

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.775 OF 2017

DISTRICT:- Nashik

S. N. Raktate).... Applicant

Versus

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

Shri Shantanu Raktate holding for Shri A. D. Parsekar, learned Advocate for the Applicant.

Ms N. G. Gohad holding for Shri N. K. Rajpurohit, learned Advocate for the Respondents

CORAM : Shri P. N. Dixit, Member (A)

DATE : 13.08.2018.

ORDER

1. Shri Shantanu Raktate holding for Shri Amar Parsekar, the learned Advocate for the Applicant and Ms. N. G. Gohad holding for Shri N.K. Rajpurohit, learned P.O. for the Respondents.

Admitted facts of the case are as follows:-

2. The Applicant took charge as Additional Collector, ULC on 10.07.2011. He retired on the same post on 31.12.2013. The Applicant filed representation on 14.08.2015, 28.01.2016 and 01.06.2016 requesting for his deemed date of promotion in the Additional Collector (selection grade). Meanwhile the Applicant filed the O.A. No.1102/2016 in which the Tribunal directed on 03.02.2017 to the Respondent to take decision on his representation. In pursuance of the same, the impugned order is issued on 30.05.2017 (Exb. 'J', Page No.68). The impugned order stated that as per the Rule 32 of the Maharashtra Civil Service (General Conditions of the Services) Rules, 1981 only when the person has taken charge of the promoted post he would be entitled for the financial benefits of that post. Rule 32 is as under:-

"32. How the date of promotion is determined – The promotion of a Government servant from a lower to a higher post, his duties remaining the same, takes effect from the date on which the vacancy occurs, unless it is otherwise ordered. But, when the promotion involves the assumption of a new post with enlarged responsibilities, the higher pay is admissible only from the date on which the duties of the new post are taken."

3. The learned Advocate for the Applicant has challenged the impugned order on following grounds :-

a) As per the 1965 Circular (Exb. 'E', page 164) which reads as under :-

"Government has considered this question and decided that in such cases the Government servants concerned should be deemed to have been promoted to higher posts from the date from which they would have been promoted to higher posts from the date from which they would have been promoted but for their wrongful supersession i.e. from the date from which their juniors who were promoted by superseding them started to officiate in such posts and they should be allowed pay in such posts as if they were promoted on the dates on which their juniors were promoted and also paid arrears of pay and allowances from such dates."

According to the learned Advocate for the Applicant the fact that the Applicant did not work in the higher post should not become bar for his consideration.

b) Learned Advocate for the Applicant contends that as per the G.R. dated 06.06.2002, if a person junior to him was promoted when he was in the service then he would be entitled for the deemed date of promotion. Perused of the record shows, however, the persons mentioned by the Applicant in his representation who were junior to him have been promoted after he retired from the service. As the Applicant was not in the service at the time of granting of promotion, his request for the deemed date in the category of Additional Collector (Selection Grade), does not appear to be justified.

c) G.R. bearing No. SLL-2012/11/PK236/E-1 was issued on 12.12.2012 regarding earmarking of certain additional posts as Selection Grade in the rank of Additional Collector. According to the learned Advocate, the meeting for selection should have been held within one year. However, he concedes that there is no time bar fixed for holding the particular meeting, and hence this is not relevant.

d) Learned Advocate for the Applicant states that by meeting arranged to prepare the select list of 2014-2015, officers in the Additional Collector cadre were promoted by order dated 16.03.2016. The Applicant, however, had retired from the service on 31.12.2013 and since the Applicant was not working at the time of E.B. meeting, no question arises to grant him promotion as some of his juniors who were working at the time of promotion were promoted as the Additional Collector (Selection Grade). According to the learned Advocate, the Applicant was not considered since he was superannuated. However, learned Advocate relies on the judgment given by the Tribunal at Aurangabad Bench in O.A. No.315 of 2014 Gulab R. More V/s. State of Maharashtra & 3 Ors., dated 08.12.2014 (Exb. 'C', page 136) para 7 of the same reads as under:-

"Para 7: However the CRs of the Applicant for the period 2007-08 to 2011-12 were not available / missing, and hence his case was kept open by the Establishment Board. Thereafter, the proposal for the Applicant's promotion along with his available CRs was resubmitted to G. A. D. The Establishment Board in its meeting

held on 15.06.2013 recommended the Applicant for promotion. Meanwhile Applicant retired on 30.06.2013 and hence order of his promotion could not be issued."

