

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**MISC APPLICATION NO 193 OF 2016  
IN  
ORIGINAL APPLICATION 995 OF 2015**

**DISTRICT : MUMBAI**

Shri Vasant Kisanrao Jagdhane, )  
Senior Police Inspector [Retd], )  
Residing at Flat No. 206, B-1 Building, )  
2<sup>nd</sup> floor, Anand-Van, )  
Varadha Vinayak Lane, Virar [E], )...**Applicant**

**Versus**

1. Administrative Officer, Kaksha )  
[Class]-8, Building Branch, )  
Commissioner of Police, Mumbai. )  
Crawford Market, M.Khana Road, )  
Dhobi Talao, Fort, Mumbai 400 001.)

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2. Administrative Officer, )  
South Regional Division, Mumbai. )  
Having its office at Deputy )  
Commissioner, South Regional )  
Division Office, Nagpada, )  
Mumbai 400 008. )
  
3. Deputy Principal Secretary (Home) )  
Government of Maharashtra, )  
Having office at 30<sup>th</sup> floor, )  
World Trade Centre-1, )  
Cuffe Parade. Mumbai. )
  
4. Commissioner of Police, Mumbai. )  
And Assistant Commissioner of )  
Police, both having office at )  
Crawford Market, M. Khana Road, )  
Dhobi Talao. Fort. Mumbai 400 001.) ...**Respondents**

Shri A.A Gharte. learned advocate for the Applicants.

Shri K.B. Bhise. learned Presenting Officer for the Respondents.

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

**DATE : 02.08.2016**

**ORDER**

1. Heard Shri A.A Gharte, learned advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents

2. This Misc Application has been filed seeking condonation delay of 3 years 6 months in filing the Original Application.

3. Learned Counsel for the Applicant argued that the Applicant is a retired Inspector of Police, who has been charged to pay penal rent @ Rs. 25/- per sq.ft for the Government accommodation, which he retained after the date of superannuation on 30.9.2007, while under suspension. The Applicant vacated the Government accommodation on 31.3.2013 and has been asked to pay a total of Rs. 9,00,870/- as rent/penal rent for this period by order dated 8.4.2013. Learned Counsel for the Applicant argued that the Respondents have not released pensionary dues of the Applicant and he is getting less pension every month. There is, therefore, continuing cause of action. Learned Counsel further stated that as per Rule 134-A of the Maharashtra Civil Services (Pension) Rules, 1982, a retired employee has to be given a notice before ordering recovery of rent from his pensionary dues. No such notice was given. Learned Counsel stated that the Applicant is charged penal rent @

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Rs. 25/- per sq. ft., while he is liable to pay at the rate of Rs. 10/- per sq. ft. Had he been given a show cause notice, he would have tried to convince the Respondents as to how the amount being recovered from him is excessive. Learned Counsel for the Applicant prayed that the delay, if any, in filing the Original Application may be condoned.

4            Learned Presenting Officer (P.O) argued that the Applicant has not given any reason as to why he did not challenge the order dated 8.4.2013 in time. The Applicant is charged penal rent for unauthorizedly occupying Government quarters for more than 5 years after date of superannuation. He argued that there is no case made out for condonation of delay.

5            It is seen that the Applicant is praying for condonation of delay, as he claims that he is liable to be charged @ Rs.10/- per sq.ft, while the Respondents are charging penal rent @ Rs. 25/- per sq. ft. After retirement rent can be recovered from pensionary dues under Rule 134-A of the Maharashtra Civil Services (Pension) Rules, 1982, but a notice is required to be given. The Applicant claims that no such notice was given to him. If such a notice was given to the Applicant, he could have tried to convince the Respondents about his case. Though, the Applicant has not given specific reasons for delay in filing the Original Application. I am inclined to condone the

delay in the interest of justice. Hon'ble Supreme Court in the case of **ESHA BHATTARCHARJEE Vs. MANAGING COMMITTEE OF RAGHUNATHPUR NAFAR ACADEMY & OTHERS : (2013) 12 SCC 649** has held, inter alia, that:-

“There should be a liberal, pragmatic, justice-oriented non-pendantic approach while dealing with an application for condonation of delay, for the Courts are not supposed to legalize injustice, but are obliged to remove injustice.

o. Having regard to the aforesaid facts and circumstances of the case, this Misc Application is allowed and the delay of 2 years and 6 months in filing O.A no 995/2015 is condoned. There will be no order as to costs.

