

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p align="center"><u>O.A. No.969 of 2019</u></p> <p>Raghunath D. Avhad ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.R. Nagare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant in response to the advertisement No.1/2017 dated 13.1.2017 for the post of Sub Inspector, State Excise Department has filled up form from Open as well as NT (D) category under horizontal reservation for Ex-serviceman. Ld. Advocate for the applicant submits that in open category 23 posts were reserved for Ex-servicemen and 1 post was reserved for NT(D) category. The applicant belongs to NT(D) category.</p> <p>3. Ld. Advocate for the applicant submits that for Open Ex-serviceman category the cut-off marks was 86 and the applicant has secured 88 marks. He further submits that for NT(D) category the cut-off marks was 88 however other candidate from NT(D) category who has secured more marks than 88 was selected. Ld. Advocate for the applicant submits that the last candidate from open Ex-serviceman category has secured 86 marks and present applicant who had applied also from open category has secured 86 marks was illegally not considered. Ld. Advocate for the applicant submits that applicant has not taken the benefit of any concession/relaxation viz. chances, age, less marks etc.</p> <p>4. At the out ^{set} we are of the view that the last candidate from open Ex-serviceman category who has secured 86 marks is not made a party respondent, who is a necessary and proper party. Hence, the matter cannot proceed unless</p> |

1. The applicant has filed an application for amendment of the array of respondents.

Tribunal's orders

the applicant adds that person as party respondent in the array of respondents.

5. Leave to add party respondent is granted. Amendment be carried out.

6. Ld. PO also points out that result is declared on 24.8.2018 and the present OA is filed on 30.9.2019 and thus there is delay. Ld. Advocate for the applicant undertakes to file MA for condonation of delay.

7. S.O. to 5.4.2021.

Sd/-

(P.N. Dixit)
Vice-Chairman
10.3.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
10.3.2021

(sgj)

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| | <p>Date: 10.03.2021</p> <p align="center">O.A. No.389 of 2020</p> <p>N.A. LokhandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Present O.A. is filed for direction to Respondent No.2 - Collector, Pune to get the Applicant joined in Pune District. She was serving as Talathi in Sholapur District and sought inter-district transfer which was allowed. She was relieved from Sholapur on 15.07.2020. However, Respondent No.2 refused to get her join on the ground that the post of Talathi of S.C. Category is not vacant, and therefore, the Applicant is kept in abeyance. Indeed, while accepting the request of the Applicant for absorption in Pune district, care should have been taken about availability of post.</p> <p>3. During the course of hearing of the O.A, the learned Advocate for the Applicant on previous date pointed out that now process of promotion for the post of Circle Officer from the cadre of Talathi in Pune District is underway and three posts of Talathi of S.C. Category are likely to fall vacant and on one post, the Applicant can be accommodated / absorbed. The matter was, therefore, adjourned to take instructions by learned P.O.</p> <p>4. Today, learned P.O. on instructions stated that the promotion process is underway and post of Talathi from S.C. Category is likely to fall vacant. She submits that process of promotion will take two months' time.</p> <p align="right">[P.T.O.]</p> |

