IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

CONTEMPT APPLICATION NO.44 of 2016

IN

ORIGINAL APPLICATION NO.134 OF 2015

Shri B.C. Pardeshi ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Shri K.R. Jagdale – Advocate for the Applicant

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 1st August, 2016

ORDER

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

2. Ld. PO states that the Home Department has taken decision to reject applicant's representation. The decision is communicated to the Director General of Police by letter dated 18.7.2016.

3. While deciding this OA, this Tribunal had granted to the respondents four months time for deciding the representation. It is seen that the decision is rendered five months beyond the time granted. Any application for enlargement of time is filed. Even today no expression of apology or post facto enlargement prayed.

4. It is seen that no blame whatsoever prima facie can be fastened against respondents no.2 to 5. The decision was required to be taken by respondent no.1 and delay that has occurred is primarily on account of delay which is caused by respondent no.1.

5. Ld. PO is called to argue to show cause as to why cognizance of contempt should not be taken. Ld. PO has no reply.

6. At this stage the Ld. PO states that the matter may be kept tomorrow to take further steps.

7. S.O. to 2.8.2016.

(A.H. Joshi, J.)
Chairman
1.8.2016

Date : 1st August, 2016

Dictation taken by: S.G. Jawalkar.

D:\JAWALKAR\Judgements\2016\8 August 2016\CA.44.16 in OA.134.15-BCPardeshi-SO.2.8.16.doc

C.A. No.60 of 2015 in O.A. No.1013 of 2014

Smt. M.V. Deshmukh ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Ld. PO prays for adjournment for enabling him to trace the papers.

4. S.O. to 3.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
1.8.2016

(sgj)

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

O.A.No.786 of 2016 to O.A.No.788 of 2016 with O.A.No.792 of 2016

M.B. Barkule (O.A.786/2016)
M.R. Darade (O.A.No.787/2016)
A.D. Thorate (O.A.No.788/2016)
S.D. Girme (O.A.No.792/2016) .... Applicants.

Versus

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

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

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 01.08.2016

ORDER

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

2. Issue notice returnable on 11.08.2016.

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

4. Applicants are 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. Applicants are directed to file Affidavit of compliance and notice.

7. Respondent No.2 is called to consider as to whether the Respondent No.2 would like to follow same course as adopted by the Respondent No.2 while passing order dated 13.07.2016, copy whereof is at page 25. If the Respondent No.2 opts to follow the same course, Respondent No.2 shall be free to do so and in that event filing of affidavit shall be dispensed with.

8 If Respondent No.2 wants to take difference view, Respondent No.2 should file affidavit contesting the O.A. and answering each and every point and paragraph without fail on the next date.

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

10. S.O. to 11.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 694 OF 2016

DISTRICT :Thane

Shri T.L. Wankhede ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

Shri A.R. Joshi, the learned Advocate for the Applicant.

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

CORAM : Shri J. A.H. Joshi, Chairman.

DATE : 01.08.2016

ORDER

1. Heard Shri A.R. Joshi, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that he is filing service report showing service on the Respondents.

3. Learned Advocate for the Applicant also states that he wants to argue on the point of interim relief.

4. Learned C.P.O. for the Respondents prays for two weeks time for filing reply and states that Respondent No.3 shall file reply.

5. Since the Respondent no.3 is transferring authority, it is necessary that the transfer will have to be justified by Respondent No.3 only. Respondent No.2 may restrict reply to the facts and points averred against him, since this job cannot be done by the Respondent No.3.

6. It is hoped that each and every point contained in O.A. will be replied.

7. Applicant shall be free to join on the transferred post and such joining will not come in way of granting interim relief as the situation may arise.

8. It is hoped and clarified that the Respondent No.3 ought to do the assessment of legality of order passed by him, after taking legal opinion.

9. If Respondent No.3 considers that the order can not be justified on the point of adherence prescribed by Section 22N Bombay Police act, Respondent No.3 shall be free to withdraw the order.

