

**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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Date: 24.11.2020

O. A. No. 1199 of 2019

Y.B. PhadApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri Bhushan 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 Additional Affidavit on behalf of Respondent. It is taken on record.

3. Today, learned Advocate for the Applicant has filed Affidavit-in-Rejoinder to the Affidavit-in-Reply of the Respondent No.1. The same is taken on record.

4. For hearing at the stage of admission.

5. S.O. to 15.12.2020.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

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Original Application No. _____ of 20____

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|---|-------------------|

Date: 24.11.2020

O. A. No. 1125 of 2019

S.V. Lolge & Ors.Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Today learned Advocate for the Applicant has filed Reply on behalf of the Applicant.

3. It is taken on record.

4. For hearing at the stage of admission.

5. S.O. to 10.12.2020.

Sd/- 

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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| | <p>Date : 24.11.2020</p> <p align="center">O.A.No.161 of 2020</p> <p>A. A. Zajam & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri B. A. Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents</p> <p>2. Learned Counsel for the Applicants has pointed out that despite orders dated 27.10.2020 and 05.11.2020, no provisional pension is received by Applicant Nos.5, 7 and 8 from newly added Respondent Nos.5 to 7.</p> <p>3. Earlier the directions were given to learned P.O. to ensure that provisional pension is released to Applicant Nos.5, 7 and 8 but till date no provisional pension is received by them.</p> <p>4. In view of above, Respondent Nos.5 to 7 are directed to depute responsible officer from their respective office to remain present in the Tribunal on next date along with record to know the status of granting provisional pension failing to which necessary orders for contempt of court will be issued.</p> <p>5. S.O. to 26.11.2020.</p> <p align="right">Sd/- v- (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 : 24.11.2020

**R.A. No.12 of 2020
in
O.A.No.529 of 2019**

R. B. Nirmale

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Vaishali Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. By order dated 29.10.2020, notices were issued with rider that the Applicant should file affidavit three days before returnable date and failing to which O.A. shall stand dismissed. Today is returnable date.
3. However, the office has not made any endorsement for dismissal of O.A. for non compliance.
4. Learned Counsel for the Applicant submits that she has already collected notices and served the same upon Respondents. However, affidavit of service was not filed three days before returnable date. She requested for permission to file service affidavit on record and to decide the Review Application on merit.
5. Smt. Kranti Gaikwad, learned P.O. fairly concedes that the department is served with the notices and reply will be filed on next date.
6. In view of above, allowed to file service affidavit. Two weeks time is granted to learned P.O. to file affidavit in reply.
7. S.O. to 10.12.2020.

Sd/-

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

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

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24.11.2020

O.A.No.927/2003

J.K. Ukey & Ors. ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Applicant and Smt. Varsha Palav, learned Advocate for the Applicant both are absent.

3. Registry to issue Notice to the applicant and learned Advocate on or before 27.11.2020.

4. S.O. to 12.01.2021.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

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24.11.2020

O.A.No.665 of 2020

H.R. Jadhav ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri P.S. Bhavake, learned advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The respondents have produced a corrigendum dated 24.11.2020 wherein it is mentioned that the Respondents have withdrawn the notice dated 19.10.2020 and so also the report dated 28.09.2020. The same taken on record and marked as Exhibit-2.

3. In view of this the present O.A. is disposed off.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

24.11.2020

SPEAKING TO THE MINUTES

**O.A.No.620/2020 with O.A.No.621/2020 with
O.A.No.624/2020**

P.L. Kamble (O.A.620/2020)

M.P. Idekar (O.A.621/2020)

R.M. Rathod (O.A.624/2020) ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. On 19.11.2020, a common order is passed in O.A.No.620/2020 with O.A.No.621/2020 with O.A.No.624/2020. The Applicants in all the three matters prays for different posts.

3. In view of this, the above three matters are not to be read tagged together, but all the orders are to be read separately and kept separately. Earlier order not to be read except for Applicant's reliance on G.R. dated 28.02.2017. All the orders are to be placed on board on next date i.e. 09.02.2020.

