

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**MUMBAI**  
**ORIGINAL APPLICATION NO.257 OF 2020**

Smt. Ujwala D. Thorat & Anr. )..Applicants

Versus

The State of Maharashtra & Anr. )..Respondents

Shri K.R. Jagdale – Advocate for the Applicants

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula R. Bhatkar (Chairperson)  
Shri P.N. Dixit, Vice-Chairman (A)

DATE : 9<sup>th</sup> June, 2020

**ORDER**

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. In this OA the applicants are challenging the reversion order dated 12.5.2020 issued by respondent no.2 – The Chief Conservator of Forest (Territory), Forest Circle, Kolhapur. Both the applicants by order dated 30.4.2020 are promoted from the post of Forest Guard to the post of Forester on the basis of provisional seniority list dated 1.6.2015. However, as per the case of the applicants the earlier order of promotion was withdrawn by order dated 12.5.2020 and they were reverted to their earlier post of Forest Guard.

3. Shri K.R. Jagdale, learned Advocate for the applicants relied on Rule 4(1) of the MCS (Regulation of Seniority) Rules, 1982 wherein the date of joining is the date of seniority. As per the submission of the Ld. Advocate for the applicants contained in the OA it is found that Departmental Promotion Committee (DPC) was held on 7.11.2019 and the promotion was given to the applicants as per select list prepared on 1.1.2015. No challenge was given to the said seniority list till 2.11.2019. The Association of Maharashtra Forest Guards and Foresters, Nagpur Branch, Kolhapur raised objections to the seniority list on 2.11.2019. The Ld. Advocate for the applicants pointed out that as per the seniority list rules the challenge can be posed within 15 days from the date of publication of the provisional seniority list and not thereafter.

4. Thus the respondents State is required to find out and answer the following queries made by us:

- (a) *Whether the list prepared on 1.1.2015 is provisional or final?*
- (b) *If final, then furnish the date of publication of the seniority list?*
- (c) *What decision was taken by the respondents in respect of the objections of the Association dated 2.11.2019?*
- (d) *Produce GR No.SRV.1076/12 dated 21.6.1982.*
- (e) *Whether promotions given to the applicants by order dated 30.4.2020 was temporary in nature?*
- (f) *If temporary, then prior notice before reversion order is required? If required, whether it was served?*

*(g) What posting the applicants are holding as of today i.e. Forest Guard or Forester and whether the order of reversion is executed as of today?*

The above query is made with a view to take decision on interim relief which is asked for. S.O. to 11.6.2020 for considering interim relief.

5. Due to the scarcity of staff in the situation of COVID-19 Pandemic the notice is waived. The State to take note and Ld. PO to communicate this order to the department and the respondents to act upon it further.

6. Ld. Advocate for the applicants submits that he has served respondent no.2 by email on 4.6.2020 and he has received the acknowledgment. Ld. Advocate for the applicants is directed to file the photocopy of service. Taken on record. Copy of OA along with annexures are to be handed over to the office of Ld. CPO so that the same can be handed over to the concerned offices. Hamdast and steno copy granted.

Sd/-

**(P.N. Dixit)**  
**Vice-Chairman (A)**  
**9.6.2020**

Sd/-

**(Mridula R. Bhatkar, J.)**  
**Chairperson**  
**9.6.2020**

Dictation taken by: S.G. Jawalkar.

O.A. No.256 of 2020

S.A. Trimbake

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. Issue notice returnable on 7.7.2020.

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.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

M.A. No.162 of 2020 in O.A. No.258 of 2020

C.A. Rane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice in MA returnable on 7.7.2020.
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 M.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.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

O.A. No.259 of 2020

D.H. Gawali

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. Issue notice returnable on 7.7.2020.

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.

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Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

O.A. No.260 of 2020

G.D. Gole ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Issue notice returnable on 7.7.2020.
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.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

O.A. No.261 of 2020

B.A. Jadhav

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

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

2. Issue notice returnable on 7.7.2020.

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.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)



C.A. No.16 of 2020 in O.A. No.1007 of 2018

H.V. Sapale ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Issue notice in CA returnable on 30.6.2020.
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 C.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.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

M.A. No.160 of 2020 in T.A. No.8 of 2018  
(W.P. No.11576 of 2014)

K.C. Pawar ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Issue notice in MA returnable on 30.6.2020.
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 M.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.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

M.A. No.163 of 2020 in O.A. No.265 of 2020

A.D. Bhalekar & Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicants are seeking the same relief of quashing and setting aside the provisional seniority list dated 22.5.2020 and select list dated 28.5.2020. Hence applicants are seeking permission to sue jointly.
3. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

O.A. No.265 of 2020

A.D. Bhalekar & Ors. ..Applicants  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The seven applicants who are Forest Guard have raised objections to the provisional seniority list published on 22.5.2020. The respondents while publishing the provisional seniority list dated 22.5.2020 have called objections till 10.6.2020. However, by order dated 28.5.2020 the respondents have informed that the Departmental Promotion Committee (DPC) is scheduled to consider the promotions from the post of Forest Guard to Foresters. Along with the letter dated 28.5.2020 the respondents have also published a select list who are in the zone of consideration for consideration wherein the names of the seven applicants are not included.

3. The State has to make submission by giving us the following information:

(a) How many objections are received till 10.6.2020?

(b) Whether the State has taken any decision or when the decision will be taken as the DPC is scheduled on 15.6.2020?

(c) The date of publication of the final seniority list.