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p>5. Since Applicant is already relieved from Sholapur and she is kept in abeyance, she needs to be absorbed in Pune District at the earliest.</p> <p>6. Since post of Talathi (S.C. Category) is likely to fall vacant soon, the O.A. can be disposed of with suitable directions.</p> <p>7. O.A. is disposed of with direction to Respondent No.2 to expedite the process of promotion and to ensure absorption of the Applicant on the post of Talathi (S.C. Category) in case the post become available after completion of promotion process.</p> <p>8. Respondent No.2 is directed to complete the process within two months and pass appropriate order of absorption of the Applicant.</p> <p>9. Alternatively, Respondent No.2 - Collector is at liberty to accommodate the Applicant on the post of Talathi (S.C. Category), if the said post falls vacant in general transfer of 2021.</p> <p>10. No order as to costs.</p> <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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| | <p>Date: 10.03.2021</p> <p align="center">O.A. No.278 of 2020 with O.A. No.336 of 2020</p> <p>V.V. Bhadange M.L. SwamiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In O.A. No.278/2020, the Applicant has challenged the suspension order dated 07.01.2019, whereas in O.A. No.336/2020, the Applicant has challenged suspension order dated 23.06.2020.</p> <p>3. Subsequent development which have taken place during the pendency of O.A. In O.A. No.278/2020, the Applicant is reinstated in service by order dated 12.02.2021, whereas the Applicant in O.A. No. 336/2020 is also reinstated in service by order dated 08.03.2021.</p> <p>4. Thus, in both O.As, the suspension of Applicants are revoked and they are reinstated in service, and therefore, O.A. itself has become infructuous.</p> <p>5. However, Shri A.V. Bandiwadekar, learned Advocate appearing for the Applicant sought to contend that the Applicants being subjected to suspension for more than 90 days, they are entitled for pay and allowances after expiration of 90 days period of suspension in terms of decision of Hon'ble Supreme Court in <i>(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India & Anr.)</i>.</p> |

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| | <p>6. In my considered opinion, this relief is totally unacceptable and premature.</p> <p>7. Hon'ble Supreme Court in <i>Ajay Kumar Choudhary's case (cited supra)</i> held that suspension should not exceed beyond 90 days. That matter was arising from the belated D.E. Whereas, in both the matters, the Applicant were suspended due to registration of crime under the provisions of Prevention of Corruption Act. This being the position, the Applicant cannot be said <i>ipso-facto</i> entitle for pay and allowance after expiration of period of 90 days.</p> <p>8. Indeed, the issue of regularization of suspension period is required to be determined by the competent authority after forming opinion as to whether the suspension was fully unjustified or otherwise in terms of Rules 72 of Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1981. Suffice to say, it is for the competent authority to decide the said issue at appropriate time.</p> <p>9. In view of above, both the O.As are disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- wv (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

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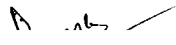
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Date: 10.03.2021

O.A. No.04 of 2020

U.K. ShindeApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadkar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.
2. Today, Learned P.O. has filed Affidavit-in-Sur Rejoinder on behalf of Respondent No.1. It is taken on record.
3. Adjourned to 05.04.2021 for hearing at the stage of admission.


Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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| | <p align="center">Date: 10.03.2021</p> <p align="center">O.A. No.749 of 2019</p> <p>V.G. DavariApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent No.1 and Shri Amar Bodke, learned Advocate holding for Shri M.V. Thorat, learned Advocate for the Respondent No.2.</p> <p>2. Today, Learned Advocate has filed Affidavit-in-Sur Rejoinder on behalf of Respondent No.2 It is taken on record.</p> <p>3. Respondent No.3 & 4 are served but nobody appeared on their behalf.</p> <p>4. S.O. to 30.03.2021.</p> <p align="right">Sd/- W (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date: 10.03.2021

O.A. No.30 of 2020

S.V. SatamApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Enough time is granted for filing Reply.

3. On request of learned P.O. two weeks time is granted as last chance.

4. S.O to 23.03.2021.

Sd/-

✓
(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date: 10.03.2021</p> <p align="center">O.A. No.16 of 2020</p> <p>S.A. TalekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.1. It is taken on record.</p> <p>3. Two weeks time is granted for filling Rejoinder, if any.</p> <p>4. S.O. to 30.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date: 10.03.2021

M.A. No.103 of 2021 in O.A. No.796 of ~~2020~~ ²⁰¹⁸ 2020

S.V. MohiteApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Applicant and his Advocate both are absent.
2. Shri A.J. Chougule, learned P.O. for the Respondent is present.
3. This M.A. is filed for restoration of O.A. which was dismissed in default on 05.02.2021, while passing the order of dismissal the Tribunal has noted the absence of the Applicant and his Advocate on previous date also.
4. This M.A. for restoration was filed on 04.03.2021 and it was listed before the Tribunal on 08.03.2021. However on 08.03.2021 the Applicant and his Advocate both were absent and the matter was adjourned for today to give opportunity.
5. However, today also the Applicant and his Advocate both are absent.
6. As such, apparently they are not interested in this matter.
7. Hence, M.A. is dismissed in default.

