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(G.C.P.) J 2260(B) (50,000—2-2015)

(Spl.- MAT-F-2 E.

**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><b>Date: 20.12.2019</b></p> <p><b>O. A. No. 1225 of 2019 with O.A. 878 of 2019</b></p> <p><b>R.G. Lande .....Applicant</b> <b>Versus</b> <b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged impugned order dated 16.12.2019, whereby he is repatriated to his original Department.</p> <p>3. Learned Advocate for the Applicant sought interim relief to stay the implementation of order dated 16.12.2019. He has further pointed out that earlier Applicant was transferred by order 03.09.2019 from the post he was holding and it was challenged in O.A. 878/19 wherein this Tribunal has granted interim relief in the form of status quo on 05.09.2019.</p> <p>4. Learned Advocate for the Applicant contend that though there is order of status quo in O.A. 878/19 again attempt is made to repatriate and transfer him by order dated 16.12.2019 which is challenged in the present O.A.. He therefore submits that order dated 16.12.2019 deserves to be stayed.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Initially learned C.P.O. sought to contend that present order dated 16.12.2019 being arising from different cause of action it is nothing to do with order of status quo passed in O.A. 878/19.</p> <p>6. However, later learned C.P.O. on instructions of Respondents submits that department is withdrawing present impugned order dated 16.12.2019 as well as transfer order dated 03.09.2019 which is impugned in O.A. 878/19. Learned C.P.O. therefore requested to dispose of both O.A.</p> <p>7. As O.A. 878/19 is not on today's board being already listed on 14.01.2020 it is taken on today's board in view of above submission.</p> <p>8. Learned C.P.O. made statement that impugned order dated 16.12.2019 impugned in this O.A. 1225/19 will be withdrawn immediately. As regards order dated 3.9.2019 impugned in O.A. 878/19, she submits that it will be withdrawn within day or two. Statement as recorded and accepted.</p> <p>9. It is desirable on withdrawal of orders Applicant be reinstated on the same post and then Respondent will be at liberty to pass further appropriate order in accordance with law.</p> <p>10. Accordingly O.A. No. 1255/19 as well as O.A. No. 878/19 are disposed of with no order as to costs.</p> <p>11. Hamdast copy granted.</p> <p>12. Copy of this order to be placed in O.A. 878/19.</p> <p style="text-align: right;">Sd/- (A.P. KURHEKAR) MEMBER (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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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>O.A. No.149 of 2019</u></p> <p>S.S. Suryawanshi ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO submits that respondent no.2 proposes to file reply and hence seeks adjournment by 3 weeks.</p> <p>3. Adjourned to 16.1.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 20.12.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.791 of 2019</u></p> <p>D.G. Rajput ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri N.S. Kulkarni, learned Advocate for the Applicant and S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant is directed to satisfy this Tribunal and provide necessary rules and regulations which entitle the applicant for getting the benefits claimed by him in the prayer clause.</p> <p>3. At his request S.O. to 16.1.2020.</p> <p style="text-align: right;">Sd/- (P.N.'Dixit) Vice-Chairman (A) 20.12.2019</p> <p>(sgj)</p>

