

**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>O.A. No.224 of 2020</u></p> <p>L.M. Wankhede &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Shantanu Raktate, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO files reply and the same is taken on record. Time granted to file rejoinder.</p> <p>3. Ld. CPO submits that many matters are filed on the similar issue of conducting Maharashtra Finance and Accounts Service Examination, Class III for the post of Assistant Accounts Officer, Group B. Ld. CPO submits that she will have to move application for clubbing all the applications at Aurangabad Bench and Nagpur Bench of this Tribunal.</p> <p>4. S.O. to 11.2.2021.</p> <p align="center">Sd/-</p> <p>(P.N. Dixit) Vice-Chairman 10.12.2020 (sgj)</p> <p align="center">Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson 10.12.2020</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**Date: 10.12.2020**

**O. A. No.435 of 2020**

**R.K. Pawar** .....Applicant  
**Versus**  
**The State of Maharashtra & Ors.** ....Respondents.

1. Heard Shri H.P. Ghadigaonkar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Smt. Punam Mahajan, learned Advocate for the Respondent No.4.

2. Pursing to the earlier order dated 08.09.2020, it is suggested to competent authority of Excise Department that the family problem of the Applicant that his wife is working as Nurse in Saifee Hospital, Mumbai, he has six year's old Son who is at home due to Covid-19 Pandemic and he has 75 year's old mother to be looked after this problem are found to be genuine. Therefore, the competent authority of Excise Department is suggested that if the Applicant can be accommodated anywhere in some vacant post in Mumbai or Thane City, then the issue can be resolved.

3. In the event of such vacancy, the order can be issued.

4. S.O. to 22.12.2020.

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson

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**Date: 10.12.2020**

**O. A. No.660 of 2020**

**P.A. Jadhav .....Applicant  
Versus  
The State of Maharashtra & Ors. ....Respondents.**

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. It is pointed out that the Applicant was transferred within Sangli District six times from one place to another from August 2019 till October 2020.
3. The Respondents are directed to find out and give answer to the query, so also to produce the record of sexual harassment at work place.
4. The Applicant to resume the work at Jat, as additional charge is given to him and to continue to work at his regular place.
5. S.O. to. 11.01.2021.

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson

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**Date: 10.12.2020**

**O. A. No.747 of 2020**

**G.S. Waghmode** .....Applicant  
**Versus**  
**The State of Maharashtra & Ors.** .....Respondents.

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondent No.1 and Shri S.S.Dere, learned Advocate holding for Shri D.B. Khaire, learned Advocate for the Respondent No.2.
2. The Applicant who is working as Assistant Police Inspector challenges his transfer order dated 07.12.2020 from Mhaswad Police Station, District Satara to District Special Branch, Satara.
3. For Reply and production of Police Establishment Board (P.E.B.).
4. S.O. to 22.12.2020.

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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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**Date: 10.12.2020**

**O. A. No.642 of 2020**

**B.R. Ghadge** .....Applicant  
**Versus**  
**The State of Maharashtra & Ors.** .....Respondents.

1. Heard Shri B.R. Ghadge, learned Applicant-in-Person and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Time granted to file Reply till 22.12.2020.
3. It is suggested that Director General may reconsider the case of the Applicant if possible by giving some other posting which is near to Thane as the Applicant has to attend many court cases in Thane or any place which is vacant nearby Thane.
4. S.O. to.22.12.2020.

Sd/-

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

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date: 10.12.2020</b></p> <p style="text-align: center;"><b>O. A. No.671 of 2020 with M.A. No.301 of 2020</b></p> <p><b>S.K. Ghusar</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Shri Devan Dwarkadar &amp; Parteners, Advocate for the Applicant is absent. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. produces the modified order dated 07.12.2020 of the transfer of the Applicant. By this order the competent authority has extended the period of his transfer till general transfer of 2021 and directed him to continue at Nashik Rural till then.</p> <p>3. Learned Advocate for the Applicant is not present today.</p> <p>4. Nothing remains in the matter. Hence, matter is kept tomorrow for disposal under the caption of disposal.</p> <p>5. S.O. to.11.12.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</p> <p style="text-align: center;">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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	<p align="center"><u>C.A. No.26 of 2020 in O.A. No.1125 of 2013</u></p> <p>P.S. Sakhare &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant to file affidavit of service giving notice to the contemnor prior to filing this CA.</p> <p>3. Ld. CPO to file affidavit in reply.</p> <p>4. S.O. to 28.1.2021.</p> <p align="center">Sd/- ) Sd/- (P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 10.12.2020 10.12.2020</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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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O.A. No.1133 of 2018