4. Adjourned to 09.02.2020.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

pri

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

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Original Application No. _____ of 20____

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| | <p align="center"><u>O.A. No.530 of 2020</u></p> <p>G.S. Kolekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.D. Joshi, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 & 2 and Shri Vaibhav Ugale, learned Advocate for Respondent No.3.</p> <p>2. Compilation of documents taken on record. Ld. Advocate to serve the same on Ld. CPO and Ld. Advocate for respondent no.3. Ld. CPO wants time to consider whether sur-rejoinder is to be filed or not.</p> <p>3. Place the above matter for final hearing on 3.12.2020.</p> <p align="right">Sd/- (Mridula R. Bhatkar, J.) Chairperson 24.11.2020</p> <p>(sgj)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| | <p style="text-align: center;"><u>O.A. No.512 to 517, 533 & 535 of 2020</u></p> <p>D.M. Ghodake & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that the reply will be filed during the course of the day.</p> <p>3. S.O. to 21.1.2021.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 24.11.2020</p> <p>(sgj)</p> |

| 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.473 of 2020

S.N. Maule ...Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO files reply and the same is taken on record.

3. This matter admittedly stands on the same platform of the case of Uttamrao P. Ugale (OA.890/2017 with MA.67/2019 decided on 4.2.2020) wherein the same issue of recovery and refund was dealt with. By judgment and order dated 4.2.2020 this Tribunal allowed the OA. The order of recovery dated 23.8.2016 was quashed and set aside and the respondents were directed to refund the amount which they have recovered from the applicant. The said order is applicable to the present state of facts where similar issue is raised. On this issue the ratio is laid down by the Hon'ble Supreme Court in the case of State of Punjab & Ors. Vs. Rafiq Masih (White Washer) (2015) 4 SCC 334 and it is settled law. However, it is found that in the affidavit in reply and specially in paras 20, 22 and 23 the person who prepared it did not understand the law laid down by the Hon'ble Supreme Court and also does not know how to read, interpret and make applicable the order passed by this Tribunal. I am surprised to come across the order passed by Ms. Ashwati Dorje, Director, Maharashtra Police Academy, Nashik, who has not understood the applicability of the ratio laid down by the Hon'ble Supreme Court and specially in the case of Rafiq Masih (supra).

4. Ld. PO is directed to talk with Director, Maharashtra Police Academy and discuss the law on this point with her/him and come out with a proper answer in this matter.

5. S.O. to 26.11.2020.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
24.11.2020

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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O.A. No.461 of 2020

D.J. Ambilwade ..Applicant
 Vs.
 The State of Maharashtra & Ors. ..Respondents

Heard Shri D.J. Ambilwade, Applicant in person and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Ld. CPO seeks time to file reply. Time granted by six weeks.
- 3. S.O. to 21.1.2021.

Sd/-

[Handwritten signature]

(Mridula R. Bhatkar, J.)
Chairperson
24.11.2020

(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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| | <p><u>24.11.2020</u></p> <p style="text-align: center;"><u>O.A 452/2020</u></p> <p>R.N Mohite ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None present for the applicant. Heard Shri A.J Chougule, learned P.O for the Respondents no. 1 to 3. Smt Punam Mahajan, learned advocate files Vakalatnama on behalf of Respondent no. 4.</p> <p>2. Learned P.O states that reply is already filed.</p> <p>3. Learned advocate Mrs Punam Mahajan for Respondent no. 4 seeks time to file reply.</p> <p>4. S.O to 17.12.2020.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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>24.11.2020</u></p> <p><u>O.A 433/2020</u></p> <p>M.R Kasane ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant, Shri A.J Chougule, learned P.O for the Respondent no. 1 and Shri M.D Lonkar, learned advocate for Respondent o. 2.</p> <p>2. Learned counsel for the applicant submits that the Respondents in this matter are relying on G.R dated 21.11.1995, which is struck down by D.B of, Aurangabad bench of this Tribunal by order dated 4.4.2018 in O.A 300/2017.</p> <p>3. Learned P.O to verify the position and file reply accordingly by way of last chance.</p> <p>4. S.O to 15.12.2020</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

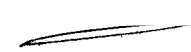
(Advocate

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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| | <p><u>24.11.2020</u></p> <p><u>O.A 362/2020</u></p> <p>V.J Pachupate ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge , learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that this matter can be disposed of on instructions.</p> <p>3. S.O to 26.11.2020.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</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.....)

| | |
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|---|-------------------|

24.11.2020

O.A 356/2020

M.D Mire ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.

