

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

Tribunal's orders

Date : 18.06.2019

O.A.No.663 of 2019

V.Y. Yadav ....Applicant.  
Versus  
The State of Maharashtra & Ors. ...Respondents.

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

2. It is contention of the Applicant that the Appellate Authority committed error while computing the period of limitation and erroneously held that the appeal was barred by the limitation.

3. When it was brought to the notice of learned Advocate that the Applicant is not in service after 23.12.2016 and he may directly challenge the punishment awarded to him by the Disciplinary Authority. Consequently learned Advocate submitted that he would amend the O.A. for claiming the appropriate relief.

4. Time granted to effect the amendment.

5. S.O. to 01.08.2019.

Sd/-

(A.D. Karanjkar)  
Member(J)

prk

Sd/-

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

DATE: 18/6/2019

CORAM: Shri P.N. Dixit (C.A. Vice-Chairman)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri A. D. Karanjkar (Member)

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Ady. To: 18/6/2019

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**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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**18.06.2019**

**M.A 107/2019 in O.A No 222/2016**

Shri M.U Shetsandi ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri N.Y Chavan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.
2. It is submitted that the application for restoration of O.A is not filed within 30 days from the date of dismissal.
3. Learned advocate for the applicant request for time to submit application for condonation of delay.
4. Two weeks' time is granted.
5. S.O to 5.7.2019.

DATE: 18/6/2019  
**CORAM:** Shri P.N. Dixit (C/JC-A)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Shri M. Ramchikumar (Member)

**APPEARANCE:**

Shri/Smt. : N.Y. Chavan

Advocate for the Applicant  
Shri/Smt. : K.S. Gaikwad  
C.P.O./P.O. for the Respondent/s

Ad. To: 5/7/2019

*[Handwritten signature]*

Sd/-

(A.D Karanjakar)  
Member (J)

Alm

Sd/-

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

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.558 of 2019

P.S. Pereira ..Applicant  
 Vs.  
 The State of Maharashtra & Ors. ..Respondents  
 Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Issue notice returnable on 11.7.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 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.
8. The respondents while replying should particularly address to the issues raised in paras 6.13 to 6.15, 6.19, 6.21 to 6.24, 6.26 to 6.28, 6.32 to 6.35, 6.39, 6.40, 6.43.

DATE: 15/6/2019  
 CORAM: Shri P.N. Dixit (V/G-A)  
 Hon'ble Mr. A.D. Karanjkar (M/G)  
 Applicant: A.V. Bandiwadekar  
 Respondent: S.P. Manchekar  
 C.P.O./P. for the Respondent/s

Adj. To: Issue notice returnable  
 on 11/7/2019.

Ld. Advocate for the applicant is permitted to do the pagination again.

Sd/-

(A.D. Karanjkar)  
 Member (J)  
 18.6.2019

Sd/-

(P.N. Dixit)  
 Vice-Chairman (A)  
 18.6.2019

(sgj)

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

Tribunal's orders

O.A. No.552 of 2019

R.A. Bhise ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri S.B. Talekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 11.7.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 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.

DATE: 18/6/2019

ODRAM Shri P.N. Dixit (V/C-A)

Shri A.D. Karanjkar (M/A)

ALP

Shri

S.B. Talekar

Advoc

Smt

K.S. Gaikwad

Smt/Son

C.P.O./P.S. Respondent/s

Ad. To: Issue notice returnable

on 11/7/2019

*File*

Sd/-

(A.D. Karanjkar)  
Member (J)  
18.6.2019

Sd/-

(P.N. Dixit)  
Vice-Chairman (A)  
18.6.2019

(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
	<p>Date : 18.06.2019.</p> <p>O.A.No.336 of 2018</p> <p>R. D. Akrupe .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"><li>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li><li>2. Today, learned P.O. submitted that Affidavit in terms of order passed by this Tribunal on 11.06.2019 about the delay caused in completion of D.E. initiated against the Applicant will be filed during the course of the day. Statement is accepted. Affidavit be taken on record.</li><li>3. Two weeks time is granted to learned P.O. to file reply to the amended O.A.</li><li>4. Learned Counsel for the Applicant directed to furnish amended O.A. within three day to learned P.O.</li><li>5. S.O. to 02.07.2019.</li></ol> <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 ..... 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 : 18.06.2019.

O.A.No.293 of 2019

D. R. Dhumal .....Applicant

Versus

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

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.
2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.
3. The matter is adjourned for hearing at the stage of admission.
4. S.O. to 16.07.2019.