  
(Rajiv Agarwal)  
Vice-Chairman

**Place : Mumbai**  
**Date : 02.08.2016**  
**Dictation taken by : A.K. Nair.**

ADMINISTRATIVE TRIBUNAL  
MUMBAI

MA/R.A./C.A. No.

of 20

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

MA.142/16 in CA.33/16 in OA.796/12 with  
CA.33/16 in OA.796/12

Shri R.P. Bansod & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO states that part of the order is  
complied with. Short span of time is required for  
reporting remaining part, for which three weeks time  
may be granted.

3. In view of the request, adjourned to 7.9.2016.

Sd/-

(A.H. Joshi, J.)  
Chairman  
2.8.2016

(sgj)

TE: 298116

FAM:

Justice Mr. A. B. Joshi (Chairman)

Justice Mr. Kameshkumar (Member) A

B.A. Bandiwadkar

K.S. Gaikwad

Presenting Officer for the Respondents

2/9/16.

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The State of Maharashtra and others

... Respondent(s)

Presenting Officer.....

Office Notes, Office Memorandum of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 2/8/16</p> <p><u>COMAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. K. Patil (Member)-A</p> <p><u>APPEARANCE:</u> Advocate : <u>P.V. Patil</u> Advocate for the Applicant Shri /smt : <u>K.B. Bhise</u> C.F.O / P.O. for the Respondent/s</p> <p>Adj. To: <u>M.A. is allowed in terms of prays clause 3 (a).</u> <u>BHISE</u></p>	<p><b>Date : 02.08.2016.</b></p> <p><b>M.A.No.207 of 2016 in O.A.No.291 of 2016</b></p> <p><b>Shri S.A. Tamboli</b> ...Applicant</p> <p><b>Vs.</b></p> <p><b>The State of Mah. &amp;Ors.</b> ...respondents</p> <p>1. Heard Shri P.V. Patil, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Accepting the reasons contained in O.A., M.A. is allowed in terms of prays clause 3 (a).</p> <p style="text-align: right;">Sd/- Chairman</p> <p>sbh</p>

versus

The State of Maharashtra and others

..... Respondents

Presenting Officer.....)

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

Tribunal's orders

Date : 02.08.2016.

C.A.No.120 of 2015 in O.A.No.313 of 2015

Dr. R.S.S.G. Abbas ...Applicant

Vs.

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

1. None for the Applicant. Heard Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states that the Applicant has been granted the fixation of pay etc. by order dated 28.07.2016.

3. In view of ~~non~~<sup>2</sup> absence of Advocate for the Applicant, hearing is adjourned to 22.08.2016.

DATE: 29/8/16

CORAM:

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

Hon'ble Shri M. K. Kulkarni (Member) A

APPEARANCE:

None for the app.

APPEARANCE:

Shri K.B. Bhise

Presenting Officer, Applicant.

Adj. To: 22/8/16.

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*Handwritten signature*  
Sd/-

(A.H. Joshi, J.)  
Chairman

sba



DB

The State of Maharashtra and others

Respondent

Presenting Officer.....

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

Tribunal's orders

Date : 02.08.2016.

M.A.No.207 of 2016 in O.A.No.291 of 2016

Shri S.A. Tamboli ...Applicant

Vs.

The State of Mah. &Ors. ...respondents

1. Heard Shri P.V. Patil, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Accepting the reasons contained in O.A., M.A. is allowed in terms of prays clause 3 (a).

DATE: 2/8/16

CORAM:

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

APPEARANCE:

For Applicant: P.V. Patil

For Respondents:

Shri K.B. Bhise  
C.F.O / P.O. for the Respondent/s

Sd/-

(A.H. JOSHI, J.)  
Chairman

sba

Adj. To: M.A. is allowed in terms of prays clause 3 (a).  
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(Presenting Officer.....)

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

Tribunal's orders

Date : 02.08.2016.

O.A.No.291 of 2016

Shri S.A. Tamboli

...Applicant

Vs.

The State of Mah. &amp; Ors.