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date: 10.03.2021

M.A. No.60 of 2021 in O.A. No.190 of 2020

S.A. WarangApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. M.A. is filed for amendment to clarify the pleading and it will not change the nature of O.A.

3. Allowed to amend the O.A. since O.A. is also for the first time listed before the Tribunal for issuance of notice.

4. Amendment be carried out within a week.

5. M.A. is accordingly disposed of.

6. S.O. to 19.04.2021 in O.A. No.190/2020 with connected O.A. No.189/2019.

Sd/-

**(A.P. Kurhekar)
Member (J)**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p align="center">Date: 10.03.2021</p> <p align="center">O.A. No.266 of 2018 with O.A. No.166 of 2019</p> <p>K.S. Kulkarni N.W. Dandekar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In fact, in terms of order heard by the Tribunal on 09.02.2021 it was for the Respondent No.2 – Government to take decision on the proposal dated 20.04.2018 and to appraise the Tribunal. However, learned P.O. submits that no decision is taken yet and further submits that the issue is under consideration and decision will be taken within two weeks. She therefore, requested for grant of two weeks' time.</p> <p>3. S.O. to 23.03.2021.</p> <p align="right">Sd/- W (A.P. Kurhekar) Member (J)</p> <p align="left">NMN</p> |

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Date: 10.03.2021

O.A. No.617 of 2019

L.Y. VanaskarApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. This matter was taken up in the morning session and at that time, Adv. Shri Rahul Khot holding for Shri N.Y. Chavan appeared and had requested for adjournment. The Tribunal made him specific query as to how the Applicant is aggrieved person, since the impugned order is to withdrawal of additional charge which was given to the Applicant temporarily as *prime-facie* there was no cause of action for the Applicant to file O.A. That time, Advocate Shri Khot requested to keep the matter in 2nd session to consult his senior.

2. In 2nd session, when matter is called twice, none is present for the Applicant.

3. Smt. Archana B.K., learned P.O. for the Respondent is present.

4. The perusal of impugned order dated 29.06.2019 reveals that the temporary charge of the post of Assistant Matron was kept with her and the same was withdrawn. Needles to mention that it is for the authority whether to continue the temporary charge of the post of Assistant Matron with the Applicant or somebody else and Applicant have no such vested right much less legally enforceable right to continue the additional charge.

5. Be that as it may, since the Applicant and his Advocate are absent, matter is dismissed in default with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date: 10.03.2021</p> <p style="text-align: center;">O.A. No.639 of 2020</p> <p>S.H. PawarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondents No.1 & 2. It is taken on record. 3. Perusal of record reveals that the notice was not issued to Private Respondent No.3 which is now required to be issued. 4. Issue notice to Private Respondent No.3 before admission returnable on 01.04.2021. 5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 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 Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 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. 8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. |

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

10. S.O. to 01.04.2021.

Sd/-

WV

(A.P. Kurhekar)
Member (J)

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| | <p align="center">Date: 10.03.2021</p> <p align="center">O.A. No.108 of 2021</p> <p>D.S. GavitApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has filed the O.A. raising grievance of withholding of retrial benefits though he stands retired on 28.02.2019 as Assistant Commissioner of Police (A.C.P.). The perusal of record reveals that open enquiry was pending in Anti-Corruption Bureau (A.C.B.) and that seems to be a reason for withholding some of the benefits.</p> <p>3. Learned P.O. submits that the amount of G.P.F., G.I.S., Leave Encashment and Provisional Pension is already granted.</p> <p>4. Learned P.O. has also tendered letter dated 05.03.2021. It is taken on record and marked by letter 'X' for identification issued by A.C.B., Mumbai addressed to Director General of Police stating that open enquiry against the Applicant is closed.</p> <p>5. Indeed, there was no initiation of regular D.E. on the date of retirement of the Applicant, so as to justify withholding of retrial benefits. Be that as it may, since open enquiry is now closed, the Respondents are under obligation to release remaining retrial benefits of the Applicant immediately.</p> |

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6. The Applicant stands retired from the establishment of Respondent No.3 - Commissioner of Police and it is his responsibility to release all retriial benefits of the Applicant as per his entitlement in accordance to law.

