MUMBAI

O.A./C.A. No. of 20

I.N.

Misc. Application No. of 20

# FARAD CONTINUATION SHEET NO.

| Sr. Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Directions and Registrar's orders | Tribunal's orders |
|---|---|

O.A. No.712 of 2015

Shri Narayan L. Paithankar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Miss S.P. Manchekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This OA is brought by Sales Tax Officer, whose further promotion is held up pending a DE. As would become clear from the discussion to follow it is not really necessary for us to make any detailed narration of facts or even law and legal principles. We have perused the record and proceedings.

3. It is not even necessary for us to set out in detail the accusations forming the bedrock of the DE. It is indisputable that the enquiry officer submitted his report to the disciplinary authority on 22.5.2012 and thereafter the matter has remained pending. Thereafter the applicant was asked to show cause by the disciplinary authority which he did on 16.8.2012 and the matter stood pending thereafter.

4. Ld. PO on instructions from Shri A.S. Mutayal, Section Officer, Sales Tax Administration-2, informs that the matter is now pending consideration of the GAD and according to her instruction it is with regard to the nature and quantum of punishment.

5. The above discussion makes it clear that the enquiry has not moved with the kind of dispatch which it should have. There was some reference to a scam which apparently has come to be known as Palghar Refund Scam in which 20 Sales Tax personnel are involved. We are expressing no opinion about anybody else. But as far as the present applicant is concerned we are quite clear in our minds that the time lag has been too much to be just and proper. The consideration of applicant's promotion has been held up and other factors remaining constant it cannot be an endless affair as it were.

6. This OA is, therefore, disposed off with a direction that the pending DE against the applicant shall be concluded in every respect including passing of the final order within four months from today and the outcome thereof be communicated to the applicant within one week thereafter. It is made clear that if the above order is not complied within the time limit prescribed the applicant shall be promoted within four weeks thereafter subject to the applicant giving an undertaking that in case of punishment he shall undergo the same on the promoted post. No order as to costs.

Sd/- Sd/-

(R.B. Malik)
Member (J)
3.5.2016

(Rajiv Agarwal)
Vice-Chairman
3.5.2016

(sgj)

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 |
|---|---|

MA.173/15 in CA.1 to 14/12 A'bad, CA.118/14 in O.A. No.787 of 1995 & Ors.

Sujata M. Saunik, Principal Secretary,
Public Health Department & Ors. ..Applicants
Vs.
Shri Kakasaheb S. Shelke ..Respondent

Heard Shri S.K. Nair, Special Counsel with Shri K.B. Bhise, learned Presenting Officer for the Applicants-original Respondents and Shri M.D. Lonkar, learned Amicus Curiae.

2. The alleged contemnor is not present. Shri Nair, Ld. Special Counsel submits that he will, in the course of the day, make a formal application for exemption for today. The same will be dealt with appropriately as and when presented. Shri Nair further states that during the course of the day memo of appearance will be filed on behalf of the alleged contemnor. On his request the matter is kept back.

Sd/- Sd/-

(R.B. Malik) 3.5.16 (Rajiv Agarwal)
Member (J) Vice-Chairman
3.5.2016 3.5.2016

(sgj)

DATE: 3/5/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
~~Shri~~ S.K. Nair
Spl. Counsel with K.B. Bhise
~~Advocate~~ for the Applicants.
Shri ~~Counsel~~ M.D. Lonkar
~~C.P.O / P.O.~~ for the Respondents
Amicus Curie
~~Adj. To~~ Kept back.

(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 |
|---|---|

MA.173/15 in CA.1 to 14/12 A'bad, CA.118/14 in O.A. No.787 of 1995 & Ors.

Sujata M. Saunik, Principal Secretary,
Public Health Department & Ors. ..Applicants
Vs.
Shri Kakasaheb S. Shelke ..Respondent

Heard Shri S.K. Nair, Special Counsel with Shri K.B. Bhise, learned Presenting Officer for the Applicants-original Respondents and Shri M.D. Lonkar, learned Amicus Curiae.