10. If Respondent No.2 is in a postion to justify the order, in that situation only, the affidavit needs to be filed.

11. Steno copy and Hamdast is allowed to learned C.P.O. to communicat this order to the Respondents.

12. S.O. to 22.08.2016.

(A.H. Joshi, J.)
Chairman

sba

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 637 OF 2016

DISTRICT :Satara

Shri R.B. Bhosale ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

Shri M.D. Lonkar, the learned Advocate for the Applicant.

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

CORAM : Shri J. A.H. Joshi, Chairman.

DATE : 01.08.2016

ORDER

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time for filing affidavit in reply.

3. It is seen that the Applicant's prayer is for to decide and dispose of his application dated 22.01.2014.

4. It prima facie appears that the detailed para wise reply to the O.A. is not required.

5. It shall suffice if the Respondent No.2 to whom the representation is submitted, files own affidavit or affidavit of any other senior officer on following questions:-

(a) Whether the Applicant's representation dated 22.1.2014 which is at Exh. 'G' page 42 is received and pending in the office of the Respondent No.2.

(b) Whether cognizance of the said representation is taken and what steps are taken to deal with the same.

(c) What steps and process are involved in deciding Applicant's representation dated 22.01.2014 Exh. 'G' page 42.

(d) Does any legal impediment exist in deciding the Applicant's representation above referred?

(e) Are there any other representations which need to be decided along with Applicant's representation?

(f) If there is no any legal impediment in deciding Applicant's representation, what are the reasons due to which Applicant's representation is not decided sofar.

(g) In case there is no legal impediment in deciding Applicant's representation, the time frame within which the representation would be decided.

6. It is not necessary to file affidavit, if Applicants representaiton is decided before next date.

7. Steno copy and Hamdast is allowed to learned C.P.O.

8. Learned C.P.O. is directed to communicate this order to the Respondents.

9 S.O. to 20.09.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

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

O.A.626/2016

Shri D.K. Dhiware ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 22.08.2016.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 22nd August, 2016. The learned P.O. do waive service.

Sd/-
(R.B. Malik)
Member (J)
01.08.2016

(skw)

1/8/16

Hon'ble Shri. RAJIV AGARWAL
(Vice-Chairman)
Hon'ble Shri R. B. MALIK (Member)(J)

K.R. Jagdale
for the Applicant
N.K. Rajpurohit
for the Respondents

S.O. to 22/8/16

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

O.A.627/2016

Shri M.S. Kulthe ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 22.08.2016.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 22nd August, 2016. The learned P.O. do waive service.

Sd/-

(R.B. Malik) 01.08.16
Member (J)
01.08.2016

(skw)

1/8/16

~~Shri RAJIV AGARWAL (Vice-Chairman)~~
Shri R. B. MALIK (Member) J

K.R. Jagdale
for the Applicant
K.S. Gaikwad
for the Respondents

22/8/16.

(250) (A) (50,000—2-2015)

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. ... of 20 ... Districts

... Applicant/s

...

versus

The State of Maharashtra and others

... Respondents/s

... Presenting Officer ...

Office Notes, Office Memoranda of Coram, appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders **O.A.644/2016**
	Ms. A.A. Pawar. ... Applicant **Vs.** **The State of Mah. & ors. ... Respondents**
	Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Mrs. A.B. Kololei holding for Shri K.B. Bhise, the learned Presenting Officer for the Respondents. On a very simple aspect of the mater, even as the 2nd Respondent has filed the Affidavit-in-reply The Affidavit of the State has not been filed and that was their stand with regard to the 1997 Rules as amended by 11.2.1998 and in that connection, I had made it clear that even pending this OA, the Respondents, especially the 1st Respondent can consider the case of the Applicant. I may have to proceed without the Affidavit-in-reply and thereby visiting on the said Respondent, the consequences of construction admission, if these directions are not complied with. Therefore, just routine adjournment would not do and for this clarification, the OA stands adjourned to 4th August, 2016. Sd/- (R.B. Malik) Member (J) 01.08.2016 (skw)

Date 1/8/16.

