

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 545 of 2020

DISTRICT : PUNE

Shri Bharat A. Waghmare)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no.1.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **08.10.2020**

ORDER

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no. 1.

2. The applicant who is working as District Resettlement Officer Pune, challenges the order dated 1.10.2020 passed by Respondent no. 1, transferring him to Solapur as Deputy District Returning Officer, in place of Shri Uttam Patil, Respondent no. 2, who was working as District Supply Officer, Solapur.

3. Learned counsel for the applicant Mr Bandiwadekar challenges order on the following ground:-

(a) Applicant was not due for transfer, as he took charge at Solapur on 26.11.2018.

- (b) Special case not made out not only for the applicant as well as Respondent no. 2.
- (c) The case of the applicant was not placed before Civil Services Board (C.S.B).
- (d) He also submits that while transferring Respondent no. 2, the policy of the Government dated 7.7.2020 is violated because the transfers are to be made including special transfers only before 31.7.2020.

4. Learned P.O submits that applicant is transferred in public interest because departmental enquiry is initiated and there are many complaints against him. Learned P.O submits that procedure under Rule 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity).

7. S.O to 5.11.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.10.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>13.10.2020</u></p> <p align="center">O.A.No.545 of 2020</p> <p>B.A. Waghmare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Speaking to minutes taken on record. In this matter of <u>transfer no stay was granted by the Tribunal.</u> It was specifically orally said so in the open court and in the presence of both learned Counsel for the Applicant and learned C.P.O. for the Respondents.</p> <p>3. However, the order was placed before me on Thursday, 08.10.2020 for granting stay to the transfer. The said order was signed and uploaded on that day. The learned C.P.O. after going through that order at night has contacted me telephonically and pointed out the mistake. <u>I agreed to that. I have directed the learned C.P.O. to point out this mistake by email to the Registrar and send the copy to learned Counsel Shri A.V. Bandiwadekar.</u> Accordingly, she sent the email. Therefore the matter is today taken on board for correction of the order. Meanwhile I made enquiry with my P.S. Mr. Nair who was on dais on that day and has transcribed the order. He explained that on that day group of 5 matters of learned Advocate Shri A.V. Bandiwadekar for transfer were placed on board. Out of 5 matters, in 4 matters the stay was granted however in one matter as the facts were different the stay was not granted. But while transcribing the same he got confused and hurriedly this order was typed like other 4 matters. It is true that on that day for 5 matters for urgent circulation of transfer of learned</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Counsel Shri A.V. Bandiwadekar were on the board and out of 5 matters in 4 matters interim stay was granted and this matter which is at serial no 6 on the board on 08.10.2020 and no stay was granted. Today when it was pointed out to learned Counsel Shri A.V. Bandiwadekar has fairly conceded and agreed for rectification of the order. He submitted that he has accordingly informed his client.</p> <p>4. Thus, in order dated 08.10.2020 :-</p> <p>(i) In paragraph 4 from the word It appears prima facie till 'in accordance with law' be deleted.</p> <p>(ii) Paragraphs 5 and 6 be entirely deleted.</p> <p>5. Issue notice before admission returnable on 20.10.2020.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. S.O. to 20.10.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 548 OF 2020

DISTRICT : RAIGAD

Shri Gaman R. Gavit)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondent no. 1.

Smt Punam Mahajan, learned advocate for Respondent no. 2.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **08.10.2020**

ORDER

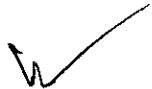
1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J Chougule, learned Presenting Officer for Respondent no. 1 and Smt Punam Mahajan, learned advocate for Respondent no. 2.

2. The applicant earlier working as Tahsildar, Murud-Janjira, Dist- Raigad, challenges the order dated 1.10.2020 passed by Respondent no. 1, under which the Respondent no. 2 is transferred in place of applicant from Mumbai.

3. Learned counsel for the applicant Mr Bandiwadekar challenges order on the following ground:-

(a) His transfer order is not issued so his post is vacant.

(b) He is not given posting.



- (c) It is at the request of Respondent no. 2.
- (d) Applicant was not due for transfer, as he took charge at Muru-Janjira on 13.9.2019.
- (e) Special case not made out only for the applicant as well as Respondent no. 2.
- (f) The case of the applicant was not placed before Civil Services Board (C.S.B).
- (g) He also submits that while transferring Respondent no. 2, the policy of the Government dated 7.7.2020 is violated because the transfers are to be made including special transfers only before 31.7.2020.

5. Learned counsel for Respondent no. 2 submits that she has made a request for her transfer to Murud-Janjira on account of her husband's health.

6. Learned P.O submits that the applicant will be given a posting soon by issuing transfer order by the Respondents.

7. The applicant was not due for transfer. The competent authority is empowered to transfer by following the rules and procedure under Rule 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity). It appears prima facie from the submissions made before the Tribunal that the procedure is not followed by the authority competent to transfer. Further, it is to be noted that it is a settled position of law that no Government servant is to be transferred at the whims and fancies by any authority competent to transfer. The transfers should be in accordance with law.

8. Reliance is placed on the judgment of this Tribunal in O.A 300/2020, Shri R.G Lande Vs. State of Maharashtra & Ors, decided on 6.10.2020, wherein in paragraph 41, it is held as below:-

41. It is obligatory on the part of the State to act fairly, so the orders to be passed with reasons assuring the transparency in the administration. It is noticed that on certain occasions, the orders passed by the competent authority are not found legal for want of compliance of 'ROT Act 2005', hence they are challenged.

Therefore, following points are required to be mentioned while placing the proposal/ submission for mid-term/tenure transfer under Section 4(4)(ii) and 4(5) of the 'ROT Act 2005' before the competent authority, so that further litigation can be avoided and reduced.

- (a) Special reasons or exceptional circumstances or how special case is made out.
- (b) The recommendations of Civil Services Board (C.S.B).
- (c) The place from where the Government servant is to be transferred to which Department and to which post.
- (d) The policy, circular or decision issued on the relevant time if relevant to transfer, is to be specified in the proposal.
- (e) Reference of earlier judicial orders, if passed by the Court/ Tribunal.