2. Shri K.B. Bhise, Ld. PO files what has been titled as Vakalatnama/Memo of Appearance. It is taken on record. Shri Nair, Ld. Special Counsel submits application for seeking exemption from personal appearance for today in so far as the alleged contemnor is concerned. The exemption is granted for today and it is directed that she shall remain present on the next date which this matter will be adjourned to.

3. Later on after pronouncement of the above order, Shri Nair, Spl. Counsel raises up with permission and submits that the directions that the alleged contemnor should remain present on the next date be recalled. In support of his submissions he has read out to us the entire judgment in the matter of **R.S. SINGH VERSUS UTTAR PRADESH MALARIA NIRIKSHAK SANGH AND OTHERS, (2011) 4 SCC 281**. We have also carefully perused the said judgment as we followed the submissions of Shri Nair. Although that particular matter was a civil appeal and the editorial note indicate that it was under Contempt of Courts Act and from para 2 it would appear that certain directions were given by

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

the Hon'ble High Court which were apparently not complied with for which Principal Secretary, Finance with Principal Secretary, Medical and Health, Uttar Pradesh Govt. were directed to appear in person before the High Court. Now, in our opinion if we were to read the various extracts from various other judgments in R.S. Singh's case, we do not find that law has been laid down that the alleged contemnor as a matter of law or facts be not asked at all to remain personally present. Shri Nair, Ld. Spl. Counsel has been repeatedly inviting our attention to the notice served on the alleged contemnor mentioning in effect her personal presence or presence through authorized advocate. Now, in our opinion that precisely is the crux of the matter, and why, even today the applicant sought exemption from personal appearance and having been satisfied about the case, her personal attendance has been dispensed with. Therefore, we cannot presume that on the next date the circumstances will necessarily be such as to make it difficult for the said officer to appear. Nowhere in the judgment in R.S. Singh (supra) has it been held that there should be undue soft peddaling the manner in which the courts should conduct themselves vis-a-vis executive officer has been laid down and we do not find anything either from the record of this matter or even from the personal experience that anybody can even remotely allege ego problem. That having been said it may not be possible for us to say with any degree of assurance that on the next date the alleged contemnor would not be able to remain personally present. But in case there was any pressing difficulty then we have already made it clear as to what should be done. With the above observations the order earlier made stands. S.O. to 10.6.2016.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
3.5.2016 3.5.2016

(sgj)

DATE: 3/5/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
~~Shri/Smt.~~ S.K. Nair
Spl. Counsel with K.B. Bhise
~~Advocate~~ for the Applicants.
Shri/~~Smt.~~ M.D. Lonkar
~~C.P.O./P.O.~~ for the Respondents
Amicus curie.
Adj. To 10/6/16.
PH

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**
**MUMBAI**
**ORIGINAL APPLICATION NO. 120 OF 2016**

**DISTRICT :**

Smt. Priyadarshini M. Jamadar )...**Applicant**

**VERSUS**

Superintendent of Police, Sangli )....**Respondents**

**DATE : 03.05. 2016**

**ORDER**

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

2. The impugned order contains following portion:-

> ''सदर आदेशामध्ये वर्ग - ३ लिपीक-टंकलेखक पदाचे पदोन्नतीकरिता नियुक्ती दिनांक ६.६. २००८ असा गृहीत धरून सदर दिनांकापासून सफाईगार वर्ग-४ मधिल सलग ०३ वर्षे सेवा धरण्यात यावी असे नमूद नाही.''

3. Paragraph No.7.4 reads as follows:-

> "That the Respondent had misconstrued the order passed by this Hon'ble Tribunal it is to be noted that this Hon'ble Tribunal was pleased to direct to the Respondent to appoint the Applicant to the post of Sweeper w.e.f. 06.06.2008 and fixed her pay notionally without arrears of pay that does nto mean the seniority of the Applicant shall not be counted the Applicant has been appointed."
>
> (quoted from page no.8, para no.7.4 of the O.A.)

4. In the background of paragraph No. 7.4 of O.A., learned P.O. for the Respondents was called to furnish for perusal copy of para-wise remarks.

