

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.982 of 2018

H.R. Jadhav

)Applicant

Versus

The State of Maharashtra & Ors.

)....Respondents

Shri P.S. Bhavake, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned .P.O. for the Respondents.

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 02.11.2018.

ORDER

1. Heard Shri P.S. Bhavake, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant has challenged the order passed by Review Committee dated 29.10.2018 whereby the suspension of the Applicant was ordered to be continued till further order.
3. In earlier round of litigation i.e. in O.A.No.269 of 2018 the directions were given to take decision in the matter of suspension of the Applicant within two weeks, failing which there shall be deemed revocation of suspension order.
4. Accordingly, the review has been taken and ultimately by impugned order it is decided to continue the suspension till further order. This order is not again challenged in this O.A.
5. Learned Advocate for the Applicant sought to contend in the facts and circumstances of the case the suspension order is punitive and government fail to take appropriate decision to revoke suspension. He therefore, sought stay to the execution of the impugned order.

6. Whereas, the learned P.O. for the Respondents opposed to grant interim relief contending that review committee has considered the proposal on merit and decided to continue the suspension.
7. Having regard to the order passed from time to time, at this stage the grant of interim relief to stay, execution of impugned order is not desirable as it would amount of grant of final order which is not permissible.
8. Issue notice returnable on 26.11.2018.
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. 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.
11. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
12. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.
13. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
14. S.O. to 26.11.2018.

Sd/-
(A.P. Kurhekar)
(A.P. Kurhekar)
Member (J)

sba

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

Date : 02.11.2018 Tribunal's orders

O.A.No.758 of 2018

V.M. Bhagat & Ors.Applicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. The matter pertains to the fixation of pay and recovery. The direction are sought from this Tribunal to quash and set aside the order of recovery and to grant consequential service benefits in terms of the order passed by this Tribunal and confirmed by the Hon'ble High Court in earlier similar matters.
3. The matter was already heard. The submission of the learned advocate for the Applicant Shri M.D. Lonkar has been heard on last time and matter was admitted and kept today for final hearing.
4. Today, learned P.O. for the Respondents submitted that the matter is before the Finance Department and Finance Department supposed to take decision in the matter.
5. In fact, the issue is settled in other matters in view of the order passed by the Hon'ble High Court. This being ^{so} decided and Respondents ought to have considered the issue so that the Applicants are not ^{compelled} to knock the door of the Tribunal.
6. Learned P.O. for the Respondents requested for time to take instructions from the Respondents.
7. The matter is adjourned after vocation so that the P.O. get the matter resolved from the Finance Department.
8. In view of the above, S.O. to 19.11.2018.
9. It is made clear that no adjournment will be granted an no excuse will be heard on the next date.
10. Steno copy and Hamdast is allowed.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

DATE 2/11/18

BY

DR. D. D. DIXIT (Member) A

Shri A.P. Kurhekar

APPEARANCE:

Shri M.D. Lonkar

Advocate for the Applicant

Shri A.J. Chougule

Presenting Officer for the Respondents

Adj/S.O. to 19/11/18

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.984 of 2018

B.B. Bodake)Applicant
Versus
The State of Maharashtra & Ors.)....Respondent s

Smt. P. Mahajan, learned Advocate for the Applicant.

Smt. Archana B.K., the learned .P.O. for the Respondents.

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 02.11.2018.

ORDER

1. Heard Smt. P. Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K. the learned Presenting Officer for the Respondents.
2. In the present matter the suspension order dated 30.10.2018 passed by the Divisional Commissioner, Pune is under challenge.
3. Learned Advocate for the Applicant sought stay to the suspension order passed recently i.e. on 30.10.2018 on the ground that the authority for the suspension order was not competent to pass such suspension order and secondly there is not enough material to suspend the Applicant.
4. She has further urged that while granting anticipatory bail the Hon'ble Session Judge has made such observation which shows that the Applicant is innocent.
5. Per contra, learned P.O. for the Respondents wants to file reply on the ground that today, the matter is 1st time came before the Tribunal and wants to take instruction from the Respondents. She further pointed out the Section 4 (c) of the Maharashtra Civil Service (Discipline and Appeal) Rules, 1979 whereas mentioned that 'where the order of suspension is made by an authority lower than the appointing

authority, such authority shall forthwith report to the appointing authority, the circumstances in which the order was made'. In this matter the Divisional Commissioner, Pune has passed the suspension order of the Applicant i.e. lower authority and has to report to the higher authority i.e. Competent Authority.

6. At this stage it is not appropriate to make any comments on the impugned order of suspension and I am not inclined to grant interim relief to the suspension which would be amounting to grant of final relief.

7. Hence, issue notice returnable on 28.11.2018.

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

9. 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.

10. 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.

11. 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.

12. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. S.O. to 28.11.2018.