Coram: Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)
Hon'ble Shri R. B. MALIK (Member) J

Shri A.V. Bandiwadekar
Advocate for the Applicant Archana B.K.
Shri/Smt. for the Respondents Shri K.B. Bhise.
Affidavit filed by Resp. No. 2.
Matter to be heard on 4/8/16.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Application No. of 20 Dispatch

Applicant/s

versus

The State of Maharashtra and others

Respondent/s

Hearing Officer

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

M.A.232/2016 in O.A.1048/2015 with
M.A.233/2016 in O.A.1049/2015

Shri S.C. Gadade & Anr. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Mrs. A.B. Kololgi holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

A further request for time to file reply is turned down because on the last occasion, last chance was granted. The matter is set down for hearing and orders on 4th August, 2016, making it clear that just before the hearing commences, if the reply is tendered, it will be taken on record and the MAs shall be heard on that date.

S.O. to 4th August, 2016.

Sd/-

(R.B. Malik) 1.8.16
Member (J)
01.08.2016

(skw)

1/8/16

Coram: ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Shri R. B. MALIK (Member) J

Heard: Shri A.V. Bandiwadekar
Advocate for the Applicant. Mrs Kololgi for Shri N.K. Rajpurohit
Chief Presenting Officer for the Respondents

S.O. to 4/8/16

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Registration No of 20 Division

..... Applicant/s

The State of Maharashtra and others

..... Respondent/s

Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Directions and Registrar's orders	Tribunal's orders
	Date : 01.08.2016.
	O.A.No.312 of 2016 with O.A.No.313 of 2016 with O.A.No.406 of 2016
	R.A. Kulkarni (O.A.No.312/2016) **P.B. Avhad (O.A.No.313/2016)** **S.K. Sawant (O.A.No.406/2016) .... Applicants.**
	Versus
	The State of Maharashtra & Ors. ....Respondents.
	1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicants in O.A.No.312/2016 and O.A.No.313/2016), and Shri A.A. Gharte, the learned Advocate for the Applicant in O.A.No.406/2016 and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
	2. By consent adiourned to 04.08.2016.
	Sd/-
	(A.H. Joshi, J.) Chairman
	prk

[Spl.- MAT-F-2 E.

[MAHA]RASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20 DISTRICT

..... Applicant/s

.................................../

Versus

The State of Maharashtra and others

..... Respondent/s

..../

[Memora]nda of Coram, [Appearance, Tribunal]'s orders or [Reg]istrar's orders	Tribunal's orders
	Date : 01.08.2016.
	O.A.No.312 of 2016 with O.A.No.313 of 2016 with O.A.No.406 of 2016
	R.A. Kulkarni (O.A.No.312/2016) P.B. Avhad (O.A.No.313/2016) S.K. Sawant (O.A.No.406/2016) .... Applicants.
	Versus
	The State of Maharashtra & Ors. ....Respondents.
[Shri] [Justice] (Chairman) ~~[Shri] (Member) A~~ [M]ahajan [Advocate for Applicant]s O.A. 312 & 313/16) [Advocate for] O.A. 406/16 Chougule [for Resp]ondent/s ~~Adj.~~ 4/8/16. Sd/-	1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicants in O.A.No.312/2016 and O.A.No.313/2016), and Shri A.A. Gharte, the learned Advocate for the Applicant in O.A.No.406/2016 and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. By consent adjourned to 04.08.2016. Sd/- (A.H. Joshi, J.) Chairman prk

ARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20

O. of 20

ARAD CONTINUATION SHEET NO.

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

C.A. No.82 of 2015 in O.A. No.10 of 2009

Shri A.K. Pusegaonkar & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO states that the affidavit required to be filed pursuant to para 4 and 5 of order dated 17.6.2016 is received. However, the text thereof is not satisfactory and prays for one weeks time for filing proper affidavit.

3. S.O. to 22.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
1.8.2016

(SGJ)

Name of Coram, order or Tribunal's orders	Tribunal's orders CA.42/2016 in OA.1092/13 with OA.1031/13

Shri P.S. Mahamuni & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Shri Kolge, Ld. Advocate states that part of the order is complied with. Applicant has calculated and identified the deficiencies and statement thereof is today handed over to Ld. PO. In turn the Ld. PO has handed over the sheet of deficiency to Shri Prakash H. Damodare, Assistant Director, Vocational Education and Training, Pune.