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>M.A. No.684 of 2019 in O.A. No.1034 of 2019</u></p> <p>P.N. Bandgar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri P.R. Suryawanshi, learned Advocate holding for Shri G.M. Savagave, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant is directed to serve copy of MA on the Ld. PO. Issue notice in MA returnable on 29.1.2020.</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 M.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 remedies 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 three days and if service report on affidavit is not filed three days before returnable date, MA shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 20.12.2019</p> <p>(sgl)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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>O.A. No.1034 of 2019</u></p> <p>P.N. Bandgar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri P.R. Suryawanshi, learned Advocate holding for Shri G.M. Savagave, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that the record from 2004 to 2012 is yet to be access. He submits that he would procure the same and bring it on record.</p> <p>3. At his request adjourned to 16.1.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 20.12.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearances, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.1025 of 2019</u></p> <p>C.H. Patole &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondent No.1 and Shri D.B. Khaire, learned Advocate for Respondents No.2 to 4.</p> <p>2. Ld. Advocate for the applicants as well as Ld. Advocate for private Respondents No.2 to 4 were given inspection of two files viz. first pertaining to final seniority list of 9.12.2019 in the rank of Executive Engineer and second pertaining to regularization of promotions of the applicants as well as private respondents no.2 to 4.</p> <p>3. After satisfactory inspection, Ld. Advocate for the applicants seeks leave to amend the OA. Leave granted. Amendment be carried on or before 26.12.2019 and amended OA be served on all concerned.</p> <p>4. Ld. CPO and Ld. Advocate for respondents no.2 to 4 seeks two weeks time to file reply.</p> <p>5. S.O. to 15.1.2020.</p> <p align="center">Sd/- W (A.P. Kurhekar) Member (J) 20.12.2019 (sgj)</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman (A) 20.12.2019</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b><u>20.12.2019</u></b></p> <p align="center"><b><u>O.A 1169/2019</u></b></p> <p>Shri U.P Nikam ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Applicant as well as learned advocate for the applicant are absent. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O states that as per her instructions, the Respondents have given appointment to the applicant by order dated 11.12.2019 and accordingly he has joined on 16.12.2019. Copy of order dated 11.12.2019, is marked as 'X' and taken on record.</p> <p>3. Thus the prayer in the Original Application has become infructuous. Hence, the Original Application is disposed of accordingly.</p> <p align="center">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Akn</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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>C.A. No.51 of 2014 in O.A. No.465 of 2008</u></p> <p>The Tracers Association ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants submits that he would seek instructions from the persons who are claiming not to have received the benefits.</p> <p>3. At the request of Ld. Advocate for the applicants adjourned to 8.1.2020.</p> <p align="center">Sd/- W (A.P. Kurhekar) Member (J) 20.12.2019 (sgj)</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman (A) 20.12.2019</p>

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

Tribunal's orders

Date : 20.12.2019.

O.A.No.12 of 2018

M. M. Kamble & Ors. ....Applicants  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Perusal of O.A. reveals that the Applicants were became surplus, and therefore, they were given posting at various places in State of Maharashtra in Dairy Development Department. Earlier, they were all working at Worli and other places in Mumbai but found surplus. Though, they were transferred at different places still they are continued at same place at Worli and other places in Mumbai.
3. Learned Counsel for the Applicants submits that the Applicants can be accommodated in Mumbai as they are already working on the said post despite their posting at different places and this shows the availability of posts in Mumbai. He has further pointed out that the Applicants have made representations on 19.08.2019 to accommodate them in Mumbai as it is difficult for them to shift to other places.
4. In view of above, learned Counsel for the Applicants seeks permission to withdraw the O.A. and prayed for direction to the Respondent No.2 to decide the representations made by the Applicants on 19.08.2019.
5. In view of above, Applicants Counsel is allowed to withdraw the O.A.
6. Respondent No.2 is directed to consider the representations made by the Applicants on 19.08.2019 within two months from today and shall pass appropriate orders.
7. Accordingly, Original Application is disposed of as withdrawn with no order as to cost.

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
	<p><b>Date: 20.12.2019</b></p> <p><b>M.A.s 698 &amp; 699 of 2019 in O. A. No. 905 of 2017</b></p> <p><b>Dr. D. Simon</b> .....Applicant <b>Versus</b> <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Smt. P. Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Though, initially the Applicant claimed relief for declaration that he is permanent Government Servant and is entitled to retrial benefits. During the pendency of O.A. the Applicant has filed M.A. 698/19 &amp; M.A.699/19. M.A. 698/19 in for Condonation of Delay and M.A. 699/19 is for amendment challenging the order dated 15.01.2009, whereby the claim of regularization of the Applicant has been rejected by the Government.</p> <p>3. As such basically the Applicant has challenged order dated 15.01.2009 and claiming direction for regularization in service so that he can get consequential benefits of retrial benefits.</p> <p>4. Subject of 'Regularization' does not pertains to this this Bench as per revised officer order. Registrar is therefore directed to examine the matter and place if before appropriate Bench.</p> <p style="text-align: right;">Sd/- (A.P. KURHEKAR) MEMBER (J)</p>

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

**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 : 20.12.2019.</p> <p>O.A.No.708 of 2019</p> <p>Dr. S. D. Jadhav .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt.Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 24.01.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl. MAT-F-2 E.