2. Learned P.O files reply. Same is taken on record.

3. The learned P.O is directed to produce original service book where date of birth is mentioned as 15.2.1960 along with other relevant documents.

4. Matter will be decided at the stage of admission.

5. S.O 4.2.2021.

Sd/-

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

Akn

**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.....)

| | |
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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | <p>24.11.2020 Tribunal's orders</p> |
|---|--|

O.A 343 & 344/2020

J.R Gahane ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule learned P.O for the Respondents.
2. Learned P.O files affidavit in reply in both the matters. Same is taken on record.
3. The applicant may file rejoinder to the affidavit in reply filed by the Respondents.
4. Both the matters will be decided at the stage of admission on the next date under the caption of due admission.
5. S.O to 19.1.2021.

17
Sd/-

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

Akn

**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>24.11.2020</u></p> <p align="center"><u>O.A 611/2020</u></p> <p>R.S Kulat ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Shyamsunder Solanke, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant prays for deemed date of promotion to the post of Assistant District Sainik Welfare Officer or Assistant Superintendent w.e.f 1.1.2019.</p> <p>3. Issue notice returnable on 16.2.2021.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 16.2.2021. N 17 // Sd/- / —</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

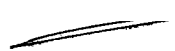
(Advocate

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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| | <p><u>24.11.2020</u></p> <p align="center"><u>O.A 618/2020</u></p> <p>S.J Agale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant challenges the orders dated 7.12.2016 and 16.12.2019 about the recovery of excess payment and consequent refixation of pay.</p> <p>3. Issue notice returnable 29.1.2021.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 29.1.2021.</p> <p align="right">/ / Sd/-  (Mridula Bhatkar, J.) Chairperson</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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(Advocate

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..... Respondent/s

(Presenting Officer.....)

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| | <p><u>24.11.2020</u></p> <p><u>O.A 617/2020</u></p> <p>G.M.Y Shaikh ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant challenges the orders dated 26.11.2019 and 17.3.2020 about the recovery of excess payment and consequent refixation of pay.</p> <p>3. Issue notice returnable 29.1.2021.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 29.1.2021.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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|---|--|
| | 24.11.2020 |
| | <u>O.A 549/2020</u> |
| | <p>Suresh G. Tandale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolge , learned advocate for the applicants and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant prays that the order dated 9.4.2012 issued by Respondent no. 3 about the time bound promotion be modified and so also prays that the order dated 14.11.2019 informing the applicant that the post of Inspector (Selection Grade) is promotional post of Inspector (Lower Grade) be quashed and set aside.</p> <p>3. Issue notice returnable on 9.2.2021.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 9.2.2021.</p> |
| | <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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24.11.2020

O.A 381 & 382/2020

U.V Ingawale

A.D Khadake

... Applicants

Vs.

The State of Maharashtra & Ors

... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicants, Smt K.S Gaikwad, learned P.O for the Respondents no 1 & 2 and Shri K.R Jagdale, learned advocate for Respondent no. 3 in O.A 381/2020.

2. Learned P.O files reply on behalf of Respondents 1 & 2. The same is taken on record.

3. Interim relief to continue till next date.

4. Matter will be decided at the stage of admission.

5. S.O to 12.1.2021.

Sd/-

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

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|--|
| | <p align="center"><u>O.A. No.681 of 2020</u></p> <p>Dr. Shubhalaxmi Nivargi (Kotnis) ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.S. Kalekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The applicant who is working as Associate Professor, Preventive & Social Medicine (Community Medicine) Department, Government Medical College, Solapur challenges the order dated 25.9.2020 passed by the respondents transferring the applicant from Solapur to Government Medical College, Kolhapur. The applicant submits that it is mid-term transfer. No proper procedure under The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the 'Transfer Act') is followed. Ld. Advocate submits that it was served on the applicant on 9.11.2020 and the applicant is relieved on 9.11.2020. The Ld. Advocate submits that respondent no.3 is transferred in place of the applicant and respondent no.3 has joined. Ld. Advocate submits that notice is given to respondent no.3. Applicant is directed to file affidavit of service.</p> <p>3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 15.12.2020.</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</p> |

