(G.C.P.) J 2959 (A) (50,000—3-2017)

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
	Date : 03.05.2019.

O.A.No.418 of 2016

S. S. Shinde ....Applicant

Versus

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

1. The Applicant and his Advocate both are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Perusal of O.A. reveals that only limited relief was for direction to the Respondents to consider the representation for posting in Nagpur Division.

3. It appears that the Applicant and his Advocate are not Interested in the matter. Hence, the O.A. is dismissed in default. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 03.05.2019.

O.A.No.328 of 2019 with O.A. No.331 of 2019

P. H. Rathod & Others ....Applicants
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Today, learned C.P.O. has filed reply on behalf of the Respondent No.1. It is taken on record. In the present O.A. issue pertains to non-relieving of the Applicants by the Respondent No.1 from his establishment. They were posted as a Driver but not relieved though completed more than five years tenure as Driver from the establishment of Respondent No.1. The DG of Police, Mumbai has already taken policy decision as reflected in Circular dated 16.07.2018 as well as 02.04.2018 to the effect that deputation period should not be exceeded more than five years and on completion of five years they should be sent back to their original establishment. They also filed representations to relieve them so as to join their original posting on the establishment of Respondent No.3. It seems that policy decision as reflected in Circular dated 16.07.2018 and 02.04.2018 was based on the decision given by this Tribunal in O.A.No.841/2015 and O.A. No.237/2016.

3. Learned P.O. for the Respondents has pointed that recently in O.A.No.83/2019, this Tribunal has issued direction to relieve the Applicant therein who have completed more than five years tenure on deputation and, therefore, the Applicants being similarly situated persons also needs to be repatriated.

4. Whereas learned C.P.O. submitted that due to administrative difficulties and scarcity of driver, it is not possible to repatriate 46 Applicants at once. She further submits that Respondent Nos.1 and 3 in coordination will take policy decision to solve the issue of repatriation of the Applicants to their original post on the establishment of Respondent No.3.

5. In view of above, Respondent Nos.1 and 3 are directed to take decision at the earliest so that if grievance of the Applicants is not redressed at their level, O.A. can be disposed of on merit.

6. The matter is adjourned for hearing at the stage of admission.

7. Hamdast and steno copy is allowed.

8. S.O. to 03.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 03.05.2019.

O.A.No.405 of 2019

Dr. R. S. Paravde ....Applicant
Versus
The State of Maharashtra & Ors. ...Respondents.

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

2. In the present O.A., the Applicant is Medical Superintendent presently working at Rural Hospital, Tokawade, Tal. Murbad, District Thane. She has been appointed on 2002 as Medical Officer through M.P.S.C. Shocking to note that since her appointment not a single increment has been released for no fault on her part. Beside pay has not been revised as per 6th Pay Commission.

3. The Applicant was earlier posted at St. George Hospital, Mumbai then transferred to Kama & Albiess Hospital, Mumbai and presently working as Medical Superintendent on the establishment of Respondent No.3 (Civil Surgeon, Civil Hospital, Thane).

4. Shri P. R. Pathak, Office Superintendent is present from the office of Respondent No.4 i.e. Superintendent, Kama and Albless Hospital, Mumbai . He stated that service book of the Applicant was incomplete and, therefore, increments were not released. He further states that now steps are being taken to complete the Service Book and to release increments and other service benefits to the Applicant as per her entitlement. In fact, it was responsibility of the Head of the department where the Applicant had served from time to time to update the Service Book and to release the service benefits regularly.

6. It is only after filing of this O.A, now the steps are being taken to update the Service Book.

7. Presently, the Applicant is serving on the establishment of Civil Surgeon, Civil Hospital, Thane. Therefore, it is his responsibility to get the Service Book updated by taking necessary entries or to release the service benefits of the Applicant as per her entitlement. The Respondent No.3 is, therefore, directed to take all necessary steps to update the Service Book of the Applicant and to release all service benefits to the Applicant as per her entitlement within four weeks from today failing which the Respondent No.3 will be liable to pay interest on amount payable to the Applicant.