5. Learned P.O. for the Respondents states that para wise remarks are not up to satisfaction.

6. This Tribunal however waned to peruse the remarks, and therefore those were called. Learned P.O. has produced those.

7. It is seen that the para 7.4 of the O.A. is replied by Respondents in said para-wise remarks without offering any explanation towards its plea.

8. In this background it shall suffice to give directions to S.P. Sangli to file his own affidavit.

9. Superintendent of Police, Sangli is directed to file his own affidavit and not any other sub ordinate officer, stating grounds on which part of the text of the order passed in O.A.No.290 of 2012 through which Applicant was ordered to be appointed with reference to the date on which the Respondent No.6 in O.A.No.290 of 2010 was appointed can be construed or read to deny to the Applicant seniority and a deemed date.

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

11. S.O. to 20.6.2016.

Sd/-

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

sba

(6)

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

# 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.293 of 2016

Shri Ravindra Y. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. This OA can be disposed off at this stage itself finally. In that connection a reference could be had to an order dated 13.4.2016 made by one of us sitting in the SB (Shri R.B. Malik) dated 13.4.2016.

3. It is not necessary to set out the facts in great detail. It would be suffice to mention that the disciplinary authority has held the applicant guilty and has imposed the punishment of 10% reduction in the pension permanently. The appeal there against has been preferred before the competent appellate authority on 15.10.2015 and the same is still pending. The applicant in the OA itself seeks directions that the said appeal be decided within four weeks from the order that the Tribunal would make.

4. Ld. PO on instructions from Smt. M.V. Shiwalkar, Assistant, Food and Civil Supplies Department, informs that the matter was appointed for hearing on 30.4.2016 and on one occasion it was required to be adjourned on the request of the applicant. We make it clear that no party including

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

the applicant should not be needlessly protracting the mater by seeking adjournment. We are laying down the outer time limit with due regard to the facts and circumstances and therefore the said time limit must be adhered to.

5. This OA stands disposed off with a direction to the respondent the appellate authority to finally decide the appeal of the applicant pending before him on or before 30.6.2016 and communicate its outcome to the applicant within one week thereof. No order as to costs.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
3.5.2016 3.5.2016

(sgj)

DATE: 3/5/16
CORAM:
Hon'ble Shri RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. G. T. Chandratre
Advocate for the Applicant
Shri/Smt. Ms. M. G. Gohad
C.P.O./P.O. for the Respondents
Order passed in the Tribunal's cabin.
Adj To
O.A. is disposed of.

Respondent/s

Date : 3.05.2016.

C.A.No.20 of 2016 in O.A.No.249 of 2015
C.A.No.21 of 2016 in O.A.No.250 of 2015

Shri P.R. Mudgal (C.A.No.20/2016 in O.A.No.249/ 2015)
Shri R.A. Pawar (C.A.No.21 / 2016 in O.A.No.250 /2015)
...Applicants

Vs.

Shri Shivaji Upase, Secretary,
Water Resources Dept. & 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. Respondent No.3 is present in person he states that he had requested the Government for passing the order for setting aside the order of suspension and now the action will have to be taken at the level of Government and all that which was within his power is complied with by him. He prays for dispensing with his attendance on the next date.

3. Learned P.O. for the Respondent Nos.1 & 2 prays that personal attendance of Respondent No.1 and 2 in for compliance to the directions given by this Tribunal on 13.04.2016, be dispensed for today, and prays that for their appearnace, the date be fixed on 6.05.2016.

4. Request of learned P.O. for the Respondent Nos.1 & 2 for dispensing with attendance on today is granted.

5. Attendance of Respondent No.3 on future dates is grantd.

6. Steno copy and Hamdast is allowed to learned P.O. to communicat this order to the Respondents.

7. S.O. to 6.05.2016.

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

Date : 3.05.2016.

C.A.No.11 of 2016 in O.A.No.1053 of 2013

Shri A.R. Jadhavar ...Applicant

Vs.

Shri K.P.Bakshi & Ors. ...Respondents

1. Heard Shri R.M. Kolge, learned Advocate holding for Ms. Lata Patne, 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 has tendered affidavit affirmed by Shri Kalyaneshwar Prasad Bakshi, Additional Chief Secretary, Government of Maharashtra, Home Department. It is taken on record.

