

**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.608 of 2021

Ravindra G. More ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant a Sub Inspector of State Excise is challenging order dated 9.8.2021 transferring him from C-1 Division, Mumbai City to McDowell & Co. (United Spirits Limited), Unit-1, Nashik.

3. Ld. Advocate for the applicant states that the applicant had completed 3 years on the post. She further states that though the applicant had submitted 10 options even though he was not due for transfer and none of these options were taken into account as per GR dated 9.4.2018. She also pointed out that the case is covered by the decision of this Tribunal dated 30.7.2021 in OA No.435 of 2020 (Shri Rakesh Kisan Pawar Vs. The State of Maharashtra & Ors.). On these grounds she prays for interim relief.

4. Per contra Ld. PO states that the applicant has completed his tenure of 3 years and has given 10 options for transfer. Ld. PO states that the applicant is already relieved. Since the transfer was made by following guidelines laid down in letter dated 25.5.2021, approval of the higher authority was not required. Hence, interim relief may not be granted.

5. Considering the facts of the case it is clear that applicant has already been relieved. Hence, I do not find any reason to grant interim relief.

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 7.9.2021.</p> <p>8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 25.8.2021</p> <p>(sg)</p>

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	<p align="center"><u>O.A. No.609 of 2021</u></p> <p>Ankush B. Burkul ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant a Sub Inspector of State Excise is challenging order dated 9.8.2021 transferring him from Roha Raigad to Sagar Traders, FL-1, Satara and respondent no.3 is transferred in his place.</p> <p>3. Ld. Advocate for the applicant states that the applicant had completed 3 years on the post. She further states that though the applicant had submitted 10 options even though he was not due for transfer and none of these options were taken into account as per GR dated 9.4.2018. She also pointed out that the case is covered by the decision of this Tribunal dated 30.7.2021 in OA No.435 of 2020 (Shri Rakesh Kisan Pawar Vs. The State of Maharashtra & Ors.). On these grounds she prays for interim relief.</p> <p>4. Per contra Ld. PO states that the applicant has completed his tenure of 3 years and has given 10 options for transfer. Ld. PO states that the applicant is already relieved. Since the transfer was made by following guidelines laid down in letter dated 25.5.2021, approval of the higher authority was not required. Hence, interim relief may not be granted.</p> <p>5. Considering the facts of the case it is clear that applicant has already been relieved. Hence, I do not find any reason to grant interim relief.</p>

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	<p>6. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 7.9.2021.</p> <p>8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 25.8.2021</p> <p>(sgj)</p>

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	<p>6. In view of the above the I.d. Advocate for the applicant prays that the applicant be sent back for PSI Training.</p> <p>7. I.d. CPO submits that the Hon'ble High Court has merely suspended the sentence and not the conviction and therefore he cannot be sent back for training. She justified the order dated 2.7.2021.</p> <p>8. Considering the facts of the case it is important to note that the Hon'ble High Court has merely suspended the sentence and not the conviction and the status remains to be convicted. Hence, at this stage no order can be passed.</p> <p>9. I.d. Advocate for the applicant requests for two weeks time.</p> <p>10. Time granted. S.O. to 8.9.2021.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Meena Gadgil) Member (A) 25.8.2021</p> <p>(sgl)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.) Chairperson 25.8.2021</p> </div> </div>