7. In view of above, nothing remains in O.A. and it deserves to be disposed of with necessary directions.

8. O.A. is disposed of with direction to Respondent No.3 to release remaining retriial benefits of the Applicant according to Rules, within one month from today.

9. The Applicant is at liberty to avail legal remedy for interest in accordance to law.

N
Sd/-

(A.P. Kurhekar)
Member (J)

NMN

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10.03.2021

O.A 91/2021 & O.A 128/2021

Shri K.B Patil [O.A 91/2021]
 Shri U.M Vhatkar [O.A 128/2021]... Applicants
 Vs.
 The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents 1 & 2 and Smt Kranti S. Gaikwad, learned P.O for Respondent no. 3.
2. It appears from the submissions made by the Respondents no. 1 & 2 and the affidavit in reply filed by Respondent 3, that there is a dispute between both the Respondents regarding the legality of the constitution of the D.P.C, which was conducted on 20.10.2020. As per Respondents 1 & 2 the D.P.C was not constituted as per G.R dated 31.1.2014 and as per the affidavit in reply filed by Respondent no. 3, G.R dated 9.9.1987 is applicable and not the G.R dated 31.1.2014. It is noted that in the affidavit in reply filed by Respondents no 1 & 2 the applicant is getting salary of his promotional post.
3. Under such circumstances, we are of the opinion that it is proper to direct the higher authority of both Respondents no 1, 2 and 3 to find out which G.R is applicable and communicate the same by sending a one para note. We are informed that the authority of Respondent nos. 1 and 3 is Director/Commissioner of Sports & Youth Services, Pune.
4. S.O to 24.3.2021.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date : 10.03.2021

O.A.No.775 of 2020

Y.M. Budhwant ... Applicant
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The learned P.O. on instructions from Shri Prashant Shelar, Section Officer, G.A.D., Mantralaya, informs the Tribunal that within one month they will be completing the preparation of seniority list and will consider the name of the applicant as per the provision.

3. Adjourned to 08.04.2021.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date : 10.03.2021

O.A.No.39 of 2014

N.K. Sale & Ors. ... Applicants
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.G. Sawardekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Till today reply is not filed by the State. The learned P.O. is directed to consider this seriously and take the needful steps. We are again warning that the matter will proceed without reply on the next occasion.

3. S.O. to 23.03.2021.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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| | <p><u>10.03.2021</u></p> <p align="center"><u>O.A 195/2021</u></p> <p>Shri D.B Koulage ... 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 C.P.O for the Respondents.</p> <p>2. The applicant seeks appointment to the post of Searcher/Police Sub Inspector (Finger Print) against the open Part time Graduate employee quota with all other consequential service benefits.</p> <p>3. Learned counsel for the applicant submits that though he is concerned with the select list dated 6.6.2018, he has received R.T.I information on 7.1.2021 regarding his proposal and therefore, he submits that application is within limitation. The applicant is directed to produce G.R dated 19.10.2007.</p> <p>4. Learned C.P.O objects that the Original Application is not within limitation. Hence that issue is kept open.</p> <p>5. Issue notice returnable on 7.4.2021.</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 may 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 7.4.2021.</p> <p>Sd/- _____</p> <p align="center">(P.N Dixit) Vice-Chairman (A)</p> <p align="right">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date : 10.03.2021

O.A.No.372/2018 (Aurangabad Bench)

Shankar J. Khedekar ... Applicant
Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The learned Counsel for the Private Respondents No.4 to 6 to appear in the matter.

3. Adjourned to 22.03.2021.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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10.03.2021

O.A 613/2020

S.D Pawar ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri N.S Kadarale, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.