B.A. Kale & Ors. ..Applicants  
 Vs.  
 The State of Maharashtra & Ors. ..Respondents

Heard Ms. Vandana Bait, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO informs on instructions that the file is pending before the Hon'ble Chief Minister. Respondents to file reply to the amended OA.

3. S.O. to 17.12.2020.

Sd/-

(P.N. Dixit)  
Vice-Chairman  
10.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
10.12.2020




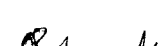
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. 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
	<p align="center"><u>O.A. No.370 of 2020</u></p> <p>S.U. Jawale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. GAD to file reply within two weeks.</p> <p>3. S.O. to 24.12.2020.</p> <p align="center">Sd/-  Sd/- </p> <p>(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 10.12.2020 10.12.2020</p> <p>(sgj)</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
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O.A. No.392 of 2020

D.K. Jadhav ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. CPO seeks time to file reply. Time granted by eight weeks.
3. However, appointments made, if any, to the impugned post will be subject to the outcome of this OA.
4. S.O. to 11.2.2021.

Sd/-

(P.N. Dixit)  
Vice-Chairman  
10.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
10.12.2020

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. 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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O.A. No.346 of 2020

G.S. Karande ..Applicant  
 Vs.  
 The State of Maharashtra & Ors. ..Respondents

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

- 2. Last chance granted to file reply.
- 3. S.O. to 28.1.2021.

Sd/-  
 (P.N. Dixit)  
 Vice-Chairman  
 10.12.2020

Sd/-  
 (Mridula R. Bhatkar, J.)  
 Chairperson  
 10.12.2020

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A. No.31 o 2020 in O.A. No.1020 of 2019

N.M. Gavali ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Reply of GAD is awaited.

3. S.O. to 17.12.2020.

Sd/-

(P.N. Dixit)  
Vice-Chairman  
10.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
10.12.2020

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.284 of 2020</u></p> <p>A.B. Gadhave ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Admit.</p> <p>3. S.O. to 15.1.2021 for final hearing.</p> <p>Sd/- (P.N. Dixit) Vice-Chairman 10.12.2020 (sgj)</p> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson 10.12.2020</p>

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

Tribunal's orders

O.A. No.667 of 2020

Shailesh R. Karande ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri Kranti L.C., learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant seeks directions that the order dated 5.10.2020 issued by Desk Officer, Medical Education & Drugs Department terminating the services is to be quashed and set aside and he be allowed to resume duties as Staff Nurse in CPR Hospital, Kolhapur and respondents be directed to pay back wages from 5.10.2020.

3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

4. Issue notice before admission returnable on 11.2.2021.

5. 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.

6. 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.

7. 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.

Sd/-

(P.N. Dixit)  
Vice-Chairman  
10.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
10.12.2020

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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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M.A. No.298 of 2020 in O.A. No.666 of 2020

S.T. Kakade & Ors. ..Applicants  
Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Y.S. Khochare, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicants are prosecuting for the same cause of action. 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  
10.12.2020

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
10.12.2020

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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O.A. No.666 of 2020

S.T. Kakade & Ors. ..Applicants  
 Vs.  
 The State of Maharashtra & Ors. ..Respondents

Heard Shri Y.S. Khochare, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicants submits that on the same issue OA No.74 of 2020 is filed by other counsel. All the applicants challenge the letter dated 20.8.2020 of cancelling their selection of service. Both the OAs be clubbed together.

