

**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
---	-------------------

18.01.2021

O.A Stamp No. 62/2021

Shri R.J Nampalle & Ors ... Applicants
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri V.B Dhage, learned advocate for the applicants and Shri M.S Mahajan, learned C.P.O for the Respondents.

2. The 18 applicants working as Kotwal, in Taluka Loha, Dist-Nanded, challenges the seniority list dated 31.3.2018

3. As the applicants are challenging the seniority list dated 31.3.2018 by filing this O.A in January, 2021, i.e. nearly after 2 years and 8 months, thus there is a delay of one year and 8 months. The representation was made on 12.12.2019 and which was decided by the Government by order dated 25.6.2020. Thus there is a delay.

4. Learned C.P.O opposes the O.A on the point of delay. Learned counsel for the applicants seeks permission to file application seeking condonation of delay.

5. S.O to 1.2.2021.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**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
---	-------------------

18.01.2021

M.A 61/2021 in O.A Stamp 62/2021

Shri R.J Nampalle & Ors ... Applicants
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri V.B Dhage, learned advocate for the applicant and Shri M.S Mahajan, learned C.P.O for the Respondents.

2. Misc Application to sue jointly is allowed subject to payment of court fees, if not already paid.

Sd/-

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

Akn

Sd/-

(Mridula Bhatkar, J.)
Chairperson

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 215 OF 2020

DISTRICT : PUNE

Smt Varsha N. Dixit)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.

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

CORAM : Justice Mridula R. Bhatkar (Chairperson)

DATE : 18.01.2021

ORDER

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 objection was taken that when the applicant has sent notice of V.R.S, she has not completed 20 years of service. However when she was actually relieved from service she has completed the necessary period of 20 years.

3. Thereafter on 11.10.2019, Dr. Tanaji H. Mane, Deputy Director, Public Health Services, took decision that the notice period of 1 month and 5 days is reduced and adjusted towards here service period, so that she has completed 20 years and 3 months. Thereafter the proposal was sent to Accountant General's



office, Nagpur on 18.10.2019. However, the office of Accountant General by order dated 19.12.2019, informed that the Government servant has rendered qualifying service only for 19 years, 10 months and 23 days violating the provisions of Rule 66(1) of Maharashtra Civil Services (Pension) Rules, 1982. Therefore, the office of the Accountant General refused to make payment to the applicant, and directed that the case be forwarded to Administrative Department for getting sanction to allow the notice served by Smt Varsha Dixit before completion of 20 years of qualifying service. Thereafter by letter dated 19.5.2020, Nandkumar Deshmukh, Dy Director, informed the Public Health Directorate, Pune, to get the approval from Administrative Department of State of Maharashtra.

4. Following letters are produced on record:-

- (a) The letter dated 29.8.2017 written by Shri Tanaji H. Mane, Dy. Director, Public Health addressed to Directorate of Public Health, thereby regarding curtailing the period of Notice for Voluntary Retirement as per Rule 66(4) of Maharashtra Civil Services (Pension) Rules, 1982.
- (b) Similarly another letter dated 19.5.2020 written by Nandkumar Deshmukh, Deputy Director, addressed to Director, Public Health Health to Director, Public Health are produced.
- (c) Letter dated 26.9.2019 written by Archana Valzade, Under Secretary, Public Health Department, to Director, Public Health Directorate about taking steps and taking decision in the matter of the applicant in respect of granting V.R.S by considering the 20 years of her service.



(d) Letter dated 2.8.2020 written by Shri Nandkumar Deshmukh addressed to the Director, Public Health Services.

5. It is to be noted that this matter was first placed on Board before this Tribunal on 21.7.2020 and necessary orders were passed and directions were given to the Respondents. Since then, from time to time the matter has appeared and queries were made. However there is no development in the matter. It is seen that Respondents are sitting tight on the file.

6. As per Rule 66(4) (a) & (b) of Maharashtra civil Services (Pension) Rules, 1982, the appointing authority has power to curtail the period of notice of 3 months.

7. On query, it is informed by learned Presenting Officer that in the present case Deputy Director is the appointing authority of the applicant. Thus it is clear that Shri Tanaji Mane, Deputy Director is the appointing authority, who has in fact curtailed the period of notice and cleared the file of the applicant for V.R.S on completion of 20 years of her service.

