(Advocate .....)

versus

The State of Maharashtra and others

.... Respondent/s

(Presenting Officer.....)

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

DATE : 1/7/16
CORAM :
Hon'ble ... (Chairman)
Hon'ble R.B. Malik (Member)(A)
Adv. for Applicant : S.P. Manchekar
Adv. for Respondents : N.G. Gohad

Adj. To 15/7/16. Hamdast. Steno copy allowed.

O.A.1133/2015

Dr. M.R. Sonawane & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The learned P.O. is instructed by Shri Sachin Patil, Law Officer of the Respondents. Despite clear directions given by my order of 3.5.2016, the compliance has not been made so far. The main controversy is already covered by a Judgment of this Tribunal confirmed by the Hon'ble High Court and there is no reason why so much time should have been taken. The learned P.O. informs that she has been instructed to take two months' time. She in any case seeks four weeks' time but I am not at all inclined to give more than two weeks and I direct that this order be made known to the highest officials with a direction that the compliance must be made on pains of serious consequences.

S.O. to 15th July, 2016. Hamdast. Steno-copy allowed.

Sd/-
(R.B. Malik)
Member (J)
01.07.2016

(skw)

PTO

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI
MISCELLANEOUS APPLICATION NO.70 OF 2016
(For delay)
IN
MISCELLANEOUS APPLICATION NO.69 OF 2016
(For restoration)
IN
ORIGINAL APPLICATION NO.755 OF 2012
WITH
MISCELLANEOUS APPLICATION NO.69 OF 2016
IN
ORIGINAL APPLICATION NO.755 OF 2012

DISTRICT : SOLAPUR

Shri Dinesh Shivkumar Mujgond,)
Age 34 years, Occ. Temp. Pvt. Service,)
R/o 32, Anupum Park, Near Saiful Bus Stop,)
Solapur 413004)..Applicant

Versus

1. The Government of Maharashtra,)
Through the Secretary,)
Higher & Technical Education Deptt.,)
Mantralaya, Mumbai 400032)

2. The Director of Vocational Education)
and Training, Regional Office,)
Ghole Road, Pune 411005)

3. Miss Avintika Vijay Prabhune,)
Age 26 years, occ. Service,)
R/o 133, Ashirwad Niwas, Surya Nagar,)
Aurangabad Road, Ahmednagar,)
District Ahmednagar 414004)

4. Nilambari Balaso Kajave,)
Age 29 years, occ. Service,)
R/o B-6/103, Policy No.3, Amboli Society)
Krishna Nagar, Chinchwad, Pune 411019)..Respondents

Shri N.Y. Chavan – Advocate for the Applicant
Smt. K.S. Gaikwad – Presenting Officer holding for
Shri A.J. Chougule – Presenting Officer for Respondents 1 & 2
Shri G.A. Bandiwadekar – Advocate for Respondents No.3 & 4

CORAM : Rajiv Agarwal, Vice-Chairman
R.B. Malik, Member (J)
DATE : 1st July, 2016
PER : R.B. Malik, Member (J)

JUDGMENT

1. These two MAs No.69/2016 and 70/2016 in OA No.755/2012 can be disposed off by this common order. Vide MA No.70 of 2016 the applicant seeks condonation of delay in making MA No.69 of 2016 for setting aside of the order dismissing the OA for

default and restoration thereof. For the precise substantive relief sister relief MA No.69/2016 is presented.

2. We have perused the record and proceedings and heard Shri N.Y. Chavan, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for Respondents No.1 & 2 and Shri G.A. Bandiwadekar, learned Advocate for Respondents No.3 & 4.

3. The issue is as to whether on the sufficiency of cause anvil these MAs pass muster with and our findings thereon is in the affirmative though subject to payment of cost. The following are the reasons.

4. The OA came to be dismissed for default on 20.4.2014. Earlier MA for more or less similar relief was presented which was MA No.579 of 2015 in MA No.580 of 2015 in OA No.755 of 2012. By an order dated 15.1.2016 made by one of us [R.B. Malik, Member (J)] these two MAs were allowed to be withdrawn with liberty to file another MA on the same cause of action but it was made clear that the issue of limitation would be kept open.

