

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.03.2019.

**O.A.340, 342, 343 and 135 of 2018**

**R.M. Shivsharan & Ors. ....Applicants**

**Versus**

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants. Ms S. P. Manchekar, learned Chief Presenting Officer with Smt. Archana B. K. and Shri A. J. Chougule, learned Presenting Officers for the Respondents.

2. These Original Applications pertain to appointment of Police Patil. The Applicants seem appointed on the post of Police Patil temporarily from time to time and, therefore, they are claiming for regular appointment in terms of G. R. dated 28.6.2011.

3. It appears that there was proposal to amend G.R. dated 28.6.2011 in respect of clause 4(a), so that the person who has worked temporarily for more than two years on the post of Police Patil can be eligible for regular appointment. It is pointed out by the learned Advocate for the Applicant that the Respondent no.1 i.e. Principal Secretary, Home Department, Mantraiaaya Mumbai was required to take appropriate decision. It is further pointed out by the learned advocate that on this background the reply of the respondent no.1 is necessary but the same is not filed though the matters are ripe for final hearing. Respondent No.3, S.D.O. Solapur only has filed affidavit in reply.

4. In view of above, the reply of respondent no.1 as regards amendment to G.R. dated 28.6.2011 is essential. Therefore, learned P.O. is directed to make their stand clear and are at liberty to file reply on the next date so that the matter can be decided appropriately.

5. If G.R. is amended suitably perhaps the grievance of the applicant will no longer exist.

6. Hamdast and steno copy is allowed.

7. S.O. to 04.04.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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

Date : 18.03.2019.

O.A.No.581 of 2018

S.B.Metkar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A.V.Bandiwadkar , learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.
2. Today, the learned P.O. for the Respondents has filed Affidavit in Sur-Rejoinder on behalf of the Respondent Nos.1 and 2. It is taken on record.
3. Arguments heard.

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>Date : 18.03.2019.</p> <p>O.A.No.107 of 2017</p> <p>Shivaji A. Nalawade .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors....Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned advocate for the Applicant and Smt. Kranti Gaiwkad, learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed Affidavit-in-Reply on behalf of the Respondent No.4 explaining fixation of pay as well as revision of pay in view of implementation of recommendation of Pay Commission. It is taken on record.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

DATE: 18/3/19

CORAM

Hon'ble Shri. A. P. Kurhakar, Member (J)

APPEARANCE

~~Shri. Smt.~~ K. R. Jagdale

Advocate for the Applicant

~~Shri. Smt. : K. S. Gaikwad~~

~~C.A. for the Respondent/s~~

~~Adj. S.O. to separate~~

~~order passed.~~

~~O.A. is dismissed~~

*[Signature]*

**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 Date : 18.03.2019.
	<p style="text-align: center;"><b>O.A.No.581 of 2018</b></p> <p><b>S. B. Metkar</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors.</b> ..Respondents.</p> <ol style="list-style-type: none"><li>1. Heard Shri A. V. Bandiwadekar , learned Advocate for the Applicant and Ms N. G. Ghad, learned Presenting Officer for the Respondents.</li><li>2. After hearing the learned Counsels, I am of the view that the present O.A. can be disposed of with suitable directions and, therefore, without going into merit of the matter, it would be appropriate to dispose of the present O.A. with suitable directions.</li><li>3. The Applicant is working as Assistant Superintendent in Rural Hospital, Yerwada since 17.12.2013. At the time of general transfer of 2018, he made representation for seeking transfer as per the places of his choice in terms of G.R. dated 09.04.2018. However, his representation has not been considered for posting at Nashik. Therefore, he has approached this Tribunal.</li><li>4. During the course of hearing, learned Advocate for the Applicant has pointed out that even after filing of O.A.. the Applicant has made representation pointing out that certain post at Nashik are vacant and requested for his transfer at those places. However, the same has not been considered. According to learned Advocate for the Applicant those places are subsequently filled by appointing another employees though not deserving for the said post. Accordingly, he has brought it on record by filing Rejoinder.</li></ol>

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

-2-

5. Now, in ensuing general transfer of 2019, the Applicant will be completing 5 ½ years tenure at Yewala and seeks transfer in terms of G.R. dated 09.04.2018. Therefore, it would be appropriate to direct the Applicant to submit fresh representation to the Respondents for seeking transfer in terms of G.R. 09.04.2018 so that it could be considered by the Respondents at the time of ensuring general transfer of 2019.

