

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. Nos.1064, 1065, 1066 & 1067 /2016**

**E. J. Barshinge** .....Applicant

**V/s.**

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

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

Learned P.O. seeks further time to file Affidavit-in-Reply.

I perused my order of 15.11.2016, these Original Applications are set down for reply and hearing to 07.12.2016.

DATE: 11/12/2016

CORAM: Shri R.B. Malik (M/J)

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To 7/12/16

*[Signature]*

Sd/-

2.16

**(R.B. Malik)  
Member (J)  
01.12.2016**

VSM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.964/2016**

**Shri S. J. Patil** .....Applicant

V/s.

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

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

The Affidavit-in-Reply of Respondent No.1 is taken on record.

The learned Advocate Shri Lonkar states that the applicant does not want to file rejoinder.

Original Application is admitted, liberty to mention. The respondents shall keep the record ready for perusal on the next date of hearing, so as to avoid loss of time.

DATE: 11/12/16

CORAM: Shri R.B. Malik (M/J)

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

Hon'ble Shri W. Rameshkumar (Member) A

APPEARANCE:

Shri M.D. Lonkar

Advocate for the Applicant

Shri K.B. Bhise

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

Adj. To: Admit Liberty to mention is granted.

*M*

Sd/-

**(R.B. Malik)  
Member (J)  
01.12.2016**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.916/2016**

**Shri M.B. Patil & 52 Ors**

.....Applicants

V/s.

**State of Mah. & Ors**

.....Respondent

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

The Affidavit-in-reply has already been filed. It seems that short point is involved on which perhaps the Original Application can be worked out. Therefore, a fixed date being given.

Original Application is admitted and be placed for hearing before the Second Division Bench be shown as expedited the O.A. on 13.12.2016.

DATE : 1/12/16

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. : Punam Mahajan

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

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

Adj. To. 13/12/16.

BTE

Sd/-

(R.B. Malik)  
Member (J)  
01.12.2016

vsm

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

Tribunal's orders

**O.A. No.1121/2016**

**Shri P.N. Shelke** .....Applicant

V/s.

**State of Mah. & Ors** .....Respondent

Heard Smt Vaishali K. Jagdale, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned Presenting Officer for the Respondents.

Reserving the rights of the applicant to renew his request of the interim relief at any subsequent date as of today.

Issue notice returnable on 22.12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 22.12.2016. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
01.12.2016

DATE: 1/12/16

CORAM: Shri R.B. Malik (M/J)  
Hon'ble Justice Shri A.H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. V.K. Jagdale

Advocate for the Applicant

Shri/Smt. N.G. Gohad  
C.P.O./P.O. for the Respondent/s

Adj. To: 22/12/16

BTE



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.1123/2016**

**Smt Meena B. Sonavane** .....Applicant

V/s.

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

Heard Shri Rajendra Sorankar with Sagar Talekar, the learned Advocates for the Applicant, Shri K.B. Bhise, the learned Presenting Officer for the Respondent Nos. 1, 2 & 3 and Ms S.P. Manchekar, the learned Advocate for the Respondent No.4.

Heard the submissions of both the sides for some time. Reserving the rights of the applicant to renew his request for interim relief on the next date, the Original Application stands adjourned to 22.12.2016 for Affidavit-in-Reply.

Sd/-

**(R.B. Malik)  
Member (J)  
01.12.2016**

DATE: 1/12/2016

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member)A

APPEARANCE:

Shri/Smt. Rajendra Sorankar with Sagar Talekar Adv.  
Advocate for the Applicant

Shri/Smt. K.B. Bhise  
C.P.O / P.O. for the Respondent/s 1 to 3.

Adv. S.P. Manchekar for R.4.

Adj. To 22/12/16

*R.B.*

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.949/2016**

**Shri P.S. Bansode .....Applicants**

**V/s.**

**State of Mah. & Ors .....Respondent**

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

Learned P.O. Shri Bhise seeks further time to file Affidavit-in-Reply saying that he has received parawise comments.

Last chance was already granted and, therefore, no further adjournment can be granted.

Original Application is formally admitted making it clear that on the next date when the matter is called out for hearing, reply will be taken on record but no adjournment will be given. The matter be placed for hearing before the Second Division Bench.

S.O. to 04.01.2017.