9. Prima facie case is made out that the transfer order is issued without following due procedure. Hence the transfer order dated 1.10.2020 is stayed. Respondent no. 2 is directed to go back to Mumbai and take charge of her earlier post.

10. S.O to 5.11.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.10.2020
Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

**ORIGINAL APPLICATION NO 544 OF 2020 WITH CAVEAT
APPLICATION NO. 43 OF 2020**

DISTRICT : KOLHAPUR

Shri Dinesh Jagannath Parge)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondent no.1.

Smt Punam Mahajan, learned advocate for Respondent no. 2.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **08.10.2020**

ORDER

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent no. 1 and Smt Punam Mahajan, learned advocate for Respondent no. 2.

2. In the present matter, caveat is filed by private person. Respondent no. 2, Shri D.J Parge.

3. The applicant earlier working as Tahsildar, Gadhinglaj, Dist- Kolhapur challenges the order dated 1.10.2020 passed by Respondent no. 1, under which the Respondent no. 2 is transferred in place of applicant from Sangli.

4. Learned counsel for the applicant Mr Bandiwadekar challenges order on the following ground:-

(a) His transfer order is not issued so his post is vacant.


- (b) He is not given posting.
- (c) It is at the request of Respondent no. 2.
- (d) Applicant was not due for transfer, as he took charge at Gadhinglaj on 7.9.2019.
- (e) Special case not made out only for the applicant as well as Respondent no. 2.
- (f) The case of the applicant was not placed before Civil Services Board (C.S.B).
- (g) He also submits that while transferring Respondent no. 2, the policy of the Government dated 7.7.2020 is violated because the transfers are to be made including special transfers only before 31.7.2020.

5. Learned counsel for Respondent no. 2 submits that he has already taken charge on 6.10.2020 and to that effect she has submitted letter.

6. Learned C.P.O submits that the applicant will be given a posting soon by issuing transfer order by the Respondents.

7. On query, learned C.P.O on instructions from the officer Shri Prasad R. Shinde, Section Officer, Revenue & Forest Department, Mantralaya, Mumbai, present in the Court, submits that in the Civil Services Board, the name of the Respondent no. 2 was placed for transfer. However, C.S.B did not recommend the transfer of Respondent no. 2, on the ground that he was not due for transfer. The case of the applicant was never placed before the C.S.B for transfer. She accepts that the Respondent no. 2 is transferred at his request.

8. The applicant was not due for transfer, so also Respondent no. 2. The competent authority is empowered to transfer by following the rules and procedure under Rule 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity). It appears prima facie from the submissions made before the Tribunal that the procedure is not followed by the authority competent to transfer. Further, it is to be noted that it is a settled position of law that no Government servant is to be transferred at the whims and fancies of



transferred at the whims and fancies by any authority competent to transfer. The transfers should be in accordance with law.

9. Reliance is placed on the judgment of this Tribunal in O.A 300/2020, Shri R.G Lande Vs. State of Maharashtra & Ors, decided on 6.10.2020, wherein in paragraph 41, it is held as below:-

41. It is obligatory on the part of the State to act fairly, so the orders to be passed with reasons assuring the transparency in the administration. It is noticed that on certain occasions, the orders passed by the competent authority are not found legal for want of compliance of 'ROT Act 2005', hence they are challenged. Therefore, following points are required to be mentioned while placing the proposal/ submission for mid-term/tenure transfer under Section 4(4)(ii) and 4(5) of the 'ROT Act 2005' before the competent authority, so that further litigation can be avoided and reduced.

- (a) Special reasons or exceptional circumstances or how special case is made out.
- (b) The recommendations of Civil Services Board.
- (c) The place from where the Government servant is to be transferred to which Department and to which post.
- (d) The policy, circular or decision issued on the relevant time if relevant to transfer, is to be specified in the proposal.
- (e) Reference of earlier judicial orders, if passed by the Court/ Tribunal.

10. Prima facie case is made out that the transfer order issued is without following due procedure. Hence the transfer order dated 1.10.2020 is stayed. Respondent no. 2 is directed to go back to Sangli and take charge of his earlier post.

11. S.O to 5.11.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.10.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 545 OF 2020

DISTRICT : PUNE

Shri Bharat A. Waghmare)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no.1.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **08.10.2020**

ORDER

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no. 1.

2. The applicant who is working as District Resettlement Officer Pune, challenges the order dated 1.10.2020 passed by Respondent no. 1, transferring him to Solapur as Deputy District Returning Officer, in place of Shri Uttam Patil, Respondent no. 2, who was working as District Supply Officer, Solapur.

3. Learned counsel for the applicant Mr Bandiwadekar challenges order on the following ground:-

(a) Applicant was not due for transfer, as he took charge at Solapur on 26.11.2018.

- (b) Special case not made out not only for the applicant as well as Respondent no. 2.
- (c) The case of the applicant was not placed before Civil Services Board (C.S.B).
- (d) He also submits that while transferring Respondent no. 2, the policy of the Government dated 7.7.2020 is violated because the transfers are to be made including special transfers only before 31.7.2020.

4. Learned P.O submits that applicant is transferred in public interest because departmental enquiry is initiated and there are many complaints against him. Learned P.O submits that procedure under Rule 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity). It appears prima facie from the submissions made before the Tribunal that the procedure is not followed by the authority competent to transfer. Further, it is to be noted that it is a settled position of law that no Government servant is to be transferred at the whims and fancies by any authority competent to transfer. The transfers should be in accordance with law.