8. Learned P.O. is directed to serve the copy of this order on Respondent No.3 and ensure the compliance of the directions.

9. S.O. to 17.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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
	Date : 03.05.2019. **O.A.No.795 of 2016** **S. S. Shinde ....Applicant** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. The Applicant and his Advocate both are absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. It appears that the Applicant and his Advocate are not interested in the matter. Hence, the O.A. is dismissed in default. No order as to costs. Sd/- **(A.P. Kurhekar)** **Member(J)**

vsm

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

Date : 03.05.2019.

O.A.No.239 of 2019

A. M. Shendkar ....Applicant
Versus
The State of Maharashtra & Ors. ...Respondents.

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

2. Learned Advocate for the Applicant prays for interim relief to keep one promotion post in Pune Division vacant till the final decision of this O.A. He urged that In view of Rule 7 of the Cadre Allotment Rules, 2015, the Applicant is exempted from operation of Rule 4 and 6 and entitled to be posted on promotion in Pune Division as per option being abandoned lady.

3. Learned P.O. for the Respondents on instructions fairly stated that till the decision of O.A., one post in Pune Division will be kept vacant.

4. Admittedly, two posts are lying vacant in Pune Revenue Division as stated in Para 19 of the Reply. There is matrimonial dispute between the Applicant and her husband. Divorce petition and custody matter is sub-judice. It is in this context, the Applicant claims that she falls within the term 'abandoned' contemplated in Rule 7(d) of the Cadre Allotment Rules, 2015.

5. In view of ensuing summer vacation, the matter is not likely to be disposed of on merit soon and, therefore, the interest of Applicant needs to be protected.

6. In view of above, it is directed that one promotional post in Pune Revenue Division be kept vacant till the decision of O.A. O.A. be expedited for final hearing.

7. In the meantime, the registry to examine whether the matter pertains to Single Bench or Division Bench in view of the specific stand taken by the Respondents that the matter pertains to Division Bench. It be examined and the matter be placed before the appropriate bench.

8. Hamdast and steno copy is allowed.

9. S.O. to 12.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

(G.C.P.) J 1726(F) (20,000—10-2013) [Spl.- MAT-F-2 E

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Date : 03.05.2019.

O.A.No.239 of 2019

A. M. Shendkar **....Applicant**

Versus

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

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

2. In terms of order passed by this Tribunal on 30.04.2019, learned P.O. for the Respondents has filed affidavit of Shri Ravindra Ate who is present before the Tribunal and has tendered unconditional apology in affidavit. In view of affidavit tendering unconditional apology no further orders are required to be passed by this Tribunal. However, Shri Ravindra Ate who is present before the Tribunal is instructed to be careful in future while swearing affidavit.

3. Learned P.O. for the Respondents also sought permission to delete the relevant portion from Para No.2 of the reply in respect of which show cause notice was issued to Shri Ravindra Ate. The relevant portion be deleted from reply.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 03.05.2019

O.A.No.130 of 2019 with O.A. No.156 of 2019

D. J. Thakur
G. J. Vighne & Ors. ....Applicants

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant in O.A. No.130/2019 and Shri A. J. Chougule , learned Presenting Officer for the Respondents.

2. Shri K. R. Jagdale, learned Advocate for the Applicants in O.A.No.156/2019 is absent (Leave note is on record). However, the Applicant Shri S.A. Wadkar is present. (O.A.156/19) and submitted that he has no grievance about the posting order dated 02.05.2019 issued by the department.

3. In both the Original Applications, basically challenge was to the suspension orders whereby the Applicants kept under suspension in contemplation of D.E. However, during the pendency of this proceedings, the Government has taken review in term of G.R. dated 14.10.2011 and decided to reinstate the Applicants on the post of Motor Vehicle Inspector.

4. Today, learned P.O. has tendered a copy of order of the Government dated 02.05.2019 which shows that all these Applicants are reinstated in service and given posting on the place where they are presently working except the Applicant No.2 in O.A.No.156/2019. He has been transferred to Ambajogai. He is present before the Tribunal and stated that he will join at Ambajogai.