5. The sum and substance of the case of the applicant if put in one sentence is that the case is advocate related and we can find from the record that the advocate was the same Shri N.Y. Chavan who represents the applicant now. Although there was some whisper of the matter being in sine die list etc., that does not seem to be so. As per the prevalent practice directions apparently were

given that the OA would come up for hearing in usual course. If that was construed as sine die then it was clearly erroneous. The OA then appeared on 14.1.2015, 11.2.2015, 23.3.3015 and lastly on 20.4.2015 when it went by default. The case of the applicant is that somehow or the other the learned advocate could not record these dates in his diary and lapse once made perpetuated till OA went by default.

6. Smt. K.S. Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for Respondents No.1 & 2 and Shri G.A. Bandiwadekar, learned Advocate for Respondents No.3 & 4 have strongly opposed these two MAs.

7. Now, in our opinion it cannot be gain said that there has to be some element of negligence when the matters go by default. The issue is as to whether in the light of the circumstances surrounding the making of these applications the delay is marred by conduct which is contumacious. In our opinion, though there is no approving the delay etc. but ultimately if the inconvenience caused to other side is capable of being compensated by awarding cost then we should take recourse to the course of action whereby the OA is heard on merit and reached its logical conclusion.

8. Therefore, upholding these MAs we direct that the delay in making MA No.69 of 2016 stands hereby condoned and MA No.70 of 2016 is allowed. The order dated 20.4.2014 dismissing OA for default is hereby set aside and OA No.755 of 2012 is restored to file on its original number for being dealt with as per law and MA No.69

of 2016 is allowed. It is directed further that this common order is subject to the applicant paying the cost of Rs.1000/- in the Registry of this Tribunal within two weeks from today. MAs are allowed in these terms with no further order as to costs.

9. Upon compliance, the OA to appear before the appropriate bench on 21.7.2016.

(R.B. Malik)
Member (J)
1.7.2016

(Rajiv Agarwal)
Vice-Chairman
1.7.2016

Date : 1st July, 2016

Dictation taken by: S.G. Jawalkar.

E:\JAWALKAR\Judgements\2016\7 July 2016\MA.69 & 70.16 in OA.755.12-DSMujgond.doc

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 01.07.2016.

O.A.No.429 of 2016

A.B. Nimbalkar **.... Applicant.**

Versus

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

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

2. Learned P.O. Shri A.J. Chougule for the Respondents states that the order passed by this Tribunal on 16.06.2016 could not be communicated and hence prays for two weeks time.

3. In view of the request of learned P.O. Shri A.J. Chougule, adjourned to 21.07.2016

Sd/-

(A.H. Joshi, J.)

Chairman

prk

DATE : 1/7/16

COS :

Hon'ble ... Sadhana Jadhav (Chairman)

Hon'ble ... (Member) A

Advocate for the Applicant : R.M. Kolge

Advocate for the Respondents : A.J. Chougule

Adj. To 21/7/16.

[P.T.O.

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

01.07.2016

O.A Nos 509, 510, 542 & 543/2016

Shri N.P Udmale & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents and Shri C.T Chandrate, learned advocate for private Respondent in O.A 542 & 543/2016.

This Tribunal has granted separate interim orders in all the O.As. Against some of the interim orders, matter was taken to Hon. High Court, where the Writ Petitions have been disposed of with directions to pass final orders in all these O.As within two weeks.

Learned P.O Mrs Gaikwad as well as learned advocate Shri Chandratre for private Respondent stated that they will file their respective affidavitsin reply on 7.7.2016.

S.O to 7.7.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 1/7/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri K. B. MAJEE (Member)~~
APPEARANCE:
~~Shri/Smt.~~ M.D. Lonkar
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O/P.O.~~ for the Respondents
C.T. Chandratre
for Private Respts. 4th
~~Adj to~~ OA. 542 & 543/16.
S.O. to 7/7/16

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

01.07.2016

O.A 541/2016

Shri L.B Mundada ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri D.B Khaire, learned advocate for the applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no. 1 Smt S.S Sarda Respondent no. 2 in person present.

Respondent no. 2 states that she has not been given copy of the O.A and other documents. Learned Advocate Shri Khaire stated that he had tried to serve copy of the O.A on Respondent no. 2 at her last known address in the office of Additional Tribal Commissioner, Nagpur. Shri Khaire undertakes to hand over copy of the O.A and other documents today.