The facts mentioned in the above O.A. are different as compared to the present case. In the case referred in the O.A. above, the Applicant was fit for appointment and wrongly superseded by his juniors when they were promoted on 13.03.2016. In the present case, however, that is not the case.

e) Learned Advocate for the Applicant cites an order dated 26.09.2000 (Exb. 'B', page 134). As per the order, the officers at Serial Nos.1, 3, 4, 5, 6, 7, 9 and 10 had retired from the service before the date of promotion order 26.09.2000. According to him when those officers had already retired on the date 26.09.2000, still they have been provided the selection grade. At that time, the Respondent did not face any difficulty of the Rule 32 and the Respondent has taken the correct interpretation of Rule 32 of MCS (GCS) Rules, 1981 by giving the promotion to the retired Additional Collectors.

4. According to the learned Advocate for the Applicant, G.R. dated 12.12.2012 mentioned that Additional Collector working as Additional Collector at Amravati, Aurangabad and Nasik would be in the selection grade category. The Applicant was working as Additional Collector, ULC and, therefore, Advocate is of the opinion that he was entitled for the same. According, to the learned Advocate the post on which the applicant was working is the earmarked post (Exb. 'F', page 166). Learned Advocate for the Applicant relies on the judgment of the Hon'ble S.C. in the case of *Jagdish Prasad V/s. State of Rajasthan & Others- (2011) 7 SCC 789*. He also relies on the judgment given by the Hon'ble S.C. in *B.Thirumal V/s. Ananda Sivakumar, (2014) 16 SCC 593*, para 29 (ii) (Page 129) reads as under :-

“(ii) Upgradation merely confers a financial benefit by raising the scale of pay of the post without there being movement from a lower position to a higher position. In an upgradation, the candidate continues to hold the same post without any change in the duties and responsibilities but merely gets a higher pay scale.”

This does not, however, appear to be relevant in the present case. He contends that the impugned order dated 30.05.2017 be quashed and set aside.

5. Steno copy is allowed to learned P.O.
6. Adjourned to 07.09.2018 as part-heard.

Sd/-

(P. N. DIXIT)
Member (A)

**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 : 13.08.2018

O. A. No.647 of 2018

S. S. KapseApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A. Pratap, the learned Advocate for the Applicant and Ms N. G. Gohad holding for Shri N. K. Rajpurohit, the learned Presenting Officer for the Respondents.
2. Learned Advocate for the Applicant seeks two weeks time file rejoinder.
3. The Original Application is admitted and kept for final hearing on 07.09.2018.

13/8/18

CORAM:

Hon'ble Shri P.N. DIXIT (Member) A

APPEARANCE:

Shri: A. Pratap

for the Applicant

Ms. N.G. Gohad

P.O for the Respondent/s

Deed: Filed by P. No. 1,225.

to P.A. is admitted

and kept for final

hearing on 7/9/18.

VSM

Sd/-

(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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: 13.08.2018

O. A. No.608 of 2017

P. R. GhorpadeApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned P.O. for the Respondents has filed Sur-Rejoinder. The same is taken on record.

3. S.O. to 07.09.2018 for final hearing.

DATE 13/8/18

CORAM

Shri P.N. DIXIT (Member) A

APPEARANCE:

Shri T.V. Mhatugade

Advocate for the Applicant

Shri A.J. Chougule

P.O. for the Respondents

Sur-Rejoinder filed
S.O. to 07/09/18. by A.A. 1/16/18.

for final hearing.

One

Sd/-

(P.N./DIXIT)
MEMBER (A)

VIM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Internal 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 13.08.2018

O. A. No.101 of 2014

R. S. MahaleApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri J. N. Kamble, the learned Advocate for the Applicant and Ms S.P.Manchekar, the learned Chief Preser ting Officer for the Respondents.

2. Learned Advocate for the Applicant states that he proposes to produce the copy of the order passed by the Hon'ble High Court.

3. S.O. to 26.09.2018.

DATE 13/8/18

CORAM

Shri P.N. DIXIT (Member) A

APPEARANCE

Shri J.N. Kamble

Advocate for the Applicant

Ms. S.P. Manchekar

S.O. for the Respondent/s

S.O. to 26/9/18.

VSM

Sd/-

(P.N. DIXIT)
MEMBER (A)

[Signature]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Comm. appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 13.08.2018

O. A. No.12 of 2018

M. M. Kambale & Ors.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri C. T. Chandratre, the learned Advocate for the Applicants and Smt. Kranti Gaikwad holding for Smt. Archana B. K., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states that the reply has been filed.