8. Perused affidavit in reply of Respondent no. 6, of Shri Sandeep P. Waikar, Assistant Accounts Officer, in the office of Accountant General, Civil Lines, Nagpur. In the entire affidavit in reply and so also in the letter dated 19.12.2019 written by Accounts Officer, whose name is not readable from the signature both have ignored provision under Rule 66(4) of M.C.S (Pension) rules, 1982 and they have only referred to Rule 66 (1) of MCS (Pension) Rules, 1982. This is very objectionable. This has taken unnecessary long time of this Tribunal and also the matter is unnecessarily pending before the Tribunal.



9. Both the officers Shri Sandeep. P. Waikar and Accounts Officer, PR-7 who wrote letter dated 19.12.2019 are directed to remain present before this Tribunal on 25.1.2021 without fail at 11.00 am.

10. S.O to 25.1.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 18.01.2021

Dictation taken by : A.K. Nair.

**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
---	-------------------

Date : 18.01.2021

**O.A.No.155 of 2020 with O.A.No.157 of 2020 with
O.A.No.161 of 2020**

D. K. Fulpagar & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri Bhushan Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. Today, learned P.O. has filed additional Affidavit-in-Reply on behalf of the Respondent No.1 along with annexures in the form of G.R. etc. It is taken on record.
3. Arguments concluded.
4. O.A. is closed for orders.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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
	<p align="center"><u>O.A. No.573 of 2019</u></p> <p>A.S. Jaiswal ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekr, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant who is working as Deputy Commissioner, State Tax, Mumbai prays that his denial for consideration for promotion to the rank of Joint Commissioner of State Tax is illegal, unconstitutional and bad in law. Ld. Advocate for the applicant submits that applicant was charged and prosecuted for the offences punishable under Section 13(1)(c) r/w 13(2) of the Prevention of Corruption Act, 1988 r/w Section 109 of the Indian Penal Code r/w Section 3 of Benami Transaction Act, 1988 in ACB Special Case No.94/13. The Ld. Advocate for the applicant submits that however, the applicant is acquitted by judgment and order dated 31.1.2019 by the Special Judge, Greater Mumbai. He has annexed the said judgment in this OA. Ld. Advocate for the applicant submits that applicant was considered before the DPC. However the result is kept in sealed cover as the criminal case was pending against him. DPC was held on 23.4.2018. He submits that the applicant is acquitted and therefore his case is required to be considered for promotion especially in view of the order dated 7.1.2021 in OA No.818 of 2019 J.L. Mondkar Vs. State of Maharashtra passed by Division Bench of this Tribunal.</p> <p>3. Ld. CPO relies on the affidavit in reply filed on 8.8.2019 by Mr. Vinayak Dattatray Churi, Under Secretary,</p>

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

Tribunal's orders

Finance Department, Mantralaya, Mumbai. She submits that in the DPC the name of the applicant was considered for promotion however as per rules and procedure the result was kept in sealed cover in view of GR dated 15.12.2017. Ld. CPO submits that against the order of acquittal the State has filed appeal and which is pending.

4. On query we are informed that no DE is pending against the applicant. The applicant is acquitted. The pendency of criminal appeal against acquittal before the Hon'ble High Court is not a ground to deny Government servant for being considered for promotion, if found fit otherwise. We have taken similar view in our order dated 7.1.2021 in OA No.818 of 2019 and thus we allow the present OA No.573 of 2019 in following terms.

5. The case of the applicant is to be considered for promotion to the rank of Joint Commissioner of State Tax, if he is found fit otherwise within eight weeks from today and to communicate the order to the applicant within two weeks thereafter.

Sd/-

(P.N. Dixit)
Vice-Chairman
18.1.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
18.1.2021

(sgj)

**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 : 18.01.2021</p> <p align="center">R. A. No.15 of 2020 in O.A.No.1000 of 2019</p> <p>G. M. KambleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Shri M. B. Kadam, learned Counsel for the Respondent No.2 and Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1 and 3. 2. Shri M.B. Kadam, learned Counsel for the Respondent No.2 seeks time to file reply. 3. On request of learned P.O. for Respondent Nos.1 and 3, two weeks time is granted for filing reply in R.A. 4. S.O. to 01.02.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>

vsm

**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
	<p>Date : 18.01.2021</p> <p align="center">M.A. No.25 of 2021 in O.A.No.42 of 2021</p> <p>R. S. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M.A.No.25/2021 is allowed. <p align="right">Sd/- v (A.P. Kurhekar) Member(J)</p>

vsm

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

Tribunal's orders

Date : 18.01.2021

O.A.No.42 of 2021

R. S. Chavan

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 15.02.2021.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 15.02.2021.


