K. Legal, holding for Advocate V. Chavan & A. Keshwade, learned Special Counsel for the Respondent No.2 in O.A.No.400/2020.

2. The learned Counsel Shri Bhushan A. Bandiwadekar states that he will file affidavit-in-rejoinder during the course of the day. The same be taken on record.

3. Adjourned to 11.12.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others
..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 05.11.2020 Tribunal's orders</p>
	<p>O.A.No.530 of 2020</p> <p>G.S. Kolekar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.D. Joshi, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri Vaibhav Ugle, learned Advocate for the Respondent No.3.</p> <p>2. The learned Counsel has filed affidavit-in-rejoinder. The same is taken on record.</p> <p>3. At the request of learned Counsel adjourned to 24.11.2020.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>05.11.2020</u>
	<u>O.A 389/2020</u>
	<p>N.A Lokhande ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p>
	<p>1 Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.</p>
	<p>2 It appears from the record that the applicant's name was under consideration for transfer to Pune as it was a pending case and her name is appearing at serial no. 33 in the letter dated 8.8.2019. NOC was given for her transfer by letter dated 10.11.2017.</p>
	<p>3 S.D.O, Khed, Rajgurunagar by letter dated 27.12.2019 has communicated to her that two posts of Talathis belonging to Schedule Caste as per Roster is vacant.</p>
	<p>4 Learned C.P.O is directed to find out how these two posts were filled in and moreover, if there is no vacancy in District Pune in Scheduled Caste category for the post of Talathi, then her case is required to be considered at Serial no. 1, as and when the said post in S/C category will fall vacant and she should be appointed immediately on that post. Accordingly, Respondents are directed to file affidavit to that effect, as to whether if somebody is retiring or due for transfer. The Respondents to also take into account that the applicant is having 2 year old baby.</p>
	<p>5 S.O to 26.11.2020.</p>
	<p>Sd/-</p>
	<p>(Mridula Bhatkar, J.) Chairperson</p>
	<p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Date : 05.11.2020

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

O.A. No. 37 of 2020

C.S. Rakh Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The learned Counsel seeks time to go through the reply to make his submissions.

3. Adjourned to 05.01.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p>O.A.No.278 of 2020</p> <p>V.V. Bhadange ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned Counsel that no Departmental Enquiry is initiated.</p> <p>3. The learned C.P.O. seeks time to file reply. Last chance granted to file affidavit-in-reply.</p> <p>4. The Respondents are directed to take review of the suspension of the applicant in the light of ratio laid by the Hon'ble Supreme Court in AJAY KUMAR CHOUDHARY VS. UNION OF INDIA, (2015) 7 SCC 291</p> <p>5. S.O. to 05.01.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**


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

(Advocate)

versus

The State of Maharashtra and others
..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p>M.A.No.173 of 2020 in O.A.No.308 of 2020</p> <p>S.M. Agawane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned C.P.O. submits that bill regarding salary is submitted to the Pay and Accounts office. It will take some time. The learned P.O. seeks time to file Affidavit-in-reply.</p> <p>3. S.O. to 19.01.2020.</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

Date : 05.11.2020

O.A.No.582 of 2020

J.K. Bhatkar ... 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. In this matter the applicant challenges the order dated 28.01.2020 and claims the pay and allowances during the study leave period from 23.08.2014 to 23.08.2016.
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 19.01.2021.
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 19.01.2021.

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 : 05.11.2020

O.A.No.553 of 2020

J.J. Khaire ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms. Sangita Dongre, learned Advocate holding for Shri D.S. Pagare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

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

3. Issue notice before admission returnable on 21.01.2021.

4. 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.

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. S.O. to 21.01.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s


(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p>O.A.No.452 of 2020</p> <p>R.N. Mohite ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri H.P. Ghadigaonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The learned Counsel wants to file short rejoinder.</p> <p>3. Adjourned to 24.11.2020. This matter can be disposed off in view of the short issue involved.</p> <p style="text-align: right;">  Sd/- (Mridula Bhatkar, J.) Chairperson </p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p>O.A.No.408 of 2020</p> <p>N.K. More ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned Counsel submits that though by order dated 09.09.2020 in respect of payment of subsistence allowance is sanctioned till today no subsistence allowance is given to him.</p> <p>3. Respondent to file reply till next date. However, the subsistence allowance is to be paid immediately to the applicant.</p> <p>4. Matter is already adjourned to 08.01.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

(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

Date : 05.11.2020 Tribunal's orders

O.A.No.379 of 2020

R.M. Chavan ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The learned P.O. files affidavit-in-reply. The same is taken on record.