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 : 18.06.2019.

O. A. No.554 of 2019

N. J. Gupta

....Applicant

Versus

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

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

2. Issue notice before admission returnable on 25.06.2019.

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. 5.O. to 25.06.2019

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 : 18.06.2019.

O. A. No.561 of 2019

B. S. Sankpal

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 09.07.2019.

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 09.07.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)



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

Date : 18.06.2019. Tribunal's orders

O. A. No.553 of 2019

P. D. Sutar .....Applicant  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Prima-facie, the Applicant has completed 17 years service on the said post and requested for transfer at some other convenient place as per his representation dated 29.04.2019. According to Applicant, some other employees have been accommodated on their request but he subjected to discrimination.
3. In view of above, the Respondent No.2 is required to consider his representation dated 29.04.2019 and shall pass appropriate order in meantime.
4. Issue notice before admission returnable on 02.07.2019.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. 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.
7. 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.
8. 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.
9. 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.
10. S.O. to 02.07.2019.
11. Hamdast and steno copy is granted. ✓

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
	<p>Date : 18.06.2019.</p> <p style="text-align: center;">O.A.No.139 of 2019</p> <p>P. S. Patil .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present matter, in fact the challenge is to the impugned transfer order dated 13.02.2019 whereby the Applicant was transferred from Palghar to Ratnagiri in view of the directions from Election Commission of India. Interim relief was refused by passing reasoned order on 15.02.2019. Thereafter, when the matter was taken up for hearing, it was pointed out by the learned Counsel for the Applicant that the Applicant has already made representation on 02.02.2019 for the change of home town which was not decided and, therefore, the matter was adjourned.</p> <p>3. However, today learned P.D. has tendered a copy of order dated 16.04.2019 which shows that representation made by the Applicant has been rejected.</p> <p>4. In view of above, learned Counsel for the Applicant submitted that the Applicant has already joined at Ratnagiri in terms of transfer order dated 13.02.2019. He, therefore, requested to dispose of the present O.A. with liberty to challenge the order dated 16.04.2019.</p> <p>5. In view of above, Original Application is disposed of for want of prosecution with liberty to the Applicant to challenge the order dated 16.04.2019 as may be permissible in law. No order as to costs.</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 : 18.06.2019.</p> <p>O.A.No.1011 of 2018</p> <p>K. R. Tawarej .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents has pointed out that the proposal for the transfer of the Applicant on the post of Deputy Director, Land Record is under positive consideration of the Government and file is placed before the Hon'ble Chief Minister for approval. He, therefore, requested for two weeks time.</p> <p>3. In view of above, the matter is adjourned for two weeks awaiting <del>approval of</del> order.</p> <p>4. S.O. to 02.07.2019.</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 : 18.06.2019.</p> <p>O.A.Nos.206 of 2019 with O.A.No.207 of 2019 with O.A.No.211 of 2019</p> <p>S. C. Shinde &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicants, Shri A. J. Chougule, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent No.1 and Shri M. D. Lonkar, learned Advocate for the Respondent No.2.</p> <p>2. Today, the learned Counsel for the Applicants has filed Affidavit-in-Rejoinders in all three Original Applications. It is taken on record.</p> <p>3. The matters are adjourned for hearing on 10.07.2019.</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
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Date : 18.06.2019.

O.A.No.269 of 2019

Dr. V. D. Shinde .....Applicant

Versus

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

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

2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.4. It is taken on record. No reply has filed on behalf of the Respondent Nos.1, 2 and 3.

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

4. S.O. to 09.07.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.560 of 2019**

**Dr. Navnath L. Narale**

)..... Applicant

**Versus**

**State of Maharashtra & Ors.**

)...Respondents

Smt. Punam Mahajan, Advocate for Applicant.

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

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 18.06.2019

**ORDER**

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. In the present matter, the challenge is to the transfer order dated 13.06.2019 whereby the Applicant has been transferred from Baramati, Dist. Pune to Tuljapur, Dist. Osmanabad. Earlier, by order dated 31.05.2019, the Applicant was transferred from Baramati, Dist. Pune as Assistant Commissioner, District Animal Husbandry, Polyclinic, Aundh, Pune. However, the transfer order dated 31.05.2019 which seems to be general transfer order was stayed and thereafter fresh order was issued on 13.06.2019 whereby the posting of the Applicant has been changed from Pune to Osmanabad.
3. Learned Counsel for the Applicant submits that as the transfer order dated 13.06.2019 is mid-term transfer, it requires compliance of Section 4(4)(ii) and 4(5) Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act, 2005'). Therefore, she seeks stay to the impugned transfer order dated 13.06.2019.