3. Peruse the same. It contains a statement in clause -g as follows:-

> "(g) Time frame within which the decision would be taken.
>
> **Reply:-** In respect to above, I respectfully say and submit that approximately two months time is required for taking decision in the matter."
>
> (quoted from page no.77 of the reply)

4. In view of the statement quoted hereinabove time is granted.

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

6. Adjourned to 18.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

..... Respondents

...senting Officer..... .....)

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

**Date : 03.05.2016.**

**O.A.No.41 of 2016**

**S.B. Sawant** .... Applicant.

**Versus**

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

1. Heard Shri K.R. Jagdale, 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 Shri K.B. Bhise prays for time for filing affidavit-in-reply.

3. Time as prayed for is granted.

4. S.O. to 27.06.2016.

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

ork

E:
AM:
ble Justice Shri A. H. Joshi (Chairman)
...Shri M. Ramesh Kumar (Member) A
...for the Applicant.
...for the Respondent's

PTO

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 : 03.05.2016.

**O.A.No.331 of 2016 with O.A.No.332 of 2016**

T.S. Lamane (O.A.No.331/2016)
G.R. Padwal (O.A.No.332/2016) .... Applicants.

Versus

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

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents Shri N.K. Rajpurohit prays for time to prepare and address the court.

3. Time as prayed for is granted.

4. S.O. to 25.07.2016.

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

prk

DATE : 25-7-16
CORAM :
(Chairman)
(Member) A

Adj. to 25.7.16.

Presenting Officer.....)

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

**Date : 03.05.2016.**

**O.A.No.56 of 2016**

S.S. Pawar .... Applicant.

Versus

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

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

2. Learned C.P.O. for the Respondents Shri N.K. Rajpurohit states as follows :-

(a) Impugned order of suspension is revoked.

(b) The manner in which suspension period be dealt with, will be decided after completing the Departmental Enquiry.

3. In view of the action which is reported by learned C.P.O. Shri N.K. Rajpurohit, O.A. has become infructuous and is disposed of accordingly.

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

prk

DATE : 3/5/16

N (Chairman)

Member) A

UPO

Date : 3.05.2016.

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

The Bhujal Abhiyanta Sanghtana Maha. Rajya ...Applicant

Vs.

Shri Rajeshkumar, Principal Secretary,
Water Supply and Sanitation Dept. & Ors. ...Respondents

1. Heard Shri V.B. Wagh, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

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

(a) Statement contained in affidavit dated 24.2.2016 shall be completed within one week.

(b) Compliance so far done would be reported on the next date.

3. Learned P.O. for the Respondents prays for adjournment for reporting the compliance to the extent it could be done.

4. Accepting the request of leanred P.O. for the Respondents, hearing of this case is adjourned to 30.06.2016.

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

6. S.O. to 30.6.2016.

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

sba

Date : 3.05.2016.

C.A.No.63 of 2015 in O.A.No.511 of 2012

Shri K.P. Magar & Ors. ...Applicants

Vs.

Smt. Sujata Saunik, Principal Secretary,
Public Health Department & Ors. ...Respondents

1. Heard Shri R.M. Kolge, 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 has tendered affidavit affirmed by Shri Ramchandra Bapu Mugade, Dy. Director of Health Services, Kolhapur Circle, Kolhapur, furtherance to the order passed by this Tribunal on 22.04.2016.

3. The affidavit contains a statement that three moths time is required for due compliance.

4. For this purpose for taking action and reporting compliance so far it may be done till next date, time is granted.

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

6. Hearing is adjourned to 11.07.2016.

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

sba

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 : 03.05.2016.**

**O.A.No.340 of 2016**

K.V. Sawant .... 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. Learned P.O. for the Respondents Shri A.J. Chougule prays for four weeks time for filing affidavit-in-reply.

3. Time as prayed for is granted.

4. S.O. to 27.06.2016.

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

prk

P.T.O.

*versus*

The State of Maharashtra and others

..... Respondent/s

...ting Officer.....)