3. Admitted and kept for final hearing on 18.12.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**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	<p>05.11.2020 Tribunal's orders</p>
	<p><u>M.A 248/2020 in O.A.No 1017/2018</u></p> <p>Shri Vilas P. Kapade ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O files reply to the Misc Application. However, it is not clear whether the Juniors Officers to the applicant who are appearing at serial nos 40, 41, 46, 52, 57 & 70 in the seniority list as on 1.1.2014 have passed their MPSC examination before the applicant is not mentioned. As per oral submission of the learned P.O all the Juniors Officers have cleared MPSC examination in the year 2010 and therefore they are shown senior to the applicant in the seniority list published as on 1.1.2014.</p> <p>3. Learned P.O is directed to clarify the same.</p> <p>4. S.O to 19.11.2020.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p>(P.N. Dixit) / (Mridula Bhatkar, J.) Vice-Chairman (A) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

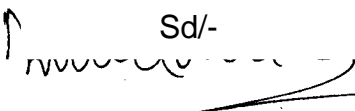
Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others
..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>05.11.2020</p> <p>M.A 216/2020 in T.A 1/2018 with T.A 8/2018 (Aurangabad)</p> <p>Smt K.C Pawar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Smt Kranti S.Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant challenges the termination order mainly on the ground that it was holding departmental enquiry. The case of the applicant as pointed out by the learned counsel is covered by the Judgment of this Tribunal dated 8.5.2019 in O.A 1100/2013 and other connected O.A nos 1029, 1030, 1031, 1032 and 1033/2014, dated 10.6.2019. The Tribunal has also held that those applicants shall be entitled for relief and also entitled for reinstatement with benefit of continuity in service with all consequences along with full back wages.</p> <p>3. Learned P.O accepts the said submission.</p> <p>4. In view of this, the Application is disposed of with following directions.</p> <p>The Respondents to follow the directions given in the judgment of this Tribunal referred to above as we adopt the same.</p> <p style="text-align: right;">Sd/- </p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>05.11.2020</u> <u>O.A.No 527/2020</u>
	<p>Shri Balasaheb R Gaikwad ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri H.P Ghadigaonkar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant, Police Constable has preferred an appeal against the order dated 1.2.2020 of Compulsory Retirement passed by Respondent no. 2. The appeal dated 17.2.2020 preferred by the applicant is pending before the Additional Chief Secretary, Home Department, Mantralaya. Learned counsel prays for limited relief that his appeal dated 17.2.2020 be decided at the earliest.</p> <p>3. Learned advocate seeks amendment in the title cause of the Original Application. Amendment granted and to be carried out forthwith.</p> <p>4. Learned C.P.O submits that minimum period of six months is generally given to hear the appeal.</p> <p>5. In view of the above the O.A is disposed of with following directions:-</p> <p>Respondent no. 1, Appellate Authority, is directed to hear and decide the appeal dated 17.2.2020 preferred by the applicant on or before 10.2.2021. The decision on the appeal is to be communicated to the applicant by 20.2.2021.</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>05.11.2020</u></p> <p><u>O.A.No 616/2020</u></p> <p>K.S Gaidhani ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant who is Ex-servicemen and who was appointed as a Peon on 16.7.2016 on ad hoc basis for a period of 11 months in the open category, challenges the order of termination of his service dated 10.9.2020.</p> <p>3. Learned P.O submits that she wants to go through and produce letters dated 2.9.2020 and 5.5.2020 of the Respondents. What is the basis of the order of termination is required to be verified. Respondents to keep one post of Peon vacant till outcome of the Original Application.</p> <p>4. Issue notice returnable on 26.11.2020.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. S.O to 26.11.2020.</p> <p style="text-align: center;">Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p style="text-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 _____