2. The applicant has applied for the post of Assistant Public Prosecutor, Grade-A in response to Advt. no. 71/2015 dated 4.7.2015. As per advertisement, 175 posts were available, out of which 1 post was kept reserved for specially abled person. The Respondents by its order dated 29.9.2017, issued the list of 165 selected candidates and thereby giving appointment in various Districts in Maharashtra. Out of 175 posts, 83 posts were reserved for open category, out of which 25 were reserved for female open. 18 posts were reserved for S.C category, out of which 7 posts were horizontally reserved for female.

3. Learned counsel submits that the applicant should have been selected in open female category against 25 posts as the applicant has secured 103 marks, while the cut-off marks for open female category is 69 marks. Learned counsel claims migration in horizontal reservation, i.e., from S.C category to open female category, relying on the ratio laid down in **Saurav Yadav Vs. State of Uttar Pradesh & Ors, reported in (2019) 14 SCC 692 and Charushila T. Choudhary. & Ors Vs. State of Maharashtra & Ors, W.P 4159/2018**. Learned counsel further submits that the Respondent no. 4, Punam, S. Soni, the last candidate in female open category is before the court and she has submitted her reply.

4. Shri Avinash Deshmukh, learned advocate is appearing for Respondent no. 4. However, he is not present today as the matter is from Aurangabad.

5. Learned counsel for the applicant further relies on the ratio laid down in the case of **Gaurav Pradhan & Ors Vs. State of Rajasthan & Ors, C.A 8351/2017 arising out SLP (C) 30603/2014**.

6. Learned C.P.O to inform whether any post is vacant.

7. S.O to 22.3.2021.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

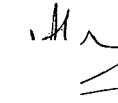
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p><u>10.03.2021</u></p> <p style="text-align: center;"><u>O.A 1081/2019</u></p> <p>Shri P.Y Sathe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Pursuant to letter dated 20.2.2021, the applicant, has attended the Medical Board, Government Hospital, Sangli. It is informed that the two tests that is OCT and PERIMETRY are required to be done in order to find out Glaucoma. The said tests are not available at Sangli and therefore, the Medical Board referred the applicant to Board of Referee, Eye Dept. B.J Medical College, Sasson Hospital, Pune.</p> <p>3. Learned counsel Mr Jagdale informs that the applicant has visited on 9.3.2021 and appeared before Board of Referee, B.J Medical College, Sasson Hospital, Pune.</p> <p>4. Under these circumstance, we direct Board of Referee, Eye Department, Medical College, Sasson Hospital, Pune to send the report regarding whether Shri Pradeep Y. Sathe, is suffering from Potential Glaucoma within one week.</p> <p>5. S.O to 24.3.2021.</p> <p style="text-align: center;">Sd/- Sd/- </p> <p style="text-align: center;">(P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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10.03.2021

O.A 47/2019 (Aurangabad)

Shri Suresh M. Jaybhaye ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.D Munde, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents.

2. Learned C.P.O informs that on 18.1.2019 this Tribunal directed to keep one post vacant, if vacancy is available. However, at that time all the posts were filled up and no vacancy was available. She submits that thus the order of the Tribunal could not be implemented.

3. In this matter, there are three private Respondents, Panduarang Shivaji Bhosle, Akash Shekhar Patil, and Bhagvat Haribhau Mule. Fresh notice be given to the Respondents, so that the matter can be decided.