Sd/-

(A.P. Kurhekar)
Member(J)

**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
---	-------------------

Date : 18.01.2021

O.A.No.251 of 2019

D. S. Sabale

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri C. B. Nikhe, learned Counsel for the Applicant, Smt. Kranti Gaikwad holding for Smt. Archana B. K., learned Presenting Officer for the Respondent Nos.1 to 3 and Shri S. S. Dere, learned Counsel for the Respondent No.4.

2. On request of learned Counsel for the Respondent No.4, two weeks time is lastly granted to avail certain information under RTI.

3. No further time will be granted.

4. S.O. to 04.02.2021.

Sd/-



(A.P. Kurhekar)
Member(J)

vsm

**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
---	-------------------

Date : 18.01.2021

O.A.No.953 of 2018

B. H. Wadkar & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicants submits that grievance of the Applicants has been redressed and Applicants want to withdraw the Original Applications. He has also filed letter sent by the Applicants to that effect. It is taken on record and marked by letter 'X'.

3. In letter, the Applicants have stated that they have got promotions by order dated 30.07.2019 which is during pendency of O.A. As such, their grievance of promotion and posting is redressed.

4. Allowed to withdraw Original Applications.

5. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

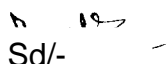
of 20

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
	<p>Date : 18.01.2021</p> <p align="center">O.A.No.791 of 2020</p> <p>N. P. Bhoyar ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. On request of learned P.O., one week's time is lastly granted for filing Affidavit-in-Reply. 3. S.O. to 25.01.2021. <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p>

vsm

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

Tribunal's orders

Date : 18.01.2021

R. A. No.02 of 2021 in O.A.No.580 of 2019

D. S. Shinde

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 16.02.2021.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of R.A.. 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, Review Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 16.02.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Tribunal's orders

Date : 18.01.2021

R. A. No.01 of 2021 in O.A.No.935 of 2017

S. R. Koli

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

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

2. Issue notice before admission returnable on 16.02.2021.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of R.A.. 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, Review Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 16.02.2021.

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

Date : 18.01.2021

**M. A. No.347 of 2020 in M.A. No.348 of 2020 in
O.A.No.61 of 2019**

N. D. Bhosale

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. R. Kori holding for Shri R. G. Panchal, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 15.02.2021.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A.. 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, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 15.02.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

**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
---	-------------------

Date : 18.01.2021

O.A.No.214 of 2019

A. V. Yelmar & Ors.Applicants

Versus

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

1. Heard Shri Arvind V. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Today, learned P.O. submits that the Applicants are meantime promoted and postings are also given. She, therefore, submits that O.A. has become infructuous.
3. Whereas, learned Counsel for the Applicants seeks two weeks time to take instructions from the Applicants and if necessary to withdraw Original Applications.
4. S.O. to 02.02.2021.

Sd/-



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

vsm

**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
---	-------------------

O.As.55 & 56/2018

Shri A.T. Mane & Anr. ... Applicants
Vs.
The State of Mah. & Ors. ... Respondents

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents.
2. Today, these matters are taken on Board on Circulation, since those remained unlisted in lock-down period.
3. The matters are ready for final hearing.
4. Shri Bandiwadekar, learned Advocate for the Applicant submits that it be kept on 01.02.2021, since one connected matter is already kept on that date.
5. Adjourned to 01.02.2021 for final hearing.

^
Sd/-

(A.P. Kurhekar)
Member-J
18.01.2021

(skw)

**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
---	-------------------

Date : 18.01.2021

O.A.No.864 of 2019

A. D. Daundkar & Ors. ...Applicants

Versus

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

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

2. On request of learned Counsel for the Applicants, two weeks time is granted for filing Rejoinder to the additional affidavit filed by the Respondents.