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"><u>O.A. No.418 of 2020</u></p> <p>S.P. Pathak ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.G. Panchal, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The applicant is challenging the order dated 28.9.2018 imposing penalty of deduction of 6% pension per month for ten years. Ld. Advocate for the applicant states that the appeal made by the applicant before His Excellency the Governor of Maharashtra, is pending. Ld. PO states that retiral benefits are given to the applicant and now appeal is pending before His Excellency the Governor of Maharashtra.</p> <p>3. The respondents are directed to file affidavit to that effect and with specific mention that since when and where the appeal is pending.</p> <p>4. S.O. to 19.1.2021.</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman 5.11.2020 (sgj)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 5.11.2020</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 align="center"><u>O.A. No.416 of 2020</u></p> <p>D.D. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.R. Deshmukh, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for Respondents No.1 to 3 and Shri Sumit Kate, learned Advocate holding for Shri Uday Warunjikar, learned Advocate for Respondents No.4 & 5.</p> <p>2. Ld. Advocate for respondents no.4 & 5 seeks time to file reply. Reply be filed within three weeks and copy be served on respondent-Government and also the applicant. After receiving the reply the respondent-Government is directed to consider the case of the applicant in respect of <u>pension fixation</u> and then file reply after three weeks.</p> <p>3. S.O. to 19.1.2021.</p> <p align="center">Sd/-</p> <p align="center">(P.N. Dixit) Vice-Chairman 5.11.2020 (sgj)</p> <p align="center">Sd/-</p> <p align="center">(Mridula R. Bhatkar, J.) Chairperson 5.11.2020</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 align="center"><u>CA No.30 of 2020 in O.A. No.697 of 2019</u></p> <p>V.G. Suryawanshi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.B. Kadam, learned Advocate for the Applicant; and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that in this matter the respondents had filed RA No.4 of 2020 which was rejected on 22.10.2020. Hence, respondents need some time to decide the line of action.</p> <p>3. Ld. Advocate for the applicant, on instructions given by the applicant, who is present in the Court, submits that the respondents are pressurizing the applicant for withdrawal of the contempt application. We hope that respondents will not indulge into such kind of activities.</p> <p>4. S.O. to 21.1.2021.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 5.11.2020 5.11.2020</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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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

CA.28/2020 in RA.13/2019 in OA.35/2019

Y.L. Dharavane ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Against the order dated 18.12.2019 passed in the above RA, which is the subject matter of this contempt application, Ld. PO submits that W.P. (St.) No.94446 of 2020 is filed by the State and now it is appearing today before the Hon'ble High Court.

3. S.O. to 12.1.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
5.11.2020

(sg)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
5.11.2020

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 05.11.2020
	<p style="text-align: center;"><u>M.A 276/2020 in O.A.No 610/2020</u></p> <p>P.R Jagtap ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents. 2. There is delay of 5 months in filing the present Original Application. 3. Issue notice returnable on 14.1.2021. 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. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 7. S.O to 14.1.2021. <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(P.N Dixit) Vice-Chairman (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders 05.11.2020
	<p><u>O.A.No 591/2020</u></p> <p>D.N Gunjal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere , learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. This matter to be placed before Single Bench as applicant is praying for grant of deemed date for the post of P.S.I and challenging the order dated 18.11.2019 thereby refusing to grant deemed date for the purpose of seniority,</p> <p>3. Learned P.O to file reply.</p> <p>4. Issue notice returnable 14.1.2021.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. S.O to 14.1.2021. To be placed before Single Bench.</p>
	<p align="center">Sd/-</p> <p align="center">(P.N Dixit) Vice-Chairman (A)</p>
	<p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p>