...Respondents

1. Heard Shri P.V. Patil, 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 states as follows:-

That affidavit answering the queries raised in O.A. in order dated 25.04.2016 and show cause is ready but it is not filed.

3. By way of last chance time for filing affidavit is granted till 20.08.2016.

Sd/-

(A.H. Joshi, Chairman)

Chairman

sba

DATE: 2/8/16

CORAM:

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

Hon'ble Justice Kameshwar (Member) A

For Applicant

Shri P.V. Patil

For Respondents

Shri K.B. Bhise  
C.P.O. / P.O. for the Respondent/sAdj. To 20/8/16 by way of  
last chance for reply.HE

ADMINISTRATIVE TRIBUNAL  
MUMBAI

CA./R.A./C.A. No.

of 20

EN

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

MA.142/16 in CA.33/16 in OA.796/12 with  
CA.33/16 in OA.796/12

Shri R.P. Bansod & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO states that part of the order is  
complied with. Short span of time is required for  
reporting remaining part, for which three weeks time  
may be granted.

3. In view of the request, adjourned to 7.9.2016.

Sd/-

(A.H. Joshi, 28/9/16)  
Chairman  
2.8.2016

(sgj)

IB: 298116

FAM:

Justice Sri A. H. Joshi (Chairman)

Justice M. Nagesh Kumar (Member) A

B.A. Bandiwadkar

K.S. Gaikwad

Presenting Officer for the Respondents

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

Tribunal's orders  
O.A. No.783 of 2016

Shri Laxman Y. Bhagale ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri T.M. Sargee, learned Advocate holding for Shri N.P. Dalvi, learned Advocate for the Applicant and Smt. Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 19.9.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

DATE: 2/8/16

FORAM:

Member Shri A. H. Joshi (Chairman)

Member Shri P. K. Kulkarni (Member) A

Shri T.M. Sargee holding for  
APPALM

Smt. Savita Suryawanshi  
Caretaker for the Respondents

Ad. To: 19/9/16.

4/2

Sd/-

(A.H. Joshi, J)  
Chairman  
2.8.2016

(sgj)

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

MA.104/16 in CA.16/16 in OA.78/14

The Bhujal A. Sanghtana ..Applicant  
Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO prays for two days time for finalising the affidavit.

3. S.O. to 23.8.2016.

Sd/-

(A.H. Joshi, J)  
Chairman  
2.8.2016

(sgj)

DATE: 23 2/8/16

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

None for the app.

K.S. Gaikwad

By To: 23/8/16

Bte

Date : 02.08.2016.

C.A.No.62 of 2016 in R.A.No.14 of 2015  
in  
O.A.No.805 of 2011

Shri L.A. Magdum & Ors. ...Applicants

Vs.

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

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

2. In present suo motu contempt after show casue notice, cognizance was taken because the affidavit in reply to R.A. contained an averment that the order is passed by Tribunal "extraneously".

3. It is seen that the affidavit of contemnor contains a statement that the draft of affidavit containing contemptuous version was introduced in draft para-wise remarks by the Law Officer, and it was received from the Government duly approved by the Government. Copies of documents supporting said version are annexed to the affidavit.

4. In the aforesaid ground, learned C.P.O. for the Respondents Shri N.K. Rajpurohit is directed to furnish the following names:-

- (i) The Head of the Department or Secretary of Technical Education Department on or before 16.07.2016, when remarks were approved.
- (ii) The names of the Desk Officer, who wrote letter dated 16.07.2016.
- (iii) The Law Officer who had settled the para wise remarks and had incorporated the contemptuous words.

5. Steno copy of this order is allowed to the Respondents on the demand of learned C.P.O.

6. S.O. to 11.08.2016.

Sd/-

(A.H. Joshi, X)  
Chairman

m

sba

DATE: 2/8/16

CORAM:

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

Hon'ble Shri M. Ramasubramanian (Member) A

APPEARANCE:

