THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.39 OF 2017

K.A. Jadhav & Ors. **....Applicants.**

Versus

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

Shri A.V. Bandiwadekar, the learned Advocate for the Applicants.

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondent No.1.

Smt. Punam Mahajan, the learned Advocate for the Respondents No.2 to 7.

CORAM : Justice Shri A.H. Joshi, Chairman.
Shri Rajiv Agarwal, Vice-Chairman.

DATE : 02.05.2017

PER : Justice Shri A.H. Joshi, Chairman

O R D E R

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants, Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondent No.1 and Smt. Punam Mahajan, the learned Advocate for the Respondents No.2 to 7.

2. Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondent No.1 states as follows :-

(a) Seniority list as on 01.01.2010 is finalized.

(b) Even the segregated lists of promotes and direct recruits as of 01.01.2010, are ready.

(c) Provisional seniority list as of 01.01.2015 would be prepared by 07.06.2017 and would be published for inviting objections, if any.

(d) Objections as received would be considered and would be decided

(e) Thereafter the select list for the post of Under Secretary would be submitted to the Hon'ble the Chief Minister for approval.

(f) For reporting the steps completed till next date, hearing be adjourned to 07.06.2017.

3. At this stage, learned Advocate Smt. Punam Mahajan states that the Respondents No.2 to 7 want to make the following submissions :-

(a) Now the seniority list as of 01.01.2010 is finalized, and seniority list for later period will not have any bearing on the merit of present case.

(b) Position of Respondents No.2 to 7 as well as of all Applicants is fixed in view of the seniority list as is finalized of 01.01.2010, and respective placement is not in dispute.

(c) Now the status and rank of the Applicants in the seniority list is no more uncertain. In view that segregates of promotees and direct recruits is also done, it would be possible for the Respondent No.1 to effect the promotions by adhering to the quota, if now promotions are ordered, those may not prejudice either class, since the candidates from promotees as well direct recruits can be conveniently considered by Departmental Promotion Committee (D.P.C.).

(d) In the aforesaid premises, the restraint which is clamped by this Tribunal against promotions needs to be modified in the interest of justice.

(e) This Tribunal can also direct that the promotions, if any, done shall be subject to outcome of final order as may be passed in this O.A..

(f) Thus interest of the Applicants will also be protected and promotions if effected will not prejudice any one.

4. Shri A.V. Bandiwadekar, the learned Advocate for the Applicants has opposed the prayer made by Smt. Punam Mahajan, the learned Advocate for the Respondents No.2 to 7. The ground on which Respondent's prayer is opposed is that if the restraint against promotion is removed and persons from the promoted category get promoted it will cause perpetual loss to direct recruit and the purpose of filing of the O.A. would be defeated.

5. Keeping in view submissions of Shri A.V. Bandiwadekar, the learned Advocate for the Applicants he was called to demonstrate from record as to how the quota for direct recruit (33% upto 2008) and 20% thereafter is deviated / violated.

6. Shri A.V. Bandiwadekar, the learned Advocate for the Applicants has tried to justify submissions by making reference to page 63 and paper book whether the calculation of figures of promotees from direct recruits' category is furnished by Applicants.

7. This Tribunal has perused page 63, the statement of calculations done and furnished by Applicants. It shows that much prior to 2008 there existed backlog of 96 posts in the quote of direct recruits. However said backlog of promotes is shown to be of one post in 2013 and of 6 posts in 2014.

8. On whatever has transpired from the submission of Applicants and record on one hand and the Respondents No.2 to 7 on the other hand, it prima facie, emerges that at present maximum backlog appears to be of six posts and there is no shocking or grave prejudice to the applicants. If the process of promotions proceeds, a fair chance exists where few amongst the class / catagory of applicants would stand the chance of promotion, and in that event sufferance of members of their class would be reduced than increased.

9. This Tribunal therefore, considers it appropriate and in the interest of justice to permit the Government to proceed to consider the matter of promotion to the posts of Under Secretaries and even to issue the orders with certain riders.