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>O.A. No.647 of 2020</u></p> <p>S.D. Shelar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are challenging communication dated 12.10.2020 issued by respondent no.2 in respect of the post of Assistant Motor Vehicle Inspector from Open Category.</p> <p>3. The applicants rely heavily on the ratio laid down and protection given by the Hon'ble Bombay High Court in PIL No.28 of 2013 by its order dated 7.8.2018. We direct respondent-Government to consider this ratio.</p> <p>4. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 12.1.2021.</p> <p>6. Applicants are 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 notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p>(P.N. Dixit) Vice-Chairman 5.11.2020</p> <p>(Mridula R. Bhatkar, J.) Chairperson 5.11.2020</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
	<p align="center"><u>M.A. No.289 of 2020 in O.A. No.647 of 2020</u></p> <p>S.D. Shelar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. 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.</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman 5.11.2020 (sgj)</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 5.11.2020</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders 05.11.2020
	<p style="text-align: center;"><u>M.A 249/2020 in O.A 570/2020</u></p> <p>R. A. Pawar & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. M.A to sue jointly is allowed, subject to payment of Court fees, if not already paid.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>05.11.2020</p> <p><u>M.A 250/2020 in O.A 571/2020</u></p> <p>P.R Kanjalkar & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. M.A to sue jointly is allowed, subject to payment of Court fees, if not already paid.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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

Tribunal's orders

05.11.2020

O.A.No 570 & 571/2020

R.A Pawar & Ors [O.A 570/2020]
P.R Kanjalkar & Ors [O.A 571/2020... Applicants
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The applicants in both the matters seek direction that the Respondents to promote the applicants to post of District Water Conservation Officer in pursuant to Recruitment Rules dated 31.10.2019.

3. Learned C.P.O points out that the Division Bench of Nagpur Bench of this Tribunal in O.A 414/2020 by order dated 6.8.2020 has granted status quo to the same process of promotion. Therefore learned C.P.O submits that no separate status quo order be granted.

4. In the said order the Tribunal in para 4 has observed as under:-

"4. In view of this, we accept that if the protection is not given to the applicants, then serious prejudice will be caused to them if order of deputation is passed. In view of this situation, we direct that the respondents to maintain status-quo as on today."

5. Thus in view of the above, no order of status quo is required.

6. Issue notice returnable on 23.2.2021.

7. 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.

8. 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.

9. 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.

10. S.O to 23.2.2021.

Sd/-

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

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
	05.11.2020
	<u>O.A.No 222/2020</u>
	<p>Mohan M. Raut ... Applicant</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.V Thorat, and Ankul Sheth learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Today during the hearing, the learned advocate for the applicant produced communication dated 3.11.2020. The same is taken on record and marked as 'X' for purpose of identification. This communication does not mention whether it pertains to which advertisement and selection. However, learned advocate for the applicant mentions that it is for the same advertisement and the persons selected are also from the same list of successful candidates. He further mentions that as per advertisement issued on 22.7.2017, para 2.6 reads as under:-</p> <p style="text-align: center; margin: 10px 0;"> "2.6 विचाराधीन पदांमध्ये अपंगांसाठी पद आरक्षित नसले तरी, शासन निर्णय क्रमांक एमईएस-१२०२/(८१)वेसेवा-१, दि.१९.०८.२००५ नुसार तसेच शासन निर्णय क्रमांक न्यायप्र-२००९/प्र.क्र.१/सुधार-३, दि.१३.०८.२००९ च्या अनुषंगाने १)अंधत्व किंवा क्षीणदृष्टी २) चलनचलन विषयक विकलांगता व मेंदूचा अर्धांगवायू असे अपंगत्व असलेले उपरोक्त वर्गावारीतील उमेदवार प्रस्तुत पदासाठी पात्र आहेत.</p> <p style="text-align: center; margin: 10px 0;">(This provision is consistent with the Right of Persons with Disabilities Act 2016).</p> <p>3. Learned advocate for the applicant further mentions that he possess Disability Certificate at Page 72 of the paper book, which mentions that he has permanent, non-progressive, not likely to improve with 51% disability.</p> <p>4. Referring to the order issued by this Tribunal dated 18.3.2020, he points out that in spite of being successful candidate, he has not been selected at the time of appointment and four persons have been selected as successful candidates from the open category overlooking his disability.</p> <p>5. Learned C.P.O submits that two posts which have not been filled are perhaps from the S.T category and therefore, for want of candidates the same may not have been filled in.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Learned advocate for the applicant mentions, in the list produced today the applicant has been overlooked at the time of appointment. Prima facie, this appears to be the case. We, therefore, direct that list of successful candidates declared on 3.11.2020 will be subject to the outcome of this Original Application. Respondents to make it clear to the concerned immediately.</p> <p>7. Learned advocate seeks amendment for brining above facts on record and for stating the grounds for challenging the impugned communication dated 3.11.2020.</p> <p>8. Leave granted. Learned advocate to carry out amendment within two weeks.</p> <p>9. The Respondents are directed to file reply after amendment is carried out and serve copy of the same in advance to the learned counsel for the applicant</p> <p>10. S.O to 18.12.2020.</p> <p>Sd/- Sd/-</p> <p>(P.N Dixit) (Mridula Bhatkar, J.) Vice-Chairman (A) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