3. Ld. Advocate for the applicants submits that all the applicants are Ex-Servicemen and have put in 15 years of service. However, they are neither Graduate nor Diploma Holder in Agriculture. The post is of Agriculture Assistant. Ld. Advocate for the applicants submit that when all the candidates filled up online form the educational education was shown 12<sup>th</sup> pass with 15 years of experience as Ex-Servicemen. The condition of Graduation of Diploma Holder was relaxed. However at the time of verification of documents the respondents decided that they are not entitled for want of Degree or Diploma and therefore the names of all the applicants in the select list were cancelled. He prays that under such circumstances the post for which the applicants have applied are to be kept vacant.

4. Ld. CPO while opposing this submission submits that this cannot be the case and there is a condition of qualification of Degree or Diploma in the advertisement. She needs to take instructions for relaxation of such condition. She submits that the post will be filled up as the process of selection cannot be stopped.



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Under such circumstances the appointments made in the post of Ex-Servicemen will be subject to the outcome of this OA.</p> <p>6. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 11.2.2021.</p> <p>8. 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>9. 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>10. 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> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(P.N. Dixit)</p> <p>Vice-Chairman</p> <p>10.12.2020</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.)</p> <p>Chairperson</p> <p>10.12.2020</p> <p>(sgj)</p> </div> </div>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>O.A. No.637 of 2020</u></p> <p>G.S. Karva ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri Kunal Katariya, learned Counsel i/b. Shri A.J. Doshi, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 &amp; 2 and Shri M.D. Lonkar, learned Advocate for Respondent No.3.</p> <p>2. The applicant who is working in a private pharmaceutical company challenges the notification dated 13.1.2017 issued by the Respondent-State regulating the recruitment rules and also prays that the advertisement dated 29.9.2017 issued by the MPSC and so also the announcements dated 10.8.2020 and 21.8.2020 issued by the MPSC and the results declared dated 7.10.2020 are to be quashed and set aside.</p> <p>3. The challenge to the said notification issued by respondent no.1 is mainly on the ground that the said notification has been inconsistent with definition clause Section 2(g) of the All India Council of Technical Education (AICTE) Act defining 'Technical Education' and the notification does not cover 'Pharmacy' under the said Act of Technical Education. Hence, violation of Article 14 of the Constitution of India.</p> <p>4. Ld. CPO pointed out that the State has filed Caveat Application No.47 of 2020. Shri M.D. Lonkar, learned Advocate files Vakalatnama for respondent no.3. Apart from respondent no.3 there are 19 private persons who are declared successful in the impugned examination conducted by the MPSC. Hence, they are also to be served. The applicant is directed to serve all other private persons and file affidavit of service.</p> <p>5. It appears that similar issue was raised by Association of Pharmacy Teachers of India through one Member Shri Saber Hussain Fazal in OA No.592 of 2017 before Aurangabad Bench of this Tribunal and the Division Bench at Aurangabad by order dated 15.3.2019 has allowed the said OA by giving directions to the State to amend the rules. The said order was challenged in Aurangabad Bench of Bombay High Court in W.P. No.8612 of 2019 by Dr. Abhay E. Wagh (Director of Technical Education)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>and so also W.P. No.8646 of 2019 by private persons and W.P. No.7512 of 2019 was filed by the State of Maharashtra and Director of Technical Education and the Hon'ble High Court by order dated 20.9.2019 while allowing the said writ petitions set aside the judgment and order dated 15.3.2019 passed by the Aurangabad Bench of this Tribunal in OA No.592 of 2017. The present applicant thereafter filed W.P. (L) No.3638 of 2020 before the Hon'ble Bombay High Court however, the First Court by order dated 9.10.2020 directed the applicant to pursue the remedy before Maharashtra Administrative Tribunal as the subject-matter pertains to State Service and therefore the applicant is again before this Tribunal.</p>	<p>6. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 28.1.2021.</p> <p>8. 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>9. 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>10. 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>Sd/- (P.N. Dixit) Vice-Chairman 10.12.2020</p>	<p>Sd/- (Mridula R. Bhatkar, J.) Chairperson 10.12.2020</p>
(sgj)	