5. AS such, in view of revocation of suspension and reinstatement in service, both these Original Applications have become infructuous and needs to be disposed of.

6. The Applicants were suspended in contemplation of D.E. and the charge sheets in D.E. have already been served upon the Applicants. Therefore, it is necessary to give certain directions for completion of D.E.

7. In view of above, the D.A. is disposed of with directions to the Respondent No.1 to ensure completion of D.E. within six months from today. The Applicants are also directed to cooperate for the expeditious disposal of D.E. The Applicants are at liberty to join the post as early as possible.

8. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Date : 03.05.2019.

O.A.No.953 of 2018 with O.A. No.214 of 2019

B. H. Wadkar & Ors.
A. V. Yelmar & Ors. ....Applicants

Versus

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

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

2. Learned P.O. for the Respondents submitted that the Respondent No.4 will ensure that posting orders of the Applicants are issued by counseling. She further requested for four weeks time for issuing positing orders by counseling.

3. In view of above, the matter is adjourned to 10.06.2019 with direction to Respondent No.4 to take appropriate steps for posting of the Applicants in four weeks.

4. Hamdast and steno copy is allowed.

4. S.O. to 10.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 03.05.2019.

O.A.No.524 of 2018

S. D. Ghumbare ....Applicant

Versus

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

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

2. This petition is second round of litigation, as earlier O.A.No.1062/2013 has been already been disposed of by this Tribunal on 14.08.2014 whereby the directions were given reinstate the Applicant within four weeks without back wages. Accordingly, the Applicant has been reinstated and also stands retired from service. He had made representation dated 14.02.2018 to the department that his increment due on July, 2014 be released and pension be fixed accordingly. This was the only issue to be considered on merit in view of the decision in O.A.No.1062/2013.

3. Today, learned P.O. has tendered copy of letter issued by the Respondent No.2 dated 15.04.2019 wherein it is stated that the Applicant is not entitled to increment in view of his suspension period from 21.09.2013 to 17.09.2014. As such, he had not completed six months complete service preceding due date of increment and, therefore, was not entitled to the increment. Letter is taken on record.

4. In view of above, learned Advocate for the Applicant sought permission to withdraw the O.A. with liberty to challenge the order dated 15.04.2019.

5. Allowed to withdraw the O.A. with permission to challenge the order dated 15.04.2019, as may be permissible in law.

6. Accordingly, the O.A. is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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
DATE : 3/5/2019 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) B.P. Patil (M/J) Hon'ble Shri M. Ramesh Kumar (Member) A P.N. Dixit APPEARANCE : Shri/Smt. N.K. Rajpurohit the Ld Advocate for the Applicant Shri /Smt. Kranti L.C. Ld. Adv. for C.P.O / P.O. for the Respondent/s for the appl. (O.A. 690/18, 947/18, O.A. 1087/18) Adv. To. Ms. S.P. Manchekar Ld. C.P.O. for the Resps. Adv. V. Maid for R.17. S.O. to 14/6/2019.	**Date : 03.05.2019** **M.A.No.98 of 2019 in D.A.No.690 of 2018 with O.A.No.947 of 2018 with O.A.No.1087 of 2018** **P.S. Vetal & Ors. (M.A.98/2018 IN O.A.690/2018)** **S.S. Salve & Ors. (O.A.947/2018)** **S.S. Pingale & Ors. (O.A.1087/2018) ..... Applicants** **Versus** **The State of Maharashtra & Ors. ..... Respondents** 1. Heard Shri N.K. Rajpurohit, the learned Advocate for the Applicants and Smt. Kranti L.C., the learned Advocate with Ms. S.P. Manchekar, the learned C.P.O. for the Respondents. 2. Both the parties are directed to explain about maintainablility of Originai Applications as the Applicants are seeking reilef against the Government of India. 3. At the request of both parties adjourned to 14.06.2019. Sd/- Sd/- **(P.N. Dixit) (B.P. Patil)** **Member(A) Member(J)** prk

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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

O.A. No.385 of 2019

S.S. Kadam & Anr. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Applicant No.1 is present in person. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO on instructions from Shri Sunil M. Lawand, Junior Clerk in the Office of District Malaria Officer, Pune – Respondent no.5, who is present in person, mentions that all vacancies in the open category to which the applicants belong have been filled in. On instructions of Smt. Surwade, Chief Administrative Officer, office of Director of Health Services, Mumbai – Respondent No.2, who is present in person, this is confirmed.