05.11.2020

O.A.No 427/2020

Ms S.A Aiwle ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms N.S Sharma, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. The applicant was given compassionate appointment in the Group-C post on 16.9.2013. At that time the appointment letter had clarified that it is compulsory for her to pass Typing Examination in Marathi as per the G.R prevailing at that time. The applicant admits for personal difficulties she did not appear for the typing examination and she did not complete the same. As a result, on 7.4.2020 the Respondents have given her appointment in Group-D post and her appointment in Group-C post has been terminated.

3. Learned P.O submits that as per the existing Government Resolution dated 20.5.2015, the applicant is at liberty to undergo the typing examination and produce the Typing Certificate before the Respondents and thereafter the Government has power to consider the case of the applicant as per provisions to appoint her in Group-C post again. This is possible only if she joins the Group-D posts immediately.

4. Applicant who is present submits, she would join in Group-D immediately.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. We find there is no substance in the prayers made by the applicant to quash the order issued on 7.4.2020.</p> <p>6. We, therefore, direct the applicant to join the Group-D post immediately and clear the Typing Examination as prescribed and produce the necessary certificate before the Respondents. We further direct that after she produces the necessary Certificate, the Respondents to consider her as per the prevailing Government Resolution for appointing her in Group-C post.</p> <p>7. With the above directions, O.A stands disposed of. No order as to costs.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Alkn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p>O.A.No.609 of 2020</p> <p>A.B. Pawar ... 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. Archana B.K., learned Presenting Officer for the Respondents. 2. Applicant claims the retirement benefit as per 7th pay commission and also to consider the increment due on 01.07.2019 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 19.01.2021. 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.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>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.</p> <p>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.</p> <p>8. The applicant retired on 31.07.2019. The learned Counsel submits that provisional pension is given to him only for six months after his retirement.</p> <p>9. Leave encashment is sanctioned on 19.03.2020. However till today no amount is released by the Respondents.</p> <p>10. Learned P.O. seeks time to submit affidavit-in-reply.</p> <p>11. Time granted. However, the respondents are directed to pay Provisional pension from February 2020 to the Applicant on or before 20.11.2020 as per the calculation and also release his leave encashment.</p> <p>12. S.O. to 19.01.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p style="text-align: center;">O.A.No.562 of 2020 with M.A.No.245 of 2020</p> <p>A.V. Khandre & Ors. ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The learned C.P.O. has filed affidavit-in-reply on behalf of Respondent No.2 i.e. M.P.S.C.. The same is taken on record.</p> <p>3. The learned Counsel for the applicant submits that the applicant has questioned the competency of the Government in cancelling the examination as such power is vests only with M.P.S.C.. He further submits that in paragraphs 16, 17, 19, 19.1 and 23 of the affidavit-in-reply of M.P.S.C. has in fact supported his contention.</p> <p>3. The learned C.P.O. opposes the contention of learned Counsel and she submits that Government wants time. The learned C.P.O. seeks time to file reply from the Government i.e. Respondent no.1. The learned C.P.O. submits that the issue of Marathi reservation is before Law and Judiciary Department and after the decision of Law and Judiciary Department, the respondents will be in a position to file their reply. She further submits that as per the written instructions the Government wants 4 to 6 weeks time.</p> <p>4. In view of the prayer the matter is fixed on 07.01.2021.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. The Respondents to produce the record from the M.P.S.C. of the examination which were scheduled on 11.10.2020 and 22.10.2020 and which are now postponed without giving any date. The record should be produced on next date. Interim relief is thus partly granted.</p> <p>6. Copy of the reply is to be served by email to the learned Advocate at least 4 days in advance.</p> <p>7. Adjourned to 07.01.2021.</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

Date : 05 .11.2020

M. A. No.283 of 2020 with M.A.No.284 of 2020 in
O.A.1015 of 2017

The State of Maharashtra & Ors.Applicants
(Ori. Respondents)

Versus

D. B. Kamble

...Respondent (Ori. Applicant)

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

2. These two Misc. Applications are filed for condonation of delay and to grant time to implement the order passed by this Tribunal in O.A. No.1015/2017 passed on 29.01.2020.