3. S.O. to 02.02.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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
	<p>Date : 18.01.2021</p> <p align="center">O.A.No.166 of 2019 with O.A.No.266 of 2018</p> <p>N. W. Dandekar & Ors.Applicants</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 Applicants has filed additional Affidavit-in-Rejoinder. It is taken on record.</p> <p>3. Pleadings are complete,</p> <p>4. The matter is admitted and kept for final hearing on 01.02.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>

vsm

**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 : 18.01.2021</p> <p align="center">O.A.No.928 of 2019</p> <p>S. A. DhamaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record. 3. Pleading is completed. 4. The matter is adjourned for final hearing along with O.A.No.937/2019. 5. S.O. to 02.02.2021. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p>

vsm

**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
---	-------------------

18.01.2021

O.A 591/2020

D.N Gunjal ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicants and Smt K.S Gaikwad holding for Shri Archana B.K, learned P.O for the Respondents.

2. Learned P.O seeks time to file affidavit in reply. Time granted by way of last chance.

3. S.O 15.2.2021.

Sd/-

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

Akn

**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
	<p style="text-align: center;"><u>18.01.2021</u></p> <p style="text-align: center;"><u>O.A 15/2021</u></p> <p>K.M Jagtap ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Shri R.L Kulkarni, learned advocate for the applicant. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant who retired as Assistant Police Sub-Inspector prays for order of pay fixation as per 7th Pay Commission from 1.1.2016 and for payment of difference from 1.1.2016 to 30.6.2017 along with interest @ 12%. He also prays that his pension be fixed as per 7th Pay Commission and difference along with all pensionary benefits be paid to him.</p> <p>3. Issue notice returnable 15.2.2021.</p> <p>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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 15.2.2021. Sd/-</p> <p style="text-align: right; margin-top: 20px;">/_____ (Mridula Bhatkar, J.) Chairperson</p> <p style="margin-top: 20px;">Akn</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
	<p style="text-align: center;"><u>18.01.2021</u></p> <p style="text-align: center;"><u>O.A 19/2021</u></p> <p>Arjun P Suryawanshi ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.A Bandiwadekar, learned advocate for the applicants and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant working as Talathi (under suspension) challenges order of his suspension dated 3.8.2018 passed by Respondent no. 1 and he prays that as he has completed 90 days period after his suspension, he should be reinstated in service.</p> <p>3. Learned P.O seeks time to file reply. The Respondents are directed to conduct review of suspension of the applicant with five weeks as per the ratio laid down by Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India, through Secretary & Anr (2015) 7 SCC 291 and file affidavit in reply along with compliance report.</p> <p>4. The learned counsel submits that applicant is suspended on 3.8.2018 and he is not paid subsistence allowed. Respondents are directed to pay subsistence allowance to the applicant since the date of his suspension till today.</p> <p>5. S.O to 22.2.2021.</p> <p style="text-align: right;">.22 / 11 Sd/-</p> <p style="text-align: right;"> (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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
---	-------------------

18.01.2021

M.A 349/2020 in O.A 832/2016 (Aurangabad)

V.P Gangawane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri Kishore Jagdale holding for Shri S.S Jadhav, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.

2. Learned counsel submits that initially O.A 832/2016 was filed at Aurangabad Bench. However, as the Aurangabad Bench of this Tribunal has become non-functional, the present Misc Application is filed at Mumbai.

3. M.A seeking to transfer O.A 832/2016 from Aurangabad Bench to Mumbai bench is allowed.

Sd/-

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

Akn

**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	<p align="center">18.01.2021 Tribunal's orders</p>
	<p align="center"><u>O.A 832/2016 (Aurangabad)</u></p> <p>V.P Gangawane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri Kishore Jagdale holding for Shri S.S Jadhav, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents. 2. The applicant working as Driver with the Respondents, challenges shifting of reservation of the post of Driver, notified by advertisement issued in June, 2015. 3. Issue notice returnable on 15.2.2021. 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. 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. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 7. S.O to 15.2.2021. <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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

Tribunal's orders

Date: 18.01.2021

O. A. No.799 of 2020

R.V. SolankheApplicant
Versus
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 Applicant working as Deputy Collector (Land Acquisition), Satara challenges another order of punishment dated 29.05.2017 and appeal order dated 07.10.2019 directing the stoppage of five increments not affecting the future increments.