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	<p style="text-align: center;"><u>25.08.2021</u></p> <p style="text-align: center;"><u>O.A 10/2020</u></p> <p>Shri S.S Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant produces copy of affidavit of service of notice on private Respondents no 3, 4 & 5. Same is taken on record.</p> <p>3. In the course of arguments, it is found that Respondents no 3, 4 & 5 are not before this Tribunal. Though, learned counsel for the applicant has shown affidavit of service of notice by post, we don't think that it is an adequate service. The applicant is challenging the recommendations of Respondents no 3, 4 & 5. There is every possibility that Respondents no. 3, 4 & 5 might have been given appointment by the State of Maharashtra, Respondent no. 1 and they might have joined at the place of their posting and so though they are served by Post, they may not be aware of the said pending litigation against them.</p> <p>4. Hence, we want proper service of notice disclosing that the Respondents no 3, 4 & 5 have knowledge about the pending litigation before this Tribunal. Such service is must.</p> <p>5. If the applicant succeeds in this matter, then one of the Respondents are likely to lose the job. Hence, we insist proper service of notice on Respondents no 3, 4 & 5.</p> <p>6. Applicant is therefore directed to reserve Respondents no. 3, 4 & 5 effectively and also Respondent no. 1, G.A.D, Desk-14 is hereby directed to give necessary details regarding the posting and addresses of Respondents no 3, 4 & 5 to the applicant. Further, MPSC is also directed to provide email address and mobile number of Respondents no 3, 4 & 5 to the applicant for service of notice.</p> <p>7. S.O to 3.9.2021.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: right;">[P.T.O.]</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>O.A. No.217 of 2021</u></p> <p>Dr. D.R. Deore & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.B. Deore, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Not on board. Mentioned and at the request of Ld. Advocate taken on board.</p> <p>3. Ld. Advocate for the applicants has filed an application dated 23.8.2021 for speaking to minutes of the order dated 12.8.2021 passed in the above OA.</p> <p>4. He submits that in the order dated 12.8.2021 some corrections are required. In para 2 of the order dated 12.8.2021 the word 'absent' is to be substituted by 'present' as he has attended the matter on that date. In para 3 the word 'Bms' is to be substituted by 'B.A.M.S.'. In line 4 para 3 the words 'posted is' is to be deleted.</p> <p>5. Order dated 12.8.2021 be corrected accordingly.</p> <p>6. In para 3 of the order 20.7.2021 the Ld. Advocate had made a statement that applicant does not want to file rejoinder. However, Ld. Advocate submits that the policy decision dated 15.1.2021 which is reflected in para 3 of the order dated 12.8.2021 is effecting the applicants and now after going through the said policy decision he wants to file rejoinder.</p> <p>7. The submissions of the Ld. Advocate are correct and reasonable. Hence, Ld. Advocate is allowed to file rejoinder on or before 10.9.2021 and supply copy of the same to the Ld. PO and other respondents as the matter is already fixed for final hearing on 27.9.2021.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula R. Bhatkar. J.) Member (A) Chairperson 25.8.2021 25.8.2021</p> <p>(sgj)</p>

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	<p>Date : 25.08.2021.</p> <p align="center">O.A.No.607 of 2021</p> <p>R.M. Patil & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Applicants present in person and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. In this O.A.No.607/2021 the Applicant Mr. Ravindra Malhari Patil whose request of transfer is dismissed submits that he is representing the applicant No.1A to 24 and all had given him special power of attorney. The original power to attorney dated 10.08.2021 is taken on record and marked as Exhibit-A. This power of attorney though mentioned as special power of attorney for a court case no details in respect of the case especially about the transfers are mentioned before this Tribunal. Everywhere the proceeding is referred as suit and before the Court.</p> <p>3. There is no identification by the Advocate either of the attorney holder or persons who have given the power of attorney.</p> <p>4. Hence, this cannot be entertained.</p> <p align="right">Sd/- /' (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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

Tribunal's orders

Date : 25.08.2021.

O.A.No.607 of 2021

R.M. Patil & Ors.Applicants
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Applicant in person Mr. R.M. Patil, and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The Applicant No.1, Mr. Patil who is working as X Ray Scientific Officer, Group C at Rural Hospital, Dahiwadi, Satara challenges his transfer to District Hospital to Phaltan on the following grounds :-

(a) Applicant joined Dahiwadi on 06.06.2015. He submitted that he has not completed 6 years on 31.05.2021.

(b) Applicant's family stays at Dahiwadi and he is transferred to Phaltan.

3. Considered the submissions of the Applicant.

4. The Applicant was transferred to Dahiwadi on 06.06.2015. Thus he has completed 6 years of service on 05.06.2021. His order of transfer was issued on 09.08.2021 i.e. 6 years of his service. The contention that on 31.05.2021 he has not completed 6 years has no force because due to COVID-19 pandemic situation, the State of Maharashtra has taken the policy decision to issue the orders of transfers till 31.08.2021 in order to avoid the inconvenience of the Government servants which might have occurred due to 2nd wave of COVID-19 pandemic in April - May.