10. Hence, this Tribunal therefore passes the following order:-

(a) Respondent No.1 shall be free to issue promotion order to the posts of Under Secretaries, promoting persons as found eligible.

(b) The promotees should be put to notice that promotion are be subject outcome of the final settlement of seniority and final outcome of this O.A. and observance of quota for each category.

11. For reporting compliance as to Respondents status of seniority list we adjourned the hearing on 14.06.2017.

12. Hamdast and Steno copy is allowed.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H. Joshi)
Chairman

prk

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(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 2/5/17

CORAM :

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

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE :

~~Shri/Smt.~~ Punam Mahajan

Advocate for the Applicant

~~Shri/Smt.~~ N.K. Rajpurohit

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

Adj. To 16/6/17.

O.A.151/2017

Mr. R.C. Kadam ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Mr. N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

The OA was debated at the Bar for some time. The copy of the order at Page 38 of the Paper Book is perused. The learned Advocate for the Applicant submits that in view of the stand adopted by the Respondents, she may amend the OA and also include the ~~proper~~ clauses whereby this Tribunal may decide the whole controversy at one go. The OA stands adjourned to 16th June, 2017.

Sd/-
(R.B. Malik)
Member (J)
02.05.2017

(skw)

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

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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
DATE : 2/5/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri Rajiv Agarwal (Vice-Chairman) A APPEARANCE : Shri/Smt. : V. Pandit Advocate for the Applicant Shri /Smt. : Archana B.K. C.P.O / P.O. for the Respondent/s Adj. To 3/5/2017.	**Date : 02.05.2017.** **M.A.No.400 of 2016 in O.A.No.976 of 2016** **U.J. Marathe ....Applicant.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Ms. V. Pandit, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents. 2. At the request of Ms. V. Pandit, the learned Advocate for the Applicant adjourned to 03.05.2017. Sd/- Sd/- (Rajiv Agarwal) (A.H. Joshi) Vice-Chairman Chairman prk

(G.C.P.) J 2260(B) (50,000--2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

DATE: 2/5/17
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~M. Rameshkumar (Member) A~~ Rajiv Agarwal (V/C)
APPEARANCE:
Shri/Smt. ....time to the appl.
Advocate for the Applicant
~~Shri~~/Smt. : K.S. Gaikwad
C.P.O / P.O. for the Respondent/s

Adj. To....3/5/17.

Date : 02.05.2017

C.A.No.38 of 2015 in O.A.No.909 of 2013

R.K. Mohite **....Applicant**

Versus

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

1. None for the Applicant. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, adjourned to 03.05.2017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

sba

(G.C.P.) J 2260(B) (50,000--2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

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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
DATE : 2/5/17 CORAM : Hon'ble Justice Shri A.H. Joshi (Chairman) Hon'ble Shri ~~M. Ramakrishnan (Member) A~~ Rajiv Agarwal (V.C) APPEARANCE : Shri/Smt. : B.A. Bandiwadekar Advocate for the Applicant Shri/Smt. : N.G. Gohad C.P.O / P.O. for the Respondent/s Adj. To 3/5/2017.	**Date : 02.05.2017** **C.A.No.07 of 2017 in R.A.No.02 of 2016 in O.A.No.956, 957 with 958 of 2014** **S.T. Tiwari & Ors. ....Applicants** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents. 2. At the request of the learned P.O. for the Respondents, adjourned to 03.05.2017. Sd/- Sd/- **(Rajiv Agarwal) (A.H. Joshi, J.)** **Vice-Chairman Chairman** sba