3. Learned Advocate for the Applicant states that along with him Shri D.B. Khaire would be appearing as a Special Counsel. He, therefore, prays for adjournment.

4. S.O. to 06.09.2018.

13/8/18

Shri P.N. DIXIT (Member) A

REFERENCE:
C.T. Chandratre

for the Applicant

K.S. Gaikwad

for the Respondent/s
holding for Archana B.K.

6/9/18

[Signature]
VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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: 13.08.2018

O. A. No.216 of 2018

A.P. CharateApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned P.O. for the Respondents refers to the impugned order issued on 13.10.2015. The Applicant was working on contractual basis and remain absent for more than 141 days from 10.02.2012 to 02.07.2012 during this period the regular lecturer resumed his charge and therefore the applicant was relieved on 06.09.2012. Thereafter for a period of more than 3 years the applicant did not submit any application for appointment. However, following the judgment by the Hon'ble High Court at Nagpur on 19.10.2013 regularizing the services of the contractual lecturer, he made this application on 27.04.2015. Learned P.O. has objected to the delay in filing the O.A.

3. Learned Advocate as well as the applicant is absent.

4. Adjourned to 14.09.2018.

13/8/18

Shri P.N. DIXIT (Member) A

~~FRANCE~~
~~None has the~~
~~applicant~~
for the Applicant

~~A.J. Chougule~~
D. for the Respondent

14/9/18

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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: 13.08.2018

O. A. No.723 of 2018

R. B. RathodApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. At the request of the learned Advocate for the Applicant, the matter is adjourned to 20.08.2018.

DATE 13/8/18

CORAM

Shri P.N. DIXIT (Member) A

APPEARANCE

Shri A. Vadgaonkar

Advocate for the Applicant

Ms. S. P. Manchekar VSM

Presenting Officer for the Respondent/s

DATE 20.08.2018

[Signature]

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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 objections and Registrar's orders	Tribunal's orders
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Date: 13.08.2018

O. A. No.295 of 2018

V.V. HarneApplicant

Vers is

The State of Maharashtra & Ors.Respondents.

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

2. At the request of the learned P.O. for the Respondents, the matter is adjourned to 20.08.2018.

13/8/18

CLAW

Shri P.N. DIXIT (Member) A

APPEARANCE:

Smt. A.V. Bandiwadekar

for the Applicant

Smt. Archana B.K.

for the Respondent/s

20/8/18

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

2260(B) (50.000-2-2015) (Spl. MAT-F-2 E.)
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition No. _____ of 20

IN

Writ 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 : 13.08.2018

O. A. No.292 of 2018

Dr. G. A. KambleApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned P.O. for the Respondents seeks short adjournment to file Affidavit-in-Reply.

3. S.O. to 23.08.2018.

DATE 13/8/18

CORAM

by Shri P.N. DIXIT (Member) A

APPEARANCE

by Shri A.V. Bandiwadekar

Advocate for the Applicant

by Shri A.J. Chougule

P.O. for the Respondent/s

S.O. to 23/8/18

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.A./C.A. No. of 20

IN

Continuation 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 : 13.08.2018

O. A. No.532, 533 & 534 of 2018

B. N. Wagh & Ors.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

DATE: 13/8/18

MEMBER

Shri P.N. DIXIT (Member) A

APPEARANCE:

Shri P.G. Kayande

Advocate for the Applicant

Ms. S.P. Manchekar

P.O. for the Respondent/s

A/S.O. to 19/9/18

copy filed

NO. 122/18

1. Heard Shri P. G. Kayande, the learned Advocate for the Applicants and Ms S. P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents files Affidavit-in-Reply on behalf of the Respondent Nos.1 and 2. The same is taken on record.

3. Learned Advocate for the Applicant seeks four weeks time for filing rejoinder, if any.

4. S.O. to 19.09.2018.

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition 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 : 13.08.2018

M.A. No. 463 of 2017 in O. A. No.1018 of 2017

R. S. WaniApplicant

Versus

The State of Maharashtra & Ors:Respondents.

1. Heard Shri C. T. Chandratre, the learned Advocate for the Applicant, Shri A. J. Chougule, the learned Presenting Officer for the Respondent No.1 and Shri Akshay Purkar, learned Advocate for Respondent No.3.