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	<p><b>Date : 10.12.2020</b></p> <p align="center"><b>O.A.No.663 of 2019</b></p> <p><b>S. S. Panindre</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On previous date i.e. on 08.12.2020, directions were given to the Respondent No.1 to produce Minutes of DPC.</p> <p>3. However, today instead of filing Minutes of DPC, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1 which was not filed earlier despite grant of enough time. However, as the same is filed today and the matter is pending for adjudication, the reply on behalf of the Respondent No.1 is taken on record.</p> <p>4. In so far as, Minutes of DPC are concerned, learned P.O. submits that due to shifting of office it was not traced and requested for short time.</p> <p>5. The Minutes of DPC are relevant for the decision of this O.A., and therefore, time is granted till 15.12.2020.</p> <p>6. S.O. to 15.12.2020.</p> <p align="right">Sd/- v (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
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Date : 10.12.2020

O.A.No.864 of 2019

A. D. Daundkar & Ors.

....Applicants

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Perusal of record particularly Police Establishment Board (PEB) Minutes reveals that <sup>the view</sup> ~~in view~~ of the default report against present Applicant Nos.1 and 2 including Applicant No.3. The Applicant No.1 and 2 were transferred to Yavat and Bhore Police Station. In so far as Respondent No.3 – Shri Jyotiram Pawar is concerned, PEB decided to transfer him from Otur Police Station but in view of letter dated 29.06.2019 of Additional Director General of Police (Transport), he was allegedly selected in Highway Police, and therefore, PEB opined that the decision of his transfer is reserved and he was relieved to join Highway Police in view of the letter dated 29.06.2019 purported to issue Additional Director General of Police.

3. Accordingly, the Respondent No.1 – S.P. (Rural) issued transfer orders dated 26.07.2019.

4. However, Applicant No.3- Shri Pawar immediately submitted letter to SP (Rural) that he never applied for assignment with Highway Police and requested to continue him to Otur Police Station. Admittedly, the Applicants were relieved from Otur Police Station.

5. Learned P.O. for the Respondents sought to justify the transfers on the basis of default report. However, in so far as letter dated 29.06.2019 and final decision of transfer of Applicant No.3 –Shri Pawar is concerned, the record is silent. Letter dated 29.06.2019 on the basis of which he was sent to Highway Police is not forthcoming.

6. In view of above, learned P.O. seeks adjournment to get instructions to make further submission to clarify the position.

7. S.O. to 15.12.2020.

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
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**Date : 10.12.2020**

**O.A.No.737 of 2020**

S.R. Gaud ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. The applicant challenges the order dated 23.09.2020 issued by respondent no.1 under which her absence during the period from 11.08.2020 to 14.09.2020 is declared unauthorized.
3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
4. Issue notice before admission returnable on 09.02.2021.
5. 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 may be taken up for final disposal at the stage of admission hearing.
6. 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.
7. 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.
8. Respondents to file reply on or before next date.
9. S.O.to 09.02.2021.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 10.12.2020</b></p> <p style="text-align: center;"><b>O.A.No.656 of 2020</b></p> <p>S.M. Jadhav ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</li> <li>2. The applicant challenges the order dated 05.11.2018 by which his increment for one year is withheld.</li> <li>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</li> <li>4. Issue notice before admission returnable on 11.02.2021.</li> <li>5. 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 may be taken up for final disposal at the stage of admission hearing.</li> <li>6. 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.</li> <li>7. 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.</li> <li>8. Respondents to file reply on or before next date.</li> <li>9. S.O. to 11.02.2021.</li> </ol> <p style="text-align: right;">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>brk</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
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**Date : 10.12.2020**

**O.A.No.334 of 2020**

D.Y. Dange ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Indrajeet Kulkarni, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The learned Advocate request that he be allowed to produce the select list. The same is permitted.

3. Admit and matter is fixed for final hearing on 05.02.2021.

Sd/-

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

prk



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**Date : 10.12.2020**

**O.A.No.311 of 2020**

S.J. Awale ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

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



2. The learned P.O. prays time to file affidavit-in-reply.

3. Time granted. Copy of the reply is be served upon learned Advocate at least two days in advance.

4. It was observed as earlier in O.A.No.264/2020 similar order can be passed in the present O.A. However, the said order is not produced and therefore matter is Advocate. The learned Advocate is directed to produce the copy of order in O.A.No.264/2020.

