

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI

ORIGINAL APPLICATION NO.206 OF 2019

Smt. S.C. Shinde. )...Applicant

Versus

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

Mr. A.V. Bandiwadekar, Advocate for Applicant.

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

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 06.03.2019

ORDER

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

2. In the present matter, the Applicant was initially transferred from the post of Tahasildar (Encroachment), Borivali, District Mumbai to Tahasildar, Wada, District Palghar by order dated 20.01.2019. However, by subsequent order dated 25<sup>th</sup> February, 2019, her posting was changed from Tahasildar, Wada, District Palghar to Assistant Divisional Supply Officer, Divisional Office, Konkan Vibhag. The Applicant has challenged the order dated 25.02.2019 contending that there was no reason to change earlier transfer order dated 20.02.2019 within the span of four days. The Applicant contends that it was changed only to accommodate Respondent No.2 – Shri Kurade.



3. The learned Advocate for the Applicant has pointed out that Shri Kurade was transferred as per his own request letter dated 25.01.2019 wherein he has stated that he will be due for transfer in view of guidelines of Election Commission of India. He further urged that the constitution of CSB is not legal, and therefore, the impugned orders are not sustainable in law.

4. Whereas, the learned CPO has pointed out that, though earlier the Applicant has been transferred in pursuance of his letter as well as in view of the then existing guidelines issued by Election Commission of India. However, by letter dated 07.02.2018, the clarification has been issued by Election Commission of India, which is as follows :

"The matter has been considered by the Commission and it is hereby clarified that the crucial period for the purpose of transfer/posting relates to General/Bye election held in Assembly during the period from 01.06.2015 to 31.05.2017. Therefore, for calculating period of 3 years out of 4 years, it is not required to go beyond/before 01.06.2015."

5. As regard constitution of CSB, learned CPO pointed out that there is no illegality in the constitution of CSB in terms of G.R. dated 31.01.2014.

6. True, earlier, Shri Kurade was transferred in pursuance of his letter and in assumption that, as he worked earlier in Assembly Election of 2014, he is liable for transfer. However, the cut-off date has been clarified by subsequent letter dated 17<sup>th</sup> February, 2018 and who worked in earlier election prior to 01.06.2015 were not required to be transferred. In the present case, the Applicant worked in election related duty in 2014 and that was the reason for his transfer by earlier order dated 20.02.2019. Therefore, the posting of Shri Kurade was cancelled and he was continued as Tahasildar, Wada which necessitated the change of posting to the Applicant. As the Applicant has already completed her tenure at Borivali, she was required to be transferred in pursuance of guidelines issued by Election Commission of India, and accordingly, she was transferred.

7. Now, turning to the constitution of CSB, the learned Advocate for the Applicants has pointed out that, though the CSB is of 4 members, one of the member was absent as seen from the original file produced for the perusal of the Tribunal. He has pointed out that, as per G.R. dated 31<sup>st</sup> January, 2014, the CSB must be of 4 members. On this line of submission, referring to the Judgment of Hon'ble Supreme Court in *1988(Supp.) SCC 562 (State of Andhra Pradesh Vs. Dr. Mohanjit Singh & Anr.)*, the learned Advocate for the Applicants urged that, absence of member in CSB renders the decision invalid. It relates to the meeting for selection to the post of Principal and one of the member of the Committee was absent for completing the coram. The Hon'ble Supreme Court held that, notwithstanding *ex-post facto* ratification of the selection by absentee member, the decision is invalid.

8. In so far as the facts of present case are concerned, as pointed out by learned CPO, the basic G.R. regarding constitution of CSB is dated 31.01.2014 wherein the CSB (1) would be of 4 members. However, notably the note below it provides that, other than Chairman, the only 2 members out of remaining 3 would suffice the coram. In other words, even if the decision is taken by Chairman and 2 members, it would be valid.

9. However, the learned Advocate for the Applicants referred to latest G.R. dated 17.07.2015 whereby the CSB has been constituted for the transfer and posting of Tahasildar, which we are concerned in the present. As per this G.R, the CSB shall consist of Chairman and 3 members. Adverting to this aspect, the learned Advocate for the Applicants sought to contend that this G.R. will prevail over G.R. dated 31.01.2014, and therefore, there shall be the CSB of not less than 4 members. I am unable to accept this submission.

10. As stated above, the basic G.R. is dated 31.01.2014 and as per the instructions issued in the said G.R, the Departments were required to issue their

*ms*

separate G.Rs for constitution of CSB. This being the position, the condition mentioned in G.R. dated 31.01.2014 that CSB of 3 members would be valid, has to prevail. I, therefore, see no illegality in the composition of CSB.

11. In so far as the Judgment of Hon'ble Supreme Court referred to above is concerned, it is clearly distinguishable in the facts and has no application in the present case, as there is approval by all 3 members of the Committee.
12. For the foregoing discussion, I do not find *prima-facie* any illegality in the impugned transfer orders. Hence, I am not inclined to grant interim relief.
13. Issue notice made returnable on 3<sup>rd</sup> April, 2019.
14. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
15. 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.
16. 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.
17. 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.

18. 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.

19. S.O. to 3<sup>rd</sup> April, 2019.

Sd/-

(A.P. KURHEKAR)  
Member-J

SKW

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI

ORIGINAL APPLICATION NOS.207 & 211 OF 2019

Shri P.K. Hile (O.A.207/2019) )  
Shri S.M. Awalkanthe (O.A.211/2019) )...Applicants

Versus

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

Mr. A.V. Bandiwadekar, Advocate for Applicants.