14. Steno copy and Hamdast is allowed.

Sd/-

(A.P. Kurhekar)
Member (J)

**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 : 02.11.2018

O.A.No.693 of 2018

P.M. Shinde

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Though the matter was on the board of final hearing, on 29.10.2018, it was pointed out that the reply of the Respondent has not yet been filed and therefore, the matter was kept today for filing of reply.

3. However, today also learned P.O. for the Respondents is unable to file affidavit-in-reply.

4. Learned P.O. for the Respondents states that she will file reply tomorrow. Allowed to file affidavit-in-reply tomorrow. It will be taken on record.

5. S.O. to for final hearing on 28.11.2018.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

DATE 2/11/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A
Shri. A.P. Kurhekar, Member (J)

APPEARANCE:

Shri. R.M. Kolge.....

Appearance for the Applicant

Smt. Archana B.K.

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

Adj./S.O. to 28/11/18FH
@/ced

**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 : 02.11.2018

O.A.No.479 of 2018

H.M. Baijal

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

2. Affidavit-in-reply on behalf of the Respondent No.1 is filed. It is taken on record.

3. The reply of Respondent No.2 is already on record.

4. As the pleadings are completed the matter is admitted and fixed for final hearing on 13.12.2018.

Sd/-

(A.P.) Kurhekar
Member (J)

sba

DATE 2/11/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A

Shri A.P. Kurhekar
Member (J)

APPEARANCE:

Shri Smt. M.D. Lonkar

Advocate for the Applicant

Shri Smt. K.S. Gaikwad

P.O. for the Respondent/s

Adj. S.O. to O.A. is admitted

S.O. to 13/12/18.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

MA/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>2/11/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member) A Shri A.P. Kurhekar, Member (J)</p> <p>APPEARANCE: Shri/smt. <u>K.R. Jagdale</u> Advocate for the Applicant</p> <p>Shri/smt. <u>Ms. N.G. Gohad</u> C.P.O. for the Respondent/s O.A. is admitted. Adj./S.O. to <u>12/12/18</u></p>	<p align="center">Date : 02.11.2018</p> <p align="center">O.A.No.159 of 2018</p> <p>Dr. M.D. Magare & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents. 2. Affidavit-in-reply of the Respondent Nos.1 to 3 is already on record. 3. The matter pertains to recovery of excess amount paid to the Applicants. 4. As the pleadings are completed the matter is admitted and fixed for final hearing on 12.12.2018. 5. S.O. to 12.12.2018. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>sba</p>

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

Date : 02.11.2018 Tribunal's orders

O.A.No.400 of 2018

B.R. GhadgeApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri B.R. Ghadge, Applicant in person and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. In this matter the Applicant was kept under suspension by order dated 26.08.2015 and since then, he is under suspension in view of F.I.R. registered against him.

3. Yesterday, applicant was heard in person and today the matter is for argument of learned P.O.

4. Today, the learned P.O. for the Respondents made a statement that the meeting of Review Committee will be held shortly and the proposal for revocation of suspension will be considered appropriately so that the Applicant would be reinstated in service. She prayed for one month time.

5. As the Applicant is under suspension for more than three years, the matter needs to be heard expeditiously.

6. The meeting of Review Committee can be preponed without waiting for periodical scheduled meeting.

7. Learned P.O. for the Respondents made a statement that she personally talked to Shri Vivek Fansalkar, Commissioner of Police, Thane (Respondent No.3) and she told that the meeting will be held in this month itself and the proposal for revocation of suspension and reinstatement the Applicant will be considered favorably.

8. Hence, short time is granted for considering the proposal.

9. The matter is adjourned to 30.11.2018.

10. Steno copy and Hamdast is allowed.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

DATE 2/11/18

CORAM

Honble Shri P.N. DIXIT (Member) A
Shri A.P. Kurhekar (Member)

APPEARANCE:

Shri B.R. Ghadge

Advocate for the Applicant

Smt. Archana B.K.

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

Adj./S.O. to 30.11.18

PH

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

MA/RA/CA 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>2/11/18</u></p> <p>CORAM Honble Shri P.N. DIXIT (Member) A. Shri. A.P. Kurhekar Members (2)</p> <p>APPEARANCE: Smt. P. Mahajan Advocate for the Applicant</p> <p>Smt. A.J. Chougule C.P.O. for the Respondents</p> <p>Adj. S.O. to <u>19/11/18</u> Steno copy and Hamdast is allowed.</p>	<p>Date : 02.11.2018</p> <p>O.A.No.729 of 2018</p> <p>V.V. DokeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P. Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. In the present matter suspension order is under challenge. 3. Learned P.O. for the Respondents submits that the proposal is moved to the Government for revoking the suspension and reinstating in service. 4. Today, learned P.O. for the Respondents has tendered letter dated 2.11.2018 to that effect. 5. Thus, it seems that the matter is under active consideration of the Government and decision likely to be taken shortly. 6. In view of the above, short time is granted to the Respondents to pass appropriate order. It is expected to be passed before next date. 7. S.O. to 19.11.2018. 8. Steno copy and Hamdast is allowed. <p>Sd/- (A.P. Kurhekar) Member (J)</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>2/11/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member A) Shri A.P. Kurhekar, Member (J)</p> <p>APPEARANCE: Smt. Purnam Mahajan Advocate for the Applicant Shri Smt. A.J. Chougule Advocate for the Respondent's Reply Filed by R.No. 2 Matter be kept for Final hearing on 27/11/18.</p>	<p>Date : 02.11.2018</p> <p>O.A.No.852 of 2018</p> <p>P.B. WaghmareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P. Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Today, affidavit-in-reply on behalf of the Respondent No.2 is filed and made a statement that Respondent No.1 also adopted the same reply. 3. Learned Advocate for the Applicant wants to file affidavit-in-rejoinder. Allowed to file rejoinder in the meantime. 4. Matter be kept for final hearing on 27.11.2018. <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>gba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