**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 : 20.12.2019.</p> <p>O.A.No.934 of 2019</p> <p>Dr. A. B. Shinde .....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 Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</li><li>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</li><li>3. Matter is adjourned for hearing at the stage of admission.</li><li>4. S.O. to 24.01.2020.</li></ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(G.C.P.) J 2959 (A) (50,000—3-2017)

(Spl.- MAT-F-2 E)

**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 : 20.12.2019.</p> <p>O.A.No.1166 of 2019</p> <p>Dr. A. R. Patil .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"><li>1. Heard Ms S. T. Suryawanshi, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</li><li>2. Learned Counsel for the Applicant raised grievance that the Applicant was not given posting as per the options given by him. He had filed representation on 05.10.2019 but same is not considered. He is claiming posting in Jalgaon District citing family difficulties.</li><li>3. Learned P.O. is again seeking time for filing reply though enough time is granted.</li><li>4. Lastly, two weeks time is granted for filing reply.</li><li>5. In the meantime, the Respondents should consider the representation made by the Applicant on 05.10.2019 on its own merit and shall pass appropriate order.</li><li>6. S.O. to 09.01.2020.</li><li>7. Hamdast granted.</li></ol> <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
	<p>Date : 20.12.2019.</p> <p style="text-align: center;">O.A.No.1098 of 2019</p> <p>P. G. Mahale .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. The Applicant has filed the present O.A. for direction to release his retiral benefits which are withheld since the date of his retirement on 31.05.2019.</li> <li>3. It appears that from O.A. that before two days of retirement, he was served with charge sheet u/r 10 of Maharashtra Civil Services (Discipline &amp; Appeal) Rules, 1979. The Applicant has already submitted his reply to the charge sheet on 22.07.2019. However, thereafter no steps are taken by the Respondents to complete the D.E. which was required to be completed expeditiously it being issued u/r 10 of Maharashtra Civil Services (D &amp; A) Rules, 1979. Because of pendency of D.E., the Applicant is deprived of getting his retiral benefits.</li> <li>4. Needless to mention that in terms of various Government G.R.s and Circulars, D.E. needs to be completed within six months and in case of non completion of D.E. within six months, extension is required to be sought from the Competent Authority. In the present case, the Applicant being already superannuated on 31.05.2019, D.E. ought to have been expedited speedily and final order ought to have been passed by this time.</li> <li>5. In view of above, O.A. deserves to be disposed of with direction to the Respondent No.3 i.e. Chief Conservator of Forest (Territorial), Pune to ensure the completion of D.E. within three months from today and final order thereon shall be passed within a month thereafter and it shall be communicated to the Applicant forthwith.</li> <li>6. In the meantime, appropriate provisional pension considering grievance of the Applicant that he is not getting pension as per 7<sup>th</sup> Pay Commission, be paid regularly.</li> <li>7. On completion of D.E. as directed above, the Applicant's retiral benefits be released as per his entitlement and subject to outcome of D.E., forthwith.</li> </ol> <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
	<p>Date : 20.12.2019.</p> <p>O.A.No.1178 of 2019</p> <p>A. J. Kadam .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Koige, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., challenge is to the suspension order dated 25.11.2014. The Applicant was suspended in view of the registration of crime against him u/s 7, 12, 13(i)(D) r/w 13(2) of Prevention of Corruption Act. After investigation, the charge sheet is filed in Criminal Case and it is subjudice.</p> <p>3. Though the period of more than five years is over, the Applicant is subjected to proiong suspension without taking any further steps of issuance of charge sheet in D.E. or taking review of suspension of the Applicant. Needless to mention that such proiong suspension of five years is not at all justified and not permissible in view of the settled law as reiterated by the Hon'ble Supreme Court in (2015) 7 SCC 291 (<i>Ajay Kumar Choudhary V/s Union of India &amp; Ors.</i>).</p> <p>4. in view of above, Driiginal Application deserved to be disposed of with suitable directions to the Respondent No.2 to take review of suspension of the Applicant. Hence the following order.</p> <p style="text-align: center;"><b>ORDER</b></p> <p>(A) Original Application is disposed of with direction to Respondent No.2 to take review of the proiong suspension of the Applicant and shall pass appropriate order within two weeks from today and shall be communicated to the Applicant forthwith.</p> <p>(B) No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 20.12.2019. Tribunal's orders O.A.No.1226 of 2019</p>
	<p>D. Y. Kamble &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., eleven Applicants are jointly seeking relief of retiral benefits and challenge to the impugned recovery. They retired in between 2015 to 2019. Notice of recovery is issued in respect of Applicant No.4 i.e. Deepak Fulpagar only, as seen from the notice dated 12.02.2019 at Page No.24 of PB.</p> <p>3. As such, there seems to be no common cause of action so as to sue jointly.</p> <p>4. At this juncture, learned Counsel for the Applicant seeks permission to delete the names of the Applicants No.1 to 3 and 5 to 11 from O.A. so that O.A. can be continued to the extent of Applicant No.4 i.e. Dipak Fulpagar only.</p> <p>5. Allowed to delete the names of Applicants No.1 to 3 and 5 to 11.</p> <p>6. As such, this O.A. will be considered to the extent of Applicant No.4 – Dipak Fulpagar only.</p> <p>7. Learned Counsel for the Applicants raised grievance that the Applicant No.4 –Dipak Fulpagar was granted only provisional pension for six months and thereafter it was discontinued. Applicant No.4 Dipak Fulpagar retired on 31.05.2018 and still his regular pension seems not granted.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. Learned C.P.O. is directed to take instructions and apprise the Tribunal as to why pensionary benefits of Dipak Fulpagar is withheld.</p> <p>9. In the meantime, interim relief is granted to stay the recovery as the Applicant is already retired and prima-facie, recovery seems not permissible.</p> <p>10. Issue notice before admission returnable on 16.01.2020.</p> <p>11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>12. 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>13. 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>14. 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>15. 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.</p> <p>16. S.O. to 16.01.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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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 : 20.12.2019.</p> <p>M.A. No.697 of 2019 in O.A.No.1226 of 2019</p> <p>D. Y. Kamble &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Having gone through the pleadings of the O.A., it is noticed that there is no common cause of action so as to sue jointly. Cause of action seems to be only in respect of Applicant No.4 i.e. Dipak Fulpagar who is served with notice of recovery dated 12.02.2019.</p> <p>3. Having realized it, learned Counsel for the Applicants submits that he is not pressing the M.A. for sue jointly and O. A. will be restricted to Applicant No.4 Dipak Fulpagar only.</p> <p>4. In view of above, Misc. Application filed for sue jointly is disposed of.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI BENCH**