Learned P.O states that she is not in a position to file affidavit in reply on behalf of Respondent no. 1. She states that she will file reply within one week.

Both the Respondent no.1 & 2 should filed the reply on the next date.

S.O to 8.7.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 1/7/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri. R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ : D.B. Khaire
Advocate for the Applicant
~~Shri/Smt.~~ : K.S. Gaikwad
~~C.P.O/P.O.~~ for the Respondents No.1
S.S. Sarda R.No.2 in person present.
~~Adj To~~
S.O. to 8/7/16.
Affidavit of service filed.

FARAD CONTINUATION SHEET NO.

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

01.07.2016

O.A 570/2016

Shri P.K Pawar ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

In this Original Application order was issued on 24.6.2016 directing Respondent no. 3 to remain personally present. However, it appears that Research Officer has forwarded the same to the office of C.P.O only on 30.6.2016. It is signed on 28.6.2016.

Registrar should call for explanation from the concerned Research Officer for the delay which makes it impossible for us to proceed in such matters as per the time table fixed by us. The explanation of the Research Officer should be submitted for perusal within a period of one week.

However, as the office of C.P.O appears to have received our order on 30.6.2016 only, there is no go but to give further time to Respondent no. 3. Respondent no. 3 is directed to remain present on 15.7.2016. Hamdast.

S.O to 15.7.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 1/7/16

CORAM :

Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)

~~Hon'ble Shri k. B. MALIK (Member)~~

APPEARANCE :

~~Shri/Smt.~~ : K.R. Jagdale

Advocate for the Applicant

~~Shri/Smt.~~ : H.G. Gohad

~~C.P.O/P.O~~ for the Respondents

~~Adj to~~ S.O. to 15/7/16.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[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

Date : 01.07.2016.

O.A.No.592 of 2015

J.S. Shinde .... Applicant.

Versus

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

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. Smt. Archana B.K. for the Respondents states as follows :-

(a) Order passed in O.A.No.1215 of 2013 is carried before the Hon'ble High Court bearing Writ Petition No.8929 of 2015 is expected to come up for hearing on 25.08.2016.

(b) If the case does not appear on board on 25.08.2016, the case would be circulated.

3. In view of the foregoing, hearing of O.A. is adjourned to 04.10.2016, with liberty to the applicant to have circulation before due date, if occasion arises.

Sd/-

(A.H. Joshi, J...)
Chairman

prk

DATE : 1/7/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakumar (Member) A~~
APPEARANCE :
Shri/Smt. : K.R. Jagdale
Advocate for the Applicant
~~Shri/Smt.~~ : Archana B.K.
C.P.O / P.O. for the Respondent/s

Adj. To 4/10/16 with liberty to the applicant to have circulation before due date, if occasion arises.

(G.C.P.) J 2260 (A) (50,000—2-2015) [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

Date : 01.07.2016.

O.A.No.1068 of 2015

V.S. Muthe .... Applicant.

Versus

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

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

2. O.A. is already admitted. It is ready for hearing.

3. Applicant is free to circulate this O.A. before the Division Bench presided over by Hon'ble Vice-Chairman Shri Rajiv Agarwal.

Sd/-
(A.H. Joshi, J)
Chairman

prk

DATE : 1/7/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~
APPEARANCE :
Shri ~~Smt.~~ : K.R. Jagdale
Advocate for the Applicant
Shri ~~Smt.~~ : A.J. Chougule
C.P.O / P.O. for the Respondent/s

~~Adj. To~~ Applicant ~~is~~ is free to circulate this O.A. before the Division Bench over by Hon. V/C Shri Rajiv Agarwal.

F.H.