5. Reliance is placed on the judgment of this Tribunal in O.A 300/2020, Shri R.G Lande Vs. State of Maharashtra & Ors, decided on 6.10.2020, wherein in paragraph 41, it is held as below:-

41. It is obligatory on the part of the State to act fairly, so the orders to be passed with reasons assuring the transparency in the administration. It is noticed that on certain occasions, the orders passed by the competent authority are not found legal for want of compliance of 'ROT Act 2005', hence they are challenged. Therefore, following points are required to be mentioned while placing the proposal/ submission for mid-term/tenure transfer under Section 4(4)(ii) and 4(5) of the 'ROT Act 2005' before the competent authority, so that further litigation can be avoided and reduced.

- (a) Special reasons or exceptional circumstances or how special case is made out.
- (b) The recommendations of Civil Services Board.
- (c) The place from where the Government servant is to be transferred to which Department and to which post.

- (d) The policy, circular or decision issued on the relevant time if relevant to transfer, is to be specified in the proposal.
- (e) Reference of earlier judicial orders, if passed by the Court/Tribunal.

6. Prima facie case is made out that the transfer order is issued without following due procedure. Hence the transfer order dated 1.10.2020 is stayed until further orders.

7. S.O to 5.11.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.10.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 546 OF 2020

DISTRICT : SOLAPUR

Smt Arund S. Gaikwad)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondent no. 1.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **08.10.2020**

ORDER

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and none present for Respondent no. 2.

2 The applicant who is working as Deputy Collector, Land Acquisition Officer, Solapur is transferred to Kolhapur in place of Shri Shrawan Kshirsagar, Respondent no. 2

3. Learned counsel for the applicant Mr Bandiwadekar challenges order on the following ground:-

- (a) Her transfer order is not issued so her post is vacant.
- (b) She is not given any posting.
- (c) It is at the request of Respondent no. 2.
- (d) Applicant was not due for transfer, as she has completed only one year at the present place where she is posted.

- (e) Special case not made out not only for the applicant as well as Respondent no. 2.
- (f) The case of the applicant was not placed before Civil Services Board (C.S.B).
- (g) He also submits that while transferring Respondent no. 2, the policy of the Government dated 7.7.2020 is violated because the transfers are to be made including special transfers only before 31.7.2020.

4. Learned counsel for Respondent no. 2 submits that he has already taken charge on 6.10.2020 and to that effect she has submitted letter.

5. Learned C.P.O submits that the applicant will be given a posting soon by issuing transfer order by the Respondents.

6. On query, learned C.P.O on instructions from the officer Shri Prasad R. Shinde, Section Officer, Revenue & Forest Department, Mantralaya, Mumbai, present in the Court, submits that in the Civil Services Board, the name of the Respondent no. 2 was placed for transfer. However, C.S.B did not recommend the transfer of Respondent no. 2, on the ground that he was not due for transfer. The case of the applicant was never placed before the C.S.B for transfer. She accepts that the Respondent no. 2 is transferred at his request.

7. The applicant was not due for transfer, so also Respondent no. 2. Under such circumstances, the competent authority is empowered to transfer by following the rules and procedure under Rule 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity). It appears prima facie from the submissions made before the Tribunal that the procedure is not followed by the authority competent to transfer. Further, it is to be noted that it is a settled position of law that no Government servant is to be transferred at the whims and fancies by any authority competent to transfer. The transfers should be in accordance with law.

8. Reliance is placed on the judgment of this Tribunal in O.A 300/2020, Shri R.G Lande Vs. State of Maharashtra & Ors, decided on 6.10.2020, wherein in paragraph 41, it is held as below:-

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- (a) Special reasons or exceptional circumstances or how special case is made out.
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- (c) The place from where the Government servant is to be transferred to which Department and to which post.
- (d) The policy, circular or decision issued on the relevant time if relevant to transfer, is to be specified in the proposal.
- (e) Reference of earlier judicial orders, if passed by the Court/ Tribunal.

9. Prima facie is made out that the transfer order is issued without following due procedure. Hence the transfer order dated 1.10.2020 is stayed.

10. S.O to 5.11.2020.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.10.2020
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 547 OF 2020 WITH CAVEAT
APPLICATION NO. 42 OF 2020**

DISTRICT : KOLHAPUR

Smt Vijaya D. Pangarkar)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no.1

Smt Punam Mahajan, learned advocate for Respondent no. 2.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **08.10.2020**

ORDER

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no. 1 and Smt Punam Mahajan, learned advocate for Respondent no. 2.

2. In the present matter, caveat is filed by private person, Respondent no. 2, Shri Babasaheb B. Waghmode.

3. The applicant earlier working as Sub Divisional Officer, Gadhinglaj, Dist-Kolhapur challenges the order dated 1.10.2020 passed by Respondent no. 1, under which the Respondent no. 2 is transferred in place of applicant from Sangli.




4. Learned counsel for the applicant Mr Bandiwadekar challenges order on the following ground:-

- (a) Her transfer order is not issued so her post is vacant.
- (b) She is not given posting.
- (c) It is at the request of Respondent no. 2.
- (d) Applicant was not due for transfer, as she took charge at Gadhinglaj on 31.8.2018.
- (e) Special case not made out only for the applicant as well as Respondent no. 2.
- (f) The case of the applicant was not placed before Civil Services Board (C.S.B).
- (g) He also submits that while transferring Respondent no. 2, the policy of the Government dated 7.7.2020 is violated because the transfers are to be made including special transfers only before 31.7.2020.

5. Learned counsel for Respondent no. 2 submits that he has already taken charge and he was due for transfer.

6. Learned P.O submits that the applicant will be given a posting soon by issuing transfer order by the Respondents.

7. The applicant was not due for transfer. Under such circumstances, the competent authority is empowered to transfer by following the rules and procedure under Rule 4(4)(ii) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity). It appears prima facie from the submissions made before the Tribunal that the procedure is not followed by the authority competent to transfer. Further, it is to be noted that it is a settled position of law that no Government servant is to be transferred at the whims and fancies by any authority competent to transfer. The transfers should be in accordance with law.



