

**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 : 08.02.2019.  
Tribunal's orders  
O. A. No.908 of 2018

A. J. Sayyad .....Applicant

Versus

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

1. Heard Shri S. K. Hande, learned Advocate for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.
2. In the present matter, the challenge is to the transfer order.
3. Respondent No.2 i.e. S.D.O., Dist. Satara has already filed Affidavit-in-Reply, which is at page Nos.34 to 40.
4. Learned P.O. submitted that the reply filed by the Respondent No.2 is also adopted in Respondent Nos.1 and 3 also.
5. Learned Advocate for the Applicant sought time to file rejoinder.
6. Interim relief granted by the Tribunal be continued till next date.
7. S.O. to 15.02.2019 for filing rejoinder.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

*Appli*

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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 : 08.02.2019.</p> <p align="center">M. A. No.519 of 2018 in O. A. No.884 of 2018</p> <p>R. B. Kamble <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Drs. ...Respondents.</p> <p>1. Heard Shri Rahul Shinde, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. In O.A. No.884/2018, the challenge is to the transfer order dated 17.07.2018 whereas the M.A. No.519/2018 is filed for interim relief.</p> <p>3. However, today the learned Advocate for the Applicant has tendered the officer order dated 19.01.2019 whereby the impugned order has been cancelled. He, therefore, requested for permission to withdraw the Original Application.</p> <p>4. In view of above, the grievance raised in the application has been redressed and as no cause of action is survived, the O.A. as well as M.A. both are disposed of accordingly. No order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(I)</p> <p>vsm</p>

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Court, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.02.2019.</p> <p style="text-align: center;"><b>O. A. No.982 of 2018</b></p> <p><b>H. R. Jadhav</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri P. S. Bhavake, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. In the present matter, the challenge is to the order dated 29.10.2018 passed by the Government whereby it refused to revoke the suspension and to reinstate the Applicant in service. This decision was taken by the department in pursuance of the directions given by this Tribunal in O.A.No.269/2018 decided by the Hon'ble Chairman on 16.10.2018 whereby the Government was directed to take decision about the revocation of suspension within two weeks. Accordingly, the decision has been taken by the impugned order dated 29.10.2018.</p> <p>3. Material to note that earlier in first round of litigation i.e. in O.A.No.919/2016, the Applicant has challenged the suspension order dated 02.09.2016, It was decided by this Tribunal on 12.09.2017 whereby the application was allowed and the suspension order was set aside. Against this order, the State has preferred W.P.No.11384/2017 which was allowed by the Hon'ble High Court on 22.12.2017 and the order passed by this Tribunal in O.A.No.919/2016 was set aside. However, liberty was granted to the Applicant to challenge the order of suspension on the other ground as permissible in law.</p> <p>4. On the above background, the Applicant has again filed O.A.No.269/2018 which has been decided by the Hon'ble Chairman by judgment dated 16.10.2018 and directions were given to take decision about revocation of suspension within two weeks and in the event, the decision is not taken within two weeks from the date of order, it shall be deemed that suspension stand revoked and the Applicant shall be deemed to have been reinstated in service.</p>

Office Notes, Office Memoranda of Coram,  
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5. However, in the meantime, the Applicant has filed SLP No.830/2018 before the Hon'ble Supreme Court challenging the decision passed by the Hon'ble High Court in W.P.No.11384/2017.

6. Today when the matter is taken up for hearing at the every outset, learned P.O. for the Respondents raised objections about maintainability of this O.A. on the ground that very issue of legality of suspension is pending before the Hon'ble Apex Court in SLP No.830/2018. She, therefore, contends that it would not be appropriate to proceed with this O.A. simultaneously.

7. Per contra, learned Advocate for the Applicant tried to contend that in the present O.A. the challenge is restricted to the order dated 29.10.2018 whereby the Government refused to revoke the suspension. Thus, according to him this O.A. being based on independent cause of action, there is no hurdle to proceed with the matter. Thus, the position emerges that the very suspension of the Applicant which has been set aside by this Tribunal in O.A.No.919/2016 is again sub judice before the Hon'ble Supreme Court. Therefore, the question arises whether this O.A. can be continued.