Shri A.V. Bandiwadekar

Advocate for the Applicant

Shri N.K. Rajpurohit

C.P.O. for the Respondent/s

Adj. To: 11/8/16

HE

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

I.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
<p><u>DATE:</u> 2/8/16</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Itaneshkumar (Member) A</p> <p><u>PRESENCE:</u> Sd/- Punam Mahajan Sd/- N.K. Rajpurohit with C.P.O./D.O. for the Respondent/s K.B. Bhise p.o. for RAs Adj. To: RA is disposed of. BPE</p>	<p><u>OAs No.729 to 732 &amp; 734 to 736 of 2016</u> Shri B.M. Yadav (OA.729/16) Shri K.B. Shinde (OA.730/16) Shri S.N. Bhoite (OA.731/16) Shri S.V. Palse (OA.732/16) Shri V.W. More (OA.734/16) Shri G.C. Salunkhe (OA.735/16) Shri U.S. Kalbhor (OA.736/16) ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer with Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Smt. Mahajan, Ld. Advocate for the Applicants states that the transfers impugned is withdrawn by the respondents.</p> <p>3. In view of the statement OAs have become infructuous and are disposed off accordingly.</p> <p style="text-align: center;">Sd/- (A.H. Joshi) /s/ Chairman 2.8.2016</p> <p>(sgj)</p>

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.....

*et/vis*

The State of Maharashtra and others

..... respondent

Presenting Officer.....

Office Notes, Office Memoranda of Chairman,  
appearance, Tribunal's orders or  
instructions and Registrar's orders

Tribunal's orders

Date : 02.08.2016.

O.A.No.185 of 2016

Shri M.P. Sonawane ...Applicant

Vs.

The State of Mah. & Ors. ...respondents

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has tendered reply. It is taken on record.

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

- (a) The minutes of the Review Committee are submitted before the Government.
- (b) After Government's decision on the said minutes, intimation would be given to the Applicant.

4. In view of this submission of the learned P.O. for the Respondents, adjourned to 25.08.2016.

DATE: 2/8/16

COMMISSIONER

For the Justice Sri A. H. Joshi (Chairman)

For the Justice K. K. Kulkarni (Member) A

For the Justice S.

Signature: A.V. Bandiwadekar

For the Justice S.

Signature: A.J. Chougule

Presenting Officer for the Respondents

Adj. To: 25/8/16

*[Handwritten signature]*

Sd/-

(A.H. Joshi, J) Chairman



SB

ADVOCATE .....

versus

The State of Maharashtra and others

..... respondents

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 : 02.08.2016.

O.A.No.400 of 2016 with M.A.No.202 of 2016

Shri D.T. Joshi ...Applicant

Vs.

The State of Mah. &Ors. ...respondents

DATE: 28/8/16

CORAM:

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

Hon'ble Justice Mr. K. M. ... (Member) A

ADVOCATE:

Shri. Punam Mahajan

Presenting Officer for the Respondents

Smt. S. Suryawanshi

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

Adj. To: 30/8/16.

*[Handwritten signature]*

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. S. Suryawanshi, the learned Presenting Officer for the Respondents.
2. Learned P.O. for the Respondents Smt. S. Suryawanshi prays for time for filing affidavit.
3. Affidavit be filed in O.A. and M.A. both.
4. S.O. to 30.08.2016.

Sd/-

(A.H. Joshi, P.O.)  
Chairman

sba

SB

versus

The State of Maharashtra and others

... respondents

Presenting Officer.....

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

Tribunal's orders

Date : 02.08.2016.

O.A.No.689 of 2016

Shri A.T. Dhavade ...Applicant

Vs.

The State of Mah. & Ors. ...respondents

1. Heard Smt. Punam Mahajan, 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 Smt. Archana B.K., has tendered reply. It is taken on record.

3. Learned Advocate for the Applicant Smt. Punam Mahajan prays for time.

4. Time as prayed for is granted.

5. S.O. to 16.08.2016.

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

sba

2/8/16  
Sd/-  
Justice San A. H. Joshi (Chairman)  
Sd/- Mr. Karan Kumar (Member)

Punam Mahajan  
Sd/-  
Archana B.K.  
Sd/- for the Respondent/s

16/8/16

AT

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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>2/8/16</u></p> <p>Chairman</p> <p><u>R.M. Kolge</u></p> <p><u>A.K. Rajpurohit</u></p> <p>Adj. To <u>M.A. IS allowed</u></p> <p><u>BTE</u></p>	<p>Date : 02.08.2016.</p> <p>M.A.No.188 of 2016 in O.A.No.351 of 2016</p> <p>Shri A.T. Bhuwad ...Applicant</p> <p>Vs.</p> <p>The State of Mah. &amp; Ors. ...respondents</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned chief Presenting Officer for the Respondents.</p> <p>2. The affidavit appearing at page nos. 58 to 86 be removed and transferred in O.A.</p> <p>3. Learned P.O. for the Respondents undertakes to file proper and correct pagination.</p> <p>4. M.A. is heard. The delay in such matter is insignificant, hence delay is condoned.</p> <p>Sd/- (A.H. Joshi, J.) Chairman</p> <p>sba</p>

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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 : 02.08.2016.