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

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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
DATE: 2/5/17 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri ~~M. Ramesh Kumar (Member) A~~ Rajiv Agarwal V(C) APPEARANCE: Shri/Smt.: K.R. Jagdale Advocate for the Applicant Shri/Smt. S. Suryawanshi C.P.O / P.O. for the Respondent/s Adj. To 3/5/2017.	**Date : 02.05.2017.** **O.A.No.847 of 2016 with O.A.No.848 of 2016 with O.A.No.869 of 2016** **S.B. Morye (O.A.No.847/2016)** **S.C. Pujari (O.A.No.848/2016)** **P.J. Sawant (O.A.No.849/2016) ....Applicants.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. At the request of Shri K.R. Jagdale, the learned Advocate for the Applicants, adjourned 03.05.2017. Sd/- Sd/- **(Rajiv Agarwal) (A.H. Joshi/J.)** **Vice-Chairman Chairman** prk

(C.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

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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
DATE 2/5/17 CORAM Hon'ble Shri Rajiv Agarwal (Vice-Chairman) Hon'ble Shri Shri C.T. Chandratre Advocate for the Applicant Shri D.B. Khaire Spl. Counsel C.P.O. for the Respondents with Ms. S. Suryawanshi, for Resps Hearing date 20/7/17. BTC	**Date : 02.05.2017.** **C.A.No.85/2013 in O.A.No.788/2012** **with** **M.A.No.434/2016 in O.A.No.788/2012** **(C.A.No.85/2013 in O.A.No.788/2012)** **R.T. Patil ....Applicant.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** **with** **(M.A.No.434/2016 in O.A.No.788/2012)** **The State of Maharashtra & Ors.** **.....Applicant (Org. Respondents)** **Versus** **R.T. Patil ....Respondent (Org. Applicant)** 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel with Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents in C.A.No.85/2013 in O.A.No.788/2012 **ALSO** Shri D.B. Khaire, the learned Special Counsel with Ms. S. Suryawanshi, the learned Presenting Officer for the Applicants (Org. Respondents) and Shri C.T. Chandratre, the learned Advocate for the Applicant in M.A.No.434/2016 in O.A.No.788/2012. 2. Adjourned to 20.07.2017. Sd/- Sd/- **(Rajiv Agarwal) (A.H. Joshi, J.)** **Vice-Chairman Chairman** prk

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 2/5/17
Coram: Hon'ble Shri Rajiv Agarwal (Vice-Chairman)
Name: C.T. Chandratre
Name of the Applicant
Name: D.B. Khaire Ld. spl. Counsel for with S. Suryawanshi for Rspts
MA is allowed

Date : 02.05.2017.

M.A.No.154/2017 in C.A.No.85/2013 in O.A.No.788/2012
with
M.A.No.434/2016 in O.A.No.788/2012
with
C.A.No.85/2013 in O.A.No.788/2012

R.T. Patil **....Applicant.**

Versus

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

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel with Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. This is M.A. for seeking enlargement of time for carrying out leave to amend.

3. Enlargement of time as prayed is granted.

4. Time is extended by another 15 days from today.

5. M.A. is allowed.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

prk

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

O.A. No.363 of 2017

Shri K.N. Patil ... **Applicant**

V/s.

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

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.

The learned P.O. is being instructed by Shri P.T. More, Sr. Clerk, D.G. Office. The Applicant came to be posted at Temple Security Branch, Pandharpur vide order dated 08.09.2016. By the impugned order affecting a number of police personnel, he has been transferred to Usmanabad. On the face of it, he has not completed two years at the Police Station, Pandharpur. The learned P.O. on instructions, however, furnished a chart to show that the Applicant has completed eight years within the range and, therefore, is liable to be transferred. She highlighted the facts that the proper procedure was followed.

Smt. Mahajan, the learned Advocate makes it clear that as for now, she only keeps her challenge restricted to two years aspect of the matter.

Reading the Section 22 N (c), I reproduce the Section 22N(c) of the Maharashtra Police Act.

22N. Normal tenure of Police Personnel, and Competent Authority

(c) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of two years at a Police Station or Branch, four years in a District and eight years in a Range, however, for the Local Crime Branch and Special Branch in a district and the Crime Branch and Special Branch in a Commissionerate, a normal tenure shall be of three years;

It is very clear that as far as the tenure is concerned, the tenure of two years at Police Station is by itself a secured tenure and, therefore, in the range, he may have completed 8 years, in my opinion, will not by itself deprive the Applicant from the benediction of interim relief. Therefore, a case for interim relief is made out. The impugned order to the extent it affects the Applicant is stayed. In case, he has been formally relieved, he shall be reposted within one week at the place where he has been transferred from.