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

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 06.03.2019

ORDER

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

2. In the present matter, the challenge is to the impugned transfer orders dated 20.02.2019. In O.A.207/2019, the Applicant has been transferred from the post of Tahasildar, Baglan to Tahasildar, Sanjay Gandhi Yojana, Malegaon City, District Nashik. Whereas, in O.A.211/2019, the Applicant has been transferred from the post of Tahasildar, Nashik to the post of Tahasildar, Urban Land Ceiling, District Nashik. In both the cases, the Applicants were transferred in view of the guidelines of Election Commission of India, which *Inter-alia* provides as under :

mb

"9. The Commission further desires that no officer/official, against whom a criminal case is pending in any court of law, be associated with/deployed on election related duty."

3. In O.A.207/2019, the learned Advocate for the Applicant sought to contend that, Criminal Case pertains to 2014 and it is pending in the Sessions Court, Tal.: Amalner, District Jalgaon. He further urged that, insofar as O.A.211/2019 is concerned, the Criminal Case is pending in Sessions Court, Jalgaon. On this line of submission, he sought to contend that the pendency of cases in these different Districts has no relation with the present transfers.

4. The learned Advocate for the Applicants further sought to assail the impugned order on the ground that the constitution of CSB is illegal.

5. Per contra, the learned C.P.O. has submitted that, admittedly, the Criminal Case is pending against the Applicants, and therefore, in view of guidelines given by Election Commission of India, it was imperative to transfer the Applicants for free and fair elections. She pointed out that the transfer has been approved by CSB as well as by Hon'ble Minister and Hon'ble Chief Minister.

6. In so far as the pendency of Criminal Case is concerned, admittedly, both the Applicants are accused in Criminal Case filed under the provisions of Prevention of Corruption Act. Whereas the guidelines issued by Election Commission of India, as reproduced above, clearly speaks that the aspect of pending of Criminal Case and place of trial is not material. What is material is the pending of Criminal Case in any Court of law. This being the position, the submission advanced by learned Advocate for the Applicants holds no water.

7. Only because in earlier elections, some work was allotted to the Applicants related to election duty that does not entitle them to ask for election work again. Perhaps, the said aspect of pending of Criminal Case might have escaped from the notice of concerned Department. Be that as it may, now in view of pendency

of Criminal Case, as noted by CSB in its meeting, the impugned order is not assailable on that ground.

8. Now, turning to the constitution of CSB, the learned Advocate for the Applicants has pointed out that, though the CSB is of 4 members, one of the member was absent as seen from the original file produced for the perusal of the Tribunal. He has pointed out that, as per G.R. dated 31<sup>st</sup> January, 2014, the CSB must be of 4 members. On this line of submission, referring to the Judgment of Hon'ble Supreme Court in **1988(Supp.) SCC 562 (State of Andhra Pradesh Vs. Dr. Mohanjit Singh & Anr.)**, the learned Advocate for the Applicants urged that, absence of member in CSB renders the decision invalid. It relates to the meeting for selection to the post of Principal and one of the member of the Committee was absent for completing the coram. The Hon'ble Supreme Court held that, notwithstanding *ex-post facto* ratification of the selection by absentee member, the decision is invalid.

9. In so far as the facts of present case are concerned, as pointed out by learned CPO, the basic G.R. regarding constitution of CSB is dated 31.01.2014 wherein the CSB (1) would be of 4 members. However, notably the note below it provides that, other than Chairman, the only 2 members out of remaining 3 would suffice the coram. In other words, even if the decision is taken by Chairman and 2 members, it would be valid.

10. However, the learned Advocate for the Applicants referred to latest G.R. dated 17.07.2015 whereby the CSB has been constituted for the transfer and posting of Tahasildar, which we are concerned in the present. As per this G.R, the CSB shall consist of Chairman and 3 members. Adverting to this aspect, the learned Advocate for the Applicants sought to contend that this G.R. will prevail over G.R. dated 31.01.2014, and therefore, there shall be the CSB of not less than 4 members. I am unable to accept this submission.

*W/S*



11. As stated above, the basic G.R. is dated 31.01.2014 and as per the instructions issued in the said G.R, the Departments were required to issue their separate G.Rs for constitution of CSB. This being the position, the condition mentioned in G.R. dated 31.01.2014 that CSB of 3 members would be valid, has to prevail. I, therefore, see no illegality in the composition of CSB.

12. In so far as the Judgment of Hon'ble Supreme Court referred to above is concerned, it is clearly distinguishable in the facts and has no application in the present case, as there is approval by all 3 members of the Committee.

13. In view of above, *prima-facie*, there is no illegality in the impugned transfer orders. Resultantly, I am not inclined to grant interim relief.

14. Issue notice made returnable on 3<sup>rd</sup> April, 2019.

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

16. 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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

17. 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.

18. 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.

19. 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.

20. S.O. to 3<sup>rd</sup> April, 2019.

Sd/-

<sup>wv</sup>  
**(A.P. KURHEKAR)**  
Member-J

skw

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.953 of 2018**

**DISTRICT :**

**B. H.Wadkar & Ors. )..... Applicant**

**Versus**

**State of Maharashtra & Ors. )...Respondents**

Shri A. V. Bandiwadekar, Advocate for Applicant.  
Ms S. Suryawanshi, Presenting Officer for the Respondent No.1.