3. Ld. PO prays for two weeks time to verify the substance of the grievance and take steps for compliance, if required.

4. S.O. to 2.9.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
1.8.2016

(SGJ)

ARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

of 20

of 20

ARAD CONTINUATION SHEET NO.

morandum of Coram, nal's orders or gistrar's orders	Tribunal's orders
	C.A. No.53 of 2014 in O.A. No.44 of 2009 Shri R.G. Joshi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents. 2. Shri Kolge, Ld. Advocate for the applicant states that rejoinder is ready and some time is required for carrying out pagination etc. and prays for one week's time for filing it. 3. S.O. to 11.8.2016. Sd/- (A.H. Joshi, J) Chairman 1.8.2016 (sgj)

(Spl.- MAT-2)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

O.A. 26 ... DISTRICT ...

..... Applicants

.....

Versus

The State of Maharashtra and others

..... Respondents

.....

Memoranda of Coram, Hon'ble Member's orders or Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.394 of 2016

Shri N.R. Kale ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri V.U. Sherkhane, the learned Advocate holding for Shri R.G. Panchal, the learned Advocate for the Applicant and Smt. K.S. Gaikwad., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states as follows:-

Para wise remarks are received and draft affidavit is prepared. However, further time is required for re-drafting.

3. Time as prayed for is granted till next date.

4. S.O. to 21.09.2016.0

Sd/-

(A.H. Joshi, J.)
Chairman

sca

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

... DISTRICT ...

..... Applicant/s

.....

Versus

The State of Maharashtra and others

..... Respondent/s

.....

Coram of Coram, Date of Order or Tribunal's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.423 of 2016

Shri D.J. Patil ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri K.R. Jagdale, the learned Advocate holding for Shri D.B. Khaire, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents Shri K.B. Bhise has tendered two affidavits. Both are taken on record.

(Chairman)/(Member) A

3. Learned Advocate for the Applicant prays for three weeks time.

Jagdale holding

4. Time as prayed for is granted.

5. S.O. to 24.08.2016.

K.B.S

bde

Sd/-

(A.H. Joshi, J)
Chairman

D.D.

RASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

of 20

of 20

RAD CONTINUATION SHEET NO.

Notes of Coram, Tribunal's orders or Registrar's orders	Tribunal's orders

C.A. No.85 of 2013 in O.A. No.788 of 2012

Shri R.T. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri D.B. Khaire, learned Special Counsel with Shri K.B. Bhise, learned Presenting Officer for the Respondents. None for the Applicant.

2. Shri Khaire, Ld. Special Counsel for the respondents prays for three weeks time as he wants to re-examine the matter.

3. In view of the request, adjourned to 24.8.2016.

Sd/-

(A.H. Joshi, J)
Chairman
1.8.2016

(sgj)

(Chairman)

Ld. Spl. Counsel for Resp.

Spl.- MAT-F-2 E.

RASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20

of 20

TAD CONTINUATION SHEET NO.

Coram, orders or 's orders	Tribunal's orders
	C.A. No.72 of 2014 in O.A. No.834 of 2011 Shri D.D. Mehta & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Smt. Mahajan, Ld. Advocate for the applicants states that it is considered necessary to serve the contemnors personal notice, wait for its acknowledgment, till reasonable time and thereafter take suitable steps. Smt. Mahajan, Ld. Advocate prays for three weeks time. 3. Time granted. 4. S.O. to 6.9.2016. (A.H. Joshi, J) Chairman 1.8.2016
(Chairman) ~~(Member)~~ A	
najan	
B.K.	

(sgj)

Dates of Coram, and orders of Member's orders

Tribunal's orders

C.A. No.66 of 2015 in O.A. No.499 of 2014

Shri A.V. Joshi ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Sherkhane, learned Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Copy of certain correspondence which include one letter dated 21.1.2016 issued by the department to the applicant is tendered to the Ld. Advocate Shri Sherkhane. Ld. Advocate for applicant is directed to take instructions as to whether the applicant has complied with the steps and compliance on his part.