6. In view of above, the O.A. is disposed of.

7. The Applicant is directed to make fresh representation to the Respondents within two weeks from today.

8. The Respondent Nos.1 and 2 shall consider the representation of the Applicant sympathetically for his transfer in terms of G.R. dated 09.04.2018 in general transfer of 2019 and pass appropriate order. The order, as the case may be, be communicated to the Applicant from the date of decision.

9. If Applicant feels aggrieved by the decision, he can avail the legal remedy in accordance to law.

10. No order as to costs.

11. Hamdast and steno copy is allowed.

Sd/-

(A.P. Kurhekar)  
Member(I)

vsm

DATE: 18/3/19

CORAM

Hon'ble Shri. A. P. Kurhekar, Member (J)

APPEARANCE

Shri/Smt. A.N. Bendikar

Advocate for the Applicant

Shri/Smt. M.N.G. Gohad

C.P.O./P.O. for the Respondent/s

Adj. S.O. to O.A. is disposed  
of.

*[Signature]*

**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 Date : 18.03.2019.
	<p style="text-align: center;"><b>O.A.No.629 of 2017</b></p> <p><b>A. H. Dhande</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri J. N. Kamble, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. During the pendency of present O.A., the Applicant has incorporated certain amendments in the O.A..</p> <p>3. Learned P.O. for the Respondents has sought to file reply to amended pleading and made a statement that additional Affidavit-in-Reply will be filed during the course of the day. Statement is accepted.</p> <p>3. As the pleadings are complete, the matter is adjourned for hearing under the caption of 'Final Hearing'.</p> <p>4. S. O. to 03.04.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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 data-bbox="813 510 1045 544"><b>Date : 18.03.2019.</b></p> <p data-bbox="1024 577 1279 610"><b>O.A.No.972 of 2018</b></p> <p data-bbox="813 637 1377 670"><b>Dr. S. M. Jadhav</b> ....Applicant</p> <p data-bbox="813 676 899 710"><b>Versus</b></p> <p data-bbox="813 716 1430 749"><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p data-bbox="813 787 1487 909">1. Heard Shri D. B. Khaire, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p data-bbox="813 946 1487 1311">2. Today, the learned P.O. for the Respondents has tendered a copy of letter dated 16.03.2019. This letter has been issued by the Government addressed to Presenting Officer stating that in view of the Code of Conduct which has come into force from 10.03.2019, now the posting order of the Applicant cannot be issued.</p> <p data-bbox="813 1340 1487 2030">3. In the present O.A., the challenge is to the transfer order dated 31.05.2018. As the Applicant did not join new place of posting, he was suspended by the Respondents. In O.A.No.926/2018 which has been disposed of by this Tribunal on 04.01.2019, this Tribunal observed that ex-facie the suspension is illegal as the Applicant was not in fact relieved by the concerned department and, therefore, there was absolutely no ground for suspension. That order has attain finality and in terms of order passed by this Tribunal the Government has passed the necessary orders. However, issue remains about the impugned transfer order dated 31.05.2018.</p>



5. In the meantime, the Applicant has made representation to consider his choice posting in terms of the Government policy. In view of his representation, the present O.A. was adjourned from time to time to facilitate the Respondents to pass appropriate order. On each occasion, the statement was made by the learned P.O. that file is under process and appropriate order of posting will be issued soon.