8. If SLP is allowed and suspension itself found illegal then it would be the end of matter and, therefore, the Applicant has to choose whether he wants to proceed with SLP or to continue with this O.A.

9. Though, the impugned orders which are under challenged before the Hon'ble Supreme Court and in this O.A., are different. The root of both the orders is of suspension.

10. At this juncture, on instructions from the Applicant who is present before the Tribunal, learned Advocate for the Applicant submitted that as the O.A.No.269/2018 has been heard and decided by the Hon'ble Chairman, it would be appropriate that this O.A. be also heard by the Hon'ble Chairman. On this background, he seeks time to take necessary steps.

11. In view of above, the matter is adjourned on 22.02.2019.

12. S.O. to 22.02.2019.

Sd/-

(A.P. Kurhekar)

Member(I)

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M.A./R.A./C.A. No. \_\_\_\_\_ of 20

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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><u>DATE:</u> 8/2/2019</p> <p><u>CORAM:</u></p> <p>Hon'ble Justice <del>_____</del> (Chairman)</p> <p>Hon'ble S. <u>P.N. Dixit</u> (Member) A</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. <u>K.R. Jagdale</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>K.S. Gaikwad</u></p> <p>C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>12/2/2019 at the</u></p> <p>Request of Ld. Advocate.</p> <p style="text-align: right;"><i>SGI</i></p>	<p style="text-align: center;"><u>O.A. No.1017 of 2018</u></p> <p>V.P. Kapade ..Applicant</p> <p>Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the instructions of the applicant who is present in the Court, Ld. Advocate for the applicant seeks time to take instructions from the applicant.</p> <p>3. At the request of Ld. Advocate, adjourned to 12.2.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(P.N. Dixit)</p> <p style="text-align: right;">Member (A)</p> <p style="text-align: right;">8.2.2019</p> <p>(sgj)</p>

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..... 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 : 08.02.2019.</p> <p>O. A. No.1073 of 2018</p> <p>R. K. Jadhav .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present matter, the challenge is to the order dated 01.11.2018 whereby the Applicant's appointment as a Kotwal has been terminated and he was relieved. The question involved is about the acceptance of resignation and withdrawal of the notice of resignation.</p> <p>3. Today, the learned P.O. has filed Reply on behalf of the Respondent No.3 and the same is adopted on behalf of Respondent Nos.1 and 2 also. It is taken on record.</p> <p>4. On the request of learned Advocate for the Applicant, the matter is adjourned for one week for final hearing at the stage of admission.</p> <p>5. S.O. to 15.02.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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*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 : 08.02.2019.</p> <p>O. A. No.156 of 2016</p> <p>K. A. Jamdar .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale holding for Shri R. K. Mendadkar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant and his Advocate are absent. Shri K.R. Jagdale, learned Advocate holding for Shri R. K. Mendadkar, learned Advocate is present for the Applicant and seeks adjournment.</p> <p>3. Learned P.O. for the Respondents has filed short Affidavit of Rangrao Lahu Kamble, Naib Tahsildar, Pune. It is taken on record.</p> <p>4. Adjourned for hearing.</p> <p>5. S.O. to 22.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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..... 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 : 08.02.2019. Tribunal's orders O. A. No.908 of 2018
	<p>A. J. Sayyad .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"><li>1. Heard Shri S. K. Hande, learned Advocate for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</li><li>2. In the present matter, the challenge is to the transfer order.</li><li>3. Respondent No.2 i.e. S.D.O., Dist. Satara has already filed Affidavit-in-Reply, which is at page Nos.34 to 40.</li><li>4. Learned P.O. submitted that the reply filed by the Respondent No.2 is also adopted in Respondent Nos.1 and 3 also.</li><li>5. Learned Advocate for the Applicant sought time to file rejoinder.</li><li>6. Interim relief granted by the Tribunal be continued till next date.</li><li>7. S.O. to 15.02.2019 for filing rejoinder.</li></ol> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>