3. By order dated 29.01.2020, the Respondents ^{w/o} ~~are~~ directed to consider the application of the Applicant for appointment on compassionate ground within two months from the date of order. As the compliance was not made within two months from the date of order, these two Misc. Applications are filed.

3. Smt. Kranti Gaikwad, learned P.O. for the Applicants (Ori. Respondents) has pointed out that recently by order dated 27.10.2020, the Government has already taken the decision to include the name of the Applicant in waiting list for appointment on compassionate ground and the same will be communicated to the Applicant within two weeks.

4. As such, the name of the Applicant is already included in the waiting list and only communication needs to be done.

5. In view of above, delay caused for compliance of order dated 29.01.2020 is condoned with direction that the decision be communicated to the Applicant within two weeks from today.

6. Both Misc. Applications are accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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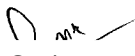
IN

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

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: 05.11.2020</p> <p>O.A. No.1132 of 2019</p> <p>K. S. GhongadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.3. The matter is adjourned for hearing at the stage of admission.4. S.O. to 03.12.2020. <p style="text-align: right;"> Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 05.11.2020 Tribunal's orders M.A. No.536 of 2019 in O.A.No.136 of 2018 with M.A. No.117 of 2020</p>
	<p>K. V. PatilApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant in M.A.536/2019 as well as for Ori. Applicant in O.A.136/2018 and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant Shri Kiran Patil had filed O.A.No.136/2018 which was heard and decided by this Tribunal by order dated 06.11.2018. That time request made by the Applicant to challenge subsequent transfer order by way of amendment was rejected and consequently O.A. was disposed of. Later, the Applicant had filed separate O.A. No.39/2019 which was allowed by the Tribunal on 23.09.2019. It is on the above background, the Applicant has filed M.A.No.536/2019 to recall the order dated 06.11.2018 passed in O.A.136/2018.</p> <p>3. At the same time, one more M.A. 117/2020 is filed by the intervener namely Shri Bharat Gade with request to allow him to intervene in M.A.526/2019.</p> <p>4. It appears that Applicant in M.A.117/2020 Shri Bharat Gade is posted in place of Respondent No.2 Shri Amol Zende by order dated 15.02.2020.</p> <p>5. Learned Counsel for the Applicant in M.A.117/2020 submits that he being posted in place of Respondent Shri Amol Zende. He be allowed to intervene in place of Respondent No.2 – Shri Amol Zende.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Shri D. B. Khaire, learned Counsel for the Respondent No.2 submits that his client is already transferred in view of the posting of Shri Bharat Gade in his place. He has no further instructions from the client.</p> <p>7. Though, learned counsel Shri A. V. Bandiwadekar for the Applicant opposes M.A.117/2020 on the ground that the Applicant Shri Bharat Gade has no locus considering the issue involved, he seems to be necessary party for this M.A., and therefore, I am inclined to allow application for intervention. He be arrayed as intervener. He is directed to file his reply to M.A.536/2019 within two weeks.</p> <p>8. Indeed, the Applicant Shri Kiran Patil had also challenged the decision rendered by this Tribunal in O.A.136/2018 by willing W.P.No.3504/2020 which was disposed of by the Hon'ble High Court on 27.10.2020.</p> <p>9. Today, Shri A. V. Bandiwadekar, learned Counsel has tendered the copy of order dated 27.10.2020 which reveals that W.P.No.3504/2020 was disposed of with direction to the Tribunal to decide M.A.536/2019 as early as possible within two months from the date of communication of order. The Tribunal has not received the order dated 27.10.2020 officially but it is communicated to the Tribunal today. Therefore, M.A.536/2019 is required to be decided within two months from today.</p> <p>10. In view of above, hearing of M.A.536/2019 is expedited. The matter is adjourned to 19.11.2020 for filing reply of intervener.</p> <p>11. S.O. to 19.11.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.11.2020</p> <p>O.A. No.1085 of 2017</p> <p>D. T. NawleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant has filed short affidavit of Applicant. In fact, it is a xerox copy of already signed document containing verification. When it was tendered before the Tribunal in the morning, learned Counsel for the Applicant was asked to get it affirmed before the competent authority of this Tribunal and then present it before the Tribunal. 3. Accordingly, learned Counsel has presented the said affidavit with affirmation stamp of Research Officer. Perusal of stamp reveals that the Research Officer only put her stamp without obtaining signature of the Applicant as a deponent in her presence. 4. Needless to mention that the deponent is required to sign before this verifying authority so as to term it as affidavit. 5. Research Officer is directed to get the compliance done as per law and thereafter it will be taken on record. 6. After compliance, affidavit is taken on record. 7. By this affidavit, learned Counsel for the Applicant wants to place it on record certain information obtained under RTI which is according to him important for determination of reservation policy. 8. As the said information is being placed on record for the first time, learned P.O. requested for grant of time to go through the same and to file counter affidavit, if necessary. 9. S.O. to 01.12.2020. <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