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41. It is obligatory on the part of the State to act fairly, so the orders to be passed with reasons assuring the transparency in the administration. It is noticed that on certain occasions, the orders passed by the competent authority are not found legal for want of compliance of 'ROT Act 2005', hence they are challenged. Therefore, following points are required to be mentioned while placing the proposal/ submission for mid-term/tenure transfer under Section 4(4)(ii) and 4(5) of the 'ROT Act 2005' before the competent authority, so that further litigation can be avoided and reduced.

- (a) Special reasons or exceptional circumstances or how special case is made out.
- (b) The recommendations of Civil Services Board (C.S.B).
- (c) The place from where the Government servant is to be transferred to which Department and to which post.
- (d) The policy, circular or decision issued on the relevant time if relevant to transfer, is to be specified in the proposal.
- (e) Reference of earlier judicial orders, if passed by the Court/ Tribunal.

9. Prima facie case is made out that the transfer order is issued without following due procedure. Hence the transfer order dated 1.10.2020 is stayed. Respondent no. 2 is directed to go back to Sangli and take charge of his earlier post.

10. S.O to 5.11.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.10.2020
Dictation taken by : A.K. Nair.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>08.10.2020</p> <p style="text-align: center;">O.A.No.348 of 2020</p> <p>R.B. Shinde & Anr. ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate files sur-rejoinder. The same is taken on record.</p> <p>3. The applicants who are working as Administrative Officers, Class-I claims that they are entitled to the promotion to the post of Deputy Director of Education in view of the Recruitment Rules dated 18.01.2018 and Government Resolution dated 20.11.2019. However, the Respondents had taken a view that not the Administrative Officers but only the Education Officers, Class-I are entitled to the promotion to the posts of Deputy Director of Education.</p> <p>4. Learned Counsel for the applicants submits that the DPC is held and the Respondents are going to promote the Education Officer without considering the Administrative Officers. Hence, he prays that the claim of the Applicants to those posts is to be protected. Learned C.P.O. submits that the promotions are going to be declared soon as the posts are vacant.</p> <p>5. In view of this the promotions which are going to be given to these posts of Deputy Director are subject to outcome of this O.A and accordingly the Respondents to communicate the decision.</p> <p>6. S.O. to 12.01.2021.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar J.) Chairperson</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>08.10.2020</p> <p>C.A.No.28 of 2020 in R.A.No.13 of 2019 with O.A.No.35 of 2019</p> <p>Y.L. Dharavane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Till today no reply is filed by the Respondents to this Contempt Application, though sufficient time i.e. 4 weeks was given earlier. Learned P.O. submits that the Respondents want to challenge the order before the Hon'ble High Court by filing Writ Petition. Accordingly, the proposal is sent to the office of Government Pleader in the Hon'ble High Court. Therefore, learned P.O. prays that more time be granted.</p> <p>3. Respondents to take note that it is Contempt Proceeding. Therefore by way of last chance time to file affidavit is given till next date. If reply is not filed by next it will be considered that Respondents do not want to file the reply.</p> <p>4. S.O. to 22.10.2020.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula Bhatkar J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p>M.A.No.192 of 2020 in O.A.No.348 of 2020</p> <p>R.B. Shinde ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed and disposed off.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>pk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>08.10.2020</p> <p>C.A.No.21 of 2020 in O.A.No.953 of 2016 with M.A.No.138 of 2020</p> <p>S.S. Kamble Applicant Vs. Respondents The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The officer from the Agriculture Department, Pune, Shri Amog Kadage, Clerk is present. However, applicant is not present. The learned P.O. on instructions from Shri Amog Kadage informs Tribunal that, pursuant to order dated 03.09.2020, the applicant was supposed to attend the office of Respondent no.3 at Pune on 09.09.2020 and 11.09.2020 at 11.00 a.m. to take inspection of the documents as per his application.</p> <p>3. Learned P.O. informs that however, the applicant did not go to the office of Respondent no.3 at Pune neither on 09.09.2020 nor on 11.09.2020. He also did not inform that he would not visit to the office. The learned P.O. further submits that the applicant thereafter also did not contact the office of Respondent no.3. Matter is called out at 10.00 a.m. and is kept back as the applicant is absent.</p> <p>4. Matter is again called at 10.55 a.m. and is again kept back to enable the applicant to remain present.</p> <p>5. In view that applicant is absent, matter is adjourned to 05.11.2020.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p align="center"><u>O.A.No.496/2020</u></p> <p>A.B. Baviskar & Ors. ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicants, who are working as Forest Labour, wants declaration as permanent employees on the post of Forest Labour, Class-IV, pursuant to G.R dated 16.10.2012. On this point he places reliance on the decision dated 17.1.2020 of the Single Bench of this Tribunal in O.A 393/2019 (Praveen M. Mire & Ors Vs. State of Maharashtra).</p> <p>3. Learned P.O seeks time to file reply.</p> <p>4. Issue notice returnable on 15.12.2020.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. S.O to 15.12.2020.</p> <p align="right">Sd/- (Mridula Bhatkar J.) Chairperson</p>

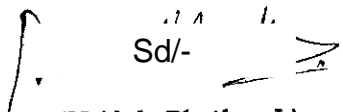
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p><u>O.A.No. 297 of 2020</u></p> <p>Shri M.N Choudhary ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri D.B Khaire, learned Advocate for the Applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents no 1 to 3 and Shri K.R Jagdale, learned advocate for Respondent no. 4.</p> <p>2. Learned advocate for Respondent no. 4 files affidavit in reply. Same is taken on record.</p> <p>3. S.O to 29.10.2020.</p> <p style="text-align: right;"> Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