3. The applicant no.1 is present in person, however. Ld. Advocate for the applicants is absent.

4. The applicants proposes to have an inspection of the actual vacancies or otherwise in the category in which they have applied. The applicants as well as representative from the office of respondent no.5 agree to have inspection done on 8.5.2019.

5. The applicants propose to report progress on 7.6.2019. Hamdast and steno copy is granted. Ld. CPO is directed to communicate this order to the respondents.

Sd/-

(P.N. Dixit)
Member (A)
3.5.2019

(sgj)

DATE: 3/5/2019

CORAM:

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

Hon'ble Shri B.P. Patil (Member) A

APPEARANCE:

Shri/Smt. : Applicant No.1 is present

Advocate for the Applicant

Shri /Smt. : S.P. Manchekar

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

Adj. To 7/6/2019.

(G.C.P.) J 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

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

O.A. No.335 of 2019

J.B. Barde ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant submits that he proposes to produce judgments on which he is relying and also mention the legal right on 19.6.2019.

3. S.O. to 19.6.2019.

Sd/-

(P.N. Dixit)
Member (A)
3.5.2019

(sgj)

DATE : 3/5/2019

CORAM :

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

Hon'ble Shri M. [illegible] (Member) A P.N.Dixit

APPEARANCE :

Shri/Smt. : R.M. Kolge

Advocate for the Applicant

Shri /Smt. : S.P. Manchekar

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

Adj. To 19/6/2019.

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—8-2017)

[Spl.- MAT-F-2 E.

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

O.A. No.190 of 2019

S.S. Mohare ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Applicant and Advocate for the applicant are absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO seeks six weeks time to file reply along with copy of judgment of the Hon'ble High Court, Bench at Nagpur.

3. S.O. to 20.6.2019.

Sd/-

(P.N. Dixit)
Member (A)
3.5.2019

(sgj)

DATE: 3/5/2019

CORAM:

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

~~Hon'ble Shri~~ P.N.Dixit ~~ar (Member) A~~

APPEARANCE:

Shri/Smt. : Applicant and Advocate for the Applicant are absent

Advocate for the Applicant

Shri/Smt. : S.P. Manchekar

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

A.O. To 20/6/2019.

[P.T.O.

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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 M.A. No.257 of 2019 O.A. No.444 of 2019
DATE : 3/5/2019 CORAM : ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri ~~M. Ramakrishnan~~ P.N. Dixit (Member) A APPEARANCE : Shri/~~Smt.~~ R.M. Kolge Advocate for the Applicant ~~Shri~~/Smt. : Archana B.K. C.P.O / P.O. for the Respondent/s Adj. To..... MA disposed off accordingly.	A.R. Lembhe & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri R.M. Kolge, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. By this MA, the Applicants are seeking leave to sue jointly. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly. Sd/- (P.N. Dixit) Member (A) 3.5.2019 (sgj)

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

O.A. No.444 of 2019

A.R. Lembhe & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Issue notice returnable on 10.6.2019.

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. 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.

8. The respondents should clarify the legal impediment in conceding the request.

Sd/-
(P.N.Dixit)
Member (A)
3.5.2019

(sgj)

DATE : 3/5/2019
CORAM :
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri ~~M. Ramesh Kumar~~ P.N. Dixit (Member) A

APPEARANCE :
Shri/Smt. : R.M. Kolge
Advocate for the Applicant
Shri/Smt. : Archana B.K.
C.P.O / P.O. for the Respondent/s

Add To Issue notice returnable on 10/6/2019.