5. The Applicant has mentioned that his wife is working at Dahiwadi and his children are studying at Dahiwadi is not a ground to interfere in the order of transfer. Moreover the distance between Phaltan and Dahiwadi is 40 to 50 kms. Hence, I dismissed the case of the applicant at threshold.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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	<p style="text-align: center;"><u>MA.244/19 in OA.1080/18 &12 Ors.</u></p> <p>A.S. Kharbude (MA.244/19 in OA.1080/18) A.J. Shinde (MA.245/19 in OA.1081/18) D.P. Salunkhe (MA.246/19 in OA.1082/18) V.V. Shivade (MA.247/19 in OA.1083/18) P.K. Patil (MA.248/19 in OA.1098/18) H.I. Shaikh (MA.249/19 in OA.1099/18) N.S. Tathavadekar (MA.250/19 in OA.1100/18) R.N. Deshpande (MA.251/19 in OA.1101/18) B.K. Naik (MA.252/19 in OA.1103/18) M.R. Kelkar (MA.253/19 in OA.1104/18) M.P. Khairi (MA.254/19 in OA.1105/18) D.B. Misal (MA.255/19 in OA.1106/18) A.V. Mahindrakar (MA.256/19 in OA.1107/18) ..Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors. ' ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicants are challenging the fact that they are retired from the post of Radio Mechanic/Assistant Police Sub Inspector (Wireless) without any promotion.</p> <p>3. In the OAs the applicants have prayed for Time Bound Promotion which was not granted to them. All 13 applicants are retired Government servants.</p> <p>4. Ld. Advocate for the applicants argues that applicants were not given exemption from passing the Departmental Examination as per the policy of the Government laid down in GR dated 1.11.1977. The said GR directs the departments of the State to suitably amend the rules, both for continuation and confirmation and also for promotion to higher post. providing for exemption to</p>

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	<p>employee from passing the departmental examinations on attaining 45 years of age. She pointed out the decision dated 21.11.2017 of the Aurangabad Bench of the Hon'ble High Court in W.P. No.3643 of 2009 Shri Mukund Shankarlal Daima Vs. The State of Maharashtra & Ors. The Hon'ble High Court was pleased to hold that petitioner employee in Wireless Section of Police Department stands exempted from passing departmental examination on attaining age of 45 years. The Hon'ble High Court passed the order stating that the decision of GAD would be binding on all the departments of the State and a department would not be permitted to take a different stand as it appears only 'Wireless Section' of Police Department has not been extended the benefit and the writ petition was allowed in terms of prayer clauses (B) and (C).</p> <p>5. Ld. Advocate argued that the present applicants were similarly situated as Shri M.S. Daima and therefore should be extended the same benefit and the Government choose not to challenge the decision but to comply the same with the rider that this would not be applicable to others.</p> <p>6. Per contra Ld. PO pointed out that the said issue was decided by this Tribunal in OA No.845' of 2008 wherein considering the facts and circumstances of the case and the rules with regard to promotion to the post of Police Wireless Sub Inspector, the Bench held that the applicants are not entitled to get the benefits. The said judgment was challenged in W.P. No.17 of 2011. However, the Hon'ble High Court also confirmed the decision of the Tribunal. It was held that the Government policy of granting exemption in the absence of any amendment being made in the rules cannot be enforced.</p> <p>7. Looking to the facts of the case there are two contradictory judgments on the same issue. We are of the view that the Ld. Advocate for the Applicants and Ld. PO should argue merely on the point of Law of Precedence as to which judgment would prevail.</p> <p>8. S.O. to 2.9.2021.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Medha Gadgil)</p> <p>Member (A)</p> <p>25.8.2021</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(Mridula R. Bhatkar, J.)</p> <p>Chairperson</p> <p>25.8.2021</p> </div> </div> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.563 of 2021</u></p> <p>A.V. Pardeshi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle holding for Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of I.d. Advocate adjourned to 27.8.2021. Status quo granted on 12.8.2021 to continue till next date.</p> <p style="text-align: center;">Sd/- (Medha Gaᅡgil) Member (A) 25.8.2021</p> <p>(sgj)</p>

FARAD CONTINUATION SHEET No.

Office Memoranda of Coram,
Tribunal's orders or
Registrar's orders

Tribunal's orders

O.A. No.612 of 2021

Dr. S.B. Bansode ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO is directed to produce the record of Civil Services Board.

3. S.O. to 27.8.2021.

Sd/-

(Medha Gadgil)

Member (A)

25.8.2021

(sgj)

[P.T.O.]