5. Interim relief, if any, to continue till next date.

6. S.O. to 22.12.2020

 Sd/- 

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

**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
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**Date : 10.12.2020**

**O.A.No.391 of 2020**

V.S. Jadhav ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant is reinstated in service by order dated 10.10.2020.

3. In view of this nothing remains in this O.A. and hence, O.A. is disposed off.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**Date : 10.12.2020**

**O.A.No.554 of 2020**

S.S. Kamble ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.D. Sarode, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.


2. The learned P.O. submits that the O.A. is amended and amended copy is received by learned P.O. only two days back. Hence, time for filing affidavit-in-reply be extended.

3. The applicant is directed to serve the amended copy to all the Respondents forthwith.

4. In view of this time to file affidavit is extended by till 19.01.2021.

5. S.O. to 19.01.2021.

Sd/-



(Mridula Bhatkar, J.)  
Chairperson

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 10.12.2020</b></p> <p><b>O.A.No.626 of 2020</b></p> <p>D.B. Bamane ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents and Dr. Bhagwanrao Kakade Respondent No.2, present in person.</p> <p>2. The learned P.O. submits on instruction that file is pending before the Hon'ble the Chief Minister for posting of the applicant.</p> <p>3. On this ground only the matter is adjourned. It is a good ground to adjourn.</p> <p>4. Today Private Respondent no.2 Dr. Bhagwanrao Kakade who is given posting to Bhor in the place of the applicant is present. He has not engaged the Advocate. He informs that in his place i.e on the post of Additional Civil Surgeon, District Hospital, Pune one Dr. Varsha Doiphode has joined.</p> <p>5. In view of this and as the file is pending before the the Hon'ble the Chief Minister for posting of the applicant at this stage no interim relief can be granted, but the matter is fixed on 17.12.2020 as the applicant is kept without any posting.</p> <p>6. Compliance of order dated 03.11.2020 especially pertaining to the inspection of the record and compliance be submitted by next date.</p> <p>7. The learned Counsel points out paragraph 7 of the order passed by the Tribunal on 03.11.2020. He submits that the compliance of the said order is not made. He further pointed out that on 24.11.2020 the file was not produced before the Tribunal.</p> <p>8. The learned P.O. is directed to produce the file on next date and inspection be also given.</p> <p>9. Adjourned 17.12.2020.</p>
	<p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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
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**Date : 10.12.2020**

**O.A.No.299 of 2020**

A.R. Bhapkar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The learned P.O. submits that affidavit-in-reply is already filed.

3. The learned Advocate files affidavit-in-rejoinder. The same is taken on record.

4. The Government may file sur-rejoinder. Copy of the same may be given a week advance to learned advocate.

5. S.O. to 12.02.2021.

Sd/-

  
(Mridula Bhatkar, J.)  
Chairperson

prk

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

Tribunal's orders

**Date : 10.12.2020**

**O.A.No.569 of 2020 with M.A.No.309 of 2020**

S.B. Khade ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The learned Counsel submits that the applicant has joined his post at Nashik and prays for early hearing.

3. The learned Counsel file rejoinder. The same is taken on record.

4. M.A. is moved for stay of the transfer order dated 12.08.2020 and to allow the applicant to work in the office of Respondent no.4 and alternatively it is prayed that the O.A. to be taken for final hearing.

5. The O.A. is filed on 05.10.2020. The Applicant is challenging his transfer order dated 12.08.2020 from Pune to Nashik on various grounds.

6. Earlier interim stay was granted however it was vacated as there was some mistake in the communication. Now by order dated 19.11.2020, the applicant has joined. Matter is already fixed on 08.01.2021 which appears correct date and it be placed on 08.01.2021 only.

7. The pleadings are ready and therefore matter will be taken for final hearing on 08.01.2021.

8. M.A.No.309 of 2020 is dismissed and O.A. is adjourned to 08.01.2021 for final hearing.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**Date : 10.12.2020**

**O.A.No.532 of 2020**

R.S. Jadhav ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The learned C.P.O. is granted time to file affidavit-in-reply.