4. S.O 22.3.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

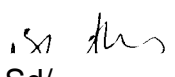
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| | <p><u>10.03.2021</u></p> <p style="text-align: center;"><u>O.A 517/2020</u></p> <p>Shri P.B Pansare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.D Munde, learned advocate for the applicant and Ms Swati Manchekar , learned C.P.O for the Respondents and Shri S.S Dere, learned advocate for Respondents no 4 to 7.</p> <p>2. In this matter, learned counsel Mr. Munde submits that the applicant has applied for the post of Maharashtra Forest Services pursuant to the advt. no. 61/2017 dated 10.8.2017. She applied under the Horizontal reservation in Open Female category, though she belonged to NT-D category. Learned counsel submits that from Group-B, five posts were reserved for Women Female. The last candidate selected in that category had secured 234 marks. However, the applicant has secured 252 marks. Learned counsel for the applicant submits that applicant has not availed any type of concession, relaxation such as chances, age or marks. There was no post reserved for Female NT-D. However, she was not recommended by MPSC on the ground that her migration from NT-D to Open female is not legally permissible. Learned counsel submits that the applicant claims the post on the basis of law laid down by Supreme Court in Saurav Yadav Vs. State of Uttar Pradesh & Ors, reported in (2019) 14 SCC 692 and Charushila T. Choudhary. & Ors Vs. State of Maharashtra & Ors, W.P 4159/2018.</p> <p>3. Learned counsel Mr. Dere appearing for Respondents no 4 to 7, who are selected and joined in the Horizontal Reservation in Open Female Category have completed two years' probation as Range Forest Officer, Group-B. All the four Respondents have been given regular posting on 3.8.2020 and joined at various place of posting in State of Maharashtra. Learned counsel further submits that in view of ratio laid down in Gaurav Pradhan & Ors Vs. State of Rajasthan & Ors, C.A 8351/2017 arising out SLP (C) 30603/2014, dated 18.8.2017 the candidates who have already been selected and joined the duty are not to be disturbed or removed and supernumerary posts are to be created to accommodate the candidates who are recommended thereafter. Learned counsel submits that five posts for Open Female category were reserved. In this application only four candidates who joined the service are before the Court. He submits that as per his information, the 5th</p> |

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| | <p>lady Smt Manish P. Magar, who was topper in merit in all the five recommended candidates, has not joined the service. Learned counsel further submits that this fact is to be confirmed by MPSC and if it is so, then without disturbing the four candidates, especially the candidates, out of the Respondents 4 to Respondent no. 7, the candidate who has secured less marks is likely to be displaced.</p> <p>4. Learned C.P.O to take instructions in the matter.</p> <p>5. S.O to 22.3.2021.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/- </p> <p style="text-align: center;">(P.N Dixit) Vice-Chairman (A)</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> |

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p align="center">Date: 10.03.2021</p> <p align="center">O.A. No.115 of 2021</p> <p>H.C. SalokheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. N.S. Sharma, learned Advocate for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. In O.A. Applicant has challenged order dated 23.10.2019 rejecting the claim for appointment on compassionate ground.</p> <p>3. Perusal of record reveals that office has raised objection on the point of limitation since the O.A. is filed after expiration of period of limitation.</p> <p>4. Learned Advocate for the Applicant submits that she will take necessary steps to file M.A. for condonation of delay.</p> <p>5. S.O. 16.03.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="left">NMN</p> |

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Date: 10.03.2021

O.A. No.198 of 2021

R.M. BelsareApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 23.03.2021.
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 Original Application. 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. S.O. to 23.03.2021.

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date: 10.03.2021</p> <p>O.A. No.166 of 2020</p> <p>U.S. JagtapApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Applicant and his Advocate both are absent.2. Ms. N.G. Gohad, Learned P.O. for the Respondent is present.3. Shri R.M. Kolge holding for Smt. Ranjana Todankar, learned Advocate requested for adjournment.4. S.O. to 23.03.2021. <p>Sd/- w (A.P. Kurhekar) Member (J)</p> <p>NMN</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p>Date: 10.03.2021</p> <p align="center">R.A. No.15 of 2020 in O.A. No.1000 of 2019</p> <p>G.M. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Presenting Officer for the Respondents Nos.1 & 3 and Shri M.B. Kadam, learned Advocate for the Respondent No.2.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. On request of learned Advocate for the Respondent No.2, adjourned for hearing.</p> <p>4. S.O. to. 01.04.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date: 10.03.2021

M.A. No.12 of 2021 in O.A. No.727 of 2019

J.H.K. InamdarApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. Today learned P.O. has filed Affidavit-in-Reply in M.A. on behalf of Respondent No.1. It is taken on record.
3. Adjourned for hearing on 25.03.2021.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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10.03.2021

O.A 37/2020

Shri C.S. Rakh ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Matter called out. Heard Smt Kranti S. Gaikwad, learned P.O for the Respondents. Neither the learned counsel for the applicant nor the applicant is present.

2. Hence dismissed.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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