Sd/-

**(R.B. Malik)  
Member (J)  
01.12.2016**

DATE: 1/12/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. : K.B. Bhise

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

Adj. To 4/1/17

Before D/B II

*[Handwritten signature]*

vsm

[P.T.O.]

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

ORIGINAL APPLICATION NO. 218 OF 2015

C.G. Gaikwad

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

Shri B.A. Bandiwadkar, Advocate for the Applicant.

Ms. K.S. Gaikwad, Presenting Officer for the Respondents.

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 01<sup>st</sup> December, 2016.

**ORDER**

1. Heard Shri B.A. Baniwadkar, the learned Advocate for the Applicant and Ms. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Shri Dinkar Tamkar, Divisional Deputy Director of Education, Pune Division is present. He states that affidavit at page 46 onwards as well at 93-A onwards are not properly drafted prays that he may be granted permission for filing fresh affidavit for enabling the Deputy Director of Education to file proper affidavit.
3. Two affidavits of respondents which are already on record at page 46 and onwards (including the Rejoinder), are struck off and to be removed and kept in a 2<sup>nd</sup> part.
4. Permission for filing fresh affidavit is granted. This Tribunal fervently hopes and expects that questions/ points which are beyond the power & authority of Deputy Director of education being matters of exclusive power and authority of State Government be got approved from the Government, including the Finance Department, and in particular para 6.21 and connected para relating to the effect of previous judgments of this Tribunal and the judgments of the Hon'ble Supreme Court imposing an

embargo on recovery of antecedent payments said to have been made to the Government servant in excess .

5. Learned P.O. prays for four week's time on the ground that sanction of Government is required.

6. Through four week's time is prayed for filing reply, more time is granted.

7. S.O. 20.01.2017.

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

Sd/-

(A.H. Joshi, J.)  
Chairman

nmn



THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

M.A.No.104 of 2016 in C.A.No.16 of 2016 in  
O.A.No.78 of 2014 (Aurangabad)  
(M.A.No.419 of 2015 in C.P.Stamp 1572 of 2015) with M.A.No.105 of 2016 in  
O.A.No.78 of 2014 (Aurangabad)

The Bhujal Abhiyanta Sanghata Maharashtra Rajya

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

Shri V.B. Wagh, the learned Advocate for the Applicant is absent.

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

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 01.12.2016.

**ORDER**

1. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Learned Advocate Shri V.B. Wagh for the Applicant is absent.
3. Learned P.O.. Smt. K.S. Gaikwad for the Respondents has tendered the affidavit. It is taken on record.
4. Apology is tendered for the delay of one year and two months caused in compliance.
5. In the details narrated to the annexures of the affidavit of apology, it is seen that the delay is attributed to the office of Director of Groundwater Survey and Development Agency (G.S.D.A.). It has not been indicated as to how the subordinate office would be cautioned or reprimanded for the delay on their part, as well as, what measures would be taken for avoiding the delay on the part of Director, G.S.D.A. and Secretary, Water Supply & Sanitation Department, Mantralaya is not properly explained.

6. Present Contempt Application can be disposed only after the measures those would be taken for punctual attendance and disposal of the court / Tribunal's case, are taken and are brought to the notice of this Tribunal and are found satisfactory.

7. Learned P.O. Smt. K.S. Gaikwad prays that hearing be adjourned beyond one month in view of ensuing Assembly Session, so that on the next date measures as would be taken shall be brought on record.

8. Considering the request of learned P.O., adjourned to 20.01.2017.

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

Sd/-

(A.H. Joshi, J.)

Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.1122/2016**

**Shri P.G. Juikar** .....Applicant  
V/s.  
**State of Mah. & Ors** .....Respondent

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.

Reserving the rights of the applicant to seek interim relief, the O.A. is set down for that purpose on 05.12.2016 making it clear that regardless of whether the reply is filed or not, the matter will be considered either for interim relief or may be facts permitting even for final disposal.

S.O. to 05.12.2016.

DATE: 11/12/16

CORAM: Shri R.B. Malik (M/J)  
Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. : S. Suryawanshi

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

Adj. To 5/12/16

Sd/-

(R.B. Malik)  
Member (J)  
01.12.2016

vsm

*[Handwritten signature]*

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

Tribunal's orders

O.A. No.1105 /2016  
With  
O.A. No.1114 / 2016

Shri A.C. Rane & 4 ors  
Ms B.M. Sonawane & 3 Ors .....Applicants

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocates for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

The learned C.P.O. is being instructed by Shri Vasave, Deputy Secretary, L&JD, Mantralaya, Mumbai.