6. The present O.A. has been filed on 29.10.2018 whereas the suspension order has been declared illegal on 04.01.2019. As such, for the period of about three months the matter was kept pending to facilitate the Respondents to issue appropriate order of posting. However, today, the learned P.O. has tendered letter dated 16.03.2019 stating that posting order could not be issued because of Code of Conduct.

7. In the above background, the ground taken by the Respondents of Code of Conduct is nothing but excuse to delay issuance of posting order for one or other ground as evident from the record.

8. In so far as the Code of Conduct is concerned, it should not come in the way of Respondents to pass appropriate order in view of pendency of the matter before Tribunal and directions given by this Tribunal from time to time.

9. In view of above, the Respondents are directed to issue appropriate posting order within ten days from today.

10. Hamdast and steno copy is allowed.

11. S.O.to 27.03.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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>Date : 18.03.2019.</p> <p>O.A.No.19 of 2018</p> <p>P. M. Bhosale .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed Affidavit in Sur-Rejoinder. It is taken on record.</p> <p>3. The matter is adjourned for hearing under the caption of 'Final Hearing'.</p> <p>4. S.O. to 25.03. 2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.03.2019.</p> <p>O. A. No. 1066 of 2018</p> <p>A. N. Nimkar .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri B. A. Bandiwadekar, learned Advocate for the Applicant and Smt Archana B.K. with Smt. Kranti Gaikwad, learned Presenting Officers for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed Affidavit-in-Reply. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission along with O.A. No.1062/2018 as well as O.A.No.1067/2018.</p> <p>4. S.O. to 08.04.2019.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
vsm \_\_\_\_\_ 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>Date : 18.03.2019.</p> <p>O.A.No.266 of 2017</p> <p>B.P. Shinde .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has fled Affidavit in Sur-Rejoinder. It is taken on record.</p> <p>3. The matter is adjourned for hearing under the caption of 'Final Hearing'.</p> <p>4. S.O. to 01.04. 2019.</p> <p style="text-align: right;">N Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 18.03.2019.
	<p style="text-align: center;"><b>O.A.No.930 of 2018</b></p> <p><b>P. Y. Shinde</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard the Applicant in person and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Today, the Applicant in person has filed Affidavit-in-Rejoinder. It is taken on record.</li> <li>3. Adjourned for hearing under the caption of 'Final Hearing'.</li> <li>4. S.O. to 26.04.2019.</li> </ol> <p style="text-align: right;">Sd/- <b>(A.P. Kurhekar)</b> Member(J)</p> <p>vsm</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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A. No.1064 of 2018

R.S. Jadhav & Ors. ..Applicants  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO seeks adjournment for one week for filing reply by way of last chance. Ld. Advocate for the applicant recalls para 8 of the order dated 6.12.2018 passed by the Tribunal in this OA.

3. Respondent no.1 should restrict his reply to para 8 of the order dated 6.12.2018 passed by the Tribunal in this OA.

4. S.O. to 25.3.2019 by way of last chance.

DATE: 18/3/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri ~~M. Rameshchandar~~ P.N. Dixit (Member) A

APPEARANCE:

Shri/Smt. M.D. Lonkar

Ld. Advocate for the Applicant

Shri/Smt. Archana B.K.

Ld. P.O. for the Respondent/s

Adj. To 25/3/2019 by way of last chance.

*BJE*

Sd/-

(P.N. Dixit)  
Member (A)  
18.3.2019

(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
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O.A. No.634 of 2018

U.D. Kharat & Ors. ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri U.V. Bhosale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. By consent S.O. to 25.3.2019.

Sd/-

(P.N. Dixit)  
Member (A)  
18.3.2019

(sgj)

DATE: 18/3/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. D. Patil (Member) A

APPEARANCE

Shri/Smt. U.V. Bhosale

Advocate for the Applicant

Smt/Sri. K.S. Gaikwad

C.P.O / P.O. for the Respondent/s

Adj. To 25/3/2019 by consent

*[Signature]*

**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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O.A. No.588 of 2018

M.M. Solanki ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri Anil Jaiswar, learned Advocate holding for Shri R.G. Panchal, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.