S.O. to 16.06.2017 for reply.

Sd/-

(R.B. Malik)
Member (J)
02.05.2017

(vsm)

DATE : 2/5/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE :
~~Shri/Smt.~~ Punam Mahajan
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 16/6/17.
Resp Reply.

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl. MAT-F.2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Date : 02.05.2017.

O.A.No.76 of 2017

J.N. Salunkhe ....Applicant.

Versus

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

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

2. Shri K.R. Jagdale, the learned Advocate for the Applicant prays for six weeks time on the following grounds :-

(a) He wants to explore possibility of certain documents not being disclosed to him by the Applicant.

(b) He wants to ascertain if O.A. needs amendment as well.

(c) He wants to find if filing of application for condonation of delay is necessary.

3. Time as prayed for is granted.

4. Adjourned to 22.06.2017.

Sd/-
(Rhjiv Agarwal)
Vice-Chairman

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

prk

Date 2/5/17
Coram Rajiv Agarwal (VC)
K.R. Jagdale
S Suryawanshi
Adj to 22/6/2017.

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
Date 2/5/17 Rajiv Agarwal (V/C) K.D. Gaikwad Cong Resp. V.D. Raut Ld. Adv. for Cong Appli By consent adjourned to 16/6/2017. MSL	**Date : 02.05.2017.** **R.A.No.39 of 2016 in O.A.No.818 of 2011** **The State of Maharashtra & Ors.** **....Applicant (Org. Respondents)** **Versus** **A.V. Ghume .....Respondent (Org. Applicant)** 1. Heard Ms. S. Suryawanshi, the learned Presenting Officer for the Applicant (Org. Respondent) and V.D. Raut, the learned Advocate for the Respondents (Org. Applicant). 2. By consent adjourned to 16.06.2017. Sd/- **(Rajiv Agarwal)** **Vice-Chairman** Sd/- **(A.H. Joshi J.)** **Chairman** prk

G.C.P. J 2260(B) (50,000 2-2015) [Spl.- MAT-F-2 E]

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

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
DATE: 2/5/17 CORAM: Rajiv Agarwal (V.C.) Shri B.A. Bandiwadekar Advocate for the Applicant K.S. Gaikwad C.P.O. / P.O. for the Respondents Adj. To 20/7/17.	**Date : 02.05.2017** **C.A.No.52 of 2015 in O.A.No.315 of 2014** **S.E. Pawar ....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. for the Respondents Smt. K.S. Gaikwad has tendered affidavit in reply affirmed by Shri Sitaram J. Kunte, Additional Chief Secretary, Higher and Technical Education. Affidavit is taken on record. 3. Learned Advocate for the Applicant Shri B.A. Bandiwadekar states that he wants to apply mind as prima-facie Applicant is not satisfied with the alleged compliance. 4. Learned Advocate for the Applicant prays for time. 5. Hence, adjourned to 20.07.2017. Sd/- (Rajiv Agarwal) Vice-Chairman Sd/- (A.H. Joshi, J.) Chairman sba

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(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

O.A. No.29 of 2017

Shri G.S. Salamwade ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms S. Suryawanshi holding for Shri A.J. Chougule, the learned P.O. for the Respondents.

The request for further grant of time to file reply is rejected because last chance was already granted.

The OA is admitted and appointed for final hearing. It is made clear that on that very day, if the reply is tendered, it will be taken on record but no further adjournment will be given thereon.

S.O. to 12.06.2017.

Sd/-

(R.B. Malik)
Member (J)
02.05.2017

DATE : 2/5/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ K.R. Jagdale
Advocate for the Applicant Ms S Suryawanshi holding for A.J. Chougule
~~Shri/Smt.~~
~~C.P.O./~~ P.O. for the Respondents
O.A. is admitted.
~~Adj. To~~ S.O. to 12/6/17.