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

**DATE : 06.03.2019**

**ORDER**

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.
2. The present O.A. is filed by twelve Applicants being aggrieved by the order dated 05.09.2018 whereby the earlier promotion order of the Applicants dated 31.08.2018 has been cancelled.
3. Applicants are presently working as Multipurpose Health Worker and they were due for promotion as Health Assistant. Accordingly, by order dated 31.08.2018, the Applicants were promoted as well as the posting also given as per order passed by the Respondent No.1 (Assistant Director Health Services (Malaria), Pune).
4. However, the said order could not be implemented because of some objections raised by the Multipurpose Health Workers from Solapur District and the complaint of union alleging that the promotion has not been done correctly and some irregularities were noticed on receipt of the said compliant. The Respondent No.1 has cancelled the order of promotion dated 31.08.2018 by his another order dated 05.09.2018.



5. On the above background, the Applicants have challenged the cancellation of promotion order.

6. Simultaneously, some of the employees from Solapur District have filed ULP No.176/2018 before the Member Industrial Tribunal, Solapur wherein the learned Judge passed interim order in the following terms:-

*"Hence, it is directed that no new orders about the complainants and other employees in letter dated 31.08.2018 be given by the Respondents till next date i.e.01.11.2018."*

7. As such, in view of the stay order passed by the Industrial Tribunal, the matter is stuck up.

8. During the earlier hearing before this Tribunal, it was suggested to the Applicant as well as to the Respondent No.1 to approach the Industrial Tribunal and to get the stay order vacated so as to proceed with the matter on merit by the department.

9. The Respondent No.1 is present before the Tribunal and stated that he made effort but it could not be materialized. The Respondent No.1 further submitted that the department is ready to reconsider the list of promotion and to issue fresh order by rectifying errors crept in the order dated 31.08.2018. However, hurdle is of interim order of stay passed by the Industrial Tribunal, Solapur.

10. Learned Advocate for the Applicant submitted that the employees from Solapur District also can be accommodated at other places and probably no injustice will be caused to any of the employee, if the department issues fresh orders.

11. The present O.A. has been filed to this Tribunal on 25.10.2018 and the period of more than five months is over. Though, the Respondent No.1 undertakes to consider the issue afresh and to issue promotion orders afresh, the stay order passed by the Industrial Tribunal needs to get modified suitably.

12. Thus, the Applicants as well as other employees who were found entitled to promotions in view of the order dated 31.08.2018 are deprived of from getting promotional posts. True, if there are some errors or irregularities in the promotion process that needs to be rectified by the Respondents without wasting time. Till date more than five months is over but no concrete step is taken. Therefore, to resolve this issue some directions are required to be given by this Tribunal.

13. In view of above, the Respondent No.3 i.e the Director of Health Services, M.S. Mumbai is required to look into the matter personally and to take necessary steps to get the stay order granted by the Industrial Tribunal modified suitably so as to complete and finalize the process of promotional posting of the Applicants as well as the other similarly situated employees. The Respondent No.1 Shri Hemantkumar P. Joshi, Assistant Director, Health Services (Malaria), Pune who is present before the Tribunal is also directed to apprise the situation to Respondent No.2 and 3 and to take all necessary steps to solve the issue. The Respondents are directed to submit the compliance report of the aforesaid observations within four weeks.

14. The copy of this order be also forwarded to the Health Commissioner and the Commissioner National Health Mission, Aarogya Bhavan, Mumbai-1 for information and necessary action.

15. Liberty is also granted to the Applicants to move before the Industrial Tribunal for modification of the stay order, if desire.

16. Hamdast and steno copy is granted.

17. S.O. to 03.04.2019.

Sd/-

**(A.P. KURHEKAR)**  
**MEMBER (J)**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.208 OF 2019**

**Shri G.U. Rathod )...Applicant**

**Versus**

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

**Mr. A.V. Bandiwadekar, Advocate for Applicant.**

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

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

**DATE : 06.03.2019**

**ORDER**

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

2. In the present matter, the challenge is to the impugned transfer order dated 25.02.2019 whereby the Applicant has been transferred from the post of Chitnis, Dhule to Tahasildar, Ahmednagar. Prior to it, by order dated 20.02.2019, he was transferred from the post of Tahasildar, Election Office, Nashik to the post of Chitnis, Collector Office, Dhule. The Applicant contends that, it being made mid-term and mid-tenure transfer, his transfer from Chitnis, Dhule to Tahasildar, Ahmednagar is not sustainable in law.

3. The learned Advocate for the Applicant urged that the Applicant seems to have been transferred in view of guidelines issued by Election Commission of

*Handwritten signature*

India which inter-alia provides that there the Criminal Case is pending against the Government servant in any Court of law, he should be transferred in view of ensuing general elections. He has pointed out that, actually there is no Criminal Case pending against the Applicant in any Court of law and the transfer made on the said ground is not sustainable. He further pointed out that a private complaint has been filed in the Court of Judicial Magistrate, Nashik by Ramesh Mandlik, which was sent by the learned Magistrate to Sarkarwada Police Station, Nashik for investigation under Section 156(c) of Cr.P.C. He also pointed out that the Applicant secured Anticipatory Bail from Hon'ble High Court by order dated 24<sup>th</sup> October, 2018 wherein it has been observed by the Hon'ble High Court that, prima-facie, the Applicant was discharging his official duties while forwarding the application to the Talathi. With these observations, he was granted Anticipatory Bail.

4. Now, the question comes whether it can be said that, Criminal Case is pending against the Applicant in the Court of law and the answer is in negative. The private complain was sent to Police for investigation under Section 156(c) and so long as charge-sheet is not filed in the Court of law, this aspect should not be construed as pendency of Criminal Case against the Applicant. Suffice to say, Clause No.9 of guidelines issued by Election Commission of India by its letter dated 16<sup>th</sup> January, 2019 which is as follows is not at all attracted.