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

**Date : 03.05.2016.**

O.A.No.341 of 2016

D.G. Pilankar .... Applicant.

Versus

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

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents Shri N.K. Rajpurohit prays for four weeks time for filing affidavit-in-reply.

3. Time as prayed for is granted.

4. S.O. to 27.06.2016.

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

prk

M.D. Lonkar

N.K. Rajpurohit

3-5-2016.

*PRO*

..... Respondent/s

esenting Officer.....

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

Date : 3.05.2016.

M.A.No.622 of 2015 in O.A.No.1103 of 2015

Shri V.R. Sakate ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

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

2. Adjourned to 30.6.2016.

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

sba

DATE : 3/5/16
CORAM :
Hon'ble Shri A.H. Joshi, Chairman
Hon'ble Shri R. Kannikeswaran, Member (A)
APPEARANCE :
Shri ... for the applicant
Shri K.B. Bhise
... P.O. for the Respondents
ORDER : 3/5/16.

*versus*

The State of Maharashtra and others

..... Respondent/s

...nting Officer.....)

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

**Date : 03.05.2016.**

**O.A.No.206 of 2016**

**R.S. Sankpal** .... Applicant.

Versus

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

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

2. Admit. To come for hearing in due course.

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

prk

ATB

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

...Hon'ble Shri ... (Member A)

...

...

To.....

JPCO

Heard Shri V.S. Deokar, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 21.6.2016.

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.

7. S.O. to 21.6.2016. Ld. PO waives service of notice.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
3.5.2016 3.5.2016

(sgj)

DATE 3/5/16
Coram:
Hon'ble Shri RAJIV AGARWAL
Vice-Chairman
Hon'ble Shri R.B. MALIK, Member (J) ✓
Shri V.S. Deokar
Ms. N.G. Gohad
order passed in the Tribunal's cochamber.
S.O. to 21/6/16. FH

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

O.A. No.802 of 2015

Dr. Satish B. Mane & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Y.P. Deshmukh, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Mentioned by Shri Deshukh, Ld. Advocate after the matter has already been adjourned to 17.6.2016 on his request. He tenders a withdrawal purshis, which is taken on record and in view thereof on his request the Applicant No.2 Dr. Santoshkumar Ankushrao Dope is allowed to withdraw from the OA and his name be deleted.

3. Shri Deshmukh, Ld. Advocate informs that Applicant No.7 Dr. Paridhi Ratanlal Garg has instructed him to withdraw from this OA and on the request of the Ld. Advocate the Applicant no.7 is allowed to withdraw from the OA and his name be also deleted. OA remains adjourned as before. S.O. to 17.6.2016.

Sd/-

(R.B. Malik)
Member (J)
3.5.2016

Sd/-

(Rajiv Agarwal)
Vice-Chairman
3.5.2016

(sgj)

DATE 3/5/16

Y. P. Deshmukh

Ms. N. G. Gohad

17/6/16

# 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.971 of 2015

Shri Ravindra S. Sonawane ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri S.C. Chavan, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. The issue involved in this OA is whether employees of Maharashtra Electricity Regulatory Commission (MERC) are government employees. It is seen that affidavit has been filed by Law and Judiciary Department of Government of Maharashtra. It will be necessary that affidavit is filed in this matter by respondent no.4 i.e. Principal Secretary, Energy Department. Ld. PO states that affidavit will be filed within four weeks. S.O. to 21.6.2016. Hamdast.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
3.5.2016 3.5.2016

(sgj)

DATE: 3/5/16
Coram:
Hon'ble Shri. RAJIV AGARWAL
Vice - Chairman
Hon'ble Shri. R.B. MALIK
Member (J)
Applicant's Name
S.C. Chavan
Respondent's Name
Ms. N.G. Gohad
Order passed on the
Tribunal's enclosure
S.O. to 21/6/16.
Hamdast.

MUMBAI

O.A. No. of 20

M.A. No. of 20

Applications No. of 20

FARAD CONTINUATION SHEET NO.

| Notes of Registry and Memoranda of Compliance, if any | Tribunal's orders |
|---|---|

O.A. No.712 of 2015

Shri Narayan L. Paithankar ... Applicant

Vs.

