

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 14.02.2020</p> <p>O.A.No. 1008 of 2019</p> <p>N. V. Bhosale ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt.Punam Mahajan, learned Counsel for the Applicant and Shir S. D. Dole holding for Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Sur-Rejoinder on behalf of the Respondent Nos.2 and 3. It is taken on record.</p> <p>3. S.O. to 13.0.3.2020.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> <p style="text-align: right;">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p style="text-align: center;">Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 14.02.2020 Tribunal's orders O.A.No.484 of 2019 with O.A.No.485 of 2019 with O.A.No.486 of 2019 with O.A.No.487 of 2019</p> <p>1. Heard Shri P. G. Kayande, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. All these Original Applications are filed being aggrieved by the impugned transfer order dated 31.05.2018 raising grievance that they have not given choice posting in terms of G.R. dated 09.04.2018 though the options given by them were vacant at the relevant time. Applicants contend that impugned transfers are in violation of G.R. dated 09.04.2018.</p> <p>3. In all these Original Applications, the Applicants have filed representations as under :-</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Sr. No.</th> <th>O.A.No.</th> <th>Date of Representation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>O.A.484/2019</td> <td>09.06.2018</td> </tr> <tr> <td>2</td> <td>O.A.485/2019</td> <td>15.10.2018</td> </tr> <tr> <td>3</td> <td>O.A.486/2019</td> <td>08.06.2018</td> </tr> <tr> <td>4</td> <td>O.A.487/2019</td> <td>28.06.2018</td> </tr> </tbody> </table> <p>4. All these representations are addressed to Joint Director of Agriculture Nasik Division, Nasik. During the course of hearing, it is noticed that though the representations are made long back, those are not yet decided.</p> <p>5. Learned P.O. submits that the reasonable time be given to decide the representations. She further submits that at present 22 posts of Agriculture Assistants are vacant in Nasik Division.</p>	Sr. No.	O.A.No.	Date of Representation	1	O.A.484/2019	09.06.2018	2	O.A.485/2019	15.10.2018	3	O.A.486/2019	08.06.2018	4	O.A.487/2019	28.06.2018
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[P.T.O.]

Office Notes, Office Memoranda of Court, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Whereas, learned Counsel for the Applicants submits that at the time of general transfer of 2020 there would be so many vacancies, and therefore, representations be considered for posting in following Talukas:-</p> <ol style="list-style-type: none"><li>a. Igatpuri</li><li>b. Sinnar</li><li>c. Niphad</li><li>d. Trimbakshevar</li><li>e. Chandwad</li></ol> <p>7. Thus now Applicants willing to be posted in above Talukas. In general transfer, there would be vacancies in these Talukas, and therefore, Applicants representations can be conveniently considered so that their grievances are redressed.</p> <p>8. In view of above, all these Original Applications are disposed of with following directions:-</p> <ol style="list-style-type: none"><li>(A) Respondents are directed to consider the representations made by the Applicants referred to above for change of posting in Igatpuri, Sinnar, Niphad, Trimbakeshwar and Chandwad Talukas in general transfer of 2020 in terms of G.R. dated 09.04.2018 and appropriate orders be passed.</li><li>(B) If Applicants felt aggrieved by the decision, they can take further recourse of law.</li><li>(C) No order as to cost.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurdekar) Member(J)</p> <p>vsm</p>

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.02.2020.</p> <p>O.A.No.849 of 2018</p> <p>R.S. Salunkhe &amp; Ors. ....Applicants Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.A. Gharte, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Matter is admitted and kept in due course for final hearing.</p> <p>Sd/- Sd/- (A.P. Kurhekar) (P.N. Dixit) Member(J) Vice-Chairman</p> <p>prk</p>

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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><u>13.02.2020</u></b></p> <p><b><u>O.A 75/2020</u></b></p> <p>Dr D.R Jadhav ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Vaibhav Birmole i/b Shri D.V Sutar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Adjourned to 26.3.2020.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman (A)</p> <p><small>Alm</small></p>