"9. The Commission further desires that no officer/official, against whom a criminal case is pending in any court of law, be associated with/deployed on election related duty."

5. The ground of pendency of Criminal Case was the only reason for passing of impugned transfer order as contended by learned CPO. If this ground found invalid, the transfer order is bound to fail.

6. True, as pointed out by learned CPO, there is approval of Civil Services Board (CSB) as well as Hon'ble Chief Minister to the impugned transfer order. However, the very basis and foundation for transfer of the Applicant is pending of Criminal Case as noted in the minutes of CSB. This seems to have done on the basis of information supplied by the Applicant himself, wherein in fact, he has clarified that the private complaint filed in the Court has been sent to the Police under Section 156(3) of Cr.P.C. for investigation and enquiry. This being the position in law, it cannot be said that Criminal Case is pending in the Court of law against the Applicant.

7. In fact, the material placed on record reveals that, even after the filing of the said complaint also, the Applicant was allotted election related work, as seen from Page Nos.34 to 39 of Paper Book.

8. In view of above, I am satisfied that, prima-facie, a case is made out in favour of the Applicant and he is entitled to the interim relief in terms of Prayer Clause 10(a).

9. Issue notice made returnable on 3<sup>rd</sup> April, 2019.

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

11. 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.

12. 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.



13. 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.

14. 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.

15. S.O. to 3<sup>rd</sup> April, 2019.

Sd/-

(A.P. KURHEKAR)  
Member-J

skw

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.193 OF 2019**

Shri G.S. Madgulkar. )...Applicant

**Versus**

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

**Mr. M.D. Lonkar, Advocate for Applicant.**

**Ms. N.G. Gohad, Presenting Officer for Respondent No.1.**

**Mr. Anil Bugde, Advocate for Respondent No.2.**

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

**DATE : 06.03.2019**

**ORDER**

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Ms. N. G. Gohad, learned Presenting Officer for the Respondents.

2. In the present matter, the Applicant is working as Assistant Police Commissioner at Dehu Road, Pune has been transferred to Special Branch and Control Room, Pune by impugned order dated 27.02.2019 issued by the Respondent No.1 i.e. Commissioner of Police. The Applicant is retiring in May, 2019.



3. Shri M.D. Lonkar, learned Advocate for the Applicant has pointed out that the instructions issued by the Election Commission of India are not attracted in the present case as the Applicant is retiring in May, 2019 and, therefore, such employees are exempted from the instructions given by the Election Commission of India.

4. Whereas, the learned P.O. tried to contend that the transfer was effected in pursuance of instructions issued by the Director General of Police (DGP) in the light of ensuing general elections and, therefore, on the ground of administrative exigency, the transfer was necessitated.

5. Admittedly, the Applicant is retiring in May, 2019 and, therefore, he does not come within the guidelines of Election Commission of India. Secondly, the competency of the Respondent No.1 to transfer the Applicant is also in issue. In fact, this question is no more open for arguments in view of the decision rendered by this Tribunal in *O.A. No.12/2019 (Smt. Namrata G. Patil v/s. State of Maharashtra & Ors.) decided on 06.02.2019* wherein the Deputy Commissioner of Police was transferred by the order of Police Commissioner within the Commissionerate, Pimpri-Chinchwad. In that matter, there was no approval of PEB and in absence of it mid-term transfer was set aside. That Judgment has been complied with as informed by the learned Advocate for the Applicant.

6. In the present matter, learned P.O. has tendered a copy of minutes of PEB dated 27<sup>th</sup> February, 2019 which reveals that, only two members of the Committee were present. Besides, the reason for transfer is shown completion of three years out of preceding four years' service. In so far as the validity of the minutes of PEB is concerned, it is not in consonance with Section 22(i) of Maharashtra Police Act, which requires PEB at Commissionerate level consists of 3 members. Besides, in addition of 3 members, there shall be additional member

of Backward Class of the rank of Deputy Commissioner of Police. However, in the present case, no such member of Backward Class is on the Committee. Furthermore, as per the requirement of Section 22(i), the PEB has to be notified in the Official Gazette, but there is nothing on record showing the publication of Notification in Official Gazette.

7. Needless to mention that the Circular / letter issued by Director General of Police cannot override the provisions of Maharashtra Police Act, and therefore, the impugned order *prima-facie* is unsustainable in law.

8. I am, therefore, satisfied that *prima-facie* the order is liable to be stayed. The interim relief is granted in terms of Prayer Clause 15(b).

9. Issue notice made returnable on 3<sup>rd</sup> April, 2019.

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

11. 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.

12. 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.

13. 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.

14. 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.