All the applicants in the first matter and the sole applicant whose case is required to be considered being the applicant no.3 Ms Swati Thakare in O.A. No.1114/2016 are admittedly working for a period of more than nine years on the post of 'Clerk-Typist' in the offices mentioned in the O.A. They have been working on what has been described as temporary basis and each time they have been given extension for a period of three months with one day break. The current term of these applicants is upto 22.12.2016, therefore, as of today, although no interim orders are being made but it is made quite clear that the only reason is afore stated one.

The respondents must file their reply on the next date and the matter can even be heard either finally for interim relief on the next date.

S.O. to 15.12.2016.

DATE: 1/12/16

CORAM: Shri R.B. Malik (MB)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt N.K. Rajpurohit  
C.P.O./P.O. for the Respondent/s

Adj. To.....15/12/16

BE

Sd/-

(R.B. Malik)  
Member (J)  
01.12.2016

12-16



(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 : 01.12.2016.

O.A. No. 1019 of 2015

J.V. Patil

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

2. At the request of learned P.O., Ms. K.S. Gaikwad adjourned to 13.12.2016.

DATE : 11/12/2016

CORAM :

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

Hon'ble Shri M. Rameshikumar (Member) A

APPEARANCE :

Shri/Smt. : P. Mahajan

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

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

Adj. To.....13/12/2016.....

BTE

nmn

Sd/-

(A.H. Joshi J.)

Chairman

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 01.12.2016.

C.A.No.130 of 2015 in O.A.No.308 of 2012

S.S. Padave .....Applicant.

Versus

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

1. Heard Shri B.A. Bandiwadekar, 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 states as follows :-

- (a) File was submitted before the Hon'ble Chief Minister and orders are expected within four days.
- (b) Adjournment be granted for reporting compliance.

3. In view of the foregoing, adjourned to 07.12.2016.

DATE : 11/2/16

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. : B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

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

Adj. To. 7/12/16.

*[Signature]*

prk

Sd/-

(A.H. Joshi) Chairman

**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 : 01.12.2016.

O.A. No. 860 of 2015

M.M. Vidhate .....Applicant.

Versus

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

1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer holding for Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. Shri K.B. Bhise states that learned P.O. Shri A.J. Chougule who is incharge of the brief is absent due to personal difficulty and prays for adjournment.

3 Adjourned to 13.12.2016.

DATE: 1/12/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt: B.A. Bandiwadkar

Advocate for the Applicant

Shri/Smt: K.B. Bhise

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

Adj. To: 13/12/16

*B.A.*

Sd/-

(A.H. Joshi, J.)  
Chairman

nmn

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

Tribunal's orders

Date : 01.12.2016.

C.A.No.131 of 2015 in O.A.No.907 of 2012

P.A. Vanjeri

....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 states as follows :-

- (a) The Government decision dated 30.11.2016 is issued after consulting the Finance Department.
- (b) Further steps would be undertaken by the Director of Municipal Administration and said office will be pursued by the Urban Development Department.
- (c) 15 days time be granted for above compliance.
- (d) Compliance as would be done, till next date, would be reported.

3. Adjourned to 23.12.2016.

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

Sd/-

(A.H. Joshi J.)  
Chairman

prk

DATE: 1/12/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adj. To 23/12/16. Steno copy and

Hamdast is allowed to Ld. P.O.

BTE



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

Tribunal's orders

Date : 01.12.2016.

O.A. No. 272 of 2015 with O.A. No. 273 of 2015

D.P. Londhe & Ors. ....Applicant.

Versus

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

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

2. Learned Advocate for Applicant states that the impugned order being appealable it shall be proper to prefer be appeal as per the Maharashtra Civil Services (Discipline and Appeal) rules, 1979.

3. He therefore prays permission to withdraw the O.A. with liberty to file the appeal and prays that in case appeal is preferred from 30 days from today, it be heard in accordance with law, by treating that it is filed within limitation.

4. O.A. is disposed as withdrawn, with liberty as indicated, and with a direction to hear and decide the appeal as if filed within limitation in accordance with law.

DATE : 1/12/16

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. A. Apte, the learned

Advocate for the Applicant

Shri /Smt. : K.B. Bhise

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

Adj. To : O.A. is disposed of

as withdrawn.