M.A.No.302 of 2016 in O.A.No.114 of 2016

Smt. P.P. Sawant & Ors. ...Applicants

Vs.

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

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

2. This an application for impleadment of heirs deceased Applicant No.1.

3. Application is within limitation.

4. Misc. Application is allowed in terms of prayer clause (a).

DATE: 2-8-16

COBEN:

Hon. Mr. Justice Smt. A.H. Joshi (Chairman)

Hon. Mr. Justice Smt. (Member) A

Advocate for Applicant: A.V. Bandiwadekar

Advocate for Respondent:

Advocate for Respondent/s: Archana B.K.

Adj. To: MH is allowed in terms of prayer clause (a).

14/8/16

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

sba

Presenting Officer.....

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

Tribunal's orders

Date : 02.08.2016.

O.A.No.114 of 2016

Smt. P.P. Sawant & Ors. ...Applicants

Vs.

The State of Mah. & Ors. ...respondents

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

2. At the request of learned Advocate for the Applicant, adjourned to 04.08.2016.

Sd/-

(A.H. Joshi, J) Chairman

sba

DATE: 2/8/16

CORAM:

Shri Justice Smt. A. H. Joshi (Chairman)

Shri Justice M. Kamalakar (Member)

ADVOCATE:

Shri A.V. Bandiwadekar

ADVOCATE FOR RESPONDENTS:

Smt. Archna B.K.

Presenting Officer for the Respondents

Adj. To: 4/8/16.

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**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
<p>DATE: <u>29/8/16</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri M. Rameshkumar (Member)</p> <p>APPEARANCE:</p> <p>Smt/Smt: <u>Punam Mahajan</u> Advocate for the Applicant</p> <p>Smt/Smt: <u>K.B. Bhise</u> C.P.O / P.O. for the Respondent/s</p> <p>Ad. To: <u>11/8/16.</u></p>	<p><u>OA No.692 of 2016</u></p> <p>Smt. P.B. Kore ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO has tendered reply. It is taken on record.</p> <p>3. Smt. Mahajan, Ld. Advocate for the Applicant prays time to consider the reply.</p> <p>4. S.O. to 11.8.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, Chairman 2.8.2016</p> <p>(sgj)</p>

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
<p>DATE: <u>28/16</u></p> <p>CHAIRMAN Shri A. H. Joshi (Chairman) Registrar (Member) A</p> <p><u>Punam Mahajan</u></p> <p><u>K.B. Bhise</u></p> <p>(sg) To <u>6/9/16</u></p> <p><u>BTK</u></p>	<p><u>OAs No.161, 189, 190 &amp; 968/2014</u></p> <p>Shri J.H. Kadam &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that issuing of orders in compliance with the order passed by this Tribunal is in process.</p> <p>3. In view of this statement adjourned to 6.9.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J) Chairman 2.8.2016</p> <p>(sgj)</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
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**O.A.309/2015**

**Shri A.S. Galande & Ors. ... Applicants**  
**Vs.**  
**The State of Mah. & ors. ... Respondents**

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Heard the submissions at the Bar. Regard being had to the facts, we direct the 2<sup>nd</sup> Respondent - Additional Director General of Police (Training & Special Unit) to file his Affidavit without fail on the next date which is 22<sup>nd</sup> August, 2016.

Adjourned to 22<sup>nd</sup> August, 2016.  
Hamdast.

Sd/-

Sd/-

(R.B. Malik)  
Member (J)  
02.08.2016

(Rajiv Agarwal)  
Vice-Chairman  
02.08.2016

(skw)

2/8/16

RAJIV AGARWAL  
(Vice-Chairman)

R.B. MALIK (Member) J

ADVOCATE:

A.V. Bandiwadekar

Advocate for the Applicant

Ms. N.G. Gohad

Presenting Officer for the Respondents

Adj. to 22/8/16

Hamdast.