2. At the request of the learned Advocate for the Applicant, the matter is adjourned to 06.09.2018.

13/8/18

CORAM

Shri P.N. DIXIT (Member) A

APPEARANCE:

Shri C.T. Chandratre

Advocate for the Applicant

Shri A.J. Chougule

Presenting Officer for the Respondent's No.1

Shri Akshay Purkar

Advocate for Respondent No.3

Adjourned to 06/09/18.

VSM

Sd/-

(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

LA/RA/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 : 13.08.2018

O. A. No.341 of 2018

J. S. JadhavApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicant and Ms N. G. Gohad, the learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, the matter is adjourned to 21.08.2018.

DATE 13/8/18

FORAM

by Shri P.N. DIXIT (Member) A

APPEARANCE

by Shri A.V. Bandiwadekar

Advocate for the Applicant

by Ms. N.G. Gohad

P.O. for the Respondent/s

adjourned to 21/8/18

[Handwritten signature]

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.A./C.A. No. _____ of 20__

IN

Original Application No. _____ of 20__

FARAD CONTINUATION SHEET NO.

<p>Police Notes, Office Memoranda of Coram, appearance, Tribunal's orders or rections and Registrar's orders</p>	<p>Tribunal's orders</p>
<p>DATE <u>13/8/18</u></p> <p>FORAM</p> <p>Shri P.N. DIXIT (Member) A</p> <p>APPEARANCE: Smt. Nisha for the Applicant Advocate for the Applicant Smt. Archana B.K. S.O. for the Respondent/s O. n <u>11/9/18</u></p> <p><i>[Signature]</i></p>	<p>Date : 13.08.2018</p> <p>O. A. No.310 of 2017</p> <p>N. D. HotkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant and Smt. Kranti Gaikwad holding for Smt. Archana B. K., the learned Presenting Officer for the Respondents.</p> <p>2. The matter is adjourned to 11.09.2018.</p> <p style="text-align: right;">Sd/- (P.N. DIXIT) MEMBER (A)</p> <p>VSM</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram,
appearances, Tribunal's orders or
objections and Registrar's orders

Tribunal's orders

Date: 13.08.2018

O. A. No.291 of 2018

V. D. Dangat

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri K. R. Jagdale, the learned Advocate for the Applicant and Ms N. G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant seeks time to file rejoinder.

3. S.O. to 06.09.2018.

13/8/18

GRAM

Shri P.N. DIXIT (Member) A

APPEARANCE

Shri K.R. Jagdale

Advocate for the Applicant

Ms. N.G. Gohad

Presenting Officer for the Respondents

S.O. to 6/9/18

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.A./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

Date : 13.08.2018

O. A. No.290 of 2018

D.R. Gujrathi

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms N. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. files reply on behalf of Respondent Nos. 1 and 3.

3. Learned Advocate for the Applicant seeks adjournment for filing rejoinder.

4. S.O. to 14.09.2018.

13/8/18
GRAM
Shri P.N. DIXIT (Member) A

APPEARANCE:
Smt. K.R. Jagdale
Advocate for the Applicant

Smt. Ms. N. Gohad
P.O. for the Respondent/s
S.O. to 14/9/18.

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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 : 13.08.2018

O. A. No.664 of 2017

K. K. SolankiApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. At the request of the learned P.O. for the Respondents, the matter is adjourned to 28.08.2018.

DATE 13/8/18
CORAM
Shri P.N. DIXIT (Member) A

PRESENCE
Shri L. S. Deshmukh
Advocate for the Applicant

Shri A. J. Chougule
P.O. for the Respondents

Ad/S.O. to 28/8/18
[Signature]

Sd/- [Signature]
(P.N. DIXIT)
MEMBER (A)

VSM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Circulation, appearance, Tribunal's orders or directions and Registrar's orders

Tribunal's orders

Date : 13.08.2018

O. A. No.854 of 2017 with O.A.No.855 of 2017

G. D. Jadhav & Ors.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

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

2. At the requests of the learned Advocate for the Applicant, the matter is adjourned to 11.09.2018.

DATE 13/8/18

BY Shri P.N. DIXIT (Member) A

APPEARANCE:

For Applicant A.V. Bandiwadekar

For Respondent

Ms. S.P. Manchekar

Chief Presenting Officer for the Respondents

ADJOURNED TO 11/9/18

BY [Signature]

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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 instructions and Registrar's orders	Tribunal's orders
---	-------------------

Date : 13.08.2018

O. A. No.311 of 2017

N. D. HotkarApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. None for the Applicant and Smt. Kranti Galkwad holding for Smt. Archana B. K., the learned Presenting Officer for the Respondents.