MT  
BTE

nmn

Sd/-

(A.H. Joshi, J.)  
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. ....

of 20

DISTRICT

..... Applicant/s

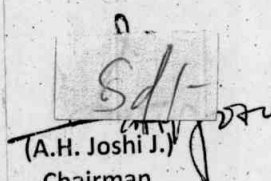
(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>11/12/2016</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Smt: <u>B.R. Deshmukh</u> Advocate for the Applicant</p> <p>Shri/Smt: <u>A.K. Rajpurohit</u> C.P.O./P.O. for the Respondent/s 1 to 6. Adv. Preetam ohal holding for Shri S.A. Masal for R. No. 7.</p> <p>Adj. To: <u>Masal for R. No. 7.</u></p> <p>Adj. to 14/12/16.</p> <p style="text-align: right;"><i>BFE</i></p>	<p>Date : 01.12.2016.</p> <p>O.A. No. 307 of 2016</p> <p>B.R. Khedkar .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri B.R. Deshmukh, the learned Advocate for the Applicant, Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents No. 1 to 6 and Shri Preetam Ohal holding for Shri S.A. Masal, the learned Advocate for the Respondent No. 7.</li> <li>2. Learned Advocate for the Applicant prays for leave to amend for adding para 6.15 and adding annexure.</li> <li>3. Advocate for the Applicant undertakes to carry out amended within two days.</li> <li>4. Leave to amend as prayed is granted.</li> <li>5. Amended part of the O.A. to be served to all respondents.</li> <li>6. Reply need not be filed unless imperative, adjourned to 14.12.2016.</li> </ol> <p style="text-align: right;">   (A.H. Joshi J.)  Chairman </p> <p style="text-align: center;">nmn</p> <p style="text-align: right;">[P.T.O.]</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> 11/2/16</p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL Vice-Chairman Hon'ble Shri R. B. MALIK (Member)</p> <p><b>APPEARANCE:</b> Shri/Smt. M.D. Lonkar Advocate for the Applicant Shri/Smt. S. Gaikwad C.P.O./P.O. for the Respondents</p> <p>Adj. to M.A. is Allowed. O.A. Adj to 5/1/17.</p>	<p><b>01.12.2016</b></p> <p><b><u>M.A 487/2015 in O.A 264/2015 (Aurangabad)</u></b> <b><u>O.A 422/2016 (Mumbai)</u></b></p> <p>Shri S.M Jadhav ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>This is an application seeking amendment to the Original Application, whereby impleadment of new party is sought and a couple of additional paragraphs to be added.</p> <p>Hearing both the sides, we are satisfied that this application does no violence to the law of amendment and impleadment and the same is therefore allowed.</p> <p>The newly added Respondent be added by an appropriate amendment within two weeks from today and within the same period additional paragraphs sought to be incorporated be also incorporated.</p> <p>A consolidated copy of the O.A after amendment be filed and copy be given to the existing Respondents and newly added Respondents be served accordingly to the rules.</p> <p>Adjourned for additional reply/reply. Misc Application allowed in these terms with no order as to costs.</p> <p>O.A to be placed on board on 5.1.2017.</p> <p>Sd/- _____ Sd/- _____ (R.B. Malik) (Rajiv Agarwal) Member (5) Vice-Chairman</p> <p>Akn [P.T.O.]</p>



# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> 1/12/16</p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><b>APPEARANCE:</b> Shri/Smt. Gaurai Deshpande Advocate for the Applicant Shri/Smt. N.K. Rajpurohit C.P.O./P.O. for the Respondent</p> <p>Adj. To S.O. to 15/12/16.</p>	<p><b>01.12.2016</b> <b>O.A No 1103/2014</b></p> <p>Shri Shri P. T. Patil ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>1. Heard Ms Gaurai Deshpande, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 15.12.2016.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O 15.12.2016.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman [P.T.O.]</p>



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(G.C.P.) J 2260 (A) (50,000—2-2015)

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**01.12.2016**

**O.A No 977/2016**

Shri S.B Kapile ... Applicant  
Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

Learned Presenting Officer files affidavit in reply. Learned Advocate Shri Lonkar states that he does not wish to file rejoinder.

O.A is admitted. Place for final hearing on 7.12.2016.