15. S.O. to 3<sup>rd</sup> April, 2019.

Sd/-

**(A.P. KURHEKAR)**  
Member-J

skw

(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 data-bbox="688 460 889 488"><b>Date : 06.03.2019.</b></p> <p data-bbox="873 510 1084 539"><b>O.A.No.185 of 2019</b></p> <p data-bbox="688 561 1252 659"><b>M. K. Gangawane</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p data-bbox="688 687 1274 798">1. Heard Shri C. T. Chandratre, learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</p> <p data-bbox="688 827 1274 937">2. In the present O. A., the Applicant has sought direction to the Respondent Nos. 3 &amp; 4 to release his retiral benefits.</p> <p data-bbox="688 966 1274 1446">3. Perusal of the O.A. reveals that the Applicant was working as Talathi and retired on 31.05.2012. He was prosecuted in Criminal Case filed u/s 7 and 13(i) (d) read with section 13(2) of the Prevention of Corruption Act, in which he was acquitted by the learned Special Judge, Nashik on 14.03.2012 i.e. before his retirement. However, till date retiral benefits are not released despite representations made by the Applicants. It seems that the State Government has filed the Appeal before the Hon'ble High Court which is sub-judice, on that ground the retiral benefits appears to have been withheld. This seems to be unknown to law.</p> <p data-bbox="688 1475 1274 1667">4. Learned P.O. for the Respondents is, therefore, directed to take instructions on the aforesaid observations and apprise the Tribunal to know as to whether there is any legal hurdle in grant of retiral benefits.</p> <p data-bbox="688 1696 1274 1844">5. The Respondent No.2 is also directed to depute the responsible officer from his office to remain present before the Tribunal on the next date to explain above situation.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="1175 451 1208 473" style="text-align: center;">-2-</p> <p data-bbox="857 559 1526 621">6. In view of above, Issue notice before admission returnable on 27.03.2019.</p> <p data-bbox="857 670 1526 765">7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p data-bbox="857 814 1526 997">8. 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.</p> <p data-bbox="857 1046 1526 1185">9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p data-bbox="857 1218 1526 1402">10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p data-bbox="857 1435 1526 1619">11. 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.</p> <p data-bbox="857 1652 1138 1674">12. S.O. to 27.03.2019.</p> <p data-bbox="1263 1727 1321 1760" style="text-align: center;">Sd/-</p> <p data-bbox="1192 1787 1360 1849" style="text-align: center;">(A.P. Kurhekar) Member(J)</p> <p data-bbox="850 1853 889 1875">vsm</p>

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.953 of 2018**

**DISTRICT :**

**B. H.Wadkar & Ors. )..... Applicant**

**Versus**

**State of Maharashtra & Ors. )...Respondents**

Shri A. V. Bandiwadkar, Advocate for Applicant.  
Ms S. Suryawanshi, Presenting Officer for the Respondent No.1.

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

**DATE : 06.03.2019**

**ORDER**

1. Heard Shri A. V. Bandiwadkar, learned Advocate for the Applicants and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.
2. The present O.A. is filed by twelve Applicants being aggrieved by the order dated 05.09.2018 whereby the earlier promotion order of the Applicants dated 31.08.2018 has been cancelled.
3. Applicants are presently working as Multipurpose Health Worker and they were due for promotion as Health Assistant. Accordingly, by order dated 31.08.2018, the Applicants were promoted as well as the posting also given as per order passed by the Respondent No.1 (Assistant Director Health Services (Malaria), Pune).
4. However, the said order could not be implemented because of some objections raised by the Multipurpose Health Workers from Solapur District and the complaint of union alleging that the promotion has not been done correctly and some irregularities were noticed on receipt of the said complaint. The Respondent No.1 has cancelled the order of promotion dated 31.08.2018 by his another order dated 05.09.2018.





5. On the above background, the Applicants have challenged the cancellation of promotion order.

6. Simultaneously, some of the employees from Solapur District have filed ULP No.176/2018 before the Member Industrial Tribunal, Solapur wherein the learned Judge passed interim order in the following terms:-

*"Hence, it is directed that no new orders about the complainants and other employees in letter dated 31.08.2018 be given by the Respondents till next date i.e.01.11.2018."*

7. As such, in view of the stay order passed by the Industrial Tribunal, the matter is stuck up.

8. During the earlier hearing before this Tribunal, it was suggested to the Applicant as well as to the Respondent No.1 to approach the Industrial Tribunal and to get the stay order vacated so as to proceed with the matter on merit by the department.

9. The Respondent No.1 is present before the Tribunal and stated that he made effort but it could not be materialized. The Respondent No.1 further submitted that the department is ready to reconsider the list of promotion and to issue fresh order by rectifying errors crept in the order dated 31.08.2018. However, hurdle is of interim order of stay passed by the Industrial Tribunal, Solapur.

10. Learned Advocate for the Applicant submitted that the employees from Solapur District also can be accommodated at other places and probably no injustice will be caused to any of the employee, if the department issues fresh orders.

11. The present O.A. has been filed to this Tribunal on 25.10.2018 and the period of more than five months is over. Though, the Respondent No.1 undertakes to consider the issue afresh and to issue promotion orders afresh, the stay order passed by the Industrial Tribunal needs to get modified suitably.

12. Thus, the Applicants as well as other employees who were found entitled to promotions in view of the order dated 31.08.2018 are deprived of from getting promotional posts. True, if there are some errors or irregularities in the promotion process that needs to be rectified by the Respondents without wasting time. Till date more than five months is over but no concrete step is taken. Therefore, to resolve this issue some directions are required to be given by this Tribunal.

13. In view of above, the Respondent No.3 i.e the Director of Health Services, M.S. Mumbai is required to look into the matter personally and to take necessary steps to get the stay order granted by the Industrial Tribunal modified suitably so as to complete and finalize the process of promotional posting of the Applicants as well as the other similarly situated employees. The Respondent No.1 Shri Hemantkumar P. Joshi, Assistant Director, Health Services (Malaria), Pune who is present before the Tribunal is also directed to apprise the situation to Respondent No.2 and 3 and to take all necessary steps to solve the issue. The Respondents are directed to submit the compliance report of the aforesaid observations within four weeks.

14. The copy of this order be also forwarded to the Health Commissioner and the Commissioner National Health Mission, Aarogya Bhavan, Mumbai-1 for information and necessary action.

15. Liberty is also granted to the Applicants to move before the Industrial Tribunal for modification of the stay order, if desire.