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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 : 05.11.2020</p> <p>O.A. No.161 of 2020</p> <p>A. A. Zajam & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. Today, learned P.O. has filed short affidavit on behalf of the Respondent No.6 stating that proposal for grant of provisional pension to Applicant No.8 – Shri Prashant Pal has been already forwarded to A.G. (Accountant General).3. Learned P.O. is directed to ensure that provisional pension is released to Applicant No.8- Shri Prashant Pal as well as Applicant No.4- Shri Patil and Applicant No.7 – Shri Yadav by next date.4. Learned P.O. is at further liberty to file detailed affidavit on behalf of newly added Respondents but ensure that provisional pension is released within two weeks without fail. Hamdast granted.5. S.O. to 24.11.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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>Date : 05.11.2020</p> <p align="center">O.A.No.1000 of 2019</p> <p>G. M. KambleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan A. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed Affidavit in Sur-Rejoinder. It is taken on record. 3. On request of learned Counsel for the Applicant, time is granted for hearing of the matter. 4. Matter is adjourned for hearing at the stage of admission. 5. S.O. to 24.11.2020. <p align="right"> Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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 : 05.11.2020</p> <p>M.A. No.76 of 2020 in O.A.No.465 of 2019</p> <p>S. K. MukherjeeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri D. B. Khaire, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks time is lastly granted for filing reply.</p> <p>3. S.O.to 24.11.2020.</p> <p style="text-align: right;">Sd/- WV (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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"><u>O.As. No.819 & 820 of 2019</u></p> <p>V.V. Chavan A.J. Thorat Vs. The State of Maharashtra & Ors.</p> <p align="right">..Applicants ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In both the matters the Ld. PO produces a copy of letter dated 2.11.2020 sent by Superintendent of Police, Satara to Special Inspector General of Police, Kolhapur in respect of both the applicants viz. Shri V.V. Chavan and Shri A.J. Thorat in respect of entitlement to the service benefits for the period which is spent outside the service. The applicants were dismissed from service however they are reinstated and they are working at Satara. The period spent outside the service is from 4.7.2019 to 14.1.2020 and S.P. Satara has requested that they are to be given service benefits under Rule 70(1)(a) and (b) of MCS (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981. Ld. PO submits that respondents seek time to take decision. Time granted.</p> <p>3. S.O. to 8.12.2020.</p> <p align="center"> Sd/-  (P.N. Dixit) Vice-Chairman 3.11.2020 (sgi) </p> <p align="center"> Sd/-  (Mridula R. Bhatkar, J.) Chairperson 3.11.2020 </p>

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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>O.A. No.969 of 2018</u></p> <p>T.A. Diwan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Leave granted to amend the prayer clause in respect of grant of back wages. Amendment to be carried out within four weeks and amended copy of OA be served on all concerned. Ld. CPO to file reply thereafter.</p> <p>3. S.O. to 9.2.2021.</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman 3.11.2020 (sgj)</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 3.11.2020</p>