2. The matter is adjourned to 11.09.2018.

DATE 13/8/18

FORAM

Shri P.N. DIXIT (Member) A

APPEARANCE:

~~Smt. N. D. Hotkar~~ for the Applicant

Advocate for the Applicant

~~Smt. K. S. Galkwad~~ for the Respondent/s

VSM

P.O. for the Respondent/s

~~Archana B. K.~~

P.O. to

11/9/18

[Signature]

Sd/-

(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition No. _____ of 20____

IN

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>13/8/18</u></p> <p>CORAM</p> <p>Member Shri P.N. DIXIT (Member A)</p> <p>APPEARANCE</p> <p>Shri. Navin Arora holding for A.A. Desai Associate for the Applicant</p> <p>Ms. N.G. Gohad P.O. for the Respondents</p> <p>M/S.O. D. 2018/18.</p> <p align="right"><i>[Signature]</i></p>	<p align="center">Date : 13.08.2018</p> <p align="center">O. A. No.474 of 2018</p> <p>M. V. SolaseApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Navin Arora holding for Shri A. A. Desai, the learned Advocate for the Applicant and Ms N. G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. At the request of the learned P.O. for the Respondents, the matter is adjourned to 20.08.2018 for filing Affidavit-in-Reply.</p> <p>3. S.O. to 20.08.2018.</p> <p align="right">Sd/- (P.N. DIXIT) MEMBER (A)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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
objections and Registrar's orders

Tribunal's orders

Date : 13.08.2018

O. A. No. 617 of 2018

S. V. PardeshiApplicant

Verst s

The State of Maharashtra & Ors.Respondents.

1. Heard Shri S. H. Pandhre, the learned Advocate for the Applicant and Ms N. G. Gohad holding for Shri K. B. Bhise the learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, the matter is adjourned to 07.09.2018.

13/8/18

TRIAL

Shri P.N. DIXIT (Member) A

APPEARANCE:

S.H. Pandhre

for the Applicant

Ms. N.G. Gohad

for the Respondent/s

7/9/18

[Handwritten mark]

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ/P.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

Date : 13.08.2018

O. A. No.650 of 2017

M. G. SawantApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri Harpreet Singh, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has filed reply on behalf of the Respondent No.3. The same is taken on record. Reply of Respondent Nos.2, 4 and 5 has already filed. Learned P.O. filed an Affidavit stating that the terminal benefits including the provisional pension have been provided and the applicant is receiving the same. The applicant's pay has also fixed as per the request made by him. According to learned P.O. nothing survives in the O.A.

3. At the instructions from the Applicant, learned Advocate states that nothing survives in the prayer.

4. Original Application is, therefore, disposed of accordingly.

13/8/18

GRAM

Shri P.N. DIXIT (Member) A

APPEARANCE

Shri Harpreet Singh

Advocate for the Applicant

Smt. Kranti Gaikwad

Presenting Officer for the Respondents

Original O.A. is disposed

P.N. D

Sd/-

(P.N. DIXIT)
MEMBER (A)

2260(B) (50.000—2-2015) (Spl- MAT-F-2 E.
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

W.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 : 13.08.2018

O. A. No.608 of 2017

P. R. ShorpadeApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned P.O. for the Respondents has filed Sur-Rejoinder. The same is taken on record.

3. S.O. to 07.09.2018 for final hearing.

13/8/18
 P.N.M
 Shri P.N. DIXIT (Member) A

APPEARANCE.
 Shri T.V. Mhatugade

for the Applicant

Shri A.J. Chougule
 for the Respondents
 Sur-Rejoinder filed
 on 7/9/18. by A.L.B. 146
 for final hearing.

VSM

Sd/-
 (P.N.) DIXIT
 MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition No. _____ of 20

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or objections and Registrar's orders	Tribunal's orders
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Date **13.08.2018**

O. A. No.439 of 2018

V. R. DighavkarApplicant

Versus

The State of Maharashtra & Ors.Respondents.