*[Signature]*



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

Tribunal's orders

**O.A.422/2016 with M.A.487/2015**

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

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

Issue notice to all the Parties made returnable on 6<sup>th</sup> September, 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 6<sup>th</sup> September, 2016. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
02.08.2016

(skw)

Sd/-

(Rajiv Agarwal)  
Vice-Chairman  
02.08.2016

DATE: 2/8/16

Shri. RAJIV AGARWAL  
(Vice - Chairman)

Shri. R. B. MALIK (Member)

DATE:

M.D. Lonkar

Advocate for the Applicant

N.G. Gohad

P.O. for the Respondents

S.O. to 6/9/16.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Applicant's Advocate.....)

*versus*

The State of Maharashtra and others

..... Respondent/s

Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Attendance, Tribunal's orders or Directions and Registrar's orders</p>	<p>Tribunal's orders</p>
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Date : 02.08.2016.

O.A.No. 498 of 2016

Mr. D.S.Pawar ..... Applicant.

Versus

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

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

Applicant has already filed Affidavit-in-Rejoinder. O.A. is Admitted.

Respondent may file Sur-Rejoinder, if needed. O.A. to come up for final hearing on 05.08.2016.

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

nmn

2/8/16

Shri. RAJIV AGARWAL  
(Vice - Chairman)  
Shri. P. WALIK (Member)

PRESENCE:

K.R. Jagdale

Advocate for the Applicant

Shri. A.J. Chougule

Presenting Officer for the Respondents

O.A. is admitted.

2/8/16.

*F4  
Old*

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(Vente .....

versus

The State of Maharashtra and others

..... Respondent/s

Presenting Officer.....)

<p>Notes, Office Memoranda of Coram, appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
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Date : 02.08.2016.

O.A.No. 544 of 2016

D.V.Chowgule ..... Applicant.

Versus

The State of Maharashtra ..... Respondents.

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri K.S. Gaikwad, learned Presenting Officer for the Respondent.

Affidavit-in-Reply is filed. Learned Advocate Shri C.T. Chandratre seeks one week time for filing Affidavit-in-Rejoinder. No further time will be granted. It will be heard finally on next hearing, <sup>whether</sup> Mr. Chandratre files Rejoinder or not.

S.O. to 09.08.2016

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

nmn

02/8/16

Shri. RAJIV AGARWAL  
(Vice - Chairman)

Shri. H. MALIK (Member)

C.T. Chandratre

K.S. Gaikwad

P.O. for the Respondents

S.O. to 9/8/16.

[Signature]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(ocate .....)  
*versus*  
The State of Maharashtra and others  
..... Respondent/s  
Presenting Officer.....)

Vice Notes, Office Memoranda of Coram, appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 02.08.2016.

O.A.No. 676 of 2015

B.M.Patil ..... Applicant.

Versus

The State of Maharashtra .....Respondent.

Heard Shri K.R. Jagdale, learned Advocate holding for Shri D.M. Patil, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondent.

Learned Advocate Mr. Jagdale seeks time to work out this matter. Time granted as last chance. It is made clear that if this case is not argued, <sup>on the next date</sup> it will be presumed that the applicant has nothing to say in this matter.

S.O. to 30.08.2016.

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

nmn

DATE - 2/8/16

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

APPEARANCE:  
for the Shri. R.P. Jagdale  
for the Shri. D.M. Patil  
for the Shri. A.J. Chougule  
for the Respondents

S.O. to 30/8/16.

Rh  
*[Signature]*

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI

O.A.No.167of 2016 with O.A.No.168 of 2016 with  
O.A.No.170 of 2016 with O.A.No.236 of 2016

DISTRICT :Mumbai

Shri A.B. Dalvi (O.A.No.167of 2016)  
Shri S.A. Jadhav (O.A.No.168 of 2016)  
Shri R.B. Pawar (O.A.No.170 of 2016)  
Shri S.G. Palande (O.A.No.236 of 2016) ...Applicants

Vs.