3. Issue notice before admission returnable on 22.02.2021.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 22.02.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

**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
	<p>Date: 18.01.2021</p> <p align="center">O. A. No.798 of 2020</p> <p>S.G. KambleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Nitin Satpute, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant working as Police Sub Inspector (P.S.I.) in Mumbai is suspended by order dated 06.11.2020 by Deputy Commissioner of Police (D.C.P.) Zone-VI, Chembur, Mumbai, on the ground of demanding and accepting cash bail of Rs.30,000/-.</p> <p>3. Learned Advocate for the Applicant prays that he is to be reinstated immediately.</p> <p>4. Learned P.O. seeks time for filing Affidavit-in-Reply. Time as prayed is granted. In between Respondents to conduct review as per ratio laid down in Ajay Kumar Choudhary Vs. Union of India, through Secretary and Anr. (2015) 7 SCC 291.</p> <p>5. S.O. to 22.02.2021.</p> <p align="right">Sd/- / (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>

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

Date: 18.01.2021 Tribunal's orders

O. A. No.04 of 2021

R.V. SolankheApplicant
Versus
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 Applicant working as Deputy Collector (Land Acquisition), Satara challenges the order of punishment dated 21.03.2018 and the appeal order dated 07.10.2019 thereby imposing minor punishment of stoppage of one increment without affecting the future increment for one year.

3. Issue notice before admission returnable on 22.02.2021.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 22.02.2021.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 18.01.2021</p> <p>O. A. No.797 of 2020</p> <p>R.V. SolankheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant working as Deputy Collector (Land Acquisition), Satara challenges his punishment order dated 25.01.2017, by which punishment of stoppage of three increments without affecting the future increment was imposed and in appeal by order dated 07.10.2019, the said order was confirmed. 3. Issue notice before admission returnable on 22.02.2021. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice. 8. S.O. to 22.02.2021. <i>M</i> <i>h</i> Sd/- <p style="text-align: right;">(Mridula R. Bhatkar, J.) Chairperson</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
	<p align="center"><u>18.01.2021</u></p> <p align="center"><u>O.A 552/2020</u></p> <p>Shri A.D Mehetre ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.D Lonkar, learned advocate for the applicant and Smt K.S Gaikwad, holding for Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O files affidavit in reply on behalf of Respondent no. 4, Accounts Officer. The same is taken on record. Learned P.O submits that affidavit in reply of Respondents no. 2 & 3 is yet to be filed. She seeks time to file reply. Time granted.</p> <p>3. Learned counsel for the applicant points out in para 5.13 of the O.A and submits that earlier O.A 421/2017 and O.A 783/2018 were decided on 23.1.2018 and 19.3.2019 respectively and in view of those orders, the issue in the present O.A is no more res-integra. Copies of order in above referred Original Applications is annexed herewith.</p> <p>4. Learned P.O is directed to consider the submission of learned counsel for the applicant and also para 5.13 of the O.A while filing affidavit in reply.</p> <p>5. S.O 1.2.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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
---	-------------------

18.01.2021

M.A 356/2020 in O.A 795/2020

M.S Shelake ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms Rekha Musale i/b Shri Nitin Rajguru learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.

2. The applicant, working as Canal Inspector, who has retired from Water Resources Department, seeks delay of 8 month and 15 days in filing the O.A, as he prays for declaration that he is entitled to the grant of second Time Bound Promotions in the pay scale of the post of Canal Inspector or after completion of 24 years' service on or after 1995 with all consequential reliefs and pensionary benefits..

3. At the outset, learned Presenting Officer has raised the issue about maintainability of this Original Application on the ground of delay.

4. S.O to 8.2.2021.

Sd/-

/
(Mridula Bhatkar, J.)
Chairperson

Akn

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

recalling the order cannot be entertained because it is a Review Application. It is novel way of challenging the earlier order. The order of the Tribunal was not challenged before the Hon'ble High Court. Ld. PO submits that therefore the original respondents have filed this RA within one and half months after MA No.326/2019 was rejected.

6. Considering the submissions, the MA No.326/2019 was rejected on 10.12.2019 and the present RA is filed on 18.2.2020. Thus this shows that immediately after 2 months this RA was filed. Earlier this Tribunal while entertaining MA No.326/2019 had condoned the delay of 3 months.