2. Ld. PO produces a communication dated 7.2.2019 stating that respondent no.4 proposes to conduct de novo enquiry and the decision regarding his back wages would be taken thereafter. A copy of same is taken on record and marked 'X' for identification.

3. Ld. Advocate for the applicant cites judgment of the Hon'ble Supreme Court in *Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyala (D.Ed.) & Ors. (2013) 10 SCC 324* (para 8(c) pg.18 of OA). According to him it is a settled principle of law and back wages cannot be withheld.

4. The respondent no.4 is directed to clarify the legal impediments in adhering to the above citation of the Hon'ble Supreme Court. The respondent no.4 is directed to file his reply within four weeks.

5. S.O. to 22.4.2019.

DATE: 18/3/2019

CORAM:

Hon'ble Justice Shri A. N. Joshi (Chairman)

Hon'ble Shri M.P. Dixit (Member) A

APPEARANCE:

Shri/Smt. Anil Jaiswar Ld. Adv.

4. holding for R.G. Panchal Advocate for the Applicant

Shri/Smt. N. G. Gohad

4. P.O. / P.O. for the Respondent/s

Adj. To: 22/4/2019

*B.T.E.*

Sd/-

(P.N. Dixit)  
Member (A)  
18.3.2019

(sgl)



# 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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O.A. No.888 of 2018

A.S. Shirsath & Ors. ..Applicants  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri Kaustubh Gidh, learned Advocate holding for Shri Kranti L.C., learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO mentions that approval from the competent authority is yet to be received. She seeks adjournment for the same.

3. S.O. to 28.3.2019.

Sd/-

(P.N. Dixit)  
Member (A)  
18.3.2019

DATE: 18/3/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri Kaustubh Gidh holding for  
Shri Kranti L.C. Ld.  
Advocate for the Applicant

Shri S.P. Manchekar  
C.P.O./P.O. for the Respondent/s

(sgl)