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

O.A.640/2016

Shri K.A. Pawar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Shri Chougule, the learned P.O. is being instructed by Smt. S.S. Amrite, Under Secretary, MPSC. The Applicant is a candidate for the post of Director of Archeology and Museum. The interviews are scheduled for 4th July, 2016 which is the next working day from today. This OA was moved for urgent relief yesterday and time was granted to the Respondents to file an Affidavit-in-reply today. They were directed at least to assist the Tribunal in the matter of experience aspect of the matter and how the decision was taken that the experience of teaching does not constitute the experience of working. Much as both the sides want to depict a picture of the issue being so simple as to suit their case, it does not appear to be so, especially when a categorical judicial finding is required to be given. In this set of circumstances, therefore, regard being had to the fact that I have declined to take on record or act on a parawise reply that the learned P.O. volunteer to share with me on the ground of congruity and propriety and something which is unheard of. The only course of practical action is to allow the Applicant to appear provisionally for the interview on 4th July, 2016 with a direction that the details of his performance be kept in a sealed cover till any further order is made by this Tribunal in this OA 640/2016. The sooner the Respondents file the Affidavit-in-reply and assist me in deciding the matter the better it will be and sooner the parties will come to know their respective positions. The parties may act on a Steno-copy hereof duly authenticated the Steno-copy of this Bench. The OA is kept for Affidavit-in-reply and arguments on 7th July, 2016.

Sd/-
(R.B. Malik)
Member (J)
01.07.2016

(skw)

DATE : 1/7/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~M. Ramesh Kumar (Member) A~~ R.B. Malik J
APPEARANCE :
Advocate for the Applicant : C.T. Chandratre
Advocate/Presenting Officer for the Respondents : A.J. Chougule
C.P.O / P.O. for the respondents
Adj. To 2/7/16 for reply.

Order dt.:- 30/6/16 & 1/7/16.
Communicated by
Resp. No. 1 to 2 by
Hand & Resp No. — "
By Post on :- 1/7/16
5.15 pm

.... 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

O.A.639/2016

Shri H.J. Nazirkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Shri Chougule, the learned P.O. is being instructed by Shri G.M. Gaikwad, Assistant Section Officer, Urban Development Department. The request of the learned Advocate for the Applicant to delete prayer clause (c) is granted. The same be complied with by way of an amendment to be carried within two working days from today. The OA stands adjourned for Affidavit-in-reply to 8th July, 2016.

Sd/-
(R.B. Malik)
Member (J)
01.07.2016

(skw)

DATE : 1/7/16
CORAM :
~~Hon'ble Shri ..... (Chairman)~~
Hon'ble Shri R.B. Malik (Member) ~~A~~ J
AT
Shri/Smt. ~~A.J. Chougule~~ M.D. Lonkar
Advocate for Applicant
Shri/Smt. A.J. Chougule
C.P.O. for the Respondents/s

Adj. To.....8/7/16.....

(G.C.P.) J 2260 (A) (50,000—2-2015) [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

O.A.459/2016

Shri S.D. Dhule ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.R. Patil, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

O.A. is admitted and is set down for final hearing on 7th July, 2016.

Sd/-
(R.B. Malik)
Member (J)
30.06.2016

(skw)

DATE : 30/6/16
~~CORAM :~~
~~(Chairman)~~
R.B. Malik (Member) A J
Advocate for Applicant
Shri M.R. Patil
Advocate for the Applicant
Shri K.S. Gaikwad
C.P.O. / P.O. for the Respondent/s
Admit.
Adj. To 7/7/16
F.H.

[P.T.O.

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 01.07.2016.

O.A.No.342 of 2016

P.L. Hotkar **.... Applicant**

Versus

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

1. Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents as follows :-

(a) Action of Respondent No.3 was simply approving the modified proposal and hence the case is to be contested by Respondents No.1, 2, 4 and 5.

(b) Reply of Respondent No.3 would be filed within three weeks.

3. Adjourned to 25.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE : 1/7/16

CORAM :

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

~~Hon'ble Shri M. Ramakrishnan (Member) A~~

APPEARANCE :

Shri/Smt. : G.A. Bandiwadekar

Advocate for the Applicant

Shri /Smt. : N.K. Rajpurohit

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

Adj. To 25/8/16.

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 1/7/16 CORAM : Hon'ble Shri [illegible] (Chairman) Hon'ble [illegible] (Member) A Appearance : Shri R.M. Kolge Advocate for the Applicant Shri A.J. Chougule C.P.O. for the Respondents/s Adj. To 21/7/16.	**Date : 01.07.2016.** **O.A.No.429 of 2016** **A.B. Nimbalkar .... Applicant.** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Learned P.O. Shri A.J. Chougule for the Respondents states that the order passed by this Tribuna on 16.06.2016 could not be communicated and hence prays for two weeks time. 3. In view of the request of learned P.O. Shri A.J Chougule, adjourned to 21.07.2016 (A.H. Joshi, J.) Chairman prk

[P.T.O.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.645 OF 2016

DISTRICT : MUMBAI

B.R. Gandhmal .... **Applicant.**

Versus

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

Smt. Punam Mahajan, the learned Advocate for the Applicant.

Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 01.07.2016.

J U D G M E N T

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 12.07.2016.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

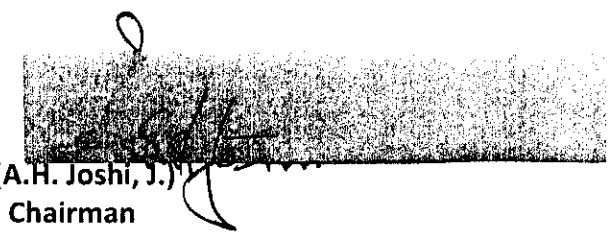
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. It is pointed out that similar cases are already listed before the Bench presided over by Hon'ble Vice-Chairman Shri Rajiv Agarwal. Let this case also be listed before Hon'ble Vice-Chairman.

8. It is hoped that reply with reference to each paragraph, point and averment would be filed as well as record would be kept ready at the time of hearing.

9. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

10. S.O. to 12.07.2016.



(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.397 OF 2016

DISTRICT : SOLAPUR

S.N. Pawar .... **Applicant.**

Versus

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

Ms. S.P. Manchekar, the learned Advocate for the Applicant.

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 01.07.2016.

O R D E R

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. Shri A.J. Chougule for the Respondents has tendered the affidavit of Shri K.B. Bakshi, Additional Chief Secretary, Home Department, Mantralaya for perusal.

3. The affidavit of Shri K.B. Bakshi, Additional Chief Secretary contains following statement :-

> *I say that therefore, a special officer may not be held responsible for the decision made by the committee. I further say and submit that there appears no malafide intention either on the part of the committee or the State in taking the decision and making recommendations to the Government and acceptance of the same by the Government. Therefore, I humbly pray that the State or specified officer may not be saddled with exemplary costs.*
>
> (Quoted paragraph from the affidavit of Shri K.B. Bakshi, at page 55.)

This statement exhibits extreme sympathy to the kin in bureaucracy and total apathy towards the persons who are suffering. Even any measures to prevent such recurrence are not taken. The lapse cannot go unchastised. In absence of corrective measures, it would not be fair to accept an excuse or apology either.

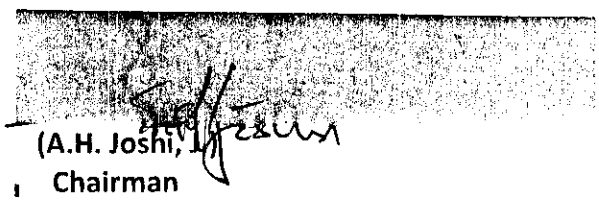
4. Learned P.O. Shri A.J. Chougule states that he would personally speak to the officer concerned and find out whether he would like to re-draft the affidavit.

5. At the request of learned P.O. affidavit is returned for considering whether the same is to be filed or some prudent steps would be taken.

6. Steno copy and Hamdast is allowed to learned P.O..

7. Learned P.O. is directed to communicate the order to the Respondents.

8. At the request of learned P.O., adjourned to 12.07.2016.



(A.H. Joshi, J)
Chairman

prk

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 01.07.2016. **O.A.No.641 of 2016** **S.S. Sirsikar & Ors. .... Applicants** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Applicants in person and Shri A.S. Gadre, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Both applicants are persons are present along with learned Advocate Shri A.S. Gadre. 3. Applicants have bought an undertaking stating that they shall vacate the Government quarters etc.. 4. The undertaking needs to be modified. Applicants undertake to bring their modified undertaking on 04.07.2016. 5. In view of the foregoing, S.O. to 04.07.2016. Sd/- (A.H. Joshi, J.) Chairman prk

DATE : 1/7/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri ... (Member) A~~
APPEARANCE :
Shri/Smt. : Appl. in person & Shri A.S. Gadre
Advocate for the Applicants
Shri/Smt. : A.J. Chougule
C.P.O. / P.O. for the Respondent/s

Adj. To 4/7/16.