DATE 13/8/18
BY RAM
Shri P.N. DIXIT (Member) A

APPEARANCE
M. D. Lonkar

For the Applicant

K.S. Gaikwad

For the Respondent/s

also O.A. was disposed

and

1. Heard Shri M. D. Lonkar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. files a communication dated 09.08.2018, sanctioning the prayer made by the applicant. The actual benefits would be provided to him in due course. Learned P.O. mentions that the financial benefits would be made available within six weeks.

3. Learned Advocate for the Applicant is satisfied with the same and prays for disposal of the Original Application.

4. The Original Application is disposed off according.

Sd/-

**(P.N. DIXIT)
MEMBER (A)**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition No. 5720

IN

Original Application No. 6920

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 : 13.08.2018

O. A. No.432 of 2018

M. K. BichkuleApplicant

VERSUS

The State of Maharashtra & Ors.Respondents.

1. Heard Shri M. D. Lonkar, the learned Advocate for the applicant and Ms S. P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents produces a communication regarding retention of the applicant at Indapur. The same is taken on record and marked as 'X' for identification.

3. Learned Advocate for the Applicant is satisfied with the same and requests for disposal of the O.A.

4. The Original Application is, therefore, disposed of accordingly.

13/8/18

Shri P.N. DIXIT (Member) A

APPEARANCE
Shri M. D. Lonkar

Advocate for the Applicant
Ms. S. P. Manchekar

P.O. for the Respondent/s
O.A. is disposed

and

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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
objections and Registrar's orders

Tribunal's orders

Date : 13.08.2018

O. A. No.366 of 2018

A. S. BorseApplicant

Vers is

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicant and Ms N. G. Gohad holding for Shri K. B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents provides a communication dated 08.08.2018. The same is taken on record and marked as 'X'. She seeks three months for reporting further progress.

3. Learned Advocate for the Applicant requests for disposal of the Original Application.

4. Original Application is, therefore, disposed of accordingly.

Sd/-

(P.N. DIXIT)
MEMBER (A)

VSM

12/8/18

VSM

Shri P.N. DIXIT (Member) A

ADVANCE

A.N. Bandiwadekar

for the Applicant

Ms. N.G. Gohad

P.O. for the Respondent/s

O.A. is disposed

[Signature]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition/A.C.A. No. 20 of 2018

IN

Original Application No. 20 of 2018

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram,
appearance, Tribunal's orders or
objections and Registrar's orders

Tribunal's orders

Date : 13.08.2018

O. A. No.306 of 2016

S. B. PardeshiApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri S. S. Sharma, the learned Advocate for the Applicant and Ms N. G. Gohad holding for Shri K. B. Bhise the learned Presenting Officer for the Respondents.

2. Order of disposing of the O.A. is recalled and the matter is kept for fresh hearing on 07.09.2018.

13/8/18

GRAM

Shri P.N. DIXIT (Member) A

APPEARANCE

for Applicant - S.S. Sharma

for the Applicant

for Respondent/s - Ms. N.G. Gohad

for the Respondent/s

held by K.B. Bhise.

07.09.2018

[Signature]

Sd/-

(P.N. DIXIT)
MEMBER (A)

VSM

2260(B) (50.000—2-2015) [Spl- MAT-P-2 E.]
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

R.A./C.A. No. _____ of 20____
IN
Original Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Comm., Appearance, Tribunal's orders or objections and Registrar's orders	Tribunal's orders
---	-------------------

Date: 13.08.2018
O. A. No.12 of 2018
M. M. Kamble & Ors. Applicants
Versus
The State of Maharashtra & Ors. Respondents.

13/8/18
Shri P.N. DIXIT (Member) A
FOR APPLICANT
BY: P.N. DIXIT
FOR RESPONDENTS
BY: K.S. Gaikwad
Archana B.K.

1. Heard Shri C. T. Chandratre, the learned Advocate for the Applicants and Smt. Kranti Gaikwad holding for Smt. Archana B. K., the learned Presenting Officer for the Respondents.
2. Learned P.O. for the Respondents states that the reply has been filed.
3. Learned Advocate for the Applicant states that along with him Shri D.B. Khaire would be appearing as a Special Counsel. He, therefore, prays for adjournment.
4. S.O. to 06.09.2018.