16. Hamdast and steno copy is granted.

17. S.O. to 03.04.2019.

Sd/-

**(A.P. KURHEKAR)**  
**MEMBER (J)**

**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 : 06.03.2019.

M.A.No.115 of 2019 in O.A.No.1216 of 2012 with O.A.No.1198 of 2013

S.K. Rajput & Ors. ....Applicant.  
Versus  
The State of Maharashtra & Ors. ....Respondents.

1. Heard Shri Pankaj L. Yewale, Applicant in person and Ms. N.G. Gohad, the learned Presenting Officer for Respondents.

2. Applicant in person states that he is going to withdraw the M.A.No.115/2019, therefore he sought leave to withdraw the O.A. with permission to file fresh M.A.

3. Since Applicant does not want to proceed with the M.A.No.115/2019, leave as prayed to withdraw the same is granted.

4. M.A.No.115/2019 is disposed as withdraw with liberty to file fresh M.A.

DATE: 6/3/2019

CORAM: Shri B.P. Patil (MBJ)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:  
Shri/Smt. Pankaj L. Yewale applicant in person  
Advocate for the Applicant  
Shri/Smt. N. G. Gohad  
C.P.O/P.O. for the Respondent/s

Adj. To M.A. No. 115/2019 is disposed as withdraw.

*prk*

Sd/-  
(P.N. Dixit)  
Member(A)

Sd/-  
(B.P. Patil)  
Member(J)

**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 : 06.03.2019.

O.A.No.613 of 2018

A.V. Mahajan .....Applicant.  
Versus  
The State of Maharashtra & Ors. ....Respondents.

1. Heard Ms. N.G. Gohad, the learned Presenting Officer for Respondents.
2. Applicant as well as his Advocate are absent repeatedly.
3. Adjourned to 08.03.2019 as a last chance.

Sd/-  
(P.N. Dixit)  
Member(A)

Sd/-  
(B.P. Patil)  
Member(J)

prk

DATE: 6/3/2019

CORAM: Shri. B.P. Patil (M.J.)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
B.P. Patil  
Hon'ble Shri M. Ramoshankar (Member) A

APPEARANCE:

Shri/Smt. : Applicant as well as his Advocate are absent repeatedly.  
Advocate for the Applicant

Shri/Smt. : P. G. Gohad  
C.P.O / P.O; for the Respondent/s

Adj. To 8/3/2019 as a last chance.

B.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
---	-------------------

O.A. No.446 of 2018

Dr. A.A. Mane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO seeks time to make written submissions regarding the amount deposited by the applicant. At this request adjourned to 8.3.2019.

Sd/-

(P.N. Dixit)  
Member (A)  
6.3.2019

(sgj)

DATE: 6/3/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Ramesh Kumar (Member) A

APPEARANCE:

Shri/Smt. Applicant and Advocate  
for the applicant are absent.  
Advocate for the Applicant

Shri/Smt. A.J. Chougule  
C.P.O/ P.O. for the Respondent/s

Adj. To 8/3/2019.

*File*

**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 : 06.03.2019.

O.A.No.882 of 2016

V.R. Dhumse .....Applicant.  
Versus  
The State of Maharashtra & Ors. ....Respondents.

1. Heard Ms. S. Suryawanshi, the learned Presenting Officer for Respondents.

2. None appeared for the Applicants. Matter is pretty old and fixed for Final Hearing since long. Applicant remained absent today as well as on the previous date's of hearing.

3. It seems that the applicant is not interested in prosecuting the matter. Hence, O.A. is dismissed in default.

DATE : 4/3/2019

CORAM : Shri B.P. Patil (MB)

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Ramchandra (Member) A

APPEARANCE :

Shri/Smt. : None appeared for the applicants.

Advocate for the Applicant

Shri/Smt. : S. SURYAWANSHI

C.P.O / P.O. for the Respondent/s

Adj. To : O.A. is dismissed in default

*prk*

Sd/-

(P.N. Dixit)  
Member(A)

prk

Sd/-

(B.P. Patil)  
Member(J)

**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 : 06.03.2019.

O.A.No.111 of 2019

M.H. Deshmukh ....Applicant.  
Versus  
The State of Maharashtra & Ors. ....Respondents.

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

2. Learned C.P.O. Ms. S.P. Manchekar for the Respondents mentions that in Tribunal's order dated 21.02.2019 at paragraph No.8 it is mentioned as 'Respondent No.1', instead it should be 'Respondent No.2'.

3. Accordingly correction be done. On the request of learned C.P.O. three week's time is granted.

4. Learned Advocate Shri S.S. Dere for the Applicant mentions that the outcome of the selection should be subject to decision of this O.A.

5. This issue would be taken up on the next date of hearing. Adjourned to 27.03.2019.

Sd/-  
(P.N. Dixit)  
Member(A)

Sd/-  
(B.P. Patil)  
Member(J)

DATE : 6/3/2019  
 CORAM : Shri B.P. Patil (M.J)  
 Hon'ble Justice Shri A. H. Joshi (Chairman)  
 Hon'ble Shri P. H. Dixit (Member) A  
 APPEARANCE :  
 Shri/Smt. S.S. Dere  
 Advocate for the Applicant  
 Shri/Smt. S.P. Manchekar  
 C.P.O / P.O. for the Respondent/s  
 Adj. To 27/3/2019