3. If the applicant desires to comply with, he should do the needful within two weeks from today.

4. For reporting steps as may be complied by respective parties, adjourned to 7.9.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
1.8.2016

(SGJ)

(Chairman)
(Member) A

Adv. holding

Advocate

[Spl.- MAT-F-2 ...

...HARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

... No. of 20 DISTRICT

..... Applicants

....

Versus

The State of Maharashtra and others

..... Respondents

....

...Memoranda of Coram, Tribunal's orders or Registrar's orders	Tribunal's orders
... ...sh (Chairman) ... ...Member) A Joshi .... (Rajpurohit)...... ...Advocates	**Date : 01.08.2016.** **O.A.No.223 of 2015** **Shri S.S. Khatke ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri A.R. Joshi, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents. 2. Learned Advocate for the Applicant Shri A.R. Joshi states that the Applicant has been granted promotion during the pendency of this O.A. 3. Learned Advocate for the Applicants wants to collect the papers and decide as to how manner in which the case be pursued, and prays for adjournment. 4. S.O. to 9.08.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** sba

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

OA 26 DISTRICT

..... Applicant/s

.....)

Versus

The State of Maharashtra and others

..... Respondent/s

.....)

Memoranda of Coram, Hon'ble's orders or Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.574 of 2016

Shri P.A. Pagare ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

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

2. Learned P.O. for the Respondents prays for time for filing reply.

3. Time as prayed for is granted.

4. S.O. to 19.08.2016.

(A.H. Joshi, J.)
Chairman

(Hon'ble Chairman)

Bandiwadekar

SBJ

AHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

O.A. No. of 20 DISTRICT

..... Applicant/s

.....)

versus

The State of Maharashtra and others

..... Respondent/s

.....)

Note Memoranda of Coram, Tribunal's orders or and Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.405 of 2016

P.H. Wig **.... Applicant.**

Versus

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

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents prays for adjournment till 04.08.2016.

3. In view of the foregoing, adjourned to 04.08.2016.

(A.H. Joshi, J.)
Chairman

prk

[P.T.O.

AHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

...O.A.NO. of 20 DISTRICT

..... Applicant/s

.....)

versus

The State of Maharashtra and others

..... Respondent/s

.....)

...e Memoranda of Coram, Tribunal's orders or ...d Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.595 of 2016

Shri S.A. Chavan &Ors. **...Applicants**

Vs.

The Secretary, Agriculture & Ors. **...Respondents**

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

2. Learned Advocate for the Applicant Shri K.R. Jagdale prays for time.

3. Learned P.O. for the Respondents prays for four weeks time for filing reply.

4. Though four weeks time is prayed longer time is granted with a caution that no further adjourned will be granted.

5. S.O. to 19.09.2016.

—Sd/—

(A.H. Joshi, J.)
Chairman

sba

...irman),
...)A

Jagdale

Gaikwad

[P.T.O.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

..... of 20 DISTRICT

..... Applicants

.....)

versus

The State of Maharashtra and others

..... Respondents

.....)

Memoranda of Corum, Tribunal's orders or Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.M.A.No.246 of 2016 in O.A.No.595 of 2016

Shri S.A. Chavan &Ors. ...Applicants

Vs.

The Secretary, Agriculture & Ors. ...Respondents

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

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

3. Considering the cause of action purused 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. Misc. Application is allowed.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

HARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

...G NO. of 20 DISTRICT

..... Applicant/s

.....)

versus

The State of Maharashtra and others

..... Respondent/s

.....)

e Memoranda of Coram, ribunal's orders or d Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.242 of 2016

Shri A.D. Raste ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri A.R. Joshi, the learned Advocate holding for Shri A.M. Joshi, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents Shri K.B. Bhise prays for two weeks time for filing reply.

3. Though two weeks time is prayed longer time is granted with a caution that no further adjournment will be granted.

4. S.O. to 21.09.2016.

Sd/-

(A.H. Joshi,
Chairman

sba

...Joshi (Chairman)
...mar (Member) A

...ni ld. adv. holding

bhise
...Respondent/s

[P.T.O.

...RASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20 DISTRICT

..... Applicant/s

....)

versus

The State of Maharashtra and others

..... Respondent/s

....)

...oranda of Coram, ...al's orders or ...gistrar's orders	Tribunal's orders
	Date : 01.08.2016.

O.A.No.789 of 2016 with O.A.No.790 of 2016

M.N. Khilare (O.A.789/2016)
A.B. Kolekar (O.A.790/2016). ..... **Applicants.**

Versus

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

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned Advocate Smt. Punam Mahajan for the Applicants states as follows :-

> Respondent has cancelled the transfer order in relation to each of the application in these two Original Applications.

3. In view of the foregoing O.A. has become infructuous and is disposed of.

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

prk

...(Chairman)
~~...(Member) A~~

...Mahajan

...B.K.
...ents

...come infructuous

[P.T.O.

[Spl.- MAT-F-2 E.

ASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

of 20 DISTRICT

..... Applicant/s

.....)

versus

The State of Maharashtra and others

..... Respondent/s

.....)

Date of Coram, Orders or M's orders	Tribunal's orders

Date : 01.08.2016.

M.A.No.195 of 2016 in O.A.No.359 of 2016

Shri P.D. Yasatwar **...Applicant**

Vs.

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents personally undertakes to go to the office and set right pagination for placing affidavits in O.A.

(Chairman)
~~Member) A~~

3. S.O. to 3.08.2016.

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

sba

[P.T.O.

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

Date : 01.08.2016.

M.A.No.235 of 2016 in O.A.No.572 of 2016

S.G. Padage .... **Applicant.**

Versus

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

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

2. Learned P.O. Shri K.B. Bhise for the Respondents has tendered the affidavit opposing the M.A.. It is taken on record.

3. In the midst of hearing, learned Advocate Shri B.A. Bandiwadekar for Applicant states as follows :-

(a) It appears that all the documents and information are not explored.

(b) It would not be necessary to do it and file fresh O.A. and M.A. for that purpose.

(c) Liberty may be granted to withdraw the M.A. and O.A. and file afresh.

4. Leave and liberty as prayed for is granted.

5. M.A. and O.A. both are disposed as withdrawn, with liberty as indicated.

(A.H. Joshi, J)
Chairman

pkk

A.H. Joshi (Chairman)
~~(Member) A~~

Bandiwadekar

Bhise

OA bath are drawn with ated.

Notice Memoranda of Coram, etc, Tribunal's orders or and Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.649 of 2016

D.N. Shinde & Ors. **.... Applicants.**

Versus

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

1. Heard Shri H.A. Joshi, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 30.09.2016.

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

4. Applicants are 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. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 30.09.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

...Joshi (Chairman)
...kumar (Member) A

Joshi

Archana B.K.
Respondents

16.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

O.A. of 20. DISTRICT

..... Applicant/s

.....

versus

The State of Maharashtra and others

..... Respondent/s

.....

Memorandum of Coram, Tribunal's orders or Registrar's orders	Tribunal's orders

Date : 01.08.2016.

M.A.No.267 of 2016 in O.A.No.649 of 2016

D.N. Shinde & Ors. **.... Applicants.**

Versus

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

1. Heard Shri H.A. Joshi, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

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

3. The cause pursued by the applicants in the O.A. is common and concurrent.

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. disposed of accordingly.

(A.H. Joshi, J.)
Chairman

prk

(Chairman)
(Member) A

dtd .....

Signed at .....

RASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20 DISTRICT

..... Applicant/s

.....)

versus

The State of Maharashtra and others

..... Respondent/s

.....)

Coram, Tribunal's orders or Registrar's orders	Tribunal's orders

Date : 01.08.2016.

O.A.No.239 of 2016

Smt. S.P. Khatavkar & Ors. ...Applicants

Vs.

The State of Mah. & Ors. ...Respondents

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 Advocate for the Applicant Ms. S.P. Manchekar prays for two weeks time for filing rejoined.