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

Tribunal's orders

of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
24.11.2020

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

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Date : 24.11.2020

O.A.No.138 of 2020

S. B. Kumbhar

...Applicant


Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri K. K. Mishra, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. This O.A. was dismissed in default for non compliance of condition order of service but the same is restored in terms of order passed in M.A.No.302/2020 and M.A.No.299/2020 today.
3. Shri A. J. Chougule, learned P.O. has filed reply on behalf of the Respondent No.2 in O.A. It is taken on record.
4. Matter is adjourned for reply on behalf of the Respondent Nos.1, 3 and 4, if any.
5. In the meantime, the Applicant shall serve the notice of O.A. on Respondent Nos.1, 3 and 4.
6. S.O. to 10.12.2020.

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 |
|---|--|
| | <p>Date : 24.11.2020</p> <p>M.A. No.302 of 2020 with M.A. No.299 of 2020 in O.A.No.138 of 2020</p> <p>S. B. KumbharApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. K. Mishra, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. These Misc. Applications are filed to condone the delay and to restore O.A.138/2020 which was dismissed for non compliance of order of service of notice. 3. The Applicant has filed O.A.138/2020 for appointment on compassionate ground wherein notice was issued by order dated 16.03.2020. As per order, the Applicant was required to collect the notice within seven days and to file service affidavit within three days before returnable date. 4. Learned Counsel for the Applicant submits that the Applicant could not collect the notices due to Covid-19 situation and consequent lockdown. He, therefore, requested to restore the O.A. 5. The Applicant is resident of Kolhapur and O.A. has been filed for appointment on compassionate ground. There is no denying that lockdown was affected in March 2020. This being the position, I am inclined to condone the delay and to restore O.A.138/2020 to decide on merit. 6. Learned P.O. fairly submits that O.A. be decided on merit and he is filing reply to the O.A. on merit. It be taken on record. 7. In view of above, M.A.302/2020 with M.A.299/2020 are allowed with no order as to costs. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Date : 24.11.2020

O. A. No.209 of 2020

P. R. PawarApplicant

Versus

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

1. The Applicants and their Counsel are absent. Heard Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. On request of learned P.O. for the Respondents, one week's time is granted as a last chance.
3. S.O. to 08.12.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. of 20

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Date : 24.11.2020

O. A. No.200 of 2020

M. P. Jamadar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. The Applicants and their Counsel are absent. Heard Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Enough chances are granted for fling reply. However, on request of learned P.O. one week's time is granted as a last chance.

3. S.O. to 03.12.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

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Original Application No. _____ of 20 _____

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Date : 24.11.2020

O. A. No.1104 of 2019

A. S. TejiApplicant

Versus

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

1. The Applicants and their Counsel are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. In this matter, notices were issued by order dated 18.12.2019 but till date no reply is filed though enough chances are availed.

3. I am, therefore, not inclined to grant further time to learned P.O. for filing reply.

4. Matter be kept for hearing without reply.

5. S.O. to 08.12.2020.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

24.11.2020

O.A.No.226 of 2019

P.L. Khairnar & Ors. ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Puman Mahajan, learned advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Our attention is drawn to paragraph 8 and 9 of the order dated 30.07.2020 passed by us while disposing off M.A.187/2020 in this O.A.

3. Special directions were given to the Respondents to consider the case of Original Applicant Nos.1 and 4 in M.A.No.187/2020 and Original Applicant no.2, and the Government to take decision on or before 15.10.2020.

4. The learned C.P.O. informs that due to oversight this particular order was not placed before the G.A.D, hence the matter is since pending.