3. Interim relief, if any, to continue till next date.

3. Adjourned to 11.01.2021.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

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

Tribunal's orders

**Date : 10.12.2020**

**O.A.No.741 of 2020 with M.A.No.322 of 2020**

S.V. Patil ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicants challenge the orders dated 04.11.2020 and the notice dated 20.11.2020 issued by respondent no.1 calling upon the applicant to produce the original Project Affected Persons certificate and also prays for the monthly pay and allowances.

3. The learned Counsel submits that Applicant No.1, working as Head Clerk and Applicant No.2, District Library Officer in office of District Library Office are appointed in the year 2000 and further submits that the applicants are not paid their monthly salary since 01.11.2020.

4. The learned P.O. is directed to take instructions and verify whether there is any document regarding the Project Affected Persons certificate.

5. The learned Counsel challenged the order on following ground :-

Whether the Respondent has power of stoppage of salary on the ground on non-submission of original certificate of Project Affected Persons, which will violate the provisions of Minimum Wages Act 1948 and so also Article 23 of the Constitution of India.

6. Meanwhile the applicant may produce the photo copy of certificate of Project Affected Persons to the authority to enable the authority to verify the same.

7. S.O. to 15.12.2020.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

*Arvind V. Bandiwadekar*



**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
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**Date : 10.12.2020**

**O.A.No.577 of 2020**

P.Y. Shelar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri M.A. Patil and Shri J.M. Argade, learned Advocates for the Respondent No.4.

2. Interim relief, if any, to continue till next date.

3. At the request of learned Advocate Shri M.A. Patil, matter is adjourned to 22.12.2020.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A. No.668 of 2020

Dr. D.P. Mane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri S.R. Ghanavat, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Mentioned by Ld. Advocate for the applicant and taken on board.

3. Ld. Advocate for the applicant has produced Praecipe dated 8.12.2020 for speaking to minutes of the order dated 3.12.2020 passed in the above OA.

4. The following sentence is to be added in the order dated 3.12.2020.

“Interim relief granted earlier, if any, to continue till next date.”

5. Praecipe dated 8.12.2020 is disposed off.

Sd/-

(Mridula R. Bhatkar, J.)  
Chairperson  
8.12.2020

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**Date : 03.12.2020**

**O.A.No.668 of 2020**

Dr. D.P. Mane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The learned C.P.O. files affidavit-in-reply and the learned Advocate files affidavit of service. Both are taken on record.

3 .S.O. to 12.01.2021.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

prk

**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
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**Date : 10.12.2020**

**O.A.No.668 of 2020  
(Corrected order)**

Dr. D.P. Mane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

2. The learned C.P.O. files affidavit-in-reply and the learned Advocate files affidavit of service. Both are taken on record.

3. Interim relief granted earlier, if any, to continue till next date.

4. S.O. to 12.01.2021.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson

ork



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

of 20

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Original Application No.

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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><b>Date : 10.12.2020</b></p> <p align="center"><b>O.A.No.180 of 2020</b></p> <p><b>R. B. Dhaktode &amp; Ors. ....Applicants</b></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Smt. Punam Majajan, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicants are Class-IV employees initially working on the establishment of Respondent Nos.2 and 3 namely the Commissioner, Dairy Development, Mumbai and Regional Dairy Development Officer, Pune. The Applicant No.1 joined in 1981 and Applicant No.2 joined in 1985 as Milk Distributor. However, later in terms of G.R. dated 10.08.2017, employees of Dairy Development Department were absorbed in other departments having declared surplus. <sup>But</sup> <del>however</del>, the Applicants continued with Dairy Development Department and they were relieved after three years by order dated 11.02.2020. Thus, it seems that even after G.R. dated 10.08.2017, there was availability of work in Dairy Development Department.</p> <p>3. In so far as, Applicant No.2 is concerned, learned Counsel for the Applicants submits that he had already joined Food Distribution Office, Pune and does not want to proceed with the matter.</p> <p>4. Thus, O.A. is restricted to Applicant No.1. Though, he was relieved by order dated 11.02.2020, he did not join Food Distribution office. In the meantime, he has sent resignation but withdrew the same twice. He is due to retire in April, 2022.</p>