*B.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><u>DATE:</u> 03/2019</p> <p><u>CORAM:</u> Shri B.P. Patil (M/J) Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. .... None appeared for the applicants Advocate for the Applicant Shri/Smt. : N.G. Gohad C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... O.A. is dismissed in default.</p> <p style="text-align: right;">B.P. Patil</p>	<p>Date : 06.03.2019.</p> <p>O.A.No.584 of 2016</p> <p>N.D. Deore &amp; Ors. ....Applicants. Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Ms. N.G. Gohad, the learned Presenting Officer for Respondents.</p> <p>2. None appeared for the Applicants. Matter is pretty old and fixed for Final Hearing since long. Applicant remained absent today as well as on the previous date's of hearing.</p> <p>3. It seems that the applicant is not interested in prosecuting the matter. Hence, O.A. is dismissed in default.</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Member(A)</p> <p style="text-align: right;">Sd/- (B.P. Patil) Member(J)</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><b>DATE:</b> <u>6/3/2019</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. P. N. Dixit (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>L.S. Deshmukh</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>14/3/2019</u> Steno copy &amp; Hamdast is granted.</p> <p align="right"><i>P.N. Dixit</i></p>	<p align="center"><u>O.A. No.669 of 2018</u></p> <p>S.R. Varkhande ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri L.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that even though he had communicated the earlier instructions, no reply has been made available by respondent no.2. He seeks one more week for filing reply.</p> <p>3. S.O. to 14.3.2019. The respondent no.2 is directed to ensure that responsible officer remains present on the next date. Steno copy and hamdast is granted. Ld. PO is directed to communicate this order to the respondents.</p> <p align="right">Sd/- (P.N. Dixit) Member (A) 6.3.2019</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE : 6/3/19</p> <p>CORAM : B.P. Patil (MJ) Hon'ble Justice Shri A.H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A P.N. Dixit</p> <p>APPEARANCE : Shri/Smt : R.D. Kamble in person Advocate for the Applicant Shri/Smt : N.G. Gohad C.P.O / P.O. for the Respondent/s</p> <p>Adj. To : 29/3/19 order passed in Tribunal column. Steno copy and Hamdast is allowed.</p>	<p>Date : 06.03.2019.</p> <p>O.A.No.306 of 2015</p> <p>R.D. Kamble .....Applicant. Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri R.D. Kamble, Applicant in person and Ms. N.G. Gohad, the learned Presenting Officer for Respondents.</p> <p>2. Shri H. Gadigaonkar, the learned Advocate for the Applicant is absent.</p> <p>3. Learned P.O. Ms. N.G. Gohad for the Respondents has produced the affidavit-in-reply of the Joint Secretary, Home Department. The same is taken on record. She has further submitted that the proposal for creation of posts of driver has been sent by the Excise Department to the Chief Secretary. Now the same is pending with the Finance Department. She has further submitted that the decision of the Finance Department on the said proposal is awaiting and therefore she seeks time to produce the same.</p> <p>4. In view of the submission made by learned P.O. two weeks time is granted to take instructions regarding decision of Finance Department on the proposal. We hope that the Finance Department will consider the proposal and will take decision within two weeks from today.</p> <p>5. Adjourned to 29.03.2019. Steno copy and Hamdast is allowed.</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Member(A)</p> <p style="text-align: center;">Sd/- (B.P. Patil) Member(J)</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
---	-------------------

Date : 06.03.2019.

O.A.No.362 of 2016

B.R. Patil .....Applicant.

Versus

The State of Maharashtra & Ors. ....Respondents.

DATE: 6/3/19

CORAM: B.P. Patil (M.J)

Hon'ble Justice Shri A.H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

P.N. Dixit

APPEARANCE:

Shri/Smt. S.S. Dere

Advocate for the Applicant

Shri/Smt. Archana B.K.

C.P.O/P.O. for the Respondent/s

Adj. To: 3/4/19

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for Respondents.
2. Learned Advocate Shri S.S. Dere for the Applicant on instructions states that Applicant in this matter has ~~been~~ expired and therefore he wants to bring legal heirs of the applicant on record. He, therefore, prays for four weeks time.
3. Time as prayed for is granted.
4. S.D. to 03.04.2019.

Sd/-

(P.N. Dixit)  
Member(A)

prk

Sd/-

(B.P. Patil)  
Member(J)

**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
---	-------------------

O.A. No.405 of 2018

S.G. Kekan ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri V. Ugale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO files reply on behalf of respondent no.3 and the same is taken on record. Ld. PO further states that replies from respondents no.1 and 2 are not necessary. However, she would obtain instructions from the respondents.

3. Ld. Advocate for the applicant mentions that he would furnish certified copy of the order of the Hon'ble High Court on which he is relying upon. At his request adjourned to 15.3.2019.

Sd/-

(P.N. Dixit)  
Member (A)  
6.3.2019

(sgj)

DATE: 6/3/19

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : V. Ugale

Advocate for the Applicant

Shri/Smt. : Archana B.K.

C.P.O./P.O. for the Respondent/s

Adj. To 15/3/19.

order passed in Tribunal column.

Solo 15/3/19.

**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
---	-------------------

O.A. No.321 of 2018

S.R. Sonawane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. At the request of Ld. CPO adjourned to 11.3.2019 for filing reply.

Sd/-

(P.N. Dixit)  
Member (A)  
6.3.2019

(sgj)

**DATE:** 6/3/19

**CORAM:**

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Ramakrishna (Member) A

*P.N. Dixit*

**APPEARANCE:**

Shri/Smt. : *K.R. Jagdale*

Advocate for the Applicant

Shri /Smt. : *S.P. manchekar*

C.P.O / P.O. for the Respondent/s

Adj. To: 11/3/19 for filing reply

*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
---	-------------------

M.A. No.638 of 2018 in O.A. No.887 of 2018

J.R. Bankapure ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. At the request of Ld. PO adjourned to 14.3.2019 for filing reply.

Sd/-

(P.N. Dixit)  
Member (A)  
6.3.2019

(sgj)

DATE: 6/3/19.