5. We therefore, extend the time for two weeks i.e. to 10.12.2020.

6. Adjourned to 10.12.2020. Any decision taken by the G.A.D. is to be communicated to the applicants.

7. Hamdast is allowed.

Sd/-

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

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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24.11.2020

O.A.No.550 of 2020

M.D. Vadaje ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri R.M. Kolge, learned Advocate for the applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

3. Issue notice before admission returnable on 02.02.2021.

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. The applicant prays the order dated 05.06.2020 issued by respondent no.2 summarily dismissing the applicant under Article 311(2)(B) of the Constitution of India be quashed and set aside and to reinstated the applicant to that effect

8. S.O. to 02.02.2021.

Sd/-

Sd/-

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

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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24.11.2020

M.A.No.290 of 2020 in O.A.No.651 of 2020

P.C. Patil ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

24.11.2020

M.A.No.291 of 2020 in O.A.No.651 of 2020

P.C. Patil ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

3. Issue notice before admission returnable on 19.01.2021.

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. The applicant challenges the legality of the order dated 11.12.2017 declaring the applicant ineligible for the promotion. There is a delay 2 years and 10 months.

8. S.O. to 19.01.2021.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p><u>24.11.2020</u></p> <p><u>O.A.No.643/2020</u></p> <p>Dr. R.D. Kurle ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Shri A.D. Kango, learned Advocate for the Applicant is absent. 3. The applicant challenges the communication dated 05.11.2015 in respect of break in service. 4. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 5. Issue notice before admission returnable on 18.02.2021. 6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 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. S.O. to 18.02.2021. <p>Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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24.11.2020

**C.A.No.21/2020 in O.A.No.953 of 2016 with
M.A.No.138 of 2020**

S.S. Kamble ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

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

2. Applicant in person is absent.

3. The matter is not kept under the caption 'For Dismissal', hence it is now adjourned on 26.11.2020. The registry is directed that while preparing the board, the matter be placed under the caption 'For dismissal'.

3. S.O. to 10.12.2020.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. of 20

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24.11.2020

C.A.No.35 of 2020 in O.A.No.770 of 2019

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

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Matter belongs to Division Bench, therefore, second sets needs to be placed on record.

3. Adjourned to 10.12.2020.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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24.11.2020

C.A.No.36 of 2020 in O.A.No.1086 of 2016

S.R. Sumbe ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Matter belongs to Division Bench, therefore, second sets needs to be placed on record.
3. Adjourned to 10.12.2020.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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24.11.2020

M.A.No.198 of 2020 in O.A.NO.933 of 2018

L.N. Sargar ... Applicant
 Vs.
 The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The learned C.P.O. informs that she will file her reply during the course of day.
3. Matter is adjourned to 09.02.2021.

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

prk

Sd/-
 (Mridula Bhatkar, J.)
 Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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|---|-------------------|

24.11.2020

O.A.No.1218 of 2019

R.R. Ghatge ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. At the request of learned C.P.O. adjourned for filing affidavit-in-reply.
3. S.O. to 15.12.2020.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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|---|-------------------|

24.11.2020

O.A.No.1116 of 2019

R.U. Shinde ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D. Lonkar, learned advocate for the Applicant and Ms. S.P, Manchekar, learned Chief Presenting Officer for the Respondents.

2. At the request of learned C.P.O. last chance is granted for filing affidavit-in-reply.

3. S.O. to 19.01.2021.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

24.11.2020

O.A.No.1097/2019

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

1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. M/S. Talekar & Asso., learned Advocate for the Applicant and Applicant both are absent.

3. We are informed by the learned C.P.O. the copies of O.A. is not served on Respondent nos.1 and 2 and to other private respondents i.e respondents No.3 and 4, hence she is not able to file affidavit-in-reply.

4. The learned Counsel to take note and comply with.

5. On perusal it is noticed that the four objections raised by the office are not removed, though the time was given from 13.12.2019 to 20.12.2019 to remove the objections in O.A.

6. The applicant is challenging the charge sheet issued by the Under Secretary to the Government, Urban Development Department, Mantralaya and also wants the order dated 10.06.2019, extending the period of probation and other reliefs to be set aside and quashed.

6. No steps are taken from the side of the applicant hence the matter is adjourned for removal of the objections.

7. S.O. to 19.01.2021.

Sd/-

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

prk

Sd/-

(Mridula Bhatkar, J.)
Chairperson