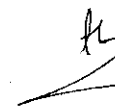
of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p><u>O.A. 531 of 2020</u></p> <p>Dr P.M Dhele ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned Advocate for the Applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents no. 1 and Shri Anand Gugale, learned advocate for Respondent no. 2.</p> <p>2. Learned P.O seeks time to file reply. Learned advocate for Respondent no. 2 states that Respondent no. 2 will be retiring within six months and Solapur is his home town.</p> <p>3. S.O to 29.10.2020.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p align="center">O.A.No.556 of 2020</p> <p>A.T. Wakade ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned Counsel submits that Respondent No.2 could not be served due to paucity but she will serve forthwith.</p> <p>3. Applicant is a Tahsildar working at Karad, Distr Satara who have completed 1 year and 7 months at the posting and no normal tenure of 3 years is over. However, he did not received any order of transfer. But Respondent no.2 is transferred in his place by order dated 01.10.2020 and the applicant is not given any posting.</p> <p>4. The learned Counsel further submits that Respondent No.2 was also not due for transfer. The matter of applicant was not placed before the Civil Services Board (CSB). The file of Respondent No.2 for transfer was put up before the CSB. However, the CSB has rejected to recommend Respondent No.2 for transfer on the ground that he was not due.</p> <p>5. Learned P.O. submits that the competent authority has taken decision of transfer at its level by invoking powers under 4(4)(ii) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred at 'ROT Act 2005').</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Reliance is placed on the judgment of this Tribunal in O.A.No.300 /2020, Shri R.G. Lande Versus State of Maharashtra & 2 Ors. decided on 06.10.2020 wherein in paragraph 41 it is held as below :-</p> <p><i>"41. It is obligatory on the part of the State to act fairly, so the orders to be passed with reasons assuring the transparency in the administration. It is noticed that on certain occasions, the orders passed by the competent authority are not found legal for want of compliance of 'ROT Act 2005', hence they are challenged. Therefore, following points are required to be mentioned while placing the proposal/ submission for mid-term/tenure transfer under Section 4(4)(ii) and 4(5) of the 'ROT Act 2005' before the competent authority, so that further litigation can be avoided and reduced.</i></p> <p><i>(a) Special reasons or exceptional circumstances or how special case is made out.</i></p> <p><i>(b) The recommendations of Civil Services Board.</i></p> <p><i>(c) The place from where the Government servant is to be transferred to which Department and to which post.</i></p> <p><i>(d) The policy, circular or decision issued on the relevant time if relevant to transfer, is to be specified in the proposal.</i></p> <p><i>(e) Reference of earlier judicial orders, if passed by the Court/ Tribunal."</i></p> <p>8. In view of the submission of learned Counsel for the Applicant and also learned P.O. for the Respondents and reasons above, prima facie, the order of transfer is not valid and does not pass the test of legality under section 4(4)(ii) and 4(5) of 'ROT Act 2005'. Moreover, the applicant who is not due for transfer is not given posting. Prima facie, no special case is made out by the Government to transfer him. Hence, the order of transfer of the applicant is hereby stayed and he is directed to join his earlier posting and continue to work.</p> <p>9. Adjournd to 03.12.2020.</p> <p style="text-align: right;">Sd/- _____ (Mridula Bhatkar J.) Chalperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p><u>O.A.No. 297 of 2020</u></p> <p>Shri M.N Choudhary ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri D.B Khaire, learned Advocate for the Applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents no 1 to 3 and Shri K.R Jagdale, learned advocate for Respondent no. 4.</p> <p>2. Learned advocate for Respondent no. 4 files affidavit in reply. Same is taken on record.</p> <p>Sd/-</p> <p>(Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p>O.A.No.390 of 2020</p> <p>P.P. Sakhare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that today she has received instructions from the Respondents and she needs two weeks time to prepare reply.</p> <p>3. By way of last chance, adjourned to 22.10.2020.</p> <p>Sd/-</p> <p>(Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p>O.A.No.408 of 2020</p> <p>N.K. More ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Respondent / State is directed to take necessary steps in respect of subsistence allowance.</p> <p>3. Adjourned to 05.11.2020.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p><u>O.A.No.496/2020 with M.A.No. 227 of 2020</u></p> <p>A.B. Baviskar & Ors. ... Applicants' Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. M.A application praying to sue jointly is allowed, subject to payment of court fees, if not already paid.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p align="center"><u>O.A.No.490/2020</u></p> <p>S.R. Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant seeks relief that his services be regularized by giving advantage of deeming provision in the date to the post of Talathi w.e.f 10.3.2005. Learned counsel for the applicant submits that he places reliance on the judgment of this Tribunal in O.A 1016/2016 dated 25.1.2018 (Sarjerao B. Kshirsagar Vs. Dist. Collector, Rajwada, Sangli, and others)</p> <p>3. Learned P.O submits that Respondents want to file detail reply, as the applicant is not entitled to get benefit of the judgment of this Tribunal referred to above.</p> <p>4. Issue notice returnable on 15.12.2020.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. S.O to 5.12.2020. Sd/-</p> <p align="right">/_____ (Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>08.10.2020</u>
	<u>O.A.No. 503 of 2020</u>
	<p>V.S. Pandhare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O submits that the Respondents has issued the order of reinstatement of the applicant on 6.10.2020.</p> <p>3. Learned counsel for the applicant submits that he has not received the order. However, though the applicant is reinstated, his prayer seeking all consequential service benefits after period of 90 days is over still survives.</p> <p>4. Respondents to file reply to the extent of prayer clause (c)</p> <p>5. Issue notice returnable on 15.12.2020.</p> <p>6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>10. S.O to 15.12.2020.</p>
	<p>Sd/- (Mridula Bhatkar J.) Chairperson</p>
	<p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p><u>O.A.No.486/2020 with M.A.No.220/2020</u></p> <p>S.D. Tejane ... Applicant , Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none">1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.2. Issue notice returnable on 5.11.2020.3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.7. S.O to 5.11.2020. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/</p> <p style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p><u>O.A.No 391 of 2020</u></p> <p>Shri V.S Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned Advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. By way of last chance, the matter is fixed on 10.12.2020. In the meantime, the Respondents can take review of the suspension of the applicant as per ratio laid down in Ajay Kumar Choudhari Vs. Union of India (2015) 7 SCC 291.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>akr</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p>O.A.No.493 of 2020</p> <p>S.M. Khillare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that her reply is ready and copy is sent for affirmation. Hence, time may be granted.</p> <p>3. Time granted. S.O. to 13.10.2020.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p><u>M.A 173/2020 in O.A. No. 308/2020</u></p> <p>S.M Agawane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned Advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Learned C.P.O prays for time for filing reply to Misc Application seeking condonation of delay.</p> <p>3. S.O to 5.11.2020.</p> <p>Sd/-</p> <p>(Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p align="center"><u>O.A.Nos 327 with 339 of 2020</u></p> <p>Ms Shilpa.S Kamathe & Ors [O.A 327/2020] Ms Manisha V. Mohite [O.A 339/2020]... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar and Shri U.V Mohite, learned Advocate for the Applicants in respective Original Application and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O files affidavit in reply in both the matters. Same is taken on record. Learned P.O seeks one weeks' time to prepare chart regarding regularization of services of the applicant and finalization of seniority list.</p> <p>3. It appears from the reply that the Respondent is not specific about the time frame as to when the regularization of services can be made on the basis of final seniority list. These issues cannot be kept pending for a long time. The uncertainty is to be curtailed and therefore, till then no further promotions to be issued by the Respondents.</p> <p>4. S.O to 15.10.2020.</p> <p align="right">Sd/-</p> <p align="right">(Mridula Bhatkar J.) Chairperson</p> <p>akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>08.10.2020</u></p> <p>O.A.No.810 of 2018</p> <p>T.L. Savane; ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned C.P.O. for the Respondents, adjourned to 22.10.2020.</p> <p>Sd/- _____ (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- _____ (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