MA/RA/CA No. _____ of 20

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

Date : 02.11.2018

O.A.No.755 of 2018

V.V. Shinde

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri D.B. Khaire, the learned Advocate for the Applicant Shri A.J. Chougule, the learned Presenting Officer for the Respondent Nos.1 & 2 and Smt. P.Mahajan, the learned Advocate for the Respondent No.3.

2. Learned P.O. for the Respondents submits that affidavit-in-reply will be filed during the course of the day.

3. Whereas, Smt. Punam Mahajan, the learned Advocate for the Respondent No.3 sought time to file reply.

4. The challenge in the present application is transfer order. The Applicant has been already relieved and joined at the new place of posting. Therefore, this matter needs to be heard finally.

5. In view of the above, last chance granted to the learned P.O. as well as Respondent No.3 to file reply without fail on the next date.

6. S.O. to 27.11.2018.

Sd/-

(A.P. Kurhekar)
Member (I)

sba

DATE 2/11/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A

Shri. A.P. Kurhekar, Member (I)

APPEARANCE:

Shri Smt. D.B. Khaire

Advocate for the Applicant

Shri A.J. Chougule

C.O. for the Respondent's

Ad/S.O. to 27/11/18

Reply Filed G/R No. 122. @/11/18

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

Tribunal's orders
Date : 02.11.2018

O.A.No.714 of 2018

R.M. PalandeApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
2. Issue notice returnable on 7.12.2018.
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. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.D. to 7.12.2018.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

DATE 2/11/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A

Shri. A.P. Kurhekar, Member (J)

APPEARANCE:

Shri. K.R. Jagdale

Advocate for the Applicant

Shri. S.D. Dole

P.O. for the Respondents

S.O. to 7/12/18

**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 : 02.11.2018

O.A.No.619 of 2018

P.R. Wanjale

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

2. Affidavit-in-reply filed by the Respondent Nos.2 & 3 is taken on record. Learned P.O. for the Respondents stated that it be treated as reply on behalf of the Respondent Nos.1,4 & 5 also. The Respondent No.6 has already filed reply.

3. As the pleadings are completed the matter is admitted and fixed for final hearing on 12.12.2018.

4. S.O. to 12.12.2018.

DATE 2/11/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A

Shri A.P. Kurhekar, Member

APPEARANCE:

K.R. Jagdale

for the Applicant

A.J. Chougule

for the Respondent

Adj./S.O. to 12/12/18


Sd/-

v
(A.P. Kurhekar)
Member (J)

sba

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

Tribunal's orders

Date : 02.11.2018

O.A.No.873 of 2018

R.R. TatkareApplicant
Versus
The State of Maharashtra & Ors.Respondents.

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

2. In the present matter directions are sought to modify the transfer order dated 25.5.2018 and accommodate the Applicant at the place i.e. Thane Rural, Ratnagiri Rural, Palghar District or Pune Rural. By order dated 25.5.2018 he has been transferred and posted at Pune City.

3. As the Applicant has completed two years tenure as Police Inspector in Tribal and Naxalite area in Gondia district, he required to be posting at his choice in term of G.R. and circular. He also made representations dated 26.05.2018, 28.6.2018 and 27.7.2018. However, the representations are not considered and still pending with the department.

4. Learned P.O. for the Respondents sought four weeks time to file reply to the O.A.

5. However, in the meantime, the representations made by Applicant from time to time referred above needs to be considered by Respondent No.2 in terms of circular and G.R. issued by the government from time to time.

6. If the representations are considered appropriately, then the grievance of the Applicant would not survive.

7. Hence, Respondent No.2 is directed to consider the representations of the Applicant and shall pass appropriate order and it will be communicated to this Tribunal and Applicant.

8. At the request of learned P.O., the matter is adjourned for reply on 4.12.2018.

9. Steno copy and Hamdast is allowed.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

2/11/18

MEMBER (J)
Shri A.P. Kurhekar

Member (J)

Shri K.R. Jagdale

For the Applicant

Shri A.J. Chougule

For the Respondent

4/12/18.

Office