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	<p><u>C.A. No.10 of 2021 in O.A. No.426 of 2019</u></p> <p>P.D. Mule ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant and Advocate are absent. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This CA is filed for implementation of the order dated 11.11.2019 passed in the above OA.</p> <p>3. Ld. PO produces communication, dated 23.8.2021 from District Malaria Officer, Pandharpur, Solapur to the Ld. CPO. The same is taken on record and marked Exhibit '1' for identification.</p> <p>4. Ld. PO points out that the respondents have filed W.P. (St) No.2966 of 2021 in the Hon'ble High Court challenging the order dated 11.11.2019 of the Tribunal. They are waiting for circulation in the Hon'ble High Court and requests that eight weeks time may be granted.</p> <p>5. S.O. to 21.10.2021. //</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A) 25.8.2021</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson 25.8.2021</p> </div> </div> <p>(sgj)</p>

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	<p align="center"><u>M.A. No.300 of 2021 in O.A. No.630 of 2021</u></p> <p>Anil A. Desai & 78 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) 25.8.2021</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 25.8.2021</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>O.A. No.630 of 2021</u></p> <p>Anil A. Desai & 78 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Gunratan Sadavarte, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants seeks leave to file application for condonation of delay along with application for clubbing this OA with similar matter. ,</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 8.9.2021.</p> <p>5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A) 25.8.2021</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 25.8.2021</p> <p>(sgj)</p>

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	<p align="center"><u>O.A. No.651 of 2020</u></p> <p>P.C. Patil & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO files affidavit in reply dated 29.7.2021 on behalf of respondent no.2 and the same is taken on record.</p> <p>3. S.O. to 21.9.2021 for final hearing.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula R. Bhatkar, J.) Member (A) Chairperson 25.8.2021 25.8.2021</p> <p>(sgj)</p>

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	<p align="center"><u>C.A. No.9 of 2021 in O.A. No.229 of 2019</u></p> <p>G.A. Kiture ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Krishna Agarwal i/b. Talekar & Associates, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The present CA is filed for implementation of the order dated 10.12.2020 passed in the above OA.</p> <p>3. Ld. CPO states that the W.P. (St.) No.465 of 2021 and W.P. No.163 of 2021 filed by the MPSC challenging the order dated 10.12.2020 passed in the above OA is dismissed by the Hon'ble High Court by order dated 10.6.2021.</p> <p>4. Ld. CPO files affidavit in reply of Ms. Swati Mhase, Secretary, MPSC dated 24.8.2021 on behalf of respondent no.3 and the same is taken on record. Ms. Swati Mhase has tendered unconditional apology to the Tribunal for the delay caused in implementation of the order dated 10.12.2020 in the above OA. In para 7 of the affidavit she has pointed out compliance of the order.</p> <p>5. Hence, in view of the compliance, nothing remains in the CA and same is disposed off accordingly.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) / (Mridula R. Bhatkar, J.) Member (A) Chairperson 25.8.2021 25.8.2021</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.08.2021.</p> <p>C.A.No.27 of 2021 in O.A.No.1228 of 2019</p> <p>R.K. JadhavApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This Contempt Application is filed for non-compliance of order passed by this Tribunal in O.A.No.1228/2019, dated 12.02.2021 wherein the Respondents were directed to pay interest to the applicant at the rate applicable to GPF for delayed period of leave encashment, GIS, Gratuity and provisional pension.</p> <p>3. The learned P.O. submitted that pursuant to the order passed by this Tribunal in C.A. on 07.08.2021 the bill in respect of dues payable has been submitted to the Treasury office. Today learned P.O. provides that G.R. has been issued on 07.07.2021 by the Medical Education Department for release of their dues. She further points out that out of 8 bills submitted to the Treasury Office, 3 bills has been clear and rest will be cleared within 2 to 3 days. Copy of the G.R. dated 07.07.2021 is marked as Exhibit-A and taken on record.</p> <p>4. The learned P.O. submits that she will filed affidavit of compliance within two weeks.</p> <p>5. Adiourned to 08.09.2021. ()</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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>Date : 25.08.2021</p> <p align="center">M.A. No.114 of 2020 in O.A.No. 65 of 2020</p> <p>Shri S. P. KapdneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. B. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for condonation of delay for one year and six months caused in filing O.A. claiming consideration of past service for pension purposes.</p> <p>3. The Applicant stands retired on 30.06.2017 as a Sweeper. Initially he was appointed as a part time worker and thereafter his services were regularized and ultimately he stands retired on 30.06.2017. His past services of nine years and five months was not considered for pension purpose. Therefore, he was filed the present O.A. along with application for condonation of delay.</p> <p>6. In so far as the ground of condonation of delay are concerned, the Applicant contends that his daughter, aged 29 years died on 27.01.2018, and therefore, his family was in trauma. Thereafter, his son met with an accident on 29.04.2018 and was hospitalized for month. He also claims to have made representation on 01.10.2019 for consideration of past services but it was not responded. The Applicant has produced the copies of death certificate of Doctor, discharged certificate about hospitalization of his son and representation.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. Learned Counsel for the Applicant also placed reliance on the decision of the Hon'ble Bombay High Court in <i>(2020) 4 Mah LJ 280 Anil Ramdas Pawar V/s Union of India</i> wherein the delay of five years was condoned with observation that in the matter of condonation of delay the court should not adopt hyper technical view or mathematical approach which would be denial of justice in given case. Reference is also made to judgment of the Hon'ble High Court in <i>(2013) 12 SCC 649 (Esha Bhattacharjee V/s. Managing Committee of Raghunathpur Nafar Academy & Ors)</i> and <i>AIR 1987 SC 1353 Collector, Land Acquisition V/s MST. Katiji & Ors</i> wherein the principle that Court should adopt liberal approach while considering the application for condonation of delay has been reiterated.</p> <p>8. Turning to the facts of the present case, the Applicant retired as a Sweeper and ^L is litigating for considering his past service for pension purpose. He has sufficiently explained that on account of untimely death of his daughter and accident of son, his family was in trauma, he could not avail services of lawyer within reasonable time. He made representation but it was not responded. He is claiming relief relating to pension which does not affect the interest of third party. He is from underprivileged section of society.</p> <p>9. As such, considering all these aspects, I am of the view that reasons set out in the application has to be construed as sufficient cause for condoning the delay. Instead of rejecting O.A. on the point of limitation, it would be appropriate to decide his claim on merit so as to advance substantial justice. I am, therefore, inclined to condone the delay.</p> <p>10. In view of above, delay is condoned. M.A.No.114/2020 is allowed with no order as to costs.</p> <p>11. Learned P.O. is directed to file reply in O.A.</p> <p>12. S.O. to 14.09.2021 for reply in O.A.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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	<p align="center">Date: 25.08.2021</p> <p align="center">M.A. No.277 of 2020 in O.A. No.612 of 2020</p> <p>S.V. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant, adjourned for hearing of M.A. and O.A. together.</p> <p>3. S.O. to 02.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>