The State of Maharashtra & Ors. ... Respondents

Heard Miss S.P. Manchekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This OA is brought by Sales Tax Officer, whose further promotion is held up pending a DE. As would become clear from the discussion to follow it is not really necessary for us to make any detailed narration of facts or even law and legal principles. We have perused the record and proceedings.

3. It is not even necessary for us to set out in detail the accusations forming the bedrock of the DE. It is indisputable that the enquiry officer submitted his report to the disciplinary authority on 22.5.2012 and thereafter the matter has remained pending. Thereafter the applicant was asked to show cause by the disciplinary authority which he did on 16.8.2012 and the matter stood pending thereafter.

4. Ld. PO on instructions from Shri A.S. Mutayal, Section Officer, Sales Tax Administration-2, informs that the matter is now pending consideration of the GAD and according to her instruction it is with regard to the nature and quantum of punishment.

5. The above discussion makes it clear that the enquiry has not moved with the kind of dispatch which it should have. There was some reference to a scam which apparently has come to be known as Palghar Refund Scam in which 20 Sales Tax personnel are involved. We are expressing no opinion about anybody else. But as far as the present applicant is concerned we are quite clear in our minds that the time lag has been too much to be just and proper. The consideration of applicant's promotion has been held up and other factors remaining constant it cannot be an endless affair as it were.

6. This OA is, therefore, disposed off with a direction that the pending DE against the applicant shall be concluded in every respect including passing of the final order within four months from today and the outcome thereof be communicated to the applicant within one week thereafter. It is made clear that if the above order is not complied within the time limit prescribed the applicant shall be promoted within four weeks thereafter subject to the applicant giving an undertaking that in case of punishment he shall undergo the same on the promoted post. No order as to costs.

Sd/- Sd/-

(R.B. Malik)
Member (J)
3.5.2016

(Rajiv Agarwal)
Vice-Chairman
3.5.2016

(sgj)

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

**Date : 03.05.2016.**

**O.A.No.362 of 2016**

**B.R. Patil** **.... Applicant.**

**Versus**

**The Collector, Sangli & Ors** **....Respondents.**

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

2. Issue notice before admission made returnable on 20.06.2016.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. Learned C.P.O. waives service.

8. S.O. to 20.06.2016.

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

prk

DATE : 3/5/16

CORAM :

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

Hon'ble Shri R.B. Malik ~~Rajeshkumar~~ (Member)-A

APPEARANCE :

Shri/Smt. : S.S. Dere

Advocate for the Applicant

Shri /Smt. : N.K. Rajpurohit

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

Adj. To 20/6/16.

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

**Date : 03.05.2016.**

**O.A.No.394 of 2016**

**N.R. Kale** **.... Applicant.**

**Versus**

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

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

2. Issue notice before admission made returnable on 13.06.2016.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. Learned C.P.O. waives service. It is however made clear that mere fact that this O.A. is pending shall be no ground for the appellate authority to stay his hands and it shall be free to proceed ahead and even decide the appeal pending this O.A. if he is so disposed.

8. Steno copy and Hamdast is allowed.

9. S.O. to 13.06.2016.

Sd/-

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

DATE : 3/5/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~M. Ramesh Kumar (Member) A~~ R.B. Malik (Member) J
APPEARANCE :
Shri/Smt. : R.G. Panchal
Advocate for the Applicant
Shri /Smt. : N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s

Adj. To 13/6/16

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

**Date : 03.05.2016.**

**O.A.No.1133 of 2015**

**Dr. M.R. Sonawane & Ors.** **.... Applicants.**

**Versus**

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. It is quite clear that this O.A. may have to be ultimately decided in terms of orders in W.P.No.12400 of 2015 (State of Maharashtra V/s. Dr. (Smt.) Rizvi Saleha Saiyed Ghulam Abbas) dated 22.02.2016 made by the Division Bench of the Hon'ble Chief Justice of Bombay High court. In paragraph 4 of the affidavit-in-reply it is *inter alia,* mentioned that the process relating to the promotions of these applicants has started and some more time will be necessary to complete the same.