7. In view of this, we allow the MA No.95 of 2020 in RA No.2 of 2020 in OA No.434 of 2014 and condone the delay, if any.

8. RA is adjourned to 5.2.2021.

Sd/-

Sd/-

(P.N. Dixit)
Vice-Chairman
18.1.2021

(Mridula R. Bhatkar, J.)
Chairperson
18.1.2021

(sgj)

**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
	<u>O.A. No.781 of 2020</u>
	J.D. Koli ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents
	Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
	2. Amendment allowed forthwith.
	3. The applicant who was Sub-Treasury Officer prays that the charge sheet (DE) dated 19.11.2020 issued by Respondent no.3 be quashed and set aside. Ld. Advocate for the applicant submits that the alleged incidence is of 2004. However, charge sheet is served on 19.11.2020. The applicant has submitted application for Voluntary Retirement on 30.6.2019 and the same was rejected.
	4. Ld. CPO seeks time to file reply.
	5. DE may proceed in between and applicant to cooperate. However, final result is not to be disclosed till filing of reply.
	6. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.
	7. Issue notice before admission returnable on 25.2.2021.
	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

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>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 style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 18.1.2021 18.1.2021</p> <p>(sgj)</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>Date: 18.01.2021</p> <p align="center">O. A. No.03 of 2021</p> <p>A.P. MutheApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer holding for Smt. K.S. Gaikwad for the Respondents.</p> <p>2. The Applicant Jr. Clerk, Water Resources Department, prays that the order dated 25.09.2020 to be quashed and set aside.</p> <p>3. Learned Advocate for the Applicant submits that this is second round of litigation as earlier O.A.1032/15 was filed.</p> <p>4. Learned Advocate for the Applicant submits that Applicant joined services on 03.04.2008 in Group 'C' post. Learned Advocate pointed out at para. 10 of the Order dated 19.01.2016 of the Division Bench of this Tribunal in O.A.1032/2015 which is reproduced as below.</p> <p><i>"10. In view of the foregoing, the Applicant must be held entitled to the relief sought. The order herein impugned stands quashed and set aside and the Respondents are directed to restore the Group 'C' post which the Applicant earlier had to him within a period of four weeks from today. He shall be entitled to all service benefits from the date of his reversion till restoration of this position in every respect except the difference of salary. The Original Application is allowed in these terms with no order as to costs.</i></p>

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

Tribunal's orders

5. ✓ Learned Advocate for the Applicant submits that by this order, in fact he is entitled for all the benefits since his joining date which is 03.04.2008 and so thereafter the period of twelve years should be counted.

6. Learned P.O. seeks time to file Affidavit-in-Reply. Time as prayed for is granted.

7. Respondents to file reply without fail by taking into account of the order dated 19.01.2016 in O.A. No.1032/2015.

8. S.O. to 15.02.2021.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

NMN

**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
	<p>Date: 18.01.2021</p> <p align="center">O. A. No.09 of 2021</p> <p>A.B. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Smt. Archana B.K. for the Respondents.</p> <p>2. Learned P.O. pursuant to the queries made in para 11 vide order dated 05.01.2021 of this Tribunal informs that delay is caused only because F.I.R. was registered on 22.06.2020. The delay in lodging the F.I.R. is on account of lockdown due Covid-19 Pandemic situation.</p> <p>3. Learned Advocate for the Applicant prays for interim relief relying on the judgment of the Division Bench of Hon'ble Bombay High Court on the point of suspension of Government servant Shailendra Vasant Panpatil v/s. State of Maharashtra. Learned Advocate also relied on the order passed by the Additional Sessions Judge, Khed-Rajgurunagar, Pune dated 10.07.2020 in Criminal Bail Application No.268/2020. She submits that in the said order in para 9, learned Judge has observed that the Applicant has not taken or demanded the bribe and the trap was dropped and withdrawn.</p>



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

Tribunal's orders

4. Perused. The ratio laid down in the Shailendra Vasant Panpatil (supra) is not helpful in the present case as the petitioner in the said case was suspended for almost five years and which was not considered as reasonable period by the Hon'ble Division Bench. Moreover the observations are made by the Hon'ble High Court taking into account the wasteful expenditure of the public money as 75 percent of the salary is to be paid to the Government servant during suspension.

5. Respondents are directed to file the Reply in four weeks and in the meantime the Respondents to conduct the review of suspension of the Applicant within three weeks as per ratio laid down in **Ajay Kumar Choudhary Vs. Union of India, through Secretary and Anr. (2015) 7 SCC 291** and also directed to consider the order passed by the learned District Judge-3 and Additional Sessions Judge, Khed-Rajgurunagar, Pune.

6. S.O. to. 15.02.2021.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

NMN