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..... Respondent/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 : 08.02.2019.</p> <p style="text-align: center;"><b>O. A. No. 980 of 2018</b></p> <p>V. S. Chavhan .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Shri K. R. Jagdale, learned Advocate for the Applicant absent. Shri A. J. Chougule, learned Presenting Officer for the Respondents present.</p> <p>2. In the present matter, the challenge is to the suspension order dated 26.02.2018 whereby the Applicant was kept under suspension in view of the registration of offence against him. He made various representations for revocation of suspension and reinstatement in service, which were not responded. Ultimately, he approached this Tribunal.</p> <p>3. At this juncture, Shri K.R. Jagdale, learned Advocate for the Applicant appeared and submitted that as the period of one year is over, the Applicant is entitled for reinstatement in service.</p> <p>4. It is necessary to know, whether the Respondents have taken any review about the revocation of suspension in terms of G.R. dated 14.10.2011.</p> <p>5. Learned P.O. submitted that he will take instructions about the revocation of review, if any, and if necessary, reply will be filed on Tuesday.</p> <p>6. The matter is adjourned to 12.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram,  
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Tribunal's orders

Date : 08.02.2019.

O. A. No.01 of 2019

M. V. Ghadage .....Applicant  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Smt. P. Hendre, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. At every outset, shocking to note that, the Applicant has been kept under suspension by order dated 05.02.2009 and continued in suspension for about 10 years without giving thought to the revocation of suspension or reinstatement in service. It seems that the Applicant was suspended in view of registration of Criminal offence against him u/s 420, 463, 464, 466, 468, 471 r/w 34 of IPC while he was serving as Ward Boy at the Government Civil Hospital, Sangli. In Criminal Case, charge sheet was filed in 25.09.2009 and still it is pending. Admittedly, no D.E. has been initiated. Thus, the factual aspect reveals that the Applicant has been subjected to 10 years prolonged and continuous suspension which is obviously illegal. The Disciplinary Authority i.e. Respondent No.2 completely failed to take any follow up action. Even it did not think it necessary to pursue the charge sheet and to decide the question whether the continuation of suspension is desirable. Apart from that no action has been taken about the revocation of suspension in terms of G.R. dated 14.10.2011. Suffice to say that lethargy and callousness on the part of the Respondents is obvious, which needs to be enquired into.
3. Learned P.O. stated that now department will take appropriate action for review of suspension and necessary orders will be passed soon.
4. I do not think that it is enough. The Respondents are required to explain why ~~no~~ action has been taken for the period of 10 years.
5. The Respondent No.2 is directed to depute responsible officer from the hospital who is dealing with the matter and to remain present before the Tribunal to explain the above aspect.
6. Learned P.O. is at liberty to file <sup>reply</sup> rejoinder, if desires, so that the matter can be finally disposed of on the next date.
7. S.O.to 12.02.2019.

Sd/-

(A.P. Kurhekar)  
Member(I)

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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
<p><u>DATE:</u> 8/2/2019</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P.N. Dixit (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. A. Jaiswar Ld. Advocate holding for Shri R.G. Panchal Ld. Advocate for the Applicant Shri/Smt. Miss Neelima Gohad Ld. C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: MA is allowed to be withdrawn and disposed off as such.</p> <p style="text-align: right;">MTE</p> <p>Appli</p>	<p><u>M.A. No.511 of 2018 in O.A. No.588 of 2018</u></p> <p>M.M. Solanki ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A. Jaiswar, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. As the prayer in the MA has been already attempted and completed by the respondents the Ld. Advocate for the applicant seeks permission to withdraw the MA as it has become infructuous.</p> <p>3. MA is allowed to be withdrawn and disposed off as such.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 8.2.2019</p> <p>(sgj)</p>

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Original Application No. \_\_\_\_\_ of 20

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O.A. No.588 of 2018

M.M. Solanki ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri A. Jaiswar, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Ld. PO produces a communication dated 7.2.2019 from the respondents stating that the applicant has been reinstated in service. The same is taken on record and marked 'X' for identification.

3. The respondent has also initiated DE against the applicant. In view of the same Ld. Advocate for the applicant seeks permission to take instructions from the applicant regarding further action. At his request adjourned to 12.2.2019.

DATE: 8/2/2019

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri A. Jaiswar Ld. Advocate holding

for Shri R.G. Panchal

Advocate for the Applicant

Shri Miss Neelima Gohad Ld.

Presenting Officer for the Respondent/s

Adj. To: 12/2/2019

Sd/-

(P.N. Dixit)  
Member (A)  
8.2.2019

(sgl)

*[Handwritten signature]*