

**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 : 2.05.2016.</p> <p align="center"><u>O.A.No.298 of 2016</u></p> <p>Shri S.R. Koli ...Applicant</p> <p align="center">Vs.</p> <p>The State of Mah. & Ors. ...Respondents</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. It has transpired that the Applicant has failed to serve on the Respondents Tribunal's notice. 3. Learned Advocate for the Applicant states that service was not done because it was not considered imperative because learned P.O. had waived service. 4. Learned Advocate for the Applicant undertakes to ensure that the service of notice will be done without fail, and prays for four weeks time. 5. Registry to furnish notice to the Applicant for service. 6. S.O. to S.O. to 22.06.2016. <p align="right">Sd/- (A.H. Joshi, J.) Chairman</p> <p>sba</p>

versus

The State of Maharashtra and others

Respondent/s

Chief Officer.....)

Notes, Office Memoranda of Coram,
Attendance, Tribunal's orders or
Sessions and Registrar's orders

Tribunal's orders

M.A.160/2016 in O.A.211/2014

Heard Shri Sidheshwar Biradar holding
for Shri R. Adsule, the learned Advocate for
the Applicants, Shri N.K. Rajpurohit, the
learned Chief Presenting Officer for
Respondents 1 to 6, Shri A.V. Bandiwadekar,
the learned Advocate for Respondents 7 to 11
(Leave Note) and Shri M.D. Lonkar, the
learned Advocate for Respondents 12 to 14.

This is an application for amendment
in OA whereby the additional parties
mentioned by names in Para 6 hereof are
being sought to be impleaded as party
Applicants 5 to 8.

The Affidavits-in-reply have not been
filed. But we make it very clear that granting
all latitude to all the Respondents, at the end
of the day, what this application seeks to
achieve is to avoid a technical objection
regarding the human agencies is not before
the Tribunal and that surely can be allowed
without much ado. The Affidavits-in-reply to
the main OA having been filed, the
Respondents will nevertheless get an
opportunity to file additional Affidavit-in-
reply, if need be. Therefore, the MA is
allowed. The amendment as herein sought
be effected on or before 6th May, 2016 and
the copies of the OA post amending be
furnished to the learned P.O. for the
Respondents and Advocates for the private
Respondents.

Adjourned for Affidavit-in-reply, if any,
to 13th June, 2016.

Sd/-

(R.B. Malik)
Member (J)
02.05.2016

Sd/-

(Rajiv Agarkar)
Vice-Chairman
02.05.2016

(P.O.)

2/5/16

RAJIV AGARKAR
(Vice-Chairman)

R.B. MALIK (Member) J

MA 160

Siddheshwar
Biradar holding power
for the Applicant. A.K. Adsule
N.K. Rajpurohit
A.V. Bandiwadekar
M.D. Lonkar for
no. 12 to 14.

M.D. Lonkar for
no. 12 to 14.

MA is Allowed.

A. Adj. + o 13/6/16

(Signature)

Later on :

Heard. The learned C.P.O. is allowed to file the Affidavit-in-reply of Respondent No.5 immediately.

Sd/-

(R.B. Malik)
Member (J)
02.05.2016

(skw)

Sd/-

(Rajiv Agarwal)
Vice-Chairman
02.05.2016

(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.383/16**Shri N.B. Bhandare ... Applicant****Vs.****The State of Mah. & ors. ... Respondents**

Heard Shri A.R. Joshi, the learned Advocate for the Applicant and Smt. K.S. Gaikwad holding for Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Shri Joshi, the learned Advocate submits that the Hon'ble Chairman was pleased to accept his request for substitution of this OA by direction which in terms has not been recorded. There is no serious dispute thereabout, and therefore, subject to the condition that the said substitution must be made latest by 3rd May, 2016 during the Court hours and if it was not done, this OA shall stand dismissed.

If the directions are complied with, the matter be listed before this Court on 5th May, 2016 for consideration of interim relief. The copy also must be served on the Respondents by 3rd May, 2016 and not afterwards.

DATE: 21/5/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Advocate for the Applicant: A.R. Joshi

Advocate for the Respondent

Shri/Smt.: N.G. Gohad

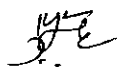
C.P.O. / P.O. for the Respondent/s

Adj. To: 5/5/16 & 5/5/16

Sd/-

(R.B. Malik)
Member (J)
02.05.2016

(skw)



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

Tribunal's orders

Date : 02.05.2016.

O.A.No.396 of 2016

S.D. Khemnar

.... Applicant.

Versus

The State of Maharashtra & Ors

.... Respondents.

1. Heard Shri S.D. Dixit, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 20.06.2016.

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 Respondent 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. Respondents are put to notice that on their discretion one post may be kept vacant with the notice that in the event Applicant succeeds it would not be upon for the Respondents to plead that vacancies are filled in and Applicant will have to be accommodated, if necessary, by creating super-numerous post.

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

9. S.O. to 20.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

DATE: 2/5/16

CORAM:

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

~~Hon'ble Justice Mr. James Kumar (Member) A~~

APPEARANCE:

For Applicant: S.D. Dixit.....

For Respondent:

~~Ms. N.G. Gohad~~.....