*Handwritten signature*

4. Whereas, learned P.O. for the Respondents submitted that the transfer order dated 13.06.2019 has been approved by the Hon'ble Chief Minister. Prima-facie, there is compliance of Section 4(4)(ii) and 4(5) of Transfer Act, 2005. Learned P.O. has also produced file for perusal.

5. Perusal of the file reveals that the Civil Services Board (CSB) has recommended for the transfer of the Applicant at Pune. Accordingly, general transfer orders were issued on 31.05.2019. However, subsequently the posting of the Applicant has been changed from Pune to Osmanabad without placing the matter before CSB. Furthermore, no reason much less justifiable is forthcoming in the file for change of posting of the Applicant from Pune to Osmanabad. On the contrary, the note on the file gives an impression that transfers are effected as per the recommendation made by the CSB which is in fact contrary to posting recommended by the CSB and actually given to the Applicant. The post on which the Applicant was transferred at Pune is still vacant.

6. True, the Applicant was due for transfer but the transfer order being issued on 13.06.2019, it has effect of mid-term transfer and, therefore, reasons ought to have been exhibited in the file which are missing.

7. In view of above, I am satisfied that prima-facie, the impugned transfer qua the Applicant is not in consonance with Section 4(4)(ii) and 4(5) of the Transfer Act, 2005. The impugned transfer order, therefore, deserves to be stayed.

8. By interim order, the implementation of transfer order dated 13.06.2019 is stayed, qua the Applicant.

9. Issue notice before admission returnable on 16.07.2019.

10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
11. 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.
12. 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.
13. 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.
14. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
15. S.O. to 16.07.2019.

Sd/-  
Ww  
**(A.P. KURHEKAR)**  
**MEMBER (J)**



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 : 18.06.2019.</p> <p>O.A.No. 479 of 2019</p> <p>V. R. Chirmulla .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Only issue posed for consideration is whether the suspension order dated 10.01.2019 whereby the Applicant has been suspended with retrospective effect is legal and valid and the answer is negative.</li> <li>3. The Applicant was working as Circle Officer, Panshet, Tal. Velhe, Dist. Pune. By order dated 10.01.2019, the Respondent No.2 namely Collector, Pune suspended the Applicant invoking Rule 4(2)(a) of the Maharashtra Civil Services (Discipline &amp; Appeal) Rules, 1979 with retrospective effect from the date of registration of crime which was registered against the Applicant on 18.05.2018 for the offence under Section 7 of the Prevention of Corruption Act, 1988.</li> <li>4. Perusal of suspension order reveals that the Applicant has been suspended in contemplation of D.E.</li> <li>5. Learned Counsel for the Applicant challenged the suspension contending that <i>ex-facie</i> the suspension order with retrospective effect is illegal for two reasons. First, there cannot be suspension with retrospective effect where the suspension is in contemplation of D.E. Second, the Applicant was not at all in custody of 48 hours as contemplated under Rule 4(2)(a) of Maharashtra Civil Services (Discipline &amp; Appeal) Rules, 1979.</li> </ol>

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

6. Per contra, learned Presenting Officer for the Respondents submitted that in pursuance of interim stay granted by this Tribunal by order dated 04.06.2019, the Applicant has been already reinstated in service. In so far as illegality in suspension order is concerned, he was at pain to justify the suspension order on the grounds mentioned therein.

7. In so far as applicability of Rule 4(2)(a) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 are concerned, a Government servant shall be deemed to have been placed under suspension with effect from the date of his detention, if he is detained in police or judicial custody for a period exceeding 48 hours. However, in the present case, admittedly the Applicant was arrested on 18.05.2018 and released on the same day. Learned Counsel for the Applicant also tendered the copy of bail order to show that the Applicant was released on the same day.

8. Suffice to say, the Applicant was not at all in custody for 48 hours as contemplated under Rule 4(2)(a) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and, therefore, the question of deemed suspension did not survive.

9. Secondly, there cannot be suspension with retrospective effect from the date of registration of crime where suspension is in contemplation of D.E. However, in impugned order, the Applicant is shown suspended with retrospective effect from the date of registration of crime which was registered on 18.05.2018 whereas the order of suspension was passed on 10.01.2019. This being the position, ex-facie the suspension with retrospective effect is illegal.