Adj. To..... 28/3/2019

*P.N. Dixit*

**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><b>DATE:</b> 18/3/2019</p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt.: K.R. Jagdale Advocate for the Applicant Shri/Smt.: MS. Savita Suryawanshi Ld. C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To: 22/4/2019</p> <p align="right"><i>B.T.</i></p>	<p align="center"><u>O.A. No.812 of 2017</u></p> <p>R.S. Lodhe ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. Savita Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks adjournment for getting fresh instructions from the applicant.</p> <p>3. S.O. to 22.4.2019.</p> <p align="right">Sd/- (P.N. Dixit) Member (A) 18.3.2019</p> <p>(sgj)</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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>18/3/2019</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri <u>P. N. Dixit</u> (Member) A</p> <p>APPEARANCE:</p> <p>Shri <u>M. D. Lonkar</u></p> <p>Advocate for the Applicant</p> <p>Shri <u>K. S. Gaikwad</u></p> <p>C.P.O./P.A. for the Respondent/s</p> <p>Adj. To: <u>22/4/2019</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.596 of 2018</u></p> <p>Dr. S.M. Gaikwad &amp; Ors. ..Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO mentions that instructions are still awaited and seeks adjournment.</p> <p>3. S.O. to 22.4.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 18.3.2019</p> <p>(sgl)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>18/3/2019</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Inshi (Chairman)</p> <p>Hon'ble Shri <u>P.N. Dixit</u> (Member) A</p> <p>APPEARANCE:</p> <p>Shri/Smt.: <u>R.M. Kolge</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt.: <u>K.S. Gaikwad</u></p> <p>C.P.O / P.O. for the Respondent/s</p> <p>Adj. To: <u>Issue notice returnable</u> <u>on 22/4/2019.</u></p> <p style="text-align: right;"><i>gite</i></p>	<p style="text-align: center;"><u>O.A. No.134 of 2019</u></p> <p>V.L. Kardile ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice returnable on 22.4.2019.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</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. Respondents are put to notice that the case would 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. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>8. Ld. Advocate for the applicant states that similar issue was decided on 22.2.2019 by this Tribunal in OA No.902 of 2018. In view of the above, the respondents should clarify about the legal impediment in implementing the same. Ld. Advocate for the applicant is permitted to enclose copy of the order in OA No.902/2018 and make suitable amendment.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 18.3.2019</p> <p style="text-align: center;">(sgi)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: 18/3/2019</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit (Member) A</p> <p>APPEARANCE: Shri/Smt. J. N. Kamble Advocate for the Applicant Shri/Smt. K. S. Gaikwad C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: Issue fresh notice returnable on 8/4/2019 after amendment.</p> <p style="text-align: right;">(sgj)</p>	<p style="text-align: center;"><u>O.A. No.949 of 2017</u></p> <p>A.R. Patil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri J.N. Kamble, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks leave to amend prayer clause 10(b) of the OA. Leave granted.</p> <p>3. Issue fresh notice returnable on 8.4.2019 after amendment.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 18.3.2019</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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> 18/3/2019</p> <p><b>ORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramachandran (Member) A</p> <p><b>PEARANCE:</b> Advocate for the Applicant Shri/Smt. K.S. Gaikwad C.P.O./P.O. for the Respondent/s Admit. To come up for final hearing in due course with liberty to file rejoinder and circulate.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.1017 of 2018</u></p> <p>V.P. Kapade ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply on behalf of respondents no.1 &amp; 2 and the same is taken on record.</p> <p>3. Admit. To come up for final hearing in due course with liberty to file rejoinder and circulate.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 18.3.2019</p> <p>(sgl)</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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 18/3/2019</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramchandraiah (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. G.A. Bandiwadekar Advocate for the Applicant Shri/Smt. Ms. Savita Suryawanshi Adv. C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To. 19/3/2019 for reply.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.1002 of 2018</u></p> <p>Y.M. Pimple ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Ms. Savita Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks adjournment to file reply.</p> <p>3. S.O. to 19.3.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 18.3.2019</p> <p>(sgj)</p>

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

Tribunal's orders  
Date : 18.03.2019.

O.A.No.113 of 2018

N. N. Jagtap .....Applicant  
Versus  
The State of Maharashtra & Ors. ....Respondents.

1. Heard Shri A. A. Gharte, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The Tribunal has passed the Speaking Order on 14.03.2019 to know the delay caused in passing final order in D.E. though the Enquiry Officer has submitted the report in 2010.
3. Today, Shri Ajit Tayade, Desk Officer on behalf of the Respondent No.2 and Shri Sanjay Shinde, Naib Tahsildar on behalf of the Respondent No.3 are present in the Court and stated that the file was under process and also submitted that the entire exercise will be completed within one month.
4. As noted in order dated 14.03.2019, the Applicant stands retired in 2013 but still retiral benefits are withheld due to pendency of D.E. In fact, the Enquiry Officer has submitted the report in 2010 but the Disciplinary Authority has completely ignored it and did not pass final order. The Applicant was acquitted in Criminal Case and the judgment of acquittal has been also confirmed by the Hon'ble High Court long back.
5. As such, this Tribunal has observed that there is negligence and lethargy on the part of the Respondents to take necessary steps.
6. The explanation submitted by the officials present today is far from satisfaction. It is necessary to know that why final order is not passed in O.E. for nine years.
7. In view of above, the Respondent Nos.2 and 3 are directed to file Affidavit-in-Reply explaining the steps taken by their department in D.E. after submission of the Enquiry report in 2010 so that the necessary action could be contemplated against responsible person for the same.
8. Affidavit as stated above be filed on 25.03.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)



**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 : 18.03.2019.

O. A. No.56 of 2019

P. V. Kadam .....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Today, the learned P.O. for the Respondents has filed reply. It is taken on record.
3. The matter is adjourned for hearing at the stage of admission.
4. S.O. to 08.04.2019.

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
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Date : 18.03.2019.