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	<p align="center">Date: 25.08.2021</p> <p align="center">O.A. No.326 of 2021</p> <p>L.J. KaleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Affidavit-in-Reply will be filed during the course of the day. Statement is accepted. It be taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 16.09.2021.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

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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">Date: 25.08.2021</p> <p align="center">O.A. No.347 of 2021</p> <p>S.S. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Enough chances are granted to file Affidavit-in-Reply, on previous date last chance was granted but no Reply is filed.</p> <p>3. Today, again learned P.O. requested short time to file Affidavit-in-Reply. One week time is granted as most last chance with specific direction that no further time will be given.</p> <p>4. S.O. to 02.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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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">Date: 25.08.2021</p> <p align="center">O.A. No.461 of 2021</p> <p>R.R. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.</p> <p>3. On request of learned Advocate for the Applicant two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 14.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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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">Date: 25.08.2021</p> <p align="center">O.A. No.502 of 2021</p> <p>D.K. YadavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has tendered Government order dated 24.08.2021 in compliance of the order passed by this Tribunal dated 12.08.2021, thereby keeping Headquarter of the Applicant at Shirur. It be taken on record.</p> <p>3. On request of learned P.O. two weeks time is granted for filing Affidavit-in-Reply as last chance.</p> <p>4. S.O. to 14.09.2021.</p> <p align="right">^ Sd/- v (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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	<p align="center">Date: 25.08.2021</p> <p align="center">O.A. No.318 of 2020</p> <p>D.P. KharmateApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, 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 Affidavit-in-Rejoinder. It is taken on record. 3. Adjourned for hearing at the stage of admission. 4. S.O. to 21.09.2021. <p align="right"> Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>