The Addl. Commissioner of Police & Ors. ...Respondents

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

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

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

DATE : 02.08.2016.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
2. The suspension is challenged by the Applicant on various grounds. Learned Advocate for the Applicant Shri Bandiwadekar states that considering pleadings contained in para no.6.8 of O.A. and reply, the O.A. has to succeed.
3. It has transpired that crucial pleading involving jurisdictional question relied upon by learned Advocate Shri Bandiwadekar raised in Ground no. 6.8 of the O.A., which reads as follows:-



"6.8 That the Petitioner is governed by the provisions of the M.C.S. [Discipline & Appeal] Rules, 1979 [said Rules], he being a Ministerial staff as Senior Clerk. That relevant provision in respect of the suspension is Rule 4[1] [c], from reading whereof, it is clear that it is only the Appointing Authority or any authority to which the Appointing Authority is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the Governor by the general or special order, may place the Petitioner under suspension. Thus it is clear that in order to establish that the Respondent No.1 has power to effect suspension of the Petitioner, that he must show that he has been empowered by the State Government. This is conspicuously absent in the present case."

(para no.6.8 is quoted from page no.6 and 7 of the O.A.)

The averment which is quoted in foregoing paragraph is dealt with by the Respondent in the reply filed by the Respondent no.1 in para no.11 which reads as follows:-

"11. With reference to para 6.8, I admit the contents partly. I admit that the Applicant is governed by Maharashtra Civil Services (Discipline and Appeal) Rules 1979. However, the Applicant is reading the relevant provisions partly. But if the whole section is read in totality, it will be very much clear that in a situation where subordinate officer suspends a Government servant, he should intimate the same to the appointing authority with the reasons thereof which in the instant case is very much done by Respondent No.1. The Applicant by twisting the relevant rules for his benefit.

(quoted from page no.33 para 11 of the reply)

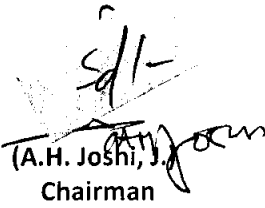
Reply of the Respondent No.1 is evasive, which amounts to admission of Applicants' plea. Therefore without touching all other issues involved in the matter, the O.A. will have to succeed, if para no.6.8 is not properly answered. Therefore learned P.O. for the Respondents was called to address on this point.

Learned P.O. for the Respondents is not in a position to state that the Additional Commissioner of Police (Crime) who has passed impugned order was equipped with special empowerment by the Government under Rule 4(1) of Maharashtra Civil Services (Discipline and Appeal) Rules 1979.

7. Therefore learned P.O. for the Respondents prays for time to take instructions and address on the next date. In case, the question raised in para no. 6.8 of O.A. is replied satisfactorily with reference to documentary evidence, O.A. shall be heard on other points.

8. Steno copy and Hamdast is allowed to the Respondents at the request of learned P.O.

9. S.O. to 08.08.2016.

  
(A.H. Joshi, J)  
Chairman

sda

O.A.643/2016

**Shri A.Y. Naik & Ors. ... Applicants**  
**Vs.**  
**The State of Mah. & ors. ... Respondents**

Heard Shri V.P. Potbhare, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 30.08.2016.

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 30<sup>th</sup> August, 2016. The learned P.O. do waive service.

DATE: 2/8/16

GRAM:

Hon'ble Justice S. A. H. Joshi (Chairman)  
Hon'ble Shri R.B. Malik (Member) A

APPEARANCE:

Shri V.P. Potbhare

Advocate for the Applicants

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

Adj. To: 30/8/16

*BHT*

*Sd/-*  
02.08.16  
(R.B. Malik)  
Member (J)  
02.08.2016

(skw)



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

**M.A.265/2016 in O.A.643/2016**

**Smt. A.Y. Naik & Ors. ... Applicants**  
**Vs.**  
**The State of Mah. & ors. ... Respondents**

Heard Shri V.P. Potbhare, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

This MA has been filed to sue jointly. AS all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

DATE: 2/8/16

CORAM:

R.B. Malik (Chairman)  
A.S. (Member)

V.P. Pathare

N.K. Rajpurohit

Adj. To MA is allowed:

HT  
etc

(skw)

(Sd/- RB)  
02.08.16  
(R.B. Malik)  
Member (J)  
02.08.2016

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.289/2016**

**Shri S.L. Pawar** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

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

Rejoinder is not filed. Proceed without  
Rejoinder. The OA is formally admitted and  
adjourned to 30<sup>th</sup> August, 2016 before Bench II for  
hearing, failing which for dismissal.