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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><u>13.02.2020</u></b></p> <p><b><u>O.A 75/2020 with M.A 98/2020</u></b></p> <p>Dr D.R Jadhav ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Vaibhav Birmole i/b Shri D.V Sutar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. This M.A is filed for permitting the applicant to amend the O.A as per the schedule enclosed.</p> <p>3. Learned P.O has no objection to the M.A, for amending the Original Application. M.A allowed.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member (J)</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(P.N Dixit) Vice-Chairman (A)</p> <p>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.02.2020.</p> <p style="text-align: center;">O.A.No.848 of 2018 (Subject : Promotion)</p> <p>R.S. Salunkhe &amp; Ors. ....Applicants Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A.A. Gharte, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. In the present O.A., the applicants have challenged the promotion orders dated 10.04.2018, 02.06.2018 and 19.06.2018 and further sought directions to prepare fresh promotional list by applying provisions of Section 9 and 10 of the Civil Engineering Assistant (Qualifying Examination / Departmental Examination and Training) Rules, 2001.</li> <li>3. The Applicants have further prayed for directions to the Respondents to appoint the applicants on the post of Junior Engineer as they have already served on the post of Civil Engineering Assistant for <sup>over 2</sup> years and therefore eligible for being promoted on the post of Junior Engineer.</li> <li>4. The matter was heard for quite some time yesterday and was adjourned for today.</li> <li>5. Today, learned C.P.O. for the Respondents has tendered letter dated 13.02.2020 issued by Respondent No.1. The said is taken on record and marked by letter 'X'.</li> <li>6. In reference to this letter learned C.P.O. for the Respondents submits that the Department has realized some discrepancies in the Seniority List based on which promotions are made which are under challenge in the present O.A. She further submits that the Department has therefore called necessary information to refix the Seniority List and thereafter on the basis of seniority promotions will be considered in accordance to rules. She further submits that corrective measures will be taken in respect of persons who are already promoted on the basis of earlier seniority list.</li> <li>7. In view of above, O.A. can be disposed of with suitable directions.</li> <li>8. O.A. is disposed of with directions to the Respondent No.1 to rectify the mistake in Seniority List, if any, and to promote the eligible candidates including applicants in accordance to rules.</li> <li>9. This exercise be completed within four months from today. No order as to costs.</li> </ol> <p style="text-align: center;">Sd/- <span style="float: right;">Sd/-</span></p> <p style="text-align: center;">(A.P. Kurhakar) <span style="float: right;">(P.N. Oixit)</span> Member(J) <span style="float: right;">Vice-Chairman</span></p> <p style="text-align: left;">prk</p>

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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*versus*

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..... Respondent/s

(Presenting Officer.....)

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Date : 14.02.2020

O.A.No.1139 of 2017

D. K. Kadam

....Applicant

Versus

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

1. Heard Shri J. S. Jamkhandi, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today, the matter is for final hearing.

3. However, learned Counsel for the Applicant seeks permission to withdraw the O.A.

4. Allowed to withdraw the O.A.

5. No order as to cost.

14.02.20  
Sd/-

(A.P. Kurhekar)  
Member(J)

vsm



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Date : 14.02.2020

O.A.No.943 of 2019

A. C. Shinde

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant has challenged the impugned transfer order dated 18.09.2019. At the time of transfer order, he was working as Assistant District Supply Officer, Nashik and was transferred to Malegaon.
3. Today, learned P.O. has pointed out that the Government by order dated 20.01.2020 promoted the Applicant to the post of Deputy Collector (Land Acquisition ), Auranabad.
4. Thus, in view of promotion, the grievance of transfer does not survive. Therefore, learned Counsel for the Applicant submits that necessary order be passed.
5. In view of above, challenge to the transfer order has become infructuous.
6. Original Application is accordingly disposed of with no order as to cost.

Sd/-

(A.P. Kurhekar)  
Member(J)

[P.T.O.]

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	<p>Date : 14.02.2020</p> <p align="center"><b>R. A. No.24 of 2019 in O.A.No.277 of 2017</b></p> <p>The State of Maharashtra &amp; Ors. ....Applicants (Ori. Respondents)</p> <p>Versus</p> <p>Shri M. S. Shete ...Respondent (Ori. Applicant)</p> <p>1. Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents) and the Respondent (Ori. Applicant) in person.</p> <p>2. One week's time is granted to Respondent (Ori. Applicant) to file reply to Review Application.</p> <p>3. S.O. to 24.02.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 14.02.2020</p> <p align="center">O.A.No.1229 of 2019</p> <p>M. R. Mujeed .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply of Secretary, Social Justice &amp; Special Assistance Department, Mumbai in terms of order passed by this Tribunal on 03.01.2020. It is taken on record.</p> <p>3. Learned P.O. has also filed Affidavit-in-Reply on behalf of Respondent Nos.2 and 3. It is taken on record. No reply is filed on behalf of Respondent No.1.</p> <p>4. In the present matter, retiral benefits are released but not within time, and therefore, issue of interest only remains.</p> <p>5. Matter is adjourned for hearing at the stage of admission.</p> <p>6. S.O. to 06.03.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 14.02.2020</p> <p>O. A. No.136 of 2020</p> <p>Shri Hemant V. Bhat .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</li> <li>2. Issue notice before admission returnable on 28.02.2020.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>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.</li> <li>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.</li> <li>7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</li> <li>8. S.O. to 28.02.2020.</li> </ol> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">WV (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 14.02.2020</p> <p>O.A.No.1037, 1039, 1040, 1041 &amp; 1042 of 2019</p> <p>Dr. G. B. Taware &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned C.P.O. has filed Affidavit in-Sur-Rejoinder on behalf of Respondent Nos.1,2 and 3 in O.A.No.1037/2019. It is taken on record.</p> <p>3. S.O. to 06.03.2020.</p> <p>4. Interim relief to continue till next date.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>