3. Time as prayed for is granted.

4. S.O. to 23.08.2016.

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

sba

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MISC. APPLICATION NO.216 OF 2016
IN
ORIGINAL APPLICATION NO.428 OF 2016

DISTRICT : THANE

Shri Ram Yashwant Kamble.)**...Applicant**

Versus

1. The State of Maharashtra & Anr.)**...Respondents**

Ms. S.P. Manchekar, Advocate for Applicant.
Mrs. A.B. Kololgi, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 01.08.2016

O R D E R

1. This is an application wherein the basic case of the Applicant is that there is no delay. However, if delay was there, then the same may be condoned. In that case,

the quantum of delay is pegged as at one year, ten months and two days.

2. The Applicant is a retired Rationing Officer. He retired on 30.6.2012. There was a departmental enquiry pending against him at that time. Punishment was awarded to him whereby 5% of his monthly pension was withheld forever. That order is impugned in the OA which is dated 6.7.2013. This MA has been presented on 10.5.2016.

3. I have perused the record and proceedings and heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

4. The basic submission of the Applicant is that the slashing of the pension is a continuing wrong in as much as that much amount will be deducted forever from his monthly pension, and therefore, the bar of limitation would not operate. In this connection, my attention is invited by Ms. Manchekar, the learned Advocate for the Applicant to **Union of India Vs. Tarsem Singh, (2008) 8 SCC 648**. Para 7 thereof needs to be specifically taken note of. The concept of continuing wrongs in the context of continuing

cause of action has been explained by the Hon'ble Supreme Court. It is held that a service related claim, if based on continuing wrong will be such as to be immune from the bar of limitation.

5. The learned P.O. in stoutly opposing this MA, has tried to distinguish **Tarsem Singh's** case for the reasons set out by her in Para 12 of the Affidavit-in-reply to this MA. It apparently appears to be her submission that the Rule of **Tarsem Singh** will be applicable in case of disability, pension of Army Serviceman on medical ground, etc. and not in case of the punishment resulting into slashing of the pension. Even a cursory perusal of **Tarsem Singh's** case would not bear the learned P.O. out. I think, it is very clear that the Rule thereof will be squarely applicable hereto.

6. The learned P.O. has severely assailed the Applicant for lacking in vigilance in the matter of agitating his rights. The cause assigned is set out in the 3rd Paragraph of the Affidavit-in-reply in which there is a reference to the Supreme Court Judgment in **U.P. Jalnigam and Another Vs. Jaswant Singh and Another, (2006) 11 SCC 464**. Another Judgment referred to is in

the matter of **State of Maharashtra Vs. S.M. Kotrayya, 1996 (6) SCC 267**.

7. Now, in my opinion, the issue of indolence or lack of vigilance is fact specific. What is required to be implemented is the principles of law laid down by the Hon'ble Constitutional Courts to the case at hand. This particular matter, in my view, is fully governed by the Rule of **Tarsem Singh's** case and on facts, even otherwise, the delay is not so exorbitant as to disentitle the Applicant from being heard.

8. In the first place, therefore, there is no delay going by **Tarsem Singh's** case. Assuming, however, the delay was there, then the basic principle of the law of limitation not only under Section 5 of the Limitation Act, but also under the general principles which govern the matters to which Limitation Act, 1963 is applicable demonstrable contumacious conduct indicative of careless sleeping over the rights should be there. And unless by the passage of time, third party rights have been created whereby an innocent third party would be hit hard for the indolence, the Court will lead the need to ensure a decision on merit. The delay will have to be condoned. Here also, by allowing the Applicant to argue his OA, the Tribunal

shall be putting on anvil the validity of the disciplinary action against him and no third party is going to be adversely effected. Therefore, examine it from any angle or facet and I think the application deserves to be allowed.

9. It is held that in the first place, there is no delay in bringing this OA, but even if there was delay, the same is hereby condoned. The Applicant and the Office of this Tribunal are directed to process this OA, so as to be brought before the Division Bench II on 29th August, 2016 for filing reply.

Sd/-

(R.B. Malik)
Member-J
01.08.2016

Mumbai
Date : 01.08.2016
Dictation taken by :
S.K. Wamanse.
E:\SANJAY WAMANSE\JUDGMENTS\2016\7 July, 2016\M.A.216.16 in O.A.428.16.w.8.2016.doc