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	<p align="center">Date: 25.08.2021</p> <p align="center">O.A. No.596 of 2021 to O.A. No.598 of 2021</p> <p>S.J. Pinjan A.R. Waghmode R.B. UndeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In these O.As. notices were issued on 17.08.2021 and that time directions were given not to fill in the post occupied by the Applicant before their transfer till next date.</p> <p>3. Learned P.O. fairly concedes on instruction from Shri Pankaj G. Pednekar, Sr. Clerk that the post occupied before transfer will not be filled in till the decision of O.A. and she further requested grant of time to file Reply.</p> <p>4. Time is granted for filing Affidavit-in-Reply.</p> <p>5. S.O. to 02.09.2021.</p> <p align="right">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p align="left">NMN</p> <p align="right">[P.T.O.]</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.08.2021</p> <p align="center">O.A. No.425 of 2021</p> <p>K.R. PiseApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is challenging denial of pay and allowances for the suspension period.</p> <p>3. The Applicant was suspended in view of registration of crime under Section 7 of Prevention of Corruption Act, 1988. However, no charge-sheet was filed in criminal case for want of sanction by the Government, no D.E. was initiated. However his suspension period was treated as leave period which may be admissible and at the same time his absence during the period of suspension was treated as unauthorized absence.</p> <p>4. Material to note, in impugned order dated 21.01.2021 the competent authority has already recorded the findings that suspension is unjustified. If it was so, the order of treating the period of suspension as leave period (due and admissible), and further, to state that absence in suspension period will be treated as unauthorized absence is quite un-understandable, §since, there would be no question of regular attendance in office during the period of suspension, As such once competent authority came to the conclusion that suspension is unjustified denial of consequential service benefits for the said period is not understandable in law.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. It is further explicit from the impugned order that there was no evidence or material for demand of bribe by the Applicant, and therefore, the sanctioned was not given to prosecute the Applicant. Apart no further action in the form of departmental proceeding are taken, the Applicant already retired on 31.05.2021.</p> <p>6. In view of above, learned P.O. is directed to take instructions from the Principal Secretary, Water Resources Department as to how such order has been passed.</p> <p>7. Matter be kept at 02.30 p.m.</p> <p>8. Steno Copy granted.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p> <p>LATER ON</p> <p>1. Matter is taken at 02.30 p.m. and heard learned Advocate for the Applicant and learned P.O.</p> <p>2. Learned P.O. submits that due to paucity to time he could not get proper instruction and requested for grant of time.</p> <p>3. In view of observation made today in Para. 4 & 5 of the above order it is necessary to explain all these aspects by the Principal Secretary, Water Resources Department. Hence, he should file Affidavit within a week.</p> <p>4. S.O. to 02.09.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 25.08.2021</p> <p style="text-align: center;">R.A. No.10 of 2021 in O.A. No.768 of 2020</p> <p>The State of Maharashtra & Ors. (Org. Resps.)....Appl. Versus D.T. Katke (Org. Appl.)Resps.</p> <ol style="list-style-type: none"> 1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Applicants (Org. Respondents) and Ms. Madavi Ayappan, learned Advocate holding for Shri Talekar, learned Advocate for the Respondent (Org. Applicant). 2. O.A. No.768/2020 was heard and decided on merit by judgment dated 11.06.2021, thereby impugned order of cancellation of deputation was quashed and direction were given to repost the Applicant on the post he was shifted within three weeks from the date of the order. 3. This review has been filed solely on the ground that no post is available for reposting of the Applicant which is strongly opposed by the learned Advocate for the Applicant. 4. When review is taken up today for hearing, learned C.P.O. submits that there is some development in the matter since the file for reposting of the Applicant is in process. She has tendered letter dated 25.08.2021. It is taken on record. 5. Thus perusal of letter dated 25.08.2021 reveals that Government is in process of compliance of the order passed by the Tribunal on 11.06.2021. 6. In view of above, request of learned C.P.O. for grant of time till Friday to avail necessary order from the Government is accepted. 7. On next date if no order is passed on the proposal pending with the Government review will be heard immediately. 8. S.O. to 27.08.2021. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

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	<p>Date: 25.08.2021</p> <p>O.A. No.474 of 2020</p> <p>S.M. KadamApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant two weeks time is granted for filing Affidavit-in-Reply.</p> <p>3. Learned Advocate for the Applicant has pointed out that despite the order passed by the Tribunal on 12.03.2021 the Applicant is not getting provisional pension for long time, and therefore, requested to take cognizance of the Contempt of the order passed by the Tribunal.</p> <p>4. Learned P.O. has shown letter dated 25.08.2021 addressed to him by the Office of Respondent No.1 which also shows that provisional pension is not paid from 01.02.2020, ⁱⁿ letter it is stated it is process at Government level.</p> <p>5. It is thus obvious that from December 2020 no provisional pension is paid to the Applicant which is serious aspects since provisional pension ought to have been released regularly. It is more so, when it is not paid despite the order passed by the Tribunal on 12.03.2021. Respondent No.1 is therefore directed to expedite the process for grant of provisional pension and it should be paid by all means by next date failing which necessary action for Contempt of order of the Tribunal would be initiated.</p> <p>6. S.O. to 07.09.2021.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>