08.10.2020

O.A.No.455/2020 with M.A.No.209/2020

B.B. Bakle ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. Issue notice before admission returnable on 26.11.2020.

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

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

7. S.O. to 26.11.2020.

Sd/-

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

Sd/-

(Mridula Bhatkar J.)
Chairperson

prk


**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><u>08.10.2020</u></p> <p align="center">O.A.No.214 of 2020</p> <p>S.K. Khomane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. submits that she will be filing affidavit-in-reply today. Statement is accepted and it be taken on record.</p> <p>3. Admit. Adjourned to 05.01.2021. In between the applicant may filed rejoinder, if any.</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p align="center"> Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>08.10.2020</p> <p>C.A.No.1 of 2020 in O.A.No.649 of 2019 with M.A.No.201 of 2020 and M.A.No.203 of 2020</p> <p>Dr. S.M. Gawli ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The copy of the order which is the subject matter of the contempt is to be supplied today itself.</p> <p>3. S.O. to 15.10.2020. F.O.B.</p> <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula Bhatkar J.) Chairperson</p> <p>prk</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><u>08.10.2020</u></p> <p align="center">O.A.No.1076 of 2019</p> <p>T.R. Wagh & Ors. ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. files affidavit-in-reply on behalf of Respondent No.1 and 2. The same is taken on record.</p> <p>3. Admit. Adjourned to 01.12.2020. Matter be tagged with similar Original Applications i.e. O.A.No.134/2019, O.A.No.461/2019, O.A.No.700/2019, O.A.No.1077/2019 and O.A.No.1078/2019.</p> <p align="center">Sd/-  Sd/- </p> <p align="center">(P.N. Dixit) Vice-Chairman (A)</p> <p align="center">(Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

IN

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>08.10.2020</p> <p style="text-align: center;">O.A.No.532 of 2020</p> <p>R.S. Jadhav ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant who is Assistant Commissioner of Police is challenging the transfer order dated 30.09.2020, transferring him from Pimpri Chinchwad to Police Training College, Jalna.</p> <p>3. This matter had earlier appeared on 06.10.2020 and learned C.P.O. was given time to take instructions.</p> <p>4. The learned Counsel for the Applicant had challenge the order on following grounds :-</p> <p style="padding-left: 40px;">(a) Applicant is not due for transfer as he has completed 9 months on present post.</p> <p style="padding-left: 40px;">(b) He is going to retire on 31.03.2021 i.e. only 6 months are left for this retirement.</p> <p style="padding-left: 40px;">(c) He is a meritorious officer.</p> <p>5. The learned C.P.O. submits that the applicant is a Police officer and so he is transferred under Section 22(N) i.e. normal tenure of police personnel and competent authority of the Maharashtra Police Act, 1951. She submits that the applicant is transferred in public interest and on account of administrative exigencies. The competent authority is empowered to transfer mid-term/tenure of any police personnel of police force.</p> <p>6. Perused relevant provisions of Maharashtra Police Act, 1951, especially regulating the transfers of the police personnel. Section 22(N)(2) states as follows :-</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="878 510 1458 614"><i>'in public interest and on account of administrative exigencies, the competent authority shall made mid-term transfer of any Police Personnel of the Police Force.'</i></p> <p data-bbox="800 659 1458 802">7. Undoubtedly, the power to transfer the police personnel mid-term vests with the competent authority under certain circumstances which are mentioned as above.</p> <p data-bbox="800 847 1458 1389">8. At the outset, it states that there should be exceptional case in which the competent authority has considered public interest and also administrative exigencies. Thus the mid-term/tenure transfer order pre supposes that there is an exceptional case and therefore in public interest and on account of administrative exigencies the officer is transferred. These all factors which are considered by the competent authority should be reflected in the order to enable the judicial authority to understand under which circumstances the power vested is invoked. On query made to learned C.P.O., she is unable to produce such record disclosing the public interest or exceptional circumstances or administrative exigencies of police act.</p> <p data-bbox="800 1433 1458 1532">9. Hence, prima facie, the case is made out. Impugned order is stayed. Respondent no. 3 to allow the applicant to continue to work for 8 weeks.</p> <p data-bbox="800 1577 1104 1599">10. S.O. to 10.12.2020.</p> <p data-bbox="1242 1665 1299 1687" style="text-align: right;">Sd/-</p> <p data-bbox="1144 1765 1388 1820" style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p>