(vsm)

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

O.A. No.224 of 2017

Shri S.M. Hirve ... **Applicant**

V/s.

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

None for the Applicant. Heard Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

Issue notice returnable on 13.06.2017.

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 13.06.2017. Learned P.O. do waive service.

Sd/-

(R.B. ~~Malik~~) 2/5/17
Member (J)
02.05.2017

(vsm)

DATE: 2/5/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
~~Shri/Smt.~~ None for the applicant
~~Advocate for the Applicant~~
Shri ~~Smt.~~ N.K. Rajpurohit
C.P.O ~~P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 13/6/17.

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

O.A. No.178 of 2017

Shri S.C. Kamble ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

None for the Applicant. Heard Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

Issue notice returnable on 13.06.2017.

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 13.06.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)
Member (J)
02.05.2017

(vsm)

DATE : 2/5/17
CORAM :
~~Hon'ble Shri RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ None for the applicant.
Advocate for the Applicant
~~Shri/Smt.~~ N.K. Rajpurohit
C.P.O./~~P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 13/6/17.

2

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 2/5/17

CORAM :

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

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE :

~~Shri/Smt.~~ A.S. Kulkarni

Advocate for the Applicant. S Suryawanshi h/d Shri A.J. Chougule

~~Shri/Smt.~~

~~C.P.O./P.O.~~ for the Respondents No. 1 to 3. N.H. Ansari for R. No. 4.

~~Adj. To~~ O.A. is admitted.

5.0 to 16/6/17 FH

(vsm)

O.A. No.1147 of 2016

Smt. B. N. Bhagat ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri A.S. Kulkarni, the learned Advocate for the Applicant and Ms. S. Suryawanshi holding for Shri A.J. Chougule, the learned P.O. for the Respondent Nos.1 to 3 and Shri N.H. Ansari, the learned Advocate for Respondent No.4.

The learned Advocate informs that the Applicant does not want to file the Rejoinder.

Original Application is admitted and appointed for final hearing on 16.06.2017.

Sd/-

(R.B. Malik) 2.5.17
Member (J)
02.05.2017

2

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 2/5/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ M.D. Lonkar
Advocate for the Applicant
~~Shri/Smt.~~ : Archana B.K.
~~C.P.O./P.O.~~ for the Respondents No.1, S. Chavan for R.No.2
Reply filed by R.No.1.
O.A. is admitted.
S.O. to 14/6/17.

O.A. No.235 of 2017

Shri V.V. Chavan ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondent No.1 and Shri S. Chavan for Respondent No.2.

The submissions on the grant of interim relief are heard but will not be proper on my part to make any detailed observations as of today. However, the issue of interim relief is kept open because on 10.06.2017, the Applicant's suspension will be completing three months. It is, however, made clear that despite pendency hereof, the Respondents will so minded that they can consider the revocation of the suspension before that date.

The Applicant does not want to file rejoinder. The OA is admitted and appointed for final hearing on 14.06.2017 with liberty to seek interim relief.

Sd/-

(R.B. Malik)
Member (J)
02.05.2017

(vsm)

(C.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 2/5/2017
CORAM :
Hon'ble Shri Rajiv Agarwal (Vice-Chairman)
Hon'ble Shri A.H. Joshi (Chairman)
M.D Lonkar
(CMA. 64/17)
K.S Gaikwad
Adv. S.P Manchekar for appl.
(in O.A. 271/16)
Adv. M.D Lonkar for Resps. 3 to 5
in O.A 271/15.
S.O. to 15/7/17.

Date : 02.05.2017.

M.A.No.64 of 2017 in O.A.No.271 of 2016

V.R. Jagtap (M.A.No.64/2017)

D.P. Khade & Ors. (O.A.No.271/2016)

....Applicants.

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 in M.A.No.64/2017 **also** Ms. S.P. Manchekar, the learned Advocate for the Applicant, Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents No.1 & 2 and Shri M.D. Lonkar, the learned Advocate for Respondents No.3 to 5 in O.A.No.271/2016.

2. Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents states that following instructions are received :-

> The seniority list of officers subject matter of this O.A. would be finalized within the period of two months from today.

3. In view of the statement of learned P.O. for reporting compliance hearing is adjourned to 15.07.2017.

Sd/- Sd/-

(Rajiv Agarwal) (A.H. Joshi J.)
Vice-Chairman Chairman

prk

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

Date : 02.05.2017.

O.A.No.143 of 2017

S.R. Mundhe ....Applicant.

Versus

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

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

2. Shri M.D. Lonkar, the learned Advocate for the Applicant states that Applicant wants to restrict the prayer in the O.A. to the following :-

> To give direction to the enquiry officer to conclude the departmental enquiry within two months.

3. In view of the limiting of the prayer by the applicant, Ms. N.G. Gohad, the learned Presenting Officer for the Respondents is directed to take instructions from Respondent No.2 on the following points :-

(a) Whether the enquiry officer can complete the proceedings of enquiry within fixed time ?

(b) What shall be the outer limit thereof ?

4. Adjourned to 04.05.2017, for enabling learned P.O. to make a statement on the foregoing.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

prk

2/5/17
Rajiv Agarwal (Vice-Chairman)
M.D. Lonkar
N.G. Gohad
4/5/17.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders **Date : 02.05.2017.**

O.A.No.369 of 2017

S.S. Gaikwad **....Applicant.**

Versus

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

1. Heard Shri S.S. Gaikwad, Applicant in person and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. This case stands on the same footing on which O.A.No.309 of 2017 is filed.

3. We had passed the order in O.A.No.309 of 2017 on 26.04.2017. The same order shall govern the present O.A. also. Hence, Adjourned to 05.05.2017.

4. Issue notice returnable on 05.05.2017.

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

6. 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.

7. 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.

8. 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.

9. S.O. to 05.05.2017.

Sd/- Sd/-

(Rajiv Agarwal) **(A.H. Joshi J.)**
Vice-Chairman **Chairman**

prk

DATE : 2/5/17
Coram : Rajiv Agarwal (Vice-Chairman)
S.S. Gaikwad Appl. in person
Advocate for the Applicant
N.G. Gohad
CPO for the Respondents
Judgment : 5/5/17.

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

Date : 02.05.2017.

O.A.No.237 of 2017

A.D. Shirname & Ors. ....Applicant.

Versus

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

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

2. Issue notice returnable on 28.06.2017.

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. S.O. to 28.06.2017.

DATE: 2/5/17
Rajiv Agarwal (Vice-Chairman)
G. Sadavarte
N.K. Rajpurohit
28/6/2017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

prk

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE 2/5/17 CORAM Hon'ble Justice Shri A.H. Joshi (Chairman) Hon'ble Shri Rajiv Agarwal (V.C.) APPEARANCE Shri G. Sadavarte Advocate for the Applicant Shri N.K. Rajpurohit Chief Presenting Officer for the Respondents MA is allowed.	Date : 02.05.2017. **M.A.No.118 of 2017 in O.A.No.237 of 2017** **A.D. Shirname & Ors. ....Applicant.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Shri G. Sadavarte, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common and concurrent, application for leave to sue jointly is allowed subject to Applicants' paying requisite court fees, if not already paid. 4. Miscellaneous Application is allowed. Sd/- (Rajiv Agarwal) Vice-Chairman Sd/- (A.H. Joshi J.) Chairman prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders **Date : 02.05.2017**

O.A.No.1192 of 2016

K.D. Binner & Ors. ....Applicants

Versus

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

1. None for the Applicants. Heard Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

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

3. Record shows that notice was not served to the Respondents.

4. Hence, issue notice returnable on 28.06.2017.

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

6. 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.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988.

8. 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.

9. S.O. to 28.06.2017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

sba

2/5/17
Rajiv Agarwal (V.C.)
Time to the appl.
M. G. Gohad
28/6/2017.