**ORIGINAL APPLICATION NO 781 OF 2019**

**DISTRICT : SOLAPUR**

Shri Balaji Krishna Bansode )...**Applicant**

**Versus**

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

Smt Punam Mahajan, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

**CORAM** : **Shri P.N Dixit (Vice-Chairman) (A)**  
**Shri A.P Kurhekar (Member)(J)**

**DATE** : **20.12.2019**

**PER** : **Shri A.P Kurhekar (Member)(J)**

**ORDER**

1. Heard Smt Punam Mahajan, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents

2. Applicant has filed the present Original Application for directions to the Respondents to consider him for promotion to the post of Naib Tahsildar from open category on the ground that though he is otherwise eligible, he is not considered for promotion to the post of Naib Tahsildar.

3. He raised grievance that in the year 2018, persons junior to him were promoted, but he is deprived of promotion. He made

representations. But his grievance is not redressed and therefore he has filed the present Original Application.

4. Perusal of the Original Application reveals that the applicant was promoted to the post of Awal Karkoon with deemed date w.e.f 28.5.2003. It appears from the record that Collector as well as Commissioner sought guidance from the Government as to whether promotion can be given to the applicant in view of the decision of Hon'ble High Court in Writ Petition no. 2797/2015, decided on 4.8.2017 whereby G.R dated 25.5.2004 is struck down which inter alia made provisions for reservation in the matter of promotion in favour of S.C, S.T, De-notified Tribes and Special Backward Class being ultra-virus of Article 16(4A) of the Constitution of India. Being aggrieved by the said decision, Government has filed Special Leave Petition before the Hon'ble Supreme Court and the same is subjudice.

5. Learned C.P.O submits that in view of filing of S.L.P before the Hon'ble Supreme Court, no decision is being taken by the Government in the matter of promotion to the candidates from reserved category.