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>06.10.2020</u></p> <p><u>O.A.No.354 of 2020</u></p> <p>K.R. Gupta & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Talkute, learned Advocate for the Applicants, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri Carlos, learned Senior Counsel for the Respondent in M.A.</p> <p>2. The order dated 24.08.2020 of the Hon'ble High Court in WP-ASDB-LD-VC-306/2020 is placed before us. In the said Writ Petition the order passed by this Tribunal on 13.08.2020 was challenged. As the Tribunal did not grant interim relief but has expressed that the petition will be disposed of at the stage of admission. The 13.08.2020 was the first date of the application and so the time was granted to the learned C.P.O. for instruction.</p> <p>3. Learned C.P.O. submits that she needs one week time as the officers are not available due to COVID-19 pandemic situation.</p> <p>4. On perusal of the order of the Hon'ble High Court it is found that a request is made to the Tribunal to finally decide this O.A.354/2020 on 06.10.2020 or on any date which may be fixed by the Tribunal. In the said order of Hon'ble High Court, the Hon'ble Division Bench has stated that any promotion made to the post of Executive Engineer, in the meanwhile, shall be subject to outcome of O.A.No.354/2020. Thus, to certain extend a protection is granted to the applicant by the Hon'ble High Court.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. The learned Counsel Shri Carlos today appeared for a private party submits that he is going to be effected if relief as prayed in prayer clause B is granted. Learned Counsel submits that he is the candidate from A.E.-I cadre. Therefore, the applicants are directed to make him as party Respondent.</p> <p>6. Amendment to be carried out forthwith. The details are to be furnished to the applicants. The copy of the Original Application to be served today itself to the proposed respondents.</p> <p>7. It is made clear that the applicants in the prayer seek to challenge the eligibility criterion which are incorporated in the rules Recruitment rules, 1983. These rules are not challenged in the Original Application. The proposed Respondent to file reply.</p> <p>8. Learned Counsel for the proposed respondent submits that in the said cadre, as on today, there are 48 + 68 candidates in the A.E-I cadre. Learned Counsel seeks permission to amend the application and prayer clause as now he wants to challenge the rules. The same is allowed.</p> <p>9. Learned Counsel for the Applicant seeks two weeks time for amendment of the O.A. and also to serve the copy of the amended application to all the respondents.</p> <p>10. In view of this the applicant shall complete all these formalities of amendment and serve copy on all the Respondents till 20.10.2020. Thereafter, the Respondents to file the reply, if any, by next date.</p> <p>11. S.O. to 19.11.2020.</p>
	<p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p align="center">O.A.No. 888 of 2019</p> <p>G. D. GiteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has placed on record a printout of the message received by him from the Applicant which is taken on record and marked as letter 'X' for identification. In the said message, the Applicant has stated that he wish to complete normal tenure at Solapur. After completion of three years, his case for transfer be considered in Konkan -2 division allotted to him.</p> <p>3. In view of above, Original Application deserves to be disposed of with observation that Applicant's case be considered for transfer after completion of his normal tenure in his division Kokan-2 allotted to him.</p> <p>4. No order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No. _____

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p align="center">O.A.No.103 of 2020</p> <p>N. G. Deshmukh ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent. It is taken on record.</p> <p>3. S.O. to 20.10.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

4. Learned P.O. has pointed out that during pendency of O.A., the Respondent No.3 by letter dated 16.03.2020 requested the Civil Surgeon, Thane to rectify the discrepancy by correcting date of hospitalization by 27.12.2008 to 01.01.2008 but there is no response from the office of Civil Surgeon.

5. Thus, because of discrepancy in medical certificate issued by the Civil Surgeon, payment of medical reimbursement is held up.

6. In view of above, this O.A. can be disposed of by suitable direction. Hence the following order :-

ORDER

- (A) Respondent No.3 is directed to issue fresh letter to Civil Surgeon, Thane, On the basis order requesting Civil Surgeon to correct the period of hospitalization as 27.12.2007 to 01.01.2008 and after obtaining necessary correction in the certificate by issuance of fresh certificate or corrigendum, the Respondent No.3 shall take necessary steps for disbursement of medical claim of the Applicant. This exercise should be completed within two months from today.
- (B) Civil Surgeon, Thane though not party to this O.A., he further directed to look into the matter and to issue necessary medical certificate as directed above.
- (C) Original Application is accordingly disposed of with no order as to costs.

