

**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 : 17.02.2020

O.A.No.951 of 2019

B. R. GaikwadApplicant

Versus

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

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

2. Present O.A. is filed seeking directions to release retiral benefits.

3. The Applicant stands retired on 30.06.2016 but no retiral benefits were given. Even provisional pension is not granted.

4. The Applicant was prosecuted in Criminal Case No.32/2011 under provisions of Prevention of Corruption Act as well as D.E. was also initiated against him. This seems to be the reason for withholding retiral benefits. However, at any rate, provisional pension should have been granted immediately after retirement which is not done in the present matter.

5. Furthermore, the Applicant is acquitted in Criminal Case No.32/2011 by judgment dated 18.07.2016. Against the judgment of acquittal, CBI has filed Criminal Appeal before the Hon'ble High Court and the same is sub-judice.

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	<p>6. Learned P.O. sought to contend that because of pendency of Criminal Appeal filed against the judgment of acquittal, no decision is taken in D.E., and therefore, retiral benefits are not paid. She submits that in terms of G.R. dated 03.04.2000 there are instructions to keep the departmental proceeding in abeyance till the decision of Criminal Case.</p> <p>7. Thus, what transpires from the admitted position that the Applicant is acquitted in Criminal Case and simultaneously D.E. is also completed but no final decision is taken in D.E. As the Applicant is already acquitted in Criminal Case, now the D.E. is required to be finalized so that the Applicant could get his retiral benefits subject to the decision in D.E. Once the Applicant is acquitted, there would be no hurdle to complete the D.E. Pendency of appeal against acquittal which may take years together cannot the ground to keep D.E. in abeyance and delay the retiral benefits.</p> <p>8. In view of above, Original Applications deserves to be disposed of with suitable directions.</p> <p>9. Respondents are directed to take final decision in D.E. including passing the final order within two months from today and the order shall be communicated to the Applicant within two weeks thereafter.</p> <p>10. On completion of D.E. as aforesaid, retiral benefits be released within a month subject to the decision of D.E.</p> <p>11. Respondents are, further, directed to release the provisional pension immediately and the same shall be paid within two weeks from today which would be subjected to final order in D.E.</p> <p>12. No order as to cost.</p> <p>13. Hamdast granted.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Date : 17.02.2020

O.A.No.1014 of 2019

D. G. WaghApplicant

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. Today, learned P.O. has filed Sur-Rejoinder on behalf of the Respondent Nos.1 and 2, it is taken on record.

3. Matter is adjourned for hearing at the stage of admission.

4. S.O. to 09.03.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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Office Notes, Office Memoranda of Caram, Appearance, Tribunal's orders ar directions and Registrar's orders	Tribunal's orders Date : 17.02.2020
	<p>O.A.No.1062 of 2018</p> <p>Dr. B. T. KaravekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. S.O. to 02.03.2020 as a Part-Heard.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 17.02.2020</p> <p>O.A.No.347 of 2019</p> <p>P.A. GangardeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. The Respondents are already filed reply.3. Learned Counsel for the Applicant submits that he does not want to file Rejoinder.4. As the pleadings are complete, the matter is adjourned for hearing at the stage of admission.5. S.O. to 17.03.2020. <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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	<p>Date : 17.02.2020</p> <p>O.A.No.1211 of 2019</p> <p>R. L. KulkarniApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard the Applicant in person and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. Learned P.O. for the Respondents submits that gratuity and leave encashment is already sanctioned.3. It appears that commutation of pension is still pending. Learned P.O. submits that necessary steps will be taken in this behalf soon.4. Respondents are directed to take necessary steps for commutation of pension within a week and also to file reply on the point of interest on next date without fail.5. S.O. to 03.03.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

[P.T.O.]

(G.C.P.) J 2735 (50,000—4-2019)

[Spl.- MAT-F-2 E.

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	<p>Date : 17.02.2020</p> <p>O.A.No.117 of 2020</p> <p>B.H. NevrekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, one week's time is granted to satisfy the Tribunal, how the Original Application is within limitation.</p> <p>3. S.O. to 24.02.2020.</p> <p>Sd/- v (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

[P.T.O.

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	<p>Date : 17.02.2020</p> <p>M.A. No.372 of 19 in O.A. 694/19 with M.A.444/19 in O.A.811/19 with M.A.463/19 in O.A.854/19 with M.A.464/19 in O.A.855/19 with M.A.465/19 in O.A.856/19 with M.A.466/19 in O.A.857/19 with M.A.467/19 In O.A.No.858 of 2019</p> <p>G. B. Shinde & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. V. Joshi, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply in M.A.No.372/19 in O.A.694/19 with connected Misc. Applications. It is taken on record.</p> <p>3. Matter is adjourned for hearing to 02.03.2020.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(G.C.P.) J 2735 (50,000—4-2019)

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	<p>Date : 17.02.2020</p> <p>M.A. No.664 of 2019 in O.A.No.1132 of 2019</p> <p>K. S. GhongadeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder in M.A. It is taken on record.</p> <p>3. Matter is adjourned for hearing to 02.03.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 17.02.2020</p> <p>O.A.No.575 of 2017</p> <p>A. R. PurveApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Sonali Humane, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. During the course of hearing, learned P.O. for the Respondents has pointed out that Applicant's grandmother had nominated her daughter Smt. Kamal Purve in pursuance of recommendation made by Lad-Page Committee, and thereafter, Smt Kamal Purve had filed complaint before the Industrial Court In M.R.T.U. and P.U.L.P. Act and the matter went up to the Hon'ble High Court in W.P.No.3416/1992.</p> <p>3. In view of above, it is necessary to find out whether the Applicant's mother namely Kamal Purve was appointed in pursuance of Lad-Page Committee and the ground is already exhausted.</p> <p>4. Learned Counsel for the Applicant as well as learned P.O. are directed to file copy of the complaint filed before the Industrial Court as well as the copy of W.P. so that O.A. can be decided on merit.</p> <p>5. S.O. to 25.02.2020.</p> <p>Sd/- (A.P. Kurhekar) [P.T.O. Member(J)</p>

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	<p>Date : 17.02.2020</p> <p>O.A.No.141 of 2020</p> <p>Dr. A. E. GawaliApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Gavle holding for Dr.Gunratan Sadavarte, learned Counsel for the Applicant and Ms S. P.Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant requested to adjourn the matter.</p> <p>3. S.O. to 18.02.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>