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

Tribunal's orders

5. Learned Counsel for the Applicant has pointed out that even on the date the Applicant No.1 was relieved, several posts of Class-IV were vacant on which Applicant No.1 could have been accommodated and retained so that he could retired in the same department in 2022.
6. Learned P.O. fairly concedes that there are some vacancies of Class-IV on the original establishment of Respondent No.3. The Applicant had already made representation to Respondent No.3 to accommodate him in Dairy Development Department but the same is not responded.
7. In view of above, as the period of sixteen months only remains for service before retirement, the Respondent No.3 should consider the representation made by the Applicant for accommodating him in Dairy Development Department, If necessary, it can be done in consultation with Respondent No.1
8. In view of above, the Respondent No.1 and 3 shall take appropriate decision on the representation made by the Applicant for repatriation in Dairy Development Department within a month from today.
9. The matter is adjourned to 12.01.2021.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm





**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**Date : 10.12.2020**

**O.A.No.721 of 2019**

**B. A. Patil ...Applicant**

**Versus**

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

1. Heard Shri A. B. Alman, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Learned Counsel for the Applicant sought time for hearing of the matter on the ground that he needs to take some steps regarding W.P.No.9374/2019 sub judice before the Hon'ble High Court. It appears that the Applicant is pursuing two remedies simultaneously. It is necessary to know the relief claimed in W.P. No.9374/2019.
3. Learned Counsel for the Applicant is, therefore, directed to produce the copy of W.P. No.937/2019 before the Tribunal for deciding the maintainability of this O.A.
4. S.O. to 07.01.2021.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

of 20

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Original Application No.

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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><b>Date : 10.12.2020</b></p> <p align="center"><b>R. A. No.10 of 2017 in O.A.No.941 of 2016</b></p> <p><b>S. S. Mali</b> <span style="float:right"><b>....Applicant</b></span></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> <span style="float:right"><b>...Respondents.</b></span></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This R.A. is filed by the Applicant to review the order decided by the then Vice-Chairman Shri Rajiv Agarwal, [Administrative Member] on 15.03.2017. Since, Shri Rajiv Agarwal, Administrative Member demitted the office, the matter was placed before the then Acting Chairman for listing and order was passed on 13.08.2019 for placing the matter before Shri P. N. Dixit, Hon'ble Vice-Chairman and Administrative Member of the Tribunal for hearing.</p> <p>3. In view of above, Registrar is directed to place the matter before appropriate bench.</p> <p align="right">Sd/-</p> <p align="right"><b>(A.P. Kurhekar)</b> <b>Member(J)</b></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><b>Date : 10.12.2020</b></p> <p><b>R.A. No.12 of 2020 in O.A.No.525 of 2019</b></p> <p><b>R. B. Nirmale</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week's time is lastly granted for filing reply.</p> <p>3. S.O. to 17.12.2020.</p> <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**

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><b>Date : 10.12.2020</b></p> <p><b>O.A.No.213 of 2020</b></p> <p><b>S. P. Khamkar</b> ....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri Abhijeet Kandarkar, 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 granted for filing reply.</p> <p>3. S.O. to 17.12.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;"><b>(A.P. Kurhekar)</b> <b>Member(J)</b></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><b>Date : 10.12.2020</b></p> <p><b>O.A.No.138 of 2020</b></p> <p><b>S. B. Kumbhar</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri K. K. Mishra, 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 is already filed on behalf of the Respondent No.2 and no reply is required on behalf of the Respondent Nos.1, 3 and 4.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. The matter be kept for filing Rejoinder as well as hearing at the stage of admission.</p> <p>5. S.O. to 07.01.2021.</p> <p style="text-align: right;">Sd/- _____</p> <p style="text-align: right;"><b>(A.P. Kurhekar)</b> <b>Member(J)</b></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
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Date : 10.12.2020

O.A.No.1058/16, 471/17, 472/17, 473/17, 474/17, 475/17 with 538/17, 540/17, 541/17, 542/17, with 544/2017 with 1154/17, 1155/17, 1156/17, 1157/17 with 1158/17

B. B. Pote & Ors. ....Applicants

Versus

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

1. Heard Shri C.T. Chandratre, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. On request of learned Counsel for the Applicants, one week's time is granted as he intends to incorporate certain additional pleas in Original Applications.