O.A.No.180 of 2019

A. D. Daundkar .....Applicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. In the present matter, the challenged is to the suspension order dated 03.11.2018.
3. However, today, the learned P.O. has filed copy of the order dated 07.03.2019 which shows that the suspension of the Applicant has been revoked and he has been reinstated in service on the same post.
4. In view of above, no cause of action survives to continue the O.A.
5. For the aforesaid reason stated above, the Original Application is disposed of with no order as to costs.

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>Date : 18.03.2019.</p> <p>M.A. No.508 of 2018 in O.A.No.867 of 2017</p> <p>P. V. Valiv .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. S. Suryawanshi, learned Advocate for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned C.P.O. has filed Affidavit-in-Reply in M.A. No.508/2018. It is taken on record.</p> <p>3. Adjourned for hearing on 22.03.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders  
Date : 18.03.2019.

O. A. No.233 of 2019

Dr. D. S. Ranvir .....Applicant

Versus

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

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 25.03.2019.
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 25.03.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

**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>Date : 18.03.2019.</p> <p style="text-align: center;"><b>O. A. No. 1128 of 2018</b></p> <p>A. M. Kamble .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</li> <li>2. The matter pertains to appointment on compassionate ground.</li> <li>3. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent No.2. It is taken on record.</li> <li>4. The Respondent No.3 has already filed Affidavit-in-Reply.</li> <li>5. No reply is filed on behalf of the Respondent No.1.</li> <li>6. The matter is adjourned for hearing at the stage of admission.</li> <li>7. S.O. to 08.04.2019.</li> </ol> <p style="text-align: right;">Sd/- w/ (A.P. Kurhekar) Member(J)</p> <p>vsm</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.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 18.03.2019.

M. A. No.112 of 2019 in O.A.No.203 of 2019

N. V. Sawant & Ors. ....Applicants

Versus

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

1. The Applicant and his Advocate both are absent. Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. It is pointed out by the learned C.P.O. for the Respondents that the Applicant has prayed for grant of particular pay scale and, therefore, the matter pertains to Division Bench as per the office order of allotment of work.

3. In view of above, the Registry is directed to examine the matter and listed before the appropriate bench.

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
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Date : 18.03.2019.

O.A.No. 526 of 2018

S. B. Shinde .....Applicant

Versus

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

1. Heard Shri Prasad Patil holding for Shri D. Mane , learned Advocate for the Applicant, Shri S. B. Patil, learned Advocate for the Respondent No.2 and Shri A. J. Chougule, learned Presenting Officer for the Respondent Nos.1,3,4 and 5.

2. Despite enough chances, the Respondent Nos.1, 3, 4 and 5 have failed to file reply.

3. The Respondent No.2 has already filed Affidavit-in-Reply.

4. Adjourned for hearing at the stage of admission.

5. S.O. to 25.03.2019.

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 <b>Date : 18.03.2019.</b>
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O. A. No. 41 of 2019

A. M. Wakchoure .....Applicant

Versus

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

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

2. Today, the learned P.O. for the Respondents has filed reply. It is taken on record.

3. In the present O.A., the challenge is to the suspension order dated 30.06.2018 and, therefore, the matter needs to be disposed of expeditiously.

4. The matter is adjourned for hearing at the stage of admission.

5. S.O. to 05.04.2019.

*N.W.*  
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><b>Date : 18.03.2019.</b></p> <p style="text-align: center;"><b>O. A. No. 42 of 2019</b></p> <p>N. R. Garad .....Applicant</p> <p><b>Versus</b></p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri S. S. Dere, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</li> <li>2. Today, the learned P.O. for the Respondents has filed reply. It is taken on record.</li> <li>3. In the present O.A., the challenge is to the suspension order dated 29.05.2018 and, therefore, the matter needs to be disposed of expeditiously.</li> <li>4. The matter is adjourned for hearing at the stage of admission.</li> <li>5. S.O. to 05.04.2019.</li> </ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>