4. Ld. Advocate for the applicants is pressing for interim relief. Ld. PO to take instructions.

5. The matter is fixed on 11.6.2020.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

M.A. No.161 of 2020 in O.A. No.257 of 2020

U.D. Thorat & Anr.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The applicants are challenging the same order of their reversal. Hence applicants are seeking permission to sue jointly.

3. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.

Sd/-  
(P.N. Dixit)  
Vice-Chairman  
9.6.2020

Sd/-  
(Mridula R. Bhatkar, J.)  
Chairperson  
9.6.2020

(sgj)

**O.A.No.233/2020**

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

2. The Applicant has challenged suspension order dated 14<sup>th</sup> November, 2020 in the present O.A. filed belatedly on 23.03.2020. Thereafter, the Applicant stands retired at the end of May, 2020. The D.E. is already initiated before retirement and the same is pending. In such situation, the present O.A. in fact can be disposed of at this stage itself with suitable direction.

3. However, the learned Advocate for the Applicant submits that he is challenging the legality of suspension, and therefore, the O.A. be decided on merit.

4. The learned CPO, therefore, seeks three weeks time to file reply.

5. Adjourned to 30<sup>th</sup> June, 2020 for reply.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)

**O.A.No.247/2020**

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent Nos.2 & 3 and Shri C.G. Gavanekar, learned Advocate for Respondent No.1.
2. As per order dated 4<sup>th</sup> June, 2020, the issue of interim relief was kept open.
3. The learned Advocate for the Applicant, therefore, prayed for interim relief contending that *prima-facie*, the suspension order is illegal for want of competency. The Applicant was serving as Block Development Officer and his appointing authority is State Government. Whereas, the suspension order has been issued by Chief Executive Officer, Z.P, Raigad.
4. Whereas, the leaned P.O. submits that the Government has given *ex-post facto* approval to the suspension of the Applicant by order dated 5<sup>th</sup> May, 2020.
5. The question posed for consideration is whether the suspension order is legal and valid.
6. Shri A.J. Chougule, learned P.O. and learned Advocate for Respondent No.1 again seek one week time to file reply to contest the O.A. on merit.

7. The matter is adjourned for hearing on interim relief to 16<sup>th</sup> June, 2020 and by 15<sup>th</sup> June, 2020 morning, the Respondents shall file reply and shall furnish copy of the reply to the learned Advocate for the Applicant on his e-mail. No further time will be granted for hearing.

8. The Respondents are directed not to fill-up the post of B.D.O, Panchayat Samiti, Mahad.

9. S.O. to 16<sup>th</sup> June, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)



**O.A.Nos.244 & 245/2020**

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. On the request of learned P.O, two weeks' time is granted for filing reply.
3. Adjourned to 23<sup>rd</sup> June, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)

**O.A.No.262/2020**

1. Heard Shri K.R. Jagdale, learned Counsel for the Applicant and Mrs. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. The Applicant is serving as Chaukidar on Group 'D' post and has challenged the impugned order of recovery. The perusal of O.A. reveals that the benefit of time bound promotion was granted to the Applicant in 2010 but it is cancelled and recovery is sought from the salary of the Applicant.
3. *Prima-facie*, the recovery seems to be not permissible in view of the decision of Hon'ble Supreme Court in **(2015) 4 SCC 334 (State of Punjab and others Vs. Rafiq Masih (White Washer))**.
4. In view of above, interim relief is granted in terms of Para 11(a) of O.A.
5. Issue notice returnable on 7<sup>th</sup> July, 2020.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

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

9. The service may be done by Hand Delivery / Speed Post / Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. In view of Covid-19 pandemic situation, private service is allowed.

12. S.O. to 7<sup>th</sup> July, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)

**O.A.No.263/2020**

1. Heard Shri K.R. Jagdale, learned Counsel for the Applicant and Mrs. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. The Applicant is serving as Chaukidar on Group 'D' post and has challenged the impugned order of recovery sought to be made on account of excess payment paid to him due to wrong fixation.
3. *Prima-facie*, the recovery seems to be not permissible in view of the decision of Hon'ble Supreme Court in **(2015) 4 SCC 334 (State of Punjab and others Vs. Rafiq Masih (White Washer))**
4. In view of above, interim relief is granted in terms of Para 11(a) of O.A.
5. Issue notice returnable on 7<sup>th</sup> July, 2020.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

9. The service may be done by Hand Delivery / Speed Post / Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. In view of Covid-19 pandemic situation, private service is allowed.

12. S.O. to 7<sup>th</sup> July, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)

**O.A.No.264/2020**

1. Heard Shri K.R. Jagdale, learned Counsel for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice returnable on 23<sup>rd</sup> July, 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 Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
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. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. In view of Covid-19 pandemic situation,  
private service is allowed.

9. S.O. to 23<sup>rd</sup> July, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)

**O.A.No.417/2020**

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Today, the learned P.O. has filed Affidavit-in-reply of Respondents 1 & 2 to the amendment incorporated in O.A.
3. Adjourned for hearing on 16<sup>th</sup> June, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)



**O.A.No.60/2020**

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Today, the learned P.O. has filed Affidavit-in-sur-rejoinder of Respondent No. 1. It is taken on record.
3. The arguments of learned Advocate for the Applicant is heard.
4. On the request of learned P.O, the matter is adjourned for her argument to 16<sup>th</sup> June, 2020.

Sd/-  
(A.P. Kurhekar)  
Member-J  
09.06.2020

(skw)