DATE: 2/8/16

.....  
..... (Chairman)  
R.B. Malik (Member) \* J

*Sd/-*  
02-08-16  
(R.B. Malik)  
Member (J)  
02.08.2016

(skw)

None for the app.

.....  
K.B. Bhise  
..... Respondent/s

Admit.  
Adj. To 30/8/16

*SKW*

PTO.

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.1033/2015**

**Shri T.D. Tayade** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

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

Rejoinder is not filed. Proceed without  
Rejoinder. The OA is formally admitted and  
adjourned to 30<sup>th</sup> August, 2016 before Bench II for  
hearing, failing which for dismissal.

Sd/- 02.08.16

(R.B. Malik)  
Member (J)  
02.08.2016

(skw)

DATE: 2/8/16

CORAM:

Chairman  
R.B. Malik

name for the C.M.

K.B. Bhise

Admit.

adj. To: 30/8/16

*[Signature]*

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
CONTEMPT APPLICATION NO.101 OF 2014  
IN  
ORIGINAL APPLICATION NO.476 OF 2012**

Dr. Vivek V. Rane ..Applicant

Versus

Shri Sanjay Kumar, Principal Secretary,  
Higher & Technical Education, Mumbai ..Respondents

Dr. V.V. Rane – Applicant in person

Shri K.B. Bhise – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 2<sup>nd</sup> August, 2016

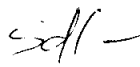
**ORDER**

1. Heard Dr. V.V. Rane, Applicant in person and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
2. Ld. PO states that today he has been instructed by Dr. Annasaheb S. Khemnar, Director, Institute of Science, Mumbai.
3. He states that he has received instructions from the Director of Higher Education that applicant is not eligible to get fixation of pay according to his choice because the applicant did not exercise the option as required by the rules.

4. It appears that this reply is contemptuous in the background of specific directions contained in para 2 of the order dated 7.7.2016 passed by this Tribunal.

5. Ld. PO on instructions from Dr. Annasaheb S. Khemnar, Director, Institute of Science, Mumbai states that had the matter been seen from proper angle which was guided in para 2 of the order dated 7.7.2016 of this Tribunal, the answer of the Director of the Higher Education may have been different. He therefore prays for time for re-examination and that if it is found that claim of the applicant cannot be denied, and if there is no impediment, appropriate steps will be taken.

6. S.O. to 23.8.2016. Steno copy and hamdast is allowed to both the sides.

  
**(A.H. Joshi, J.)**  
**Chairman**  
**2.8.2016**

Dictation taken by: S.G. Jawalkar.

**Date : 02.08.2016.**

**O.A.No. 519 of 2016 & Ors. with O.A. 561 of 2016 with  
O.A. 617 of 2016 & Ors.**

**V.M.Toge & Ors. .... Applicants.**

**Versus**

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

Heard Smt. P. Mahajan, learned Advocate for the Applicant and Shri K.B. Bhise, Shri A.J. Chougule & Smt. K.S. Gaikwad, learned Presenting Officers for the Respondents.

Learned Advocate Smt. P. Mahajan stated that all these cases are filed challenging transfer orders issued by Commissioner of Police, Pune. During the general transfers of 2016. The Applicants are working as Police Constables/ Naik/ Head Constables. The ground for challenging orders is also the same viz. they have not completed their normal tenure of 5 years in a Branch or a Police station. In many such cases, Commissioner of Police, Pune has withdrawn transfer orders and in O.A. nos. 786/16 to 788/16 with O.A. 792/16, Hon'ble Chairman of this Tribunal has made following observation in para 7 of the order dated 01.08.2016.

**"7. Respondents No.2 is called to consider as to whether the Respondents 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 page25. 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."**

Respondent No. 2 - Commissioner of Police, Pune is directed to consider these O.As in the light of observations reproduced above. All these O.As are kept for final hearing on 09.08.2016.

*sd/-*  
**(Rajiv Agarwal)**  
**Vice-Chairman**

nmn