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
	<p data-bbox="646 499 850 526">Date : 08.10.2020</p> <p data-bbox="867 548 1084 575">O.A.No.721 of 2019</p> <p data-bbox="651 603 1214 630">B. A. PatilApplicant</p> <p data-bbox="651 670 724 696">Versus</p> <p data-bbox="651 732 1235 758">The State of Maharashtra & Ors. ...Respondents.</p> <ol data-bbox="651 825 1317 1820" style="list-style-type: none"><li data-bbox="651 825 1317 935">1. Heard Shri S. R. Ganbavale holding for Shri A. B. Alman, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.<li data-bbox="651 957 1317 1090">2. Learned Counsel for the Applicant sought two weeks time on the ground that Advocate in charge of the matter is quarantine.<li data-bbox="651 1112 1317 1532">3. Perusal of record reveals that this is second round of litigation. In earlier round of litigation, O.A.No.1057/2018 was decided on 03.05.2019 by this Tribunal. Against the decision in O.A.No.1057/2018, the Applicant has filed W.P. No.9734/2019 and the same is sub judge before the Hon'ble High Court. However, simultaneously the Applicant has also filed this O.A. challenging the decision taken by the authorities on 18.06.2019. Whereby, the Applicant is continued under suspension.<li data-bbox="651 1555 1317 1621">4. As such, <i>prima-facie</i>, O.A. is not maintainable as the matter is already sub judge before the Hon'ble High Court.<li data-bbox="651 1643 1317 1776">5. On request of learned Counsel for the Applicant, two weeks time is lastly granted to satisfy the Tribunal how O.A. is maintainable.<li data-bbox="651 1798 946 1820">6. S.O. to 22.10.2020. <p data-bbox="1060 1853 1122 1886" style="text-align: right;">Sd/-</p> <p data-bbox="1000 1908 1170 1997" style="text-align: right;">v (A.P. Kurhekar) Member(J)</p> <p data-bbox="659 1997 699 2019">vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p>O. A.No.898 of 2019</p> <p>M. B. AradeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Heard Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Perusal of record reveals that Applicant and his Counsel both are absent for log time. Despite their absence, the matter was adjourned to give sufficient opportunities but in vain.</p> <p>3. In view of above, O.A. is dismissed for want of prosecution.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p>O.A.No.47 of 2020</p> <p>S. S. PanindreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. for the Respondents, two weeks time is lastly granted for filing reply.</p> <p>3. S.O. to 20.10.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p align="center">O.A.No.58 of 2020</p> <p>K. G. LandeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam, holding for Shri V. V Joshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents submits that reply will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 27.10.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 08.10.2020</p> <p align="center">O.A.No.58 of 2020</p> <p>K. G. LandeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam holding for Shri V. V Joshi, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents submits that reply will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 27.10.2020.</p> <p 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
	<p>Date : 08.10.2020</p> <p>O.A.No.59 of 2020</p> <p>K. B. JagtapApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondent No.1 and Smt. Vaishali Jagdale, learned Counsel for the Respondent No.2</p> <p>2. As the pleadings are complete, matter be kept for hearing at the stage of admission.</p> <p>3. S.O. to 22.10.2020.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p>O.A.No.128 of 2020</p> <p>M. D. KaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Bhushan Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. In terms of order passed by this Tribunal on 29.09.2020, today, learned P.O. has filed short Affidavit of Shri Saurabh Vijay, Secretary, Medical Education & Drugs Department. By order dated 29.09.2020, the Secretary was asked to file Affidavit as to why the decision on the application dated 03.11.2017 though taken already was not communicated to the Applicant. 3. In Affidavit, it is stated that now the decision is communicated by order dated 01.10.2020 and action is being taken against the concerned officials responsible for not communicating the decision earlier. 4. Perusal of file tendered by learned P.O. reveals that show cause notices are issued to the concerned and their explanation is awaited. 5. Learned P.O. should inform the Tribunal about final action taken against the concerned officials by next date. 6. As the decision is now communicated to the Applicant by order dated 01.10.2020 (during the pendency of this O.A.), the Applicant's Counsel submits that the said order dated 01.10.2020 needs to be challenged by making amendment to O.A. 7. Two weeks time is granted for taking necessary steps. 8. S.O. to 22.10.2020. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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, Appsarance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p>O.A.No.134 of 2020</p> <p>R. V. BhadaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Gaurav A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. In this O.A., notice was issued on 13.02.2020 and enough time is availed for filing reply. Even on last two dates, last chance was granted with direction that no further time will be granted. Despite this position, no reply is filed which shows that Respondents are not interested in filing reply. 3. In view of above, matter be kept for hearing at the stage of admission without reply. 4. S.O. to 22.10.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020.</p> <p>O.A.No.199 of 2020</p> <p>A.L. A. MujawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Gaurav A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Enough time is granted for filing reply. However, on request of learned P.O. for the Respondents, two weeks time is granted as a last chance.</p> <p>3. S.O. to 22.10.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

of 20

IN

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p style="text-align: center;">O.A.No.1231 of 2020 With O.A.No.1000 of 2018</p> <p>P. R. Vanjari & Ors,Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Gaurav A. Bandiwadekar, learned Counsel for the Applicants, Shri A. J. Chougule, learned Presenting Officer holding for Ms S.P. Manchekar, learned Chief Presetting Officer for the Respondents. 2. Learned P.O. for the Respondents submits that he is adopting Affidavit-in-Reply filed in connected O.A.No.1000/2018 and there is no need to file separate reply in this O.A. Statement is recorded. 3. As the pleadings in O.A.No.1231/2019 and 1000/2018 are complete, matter be kept for final hearing. 4. S.O. to 27.10.2020. <p style="text-align: right; margin-right: 100px;">Sd/-</p> <p style="text-align: right; margin-right: 100px;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20.

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.10.2020</p> <p align="center">M.A. No.705 of 2019 in O.A.No.1231 of 2020</p> <p>P. R. Vanjari & Ors,Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Gaurav A. Bandiwadekar, learned Counsel for the Applicants, Shri A. J. Chougule, learned Presenting Officer holding for Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M.A.No.705/2019 is allowed. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

08.10.2020

O.A.No.300/2020

R.G. Lande ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

SUE-MOTU SPEAKING TO THE MINUTES

1. Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents both are present.

2. It is seen that errors have occurred in transcription of the order pronounced on 06.10.2020 Hence, the following order is passed :-

(a) In paragraph 14,
The word 'extend' be replaced by the word, 'extent'.
The word 'statue' be replaced by the word 'statute'.
The word 'from' be added before the word 'time to time'.

(b) In paragraph 29, the word 'Government who' be replaced by the word, 'Government which'.

(c) In paragraph 33, the sentence 'The submission dated 22.06.2020 thus is not only for seeking permission for issuance of transfer orders, but it was the proposal seeking approval for posting' be replaced by the sentence, 'The proposal dated 22.06.2020 thus is not only for seeking permission for issuance of transfer orders, but also was the proposal seeking approval for posting, therefore the signature of the competent authority i.e. the Hon'ble the Chief Minister was required on it.'

(d) In ORDER (A), the word 'cancelled' be replaced by the word 'quashed and set aside'.

(e) In paragraph 27(III), the 'Rule 4(5)(ii) and 4(5)' be replaced by the 'Rule 4(4)(ii) and 4(5)'.

3. The above corrections be incorporated in the Judgment dated 06.10.2020 and pursuant to that corrected Judgment entirely be uploaded.

Sd/-

(Mridula Bhatkar J.)
Chairperson