6. Indeed, applicant was promoted to the post of Awal Karkoon in the year 2003, from reserved category which is prior to the issuance of G.R dated 25.5.2004. In this respect applicant's contention is that, that time he ought to have been promoted as open candidate as there were no vacancies of reserved category. As all posts were already filled in, he is shown promoted from reserved category. Even assuming for moment that in 2003, he was promoted from reserved category, it has nothing to do with the G.R dated 25.5.2004. In other words, the promotion effected on the basis of G.R dated 25.5.2004, obviously after 25.5.2004 are only affected by the decision of the Hon'ble High Court in W.P 2797/2015 decided on 4.8.2017.

6. As such, prima facie, the promotions given prior to issuance of G.R dated 25.5.2004 are not affected. In view of the above, learned C.P.O is directed to take instructions from the Government and clarify the

position as to whether the promotions given prior to issuance of G.R dated 25.5.2004 have any impact of the decision of the Hon'ble High Court dated 4.8.20017 in W.P 2797/2015.

7. Learned C.P.O seeks time to take instructions.

8. S.O to 9.1.2020. Steno copy and Hamdast is granted. Learned C.P.O is directed to communicate this order to the Respondents.

**Sd/-**  
**(A.P Kurhekar)**  
**Member (J)**

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

**Place : Mumbai**  
**Date : 20.12.2019**  
**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
	<p>Date : 20.12.2019.</p> <p>O.A.No.871 of 2019</p> <p>S. H. Pawra .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri G. T. Kanchanpurkar, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.2 and 3 and adopting the same on behalf of Respondent No.1. It is taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 24.01.2020.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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>Date : 20.12.2019.</p> <p>M.A. No.458 of 2019 in O.A.No.608 of 2019</p> <p>Dr. M. V. Pande ....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply to M.A. It is taken on record.</p> <p>3. Matter is adjourned for hearing.</p> <p>4. S.O. to 13.01.2020.</p> <p style="text-align: right;">Sd/- WV (A.P. Kurhekar) Member(J)</p> <p>vsm</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><b>Date : 20.12.2019.</b></p> <p align="center"><b>O.A.No.1062 of 2019</b></p> <p><b>Dr. B. T. Karavekar</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ...Respondents.</b></p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In terms of order passed by this Tribunal on 09.12.2019, today learned P.O. has filed Affidavit of Shri Pradeep Vyas, Principal Secretary, Public Health Department wherein he stated that the directions are issued to Commissioner, Health Services, Mumbai to find out who is responsible for not completing the D.E. within stipulated time and the Commissioner was called upon who submit the report to that effect within a month. It is further stated in the Affidavit that on receipt of enquiry report from the Commissioner, appropriate action will be taken against the concerned officials.</p> <p>3. In view of above, matter is adjourned for four weeks to know further progress of investigation/inquiry into the matter.</p> <p>4. Principal Secretary, Public Health Department is directed to file short Affidavit of further progress on next date.</p> <p>5. S.O. to 23.01.2019.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</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 : 20.12.2019.</b></p> <p><b>O.A.No.72 of 2018</b></p> <p><b>A. M. Patil</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 Shri M. G. Bagkar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. During the pendency of O.A., Respondent No.4 is added and notice was sent to him by RPAD.</li> <li>3. Resp. No.4 refused to accept the notice as seen from the report submitted by the office.</li> <li>4. Adjourned for hearing at the stage of admission.</li> <li>5. S.O. to 10.01.2020.</li> </ol> <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 : 20.12.2019.

O.A.No.1188 of 2019

P. D. Patil & Ors.

....Applicants

Versus

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

1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. In the present O.A., the grievance was raised by the Applicant that he was promoted in the cadre of Naib Tahsildar in terms of order dated 25.07.2019. Thereafter no posting order has been issued. As such, he did not get promotional posting for five months, and therefore, filed this O.A.
3. Today, learned C.P.O. for the Respondents has filed the order dated 19.12.2019 about posting of the Applicant in the cadre of Naib Tahsildar. The order is taken on record and marked by letter 'X'.
4. As such, grievance of the Applicant is now redressed.
5. Learned Counsel for the Applicant however, again raised the grievance of non grant of benefits of promotion post i.e. pay and allowances for five months and seeks permission to file representation to the department.
6. The Applicant is at liberty to do so which shall be dealt with <sup>by</sup> department in accordance to rules.
7. In view of above, Original Application is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)