DATE: 1/12/16

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

~~Hon'ble Shri R. R. ... (Member)~~

APPEARANCE:  
Shri/Smt. M.D. Lonkar

Advocate for the Applicant  
Shri/Smt. K.S. Gaikwad  
C.P.O.P.C. for Respondents

Adj. To: O.A. is admitted.  
S.O. to 7/12/16.

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Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO 837 OF 2016**

**DISTRICT : NASIK**

The Association of the Subordinate Service  
of Engineers, Maharashtra State & Ors, )...**Applicant**  
**Versus**

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

Smt Punam Mahajan, learned advocate for the Applicants.

Shri D.B Khaire, learned Special Counsel for the  
Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**DATE : 01.12.2016**

**ORDER**


1. Heard Smt Punam Mahajan, learned advocate for the Applicants and Shri D.B Khaire, learned Special Counsel for the Respondents.

2. This Original Application is filed by the Association of Subordinate Service of Engineers, Maharashtra State, who are seeking benefit of the judgment of this Tribunal in O.A no 233/2013 dated 21.4.2015, which was confirmed by the Hon. Bombay High Court. The Applicants have been given benefits of ACPS twice, while the

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made out for grant of interim relief. The order dated 23.11.2016 issued by the Godavari Marathwada Irrigation Development Corporation, Aurangabad is hereby stayed till the disposal of this Original Application.

8. Learned Special Counsel Shri Khaire files sur-rejoinder. Place for final hearing on 20.12.2016. Hamdast.

  
(Rajiv Agarwal)  
Vice-Chairman

**Place : Mumbai**  
**Date : 01.12.2016**  
**Dictation taken by : A.K. Nair.**

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1124 OF 2016**

**DISTRICT : NASIK**

Shri Anil Sampatrao Morey, )...**Applicant**

**Versus**

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

Shri C.T Chandratre, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no.1.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**DATE : 01.12.2016**

**ORDER**

1. Heard Shri C.T Chandratre, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent no. 1.
2. Learned Advocate Shri Chandratre stated that the Respondent no. 2 has been served. However, he has not placed on record the affidavit of service, which he undertakes to submit on Monday.
3. Learned Presenting Officer on instructions from Shri Hemant Mahajan, Desk Officer in the office of Respondent no. 1 states that Respondent no. 2 has not yet taken over the post from which the Applicant was transferred. Learned Presenting Officer

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Smt Gaikwad, made available the relevant Mantralaya file for the perusal of this Tribunal.

4. Learned Advocate Shri Chandratre states that the impugned order dated 2.8.2016 transferring the Applicant from the post of Executive Engineer, Girna River Valley Project Division, Nasik and the order dated 28.11.2016 posting the Respondent no. 2 on that post are both issued in violation of Section 4(4)(2) and 4(5) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (the Transfer Act). The orders do not mention any exceptional circumstances or special reasons for transferring the Applicant in a month other than April or May, especially considering the fact that he has very short period before he retires on 30.4.2017. His representation to keep him in the same post has also not been considered. He, therefore, stated that the interim relief of staying the aforesaid orders may be granted.

5. Learned Presenting Officer strongly opposed grant of stay. She stated that the Applicant has already completed his tenure and approval of the competent authority has been obtained and there were complaints from the Executive Director of Tapi Valley Irrigation Corporation against the Applicant.

6. On perusal of the record placed before me, it is seen that the Applicant has been transferred as recommended by the Executive Director, who apparently found his performance as unsatisfactory. No exceptional circumstances or special reasons for issuing the mid-term transfer order were mentioned in the note that was placed before the Competent Authority. The Applicant is prima facie eligible to get interim relief, especially as he has not yet been relieved from the post from which he has been transferred.



7. The aforesaid orders dated 2.8.2016 and 28.11.2016 are stayed till the disposal of this Original Application. This order is issued subject to Respondent no. 2 being served.

8. Issue notice before admission made returnable on 5.12.2016.

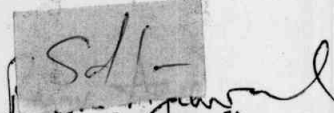
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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

11. 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.

12. 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.

13. S.O 5.12.2016. Hamdast.

  
(Rajiv Agarwal)  
Vice-Chairman

**Place : Mumbai**  
**Date : 01.12.2016**  
**Dictation taken by : A.K. Nair.**