Sd/-
(P.N. DIXIT)
MEMBER (A)

6/9/18
[Signature]
VSM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.B.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 objections and Registrar's orders	Tribunal's orders
---	-------------------

Date : 13.08.2018

O. A. No.507 of 2015

P. G. TariApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. None for the Applicant. Heard Shri A. J. Chougule, the learned Presenting Officer for the Respondents.
2. The legal heir of the Applicant has sent a communication that the Applicant has expired on 24.08.2018. She has, therefore, requested to dispose off the matter accordingly.
3. Permission to withdraw the matter is granted and the Original Application is disposed off accordingly.

13/8/18

(P.N.) DIXIT (Member) A

PERMISSION:
None for the
Applicant.

for the Applicant

A. J. Chougule
for the Respondent/s

O.A. is disposed

[Signature]

VSM

Sd/-

(P.N.) DIXIT
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition 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
---	-------------------

Date : 13.08.2018

O. A. No.647 of 2018

S. S. KapseApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A. Pratap, the learned Advocate for the Applicant and Ms N. G. Gohad holding for Shri N. K. Rajpurohit, the learned Presenting Officer for the Respondents.
2. Learned Advocate for the Applicant seeks two weeks time file rejoinder.
3. The Original Application is admitted and kept for final hearing on 07.09.2018.

13/8/18

TEAM:
Honble. Shri P.N. DIXIT (Member) A

APPEARANCE:
Shri A. Pratap

for the Applicant
 Ms. N.G. Gohad
 P.O. for the Respondent/s
 Serial filed by R. No. 1,223.
 O.A. is admitted
 kept for final
 hearing on 07/09/18.

VSM

Sd/-
(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**(P.N. DIXIT)
MEMBER (A)**

Writ/P.A./O.A. No.

of 20
VSM

IN

Mumbai 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
---	-------------------

Date : 13.08.2018

O. A. No.622 of 2018

M. H. DeoreApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate for the Applicant prays for interim relief.

3. Request for Interim relief is kept open until further hearing.

4. Respondent is directed to file Reply positively by 23.08.2018 failing which further action will be taken.

5. S.O. to 23.08.2018.

13/8/18

Shri P.N. DIXIT (Member) A

RANGE:
A.V. Bandiwadekar

for the Applicant

K.S. Gaikwad

for the Respondent/s

23/8/18

[Handwritten signature]

VSM

Sd/-
**(P.N. DIXIT)
MEMBER (A)**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Petition 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
---	-------------------

Date : 13.08.2018

O. A. No.216 of 2018

A.P. CharateApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned P.O. for the Respondents refers to the impugned order issued on 13.10.2015. The Applicant was working on contractual basis and remain absent for more than 141 days from 10.02.2012 to 02.07.2012 during this period the regular lecturer resumed his charge and therefore the applicant was relieved on 06.09.2012. Thereafter for a period of more than 3 years the applicant did not submit any application for appointment. However, following the judgment by the Hon'ble High Court at Nagpur on 19.10.2013 regularizing the services of the contractual lecturer, he made this application on 27.04.2015. Learned P.O. has objected to the delay in filing the O.A.

3. Learned Advocate as well as the applicant is absent.

4. Adjourned to 14.09.2018.

12/8/18

P.N. DIXIT (Member) A

~~FRANCE~~
~~Hon'ble K.A. the~~
~~Applicant~~

by the Applicant

~~A.J. Chougule~~
~~for the Respondent~~

13/8/18



Sd/-

(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.P.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

Date : 13.08.2018

O. A. No.101 of 2014

R. S. MahaleApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri J. N. Kamble, the learned Advocate for the Applicant and Ms S.P.Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that he proposes to produce the copy of the order passed by the Hon'ble High Court.

3. S.O. to 26.09.2018.

13/8/18
P.N.M

Shri P.N. DIXIT (Member) A

13/8/18
APPEARANCE

J.N. Kamble

Appearance for the Applicant

Ms. S.P. Manchekar

Presenting Officer for the Respondent/s

26/9/18

VSM

Sd/-

(P.N. DIXIT)
MEMBER (A)

Office Notes, Office Memoranda of Ceram.
 appearance, Tribunal's orders or
 directions and Registrar's orders

Tribunal's orders

Date: 13.08.2018

(O. A. No.385 of 2018 with M.A. No.228 of 2018

S. S. Rawle

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 18.09.2018.

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 seven 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 18.09.2018.

13/8/18

PN DIXIT (Member) A

APPEARANCE:

G.T. Chandratre

for the Applicant

Ms. N.G. Gohad

for the Respondent/s

18/9/18

Sd/-

(P.N. DIXIT)
 MEMBER (A)