10. For the aforesaid reasons, there is no escape from the conclusion that the suspension order dated 10.01.2019 suffers from material illegality and unsustainable in law. It is not in consonance to Rule 4 of the MCS (D & A) Rules, 1979 and deserves to be quashed. Hence the following order.

**ORDER**

- (A) The Original Application is allowed.
- (B) The suspension order dated 10.01.2019 is quashed and set aside.
- (C) No order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

(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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18.06.2019

O.A No 544/2018 with O.A 513/2019

DATE: 18/6/19.

COBAM:

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

Mr V.B Shende (O.A 544/2018)  
Shri S.V Rane (O.A 513/2019) ... Applicants  
Vs.

The State of Maharashtra & Ors ... Respondents

APPEARANCE:

Shri Dr. G. Sadavarte

Advocate for the Applicant

1. Heard Dr Gunratan Sadavarte, learned advocate for the applicant, Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents no 1 & 2, Shri A.V Bandiwadekar, learned advocate for Respondent no. 3 and Shri S.S Dere, learned advocate for Res.no 4 in O.A 544/2018. Shri C.T Chandratre, learned advocate for the applicant, Ms Swati Manchekar, learned C.P.O for Respondents 1 to 3 and Shri K.R Jagdale, learned advocate for Respondent no. 4 in O.A 513/2019.

Shri S.P. Navalekar  
C.P.O for the Respondents 1, 2

2. Learned advocate Shri Chandratre prays to hear present O.A with O.A 544/2019.

Adj. Date 27/19

3. O.A 544/2018 be heard with O.A 513/2019.

Shri A.V. Bandiwadekar,  
Adv for Res no 3

4. S.O to 2.7.2019.

Shri S.S. Dere Adv for  
Res no 4. in (O.A 544/18)

Sd/-

Shri C.T. Chandratre Adv  
for the Applicant in (O.A 513/19)

SP Navalekar C.P.O for the  
respondents. 1, 2, 3 (O.A 513/19)

(A.H Joshi, J.)  
Chairman

Shri K.R. Jagdale Adv for  
Res no 4 in (O.A 513/19)

S.O to 27/19

O.A 544/18 with  
O.A 513/19

Akn

(C)

**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> <u>18/6/19.</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE :</b> Shri/Smt. <u>C.T. Chandratre,</u> Advocate for Applicant</p> <p>Shri/Smt. <u>S.P. Manchekar</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>19/6/19.</u> <u>place before O/B</u> <u>tomorrow on 19/6/19.</u> <u>at 3.00 PM.</u></p>	<p><b>18.06.2019</b></p> <p><b><u>O.A No 423/2019 with M.A 228/2019</u></b></p> <p>Mr V.B Patil &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Place before D.B tomorrow at 3.00 pm.</p> <p style="text-align: right;">Sd/- <u>(A.H Joshi, J.)</u> Chairman</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
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O.A. No.542 of 2019 with M.A. No.296 of 2019

S.D. Gulekar & Ors. ..Applicants  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri U.V. Bhosle, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. At the request of Ld. Advocate for the Applicants adjourned to 26.8.2019.

Sd/-	Sd/-
(A.D. Karanjkar)	(P.N. Dixit)
Member (J)	Vice-Chairman (A)
18.6.2019	18.6.2019

(sgl)

DATE: 18/6/2019

CORAM: Shri P.N. Dixit C.V.C-A)  
Hon'ble Justice Shri A.D. Karanjkar (Chairman)  
Hon'ble Shri M. Rameshkumar (Member A)

APPEARANCE:

Shri/Smt.: U.V. Bhosale

Advocate for the Applicant

Shri/Smt.: S.P. Manchekar

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

Adj To: 26/8/2019 at the request of Ld. Adv. for the appl.

*Mick*

**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><u>DATE:</u> 18/6/2019</p> <p><u>CORAM:</u> Shri. P.N. Dixit C/JC-A Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri A.D. Karanjkar (Member)-A</p> <p><u>APPEARANCE:</u> Shri/Smt: V.P. Potbhare Advocate for the Applicant Shri/Smt: S.P. Manchekar C.P.O / P.O. for the Respondent/s</p> <p>As to MA be heard along with O.A.</p>	<p><u>M.A. No.85 of 2019 in O.A. No.710 of 2016</u></p> <p>A.C. Sonwane ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. MA be heard along with OA.</p> <p>Sd/- (A.D. Karanjkar) Member (J) 18.6.2019 (sgj)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman (A) 18.6.2019</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
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O.A. No.890 of 2018

B.N. Nagre ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Reply is already filed. Ld. Advocate for the applicant prays that the matter may be admitted.