**CORAM:**

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Ramoshikumar (Member) A

**APPEARANCE:**

Shri/Smt. official and advocate

Advocate for the Applicant absent

Shri/Smt. A.J. Chougule

C.P.O./P.O. for the Respondent/s

Adj. To 14/3/19 for filing reply

**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 : 06.03.2019.</p> <p align="center"><b>O.A.No.187 of 20187</b></p> <p><b>Dr. H. B. Hankare</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ..Respondents.</p> <p>1. The Applicant and his Advocate both are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent No.2. It is taken on record.</p> <p>3. Since last 2-3 dates also the Applicant and his Advocate both are absent. The matter is kept alive to give opportunity to them. However, today also the Applicant and his Advocate are absent.</p> <p>4. The matter is for admission.</p> <p>5. In view of above, it appears that the Applicant is not interested in continuing the matter. Therefore, the O.A. is dismissed in default.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</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
---	-------------------

Date : 06.03.2019.

O.A.No.1112 of 2018

A. M. Mali .....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri Anil Jaiswar holding for Shri R. G. Panchal, learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.

2. Today, the learned P.O. for the Respondents submitted that the reply will be filed during the course of day. The Statement is accepted. Reply be taken on record.

3. The matter is adjourned for hearing at the stage of admission.

4. S.O. to 28.03.2019.

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



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

Tribunal's orders

Date : 06.03.2019.

O.A.No.92 of 2019

P. B. Palsule

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri Omkar Kulkarni, learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.
2. In this O.A. limited prayed is for direction to the Respondent No.1 to consider the representation of the Applicant dated 26.02.2016 for grant of deemed date of promotion.
3. The Applicant who was working as Senior Clerk and claiming relief of deemed date of promotion to the post of Naib Tahsildar. He was promoted to the post of Naib Tahasildar in 2015 but he claims deemed date of promotion w.e.f. 25.02.2011. For this purpose, he made representation to the Respondent on 26.02.2016 but the same is not yet decided. Hence, the Applicant has approached this Tribunal.
4. In view above, the O.A. can be disposed of with direction to the Respondent No.1 to decide the representation of the Applicant dated 26.02.2016 within two months from today and to communicate the decision thereon as the case may be within two weeks thereafter. If the Applicant is aggrieved by the decision, he may avail legal remedy in accordance to law.

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 : 06.03.2019.</p> <p style="text-align: center;"><b>M. A. No.113 of 2019 in O. A. No.781 of 2016</b></p> <p><b>M. R. Ghate</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. Issue notice before admission returnable on 27.03.2019.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</li> <li>8. S.O. to 27.03.2019.</li> </ol> <p style="text-align: right;">Sd/- <b>(A.P. Kurhekar)</b> <b>Member(J)</b></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 : 06.03.2019.</p> <p style="text-align: center;">O. A. No.204 of 2019</p> <p>M. P. Wavlkar <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri M. D. Lonkar, learned Advocate for the Applicants and Ms S.P.Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. Issue notice before admission returnable on 20.03.2019.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</li> <li>8. S.O. to 20.03.2019.</li> </ol> <p style="text-align: right;">Sd/-        (A.P. Kurhekar)        Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Apperance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.03.2019.</p> <p style="text-align: center;">D.A.No.1134 of 2017</p> <p>M. L. Pendam <span style="float: right;">....Applicant</span>  Versus  The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri J. N. Kamble, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. In the present matter, the Applicant submitted that he could not collect the notice as per order passed by this Tribunal on 27.02.2019 and, therefore, now the date needs to be extended.</li> <li>3. In view of submission made by the learned Advocate for the Applicant returnable date is extended.</li> <li>4. Issue notice before admission returnable on 29.03.2019.</li> <li>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>6. 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.</li> <li>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.</li> <li>8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>9. 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.</li> <li>10. 5.O. to 29.03.2019.</li> </ol> <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.....)

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

Tribunal's orders

Date : 06.03.2019.

O.A.No.49 of 2019

Dr.S. N. Kundetkar ....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri M. B. Kadam holding for Shri A. Joshi, learned Advocate for the Applicant and Ms N. G Gohad, learned Presenting Officer for the Respondents.

2. This matter is kept under the caption "Objection Matters" as the applicant has failed to remove the objections within time granted by the office.

3. The matter is of 2019 and the objections ought to have been removed. However, two weeks time is granted for compliance of office objections. If the objections are removed then the matter be kept under the caption "Admission" before the Tribunal on 20.03.2019.

4. If the objections are not removed within two weeks from today, the O.A. stands dismissed in default without making reference to the court.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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 : 06.03.2019.

O.A.No.66 of 2019

D. S. Shinde .....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent No.2 and submitted that reply on behalf of Respondent Nos.1, 3 and 4 is not required.
3. The matter is adjourned for hearing at the stage of admission.
4. S.O. to 28.03.2019.

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
	<p>Date : 06.03.2019.</p> <p>O.A.No.110 of 2019</p> <p>S.H. Pathan .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. The present matter is under the caption of 'Objection'. It seems that page No.20 of the Paper-Book is not legible, therefore, the office has raised the objection.</p> <p>3. Learned Advocate for the Applicant submitted he is not relying on the said order and the same is placed only for reference. He further pointed out that the order is quite legible so far as the material part is concerned.</p> <p>4. I have gone through the page No.20 of Paper-Book and found that the same is legible for the purpose of reference. Hence, objection is <del>removed</del> <sup>10/3/19</sup>.</p> <p>5. Two weeks time is granted to the learned P.O. for filing reply.</p> <p>6. S.O. to 20.03.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>