C.I. & P.S. for the Respondent/s

Adj. To 2/2016/16. Steno copy

& Hamdast allowed.

BTE

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

Tribunal's orders

Date: 02.05.2016.

O.A.No.177 of 2016

S.C. Gaute

.... Applicant.

Versus

The State of Maharashtra & Ors

.... Respondents.

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

2. It is seen that by impugned letter that Applicant has been directed to produce certificate from medical board before reporting for duty.

3. It is not clear as to why medical certificate is required prior to reporting of duty.

4. Moreover, if securing of certificate is delayed the question will arise as to who shall suffer the liability to make payment of salary and allowances.

5. Therefore, Civil Surgeon, Thane (Respondent No.2) is directed to file his own affidavit stating rules under which production of medical certificate prior to joining is required.

6. If the Civil Surgeon realizes that no rule authorizes demand of such certificate he may allow the applicant to join duty from the date of making his request for joining and report that he is allowed to join.

7. If applicant is permitted to join, filing of affidavit may not be necessary.

8. This will not come in the way of initiation of departmental proceedings as disclosed in the impugned communication.

9. For reporting action relating to joining or filing affidavit limited to the extent of this order, S.O. to 06.05.2016.

10. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondent No.2.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE: 2/5/16

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rameshkumar (Member)-A

APPEARANCE:

Shri/Smt: S. F. Kulkarni

Advocate for the Applicant

Shri/Smt: A. J. Chougule
C.P.O./P.O. for the Respondent/s

Adj. To: 01/5/16

Steno copy & Hamdast allowed

BE

DATE: 2/5/16

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rameshkumar (Member)-A

APPEARANCE:

Shri/Smt:

Advocate for the Applicant

Shri/Smt:

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

Adj. To:

**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 : 2.05.2016.

O.A.No.324 of 2016

Shri A.N. Ghuge & Ors. ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

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

2. The Applicant has already submitted objection on 1.4.2016 to the provisional seniority list furnished by the State on 29.3.2016.

3. The seniority has not attained finality.

4. Learned Advocate for the Applicant prays that the Respondents be directed to consider objections raised in Applicant No.1's submission dated 1.4.2016 Annexure 'C' at page No.27.

5. It is hard to believe and accept that the Respondents will not act in accordance with the law, and therefore formal direction may not be necessary.

6. Therefore the O.A. is premature and is disposed of accordingly.

DATE: 2/5/16

CORAM:

Members of the Bench: A. H. Joshi (Chairman)

..... (Member) A

..... (Member) A

..... (Member) A

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..... (Member) A

..... (Member) A

Adj. To..... OA is disposed of accordingly.

BTE

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

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.393 OF 2016****DISTRICT: PUNE**

Shri S.A. Bale

... Applicant

Versus

The State of Maharashtra & 2 Others

... Respondents

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

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 02.05.2016.

ORDER

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
2. Issue notice before admission made returnable on 24.06.2016.
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 Respondent 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 shall not be necessary to file affidavit-in-reply in case allowances during the period of suspension liable to be paid to the Applicant are paid before next date.

8. However, if there exist grounds for not paying the allowances in that case affidavit answering O.A. shall have to be filed.

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

10. S.O. to 24.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.105 OF 2016 WITH
ORIGINAL APPLICATION NO.106 OF 2016 WITH
ORIGINAL APPLICATION NO.107 OF 2016**

R.K. Potle (O.A.No.105/2016)
S.K. Patil (O.A.No.106/2016)
H.D. Sawant (O.A.No.107/2016)

.... Applicants

Versus

State of Maharashtra & Others

...Respondents

Shri M.D. Giri, 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 : 02.05.2016.

ORDER

1. Heard Shri M.D. Giri, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Learned P.O. for the Respondents Smt. K.S. Gaikwad states that she has received instructions from Shri A.V. Kamble, Supervisor, General Stamp Office, Mumbai and Shri Rokade, Collector of Stamp Enforcement-I, General Stamp Office, Mumbai.
3. The summary of instructions is as follows :-
 - (a) Enquiry report was submitted on 03.07.2009.
 - (b) It is reported that in the Departmental Enquiry applicants were not found to be guilty.
 - (c) Six months time is required for taking decision in the matter of suspension of the Applicant because work of integration of registration and Stamp Department is going on.

4. Prima facie, reasons assigned for time of six months required for taking decision is not justified. Irrespective as to whether the Departments are to be integrated / merged, the decision as to the manner in which the period of suspension be treated, will have to be taken independently.


5. The competent authority has to take decision as to whether it agrees or disagree with report and the issue cannot be kept pending.

6. Respondent No.3, Shri Ramaswamy, Inspector General of Registration and Controller of Stamps, Pune is directed to file his own affidavit stating as to what is the legal impediment in deciding the Applicants' prayers contained in this Original Applications.

7. Though the affidavit as directed in the foregoing paragraph is expected, affidavit-in-reply answering the O.A. may also be filed by answering each and every paragraphs, averments and grounds. Time for filing these affidavit-in-replies is granted till next date.

8. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondent No.3.

9. S.O. to 11.07.2016.


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

prk