

(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 : 07.02.2020</p> <p>O.A.No.1010 of 2017</p> <p>D. N. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In present O.A. challenge is to the order passed by the Disciplinary Authority dated 09.03.2017 whereby the punishment of permanent deduction of 20% pension is imposed upon the Applicant.</p> <p>3. As per the office order dated 10.10.2019 subject minor punishment is assigned to this bench. The punishment imposed by the Disciplinary Authority which is under challenge in present O.A. does not fall within term 'minor penalty' as per Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.</p> <p>4. Registrar is, therefore, directed to examine the matter and place it before appropriate bench.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p> <p>[P.T.O.]</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 : 07.02.2020</p> <p align="center">O.A.No.1172 of 2019</p> <p>Dr. S. K. WalunjkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Amar Bodke holding for Shri M. V. Thorat, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, the matter is taken on board for 'Speaking to Minutes' for correction in Para No.2 of order dated 01.01.2020.</p> <p>3. In Para No.2, the amount mentioned as Rs.16,15,552/- is wrongly mentioned in place of amount of Rs.16,12,552/-. As such, the amount mentioned as Rs.16,15,552/- be corrected as Rs.16,12,552/-.</p> <p>4. Correction be made accordingly.</p> <p>5. S.O. to 13.02.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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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 : 07.02.2020</p> <p align="center">O.A.No.901 of 2019 with O.A. No.1011 of 2019</p> <p>R. S. Palkar & Drs.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. P. Potbhare holding for Shri A. D. Sugdare, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 to 3. It is taken on record.</p> <p>3. Matters be kept with connected O.A. Nos.902/2019 and 1010/2019.</p> <p>4. Adjourned for hearing on 24.02.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No.

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DISTRICT

..... Applicant/s


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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 : 07.02.2020</p> <p>O.A.Nos.1058/16, 471/17, 472/17, 473/17,474/17, 475/17 with 538/17, 539/17, 540/17, 541/17, 542/17 with 544/2017 with 1154/17, 1155/17, 1156/17, 1157/17 with 1158/17</p> <p>B. B. Pote & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. All these Original Applications are arising from common issue, and therefore, heard together.</p> <p>3. During the course of hearing, Shri C. T. Chandratre, learned Counsel for the Applicants submits that he is not pressing for relief 9(a) which pertains to recovery. He, therefore, seeks permission to delete the said prayer. He submits that recovery is already done and the Applicants are not now claiming refund of the said amount.</p> <p>4. Learned Counsel is allowed to delete the Prayer Clause 9(a) in all the Original Applications. Necessary amendment be made in O.As</p> <p>5. In view of above, in all these Original Applications question for consideration is restricted to prayer 9(b).</p> <p>6. Closed for order.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.02.2020</p> <p>O.A.No.1215 of 2019</p> <p>D. G. KajaveApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre holding for Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1 and 2. None for Respondent No.3.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent No.2 and the same is adopted on behalf of the Respondent No.1. It is take on record.</p> <p>3. Respondent No.3 served but absent.</p> <p>4. On request of learned Counsel, one week's time is granted for filing Rejoinder.</p> <p>5. S.O. to 14.02.2020.</p> <p style="text-align: right;">Sd/- W- (A.P. Kurhekar) Member(J)</p> <p>vsm</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	Tribunal's orders
	<p>Date : 07.02.2020</p> <p>O.A.No.123 of 2020</p> <p>Savita C. BodhekarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M.R. Patil with Shri U. V. Bhosale, learned Counsels for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the impugned order dated 05.02.2020 whereby she was transferred from the post of Superintending Engineer, Vigilance Unit, Thane to the post of Superintending Engineer & Ex-officio Deputy Secretary of Water Resources Department, Mantralaya, Mumbai on administrative ground invoking the Section 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005).</p> <p>3. Learned Counsel for the Applicant submits that the Applicant was not due for transfer, and therefore, transfer being mid-term and mid-tenure is not legal. He, therefore, seeks interim relief.</p> <p>4. Learned P.O. has tendered the file for perusal of Tribunal which shows that the Applicant was transferred on vacant post on Mantralaya on account of administrative exigency after approval of CSB. The transfer is approved by the Hon'ble Chief Minister. As per note, the Applicant being efficient official, her services are required to be utilized in Mantralaya and secondly, the vacant post was also required to be filled in immediately.</p>

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	<p>5. Thus, prima-facie Applicant has been transferred on administrative exigency and there is a compliance of Section 4(5) of 'Act 2005'.</p> <p>6. It be noted that when the Applicant was due for transfer in the cadre of Superintending Engineer and options were called, she had shown her willingness for posting in Mantralaya by letter dated 15.02.2018. True, that time her request was not considered and she was posted at Thane. However, now she is transferred in Mantralaya invoking Section 4(5) of 'Act 2005'.</p> <p>7. In view of above, I am not inclined to grant interim relief.</p> <p>8. Issue notice before admission returnable on 20.02.2020.</p> <p>9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>10. 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>11. 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>12. 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>13. 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>14. S.O. to 20.02.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A. P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 07.02.2020</p> <p align="center">O.A.No.925 of 2019</p> <p>G. G. Nagtlak _____Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 14.02.2020.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>