3. As the matters are of 2017, one week's time is lastly granted.

4. S.O. to 22.12.2020.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.733 of 2020**

Dr. Shrimant Haribhau Chavan ) **..Applicant**  
**Versus**  
The State of Maharashtra ) **..Respondent**

Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant

Shri A.J. Chougule, learned Presenting Officer for the Respondent.

**CORAM** : JUSTICE MRS. MRIDULA BHATKAR, CHAIRPERSON  
SHRI P.N. DIXIT, VICE-CHAIRMAN

**PER** : JUSTICE MRS. MRIDULA BHATKAR, CHAIRPERSON

**DATE** : 10.12.2020

**ORDER**

LATER ON : AT 3.00 P.M.

1. In the 2<sup>nd</sup> sitting learned P.O. produces the noting dated 04.11.2020 which was signed by the Members of the Civil Services Board and also competent authority the Hon'ble the Minister and then the Hon'ble the Chief Minister and the decision was taken to transfer the applicant from Sindhudurg to Aurangabad. The learned P.O. pointed out that the Hon'ble M.P. Shri Vinayak Raut and the guardian Minister of Sindhudurg informed that there are complaints against the applicant and he was earlier suspended and therefore when the people had knowledge that the applicant is appointed at Sindhudurg as Civil Surgeon, the people expressed their disapproval for the same and so also the private Doctors are also reluctant to render services after appointed of the applicant. Therefore the Hon'ble Minister and the M.P. has recommended that the additional charge can be handed over to Dr. Shripat

Patil and the applicant is to be transferred and therefore, the Respondent transferred the applicant to Aurangabad.

2. The Government has every right to transfer any Civil Servant /Government servant, however, by following the rules laid down under the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred at ROT Act, 2005). The Applicant was transferred from Kothrud to Sindhudurg on 01.10.2020 and he took charge of Sindhudurg hospital on the same day. Thus within two months he was again transferred to Aurangabad. The tenor of the Respondents decision was that the Applicant is transferred at request, as per the letter dated 04.11.2020. On perusal of the said letter, it is found that the Applicant has requested for transfer to Beed in the event of vacancy. He has never asked for his transfer to Aurangabad. The post of Civil Surgeon at Beed was vacant when he made request and the order of Dr. Gite was issued on 26.11.2020.

3. The learned P.O. has pointed out that the Hon'ble the Minister had already approved the transfer of Dr. Gite to Beed on 16.09.2020. Hence, the post of Civil Surgeon, Beed was not vacant. Under these circumstances it was necessary on the part of the Respondents to just inform / communicate the applicant that his request for Beed is rejected. Instead the Respondent transferred him to Aurangabad. Thus, it is mid-term and mid-tenure transfer and the reasons given as special case as per Section 4(4) and Section 4(5) of ROT Act, 2005, is the complaints made by the Hon'ble the Minister and the Hon'ble M.P.



4. The learned Counsel has placed reliance on the judgment of this Tribunal filed by Shri Rajesh G. Lande Versus The State of Maharashtra (O.A.No.300 of 2020) dated 06.10.2020, wherein it has discussed about the judgment of Hon'ble High Court in case of ***State Of Maharashtra And Anr vs Dr. (Ms) Padmashir Shriram Bainade in Writ Petition No.9781 of 2014, decided on 17<sup>th</sup> December, 2014***, which has held that,

“Without taking any disciplinary enquiry, if the transfer is effective then it will be transfer whose foundation will be based on misconduct and it has held that transfer if made on unverified complaints or allegations, then it amounts to punishment or punitive action based upon unproved allegations.”

5. If at all there is complaint against any Civil Servant/ Government servant then the punishment should not be in the nature of transfer, but he should be given opportunity to meet the allegations made against him and they are to be very right.

6. In the present case, neither the show cause notice was issued to the Applicant nor any Departmental enquiry was initiated against him. Hence, the order of transferring him is, prima facie, illegal and hereby stayed. The applicant is directed to join Sindhudurg as Civil Surgeon forthwith.

7. The learned P.O. to communicate this order to the concerned Respondents.

8. S.O. to 22.12.2020 for reply.

Sd/-

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