3. Learned P.O. Ms. N.G. Gohad placed on record the Government Resolution dated 08.01.2016 in order to buttress her contention as to how more time is ~~beyond~~ bound to be taken in such matters.

4. In my opinion this O.A should be kept pending. Respondents are directed to complete the process and procedure to be which reference has been made above in relation to the Applicants by 30.06.2016 and report compliance by 01.07.2016.

5. It is made clear that even if the process was to be completed before that date both the parties will be at liberty to mention the matter before this Bench with notice to other side so that O.A. could be disposed off. Respondents shall make all endeavor to keep time limit. Steno copy and Hamdast is allowed.

6. S.O. to 01.07.2016.

Sd/-

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

prk

DATE : 3/5/16
COR :
(Chairman)
R.B. Malik
A
S.P. Manchekar
N. G. Gohad
Adj. to 1/7/16

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**M.A.NO.180 OF 2016 IN**

**ORIGINAL APPLICATION NO.272 OF 2016**

**DISTRICT: KOLHAPUR**

Sub Divisional Officer

.... **Applicant No.3 (Org. Respondent No.3)**

**Versus**

1. Sau. Swati H. Desai ...**Respondent (Org. Applicant)**
2. Secretary .... **Org. Respondent No.1**
3. Collector ..... **Org. Respondent No.2**

Shri K.B. Bhise, the learned Presenting Officer for the Applicant No.3 (Org. Respondent No.3), Org. Respondent No.1 and 2.

Shri K.R. Jagdale, the learned Presenting Officer for the Respondent (Org. Applicant)

CORAM : SHRI R.B. MALIK, MEMBER (J)

DATE : 03.05.2016.

**O R D E R**

1. Heard Shri K.B. Bhise, the learned Presenting Officer for the Applicant No.3 (Org. Respondent No.3), Org. Respondents No.1 and 2 and Shri K.R. Jagdale, the learned Presenting Officer for the Respondent (Org. Applicant).

2 By this application prayer is made for modifying my order dated 21.03.2016. In paragraph 4 thereof it was recorded that

learned P.O. upon instructions from Shri Vishnu N. Butte, Naib Tahasildar of Gargoti, made a statement that till next date the post of Police Patil, Salpewadi, Tal. Bhudargar, Dist. Kolhapur would be kept vacant, that statement was accepted as an undertaking till next date.

3. According to the Applicant of this M.A. that statement was incorrect. After that order Shri V.N. Bhutte made enquiry from the office of Ajara- Bhudargad, Sub-Division and he came to know that Miss Varsha S. Desai has in fact already been appointed as Police Patil of the said village on 18.03.2016. The copy of the said order of appointment is annexed hereto and I have perused it. Thereafter there were intra-department communication between the said Shri V.N. Bhutte and Respondent No.3 which aspect of the matter is not highly relevant for the present purpose.

4. Shri K.R. Jagdale, learned Advocate for the Original Applicant is present. He has not filed reply but I have heard his argument in extenso. It is no doubt true that if proper instructions were obtained, may be this confusion could have been avoided. However I must mention that I did not find anything to attribute, bad motives on the part of Shri V.N. Bhutte whose name has figured above and it seems that the statement made before this Bench was as a result bonafide and honest lapse arising out of the surname of the two ladies being the same. As far as this Bench is concerned no action shall be taken against the said Shri V.N. Bhutte. However, the Original Applicant has been placed under considerable difficulty.

5. It appears from the record that the above named Miss Varsha S. Desai has already filed intervention application in the form of

M.A.No.184 of 2016 which apparently is adjourned to 06.06.2016. In any case even the Original Applicant may have to implead her. In so far immediate relief to the Applicant is concerned I think it must be made clear that appointment of the said Miss Varsha S. Desai shall continue but would be subject to the ultimate out come of this O.A. either its final decision or even at any interim stage.

6. Consequent to the above order the above mentioned Shri V.N. Bhutte is discharged from the undertaking in O.A.No.272 of 2016.

7. With this M.A. No.180 of 2016 stands hereby disposed off with no order as to costs and O.A. stands adjourned to 06.06.2016.

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

prk