3. Admit. To come up for final hearing in due course with liberty to file rejoinder, if any.

DATE: 18/6/2019

CORAM:  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri P. N. Dixit (Member) A

APPEARANCE:  
Shri/Smt: A.V. Bhandurdekar

Advocate for the Applicant

Shri/Smt: S.P. Manchekar  
C.P.O./P.O. for the Respondents

Ad. To: Admit.

Sd/-  
(P.N. Dixit)  
Vice-Chairman (A)  
18.6.2019

(sgj)

*File*

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

O.A. No.338 of 2019

C.S. Bharude ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

- Ld. CPO states that copy of OA is not served in the office of CPO. Ld. Advocate for the applicant states that copy of OA would be served in the office of Ld. CPO immediately.
- Ld. CPO seeks two weeks time to file reply.
- S.O. to 2.7.2019.

DATE: 18/6/2019

CORAM:

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

Hon'ble Shri P. N. Dixit (Member)

APPEARANCE:

Shri/Smt. : M.B. Kadam Ld. Adv.  
holding for Shri J.N. Kamble  
Advocate for the Applicant

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

Ad. To: 2/7/2019

Sd/-

(P.N. Dixit)  
Vice-Chairman (A)  
18.6.2019

(sgj)

*J.K.*



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


O.A. No.244 of 2019

R.B. Jagtap ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the Applicant as well as Ld. CPO prays that the matter may be examined whether it pertains to Single Bench.

3. The Registrar to confirm the same and inform by 21.6.2019.

Sd/-   
(P.N. Dixit)  
Vice-Chairman (A)  
18.6.2019

(sgj)

DATE: 18/6/2019

CORAM:

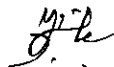
~~Mou'ble Justice Shri A. H. Joshi (Chairman)~~  
~~Mou'ble Shri M. Kamesh Kumar (Member) A~~  
P.N. Dixit (Vice-Chairman)

APPEARANCE:

Shri/Smt.: K.R. Jagdale  
Ld. Adv. holding for Shri V.V. Joshi  
Ld. Advocate for the Applicant

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

Ad. To: 21/6/2019



**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.A. No.115 of 2019

A.M. Sawarkar ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Applicant is present. Heard Smt. K.S. Gaikwad.  
learned Presenting Officer for the Respondents.

2. Applicant files rejoinder and the same is taken on record.

3. Admit. To come up for final hearing in due course with liberty to circulate.

DATE: 18/6/2019

CORAM:  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:  
Shri/Smt. Applicant is present

Advocate for the Applicant  
Shri/Smt. K.S. Gaikwad  
C.P.O / P.O. for the Respondent/s

Ad. To Admit

(sgj)

Sd/-  
(P.N. Dixit)  
Vice-Chairman (A)  
18.6.2019

**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.A. No.1127 of 2018

S.B. Kadam ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri S.T. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Ld. CPO seeks two weeks time to file reply.
- 3. S.O. to 5.7.2019.

Sd/-  
(P.N) Dixit  
Vice-Chairman (A)  
18.6.2019

(sgj)

DATE: 18/6/2019  
CORAM:  
Hon'ble Justice Shri A.H. Joshi (Chairman)  
Hon'ble Shri P.N. Dixit (Member) A  
C.V. (A)  
APPEARANCE:  
Shri/Smt.: S.T. Bhosale  
Advocate for the Applicant  
Shri/Smt.: S.P. Manchekar  
C.P.O / P.O. for the Respondent/s  
Adj. To: 5/7/2019

*g-k*

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

O.A. No.741 of 2018

M.L. Bramhane ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. CPO states that reply on behalf of respondent no.2 will be filed during the course of the day.

3. Ld. Advocate for the applicant seeks three weeks time to file rejoinder.

4. S.O. to 9.7.2019.

DATE: 18/6/2019

BY:

Justice Shri A. H. Joshi (Chairman)

M.L. Bramhane (Applicant)

BY:

Sd/- M.B. Kadam Ld. Adv.

holding for Shri J.N. Kamble

Sd/- S.P. Manchekar

P.O. for the Respondent/s

Sd/-

(P.N. Dixit)

Vice-Chairman (A)

18.6.2019

(sgj)

To: 9/7/2019

*[Handwritten signature]*