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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 O.A. No.1092 of 2018

B.P. Davari & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Utkarsh Desai, learned Advocate holding for Shri P.B. Bhavake, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO states that out of four applicants, Applicant No.4 has retired on 31.8.2018 and remaining three applicants have resumed on promotion in respective places.

3. Ld. Advocate for the applicants states that since the orders of promotion were issued on 2.11.2017, applicants may be granted the deemed date of 2.11.2017.

4. The respondents are directed to look into the matter and take decision within two months.

5. Ld. Advocate for the applicants prays for liberty to agitate if there is anything adverse against the applicants. Liberty granted.

6. OA is disposed with the above directions.

Sd/-

(P.N. Dixit)
Member (A)
3.5.2019

(sgj)

DATE: 3/5/2019

CORAM:

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

~~Hon'ble Shri M. Ramesh Kumar~~ (Member) A P.N. Dixit

APPEARANCE:

~~Shri/Smt.~~ : Utkarsh Desai Ld Adv. holding for Shri P.B. Bhavake
Advocate for the Applicants

~~Shri/Smt.~~ : S.P. Manchekar
C.P.O / P.O. for the Respondent/s

ADJ. To: OA is disposed with the above directions.

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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
DATE : 3/5/2019 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) B.P.Patil Hon'ble Shri M. Ramakrishnan (Member) A P.N. Dixit APPEARANCE : Shri/Smt. S.S.Dere Advocate for the Applicant Shri /Smt. S.P.Manchekar C.P.O / P.O. for the Respondent/s Adj. To. 10/6/2019	**Date : 03.05.2019** **O.A.No.111 of 2019** **M.H. Deshmukh ..... Applicant** **Versus** **The State of Maharashtra & Ors. ..... Respondents** 1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents. 2. Learned C.P.O. Ms. S.P. Manchekar for the Respondents seeks time to file affidavit-in-reply on the basis of instructions received regarding Expert Committee Opinion. 3. Adjourned to 10.06.2019. Sd/- Sd/- **(P.N. Dixit) (B.P. Patil)** **Member(A) Member(J)** prk

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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 O.A. No.445 of 2019
DATE : 3/5/2019 CORAM : B.P.Patil (M/J) Hon'ble ~~Justice~~ Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakrishnan (Member) A P.N. Dixit APPEARANCE : Shri/Smt. Ms. Madhavi Ayappan Ld. Adv. i/b. Talekar & Associates Ld. Advocate for the Applicants Shri/Smt. : S.P. Manchekar Ld. C.P.O / P.O. for the Respondent/s A/R To. OA is removed from the board.	M.T. Metake & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Ms. Madhavi Ayappan, learned Advocate i/b. Talekar & Associates, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. On perusal of OA it reveals that addresses of private respondents are not being mentioned. Therefore, applicants are directed to furnish correct address of the private respondents. OA is removed from the board. 3. Research Officer is called upon to explain how he has made endorsement in the scrutiny form that addresses of the respondents have been correctly mentioned. Sd/- Sd/- (P.N. Dixit) (B.P. Patil) Member (A) Member (J) 3.5.2019 3.5.2019 (sgj)

(G.C.P.) J 2959 (A) (50,000—8-2017) [Spl.- MAT-F-2 E.

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
DATE : 3/5/2019 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P.N. Dixit (Member) A APPEARANCE : Shri/Smt. M.A. Parab Advocate for the Applicant Shri/Smt. S.P. Manchekar C.P.O. / P.O. for the Respondent/s Adj. To..... OA is disposed of with liberty as sought S.C.	**Date : 03.05.2019** **O.A.No.1140 of 2018** **S.S. Yadav ..... Applicant** **Versus** **The State of Maharashtra & Ors. ..... Respondents** 1. Heard Shri M.A. Parab, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned C.P.O. for the Respondents. 2. Learned Advocate Shri M.A. Parab has submitted that Applicant does not wants to proceed with the O.A. and wants to withdraw the O.A. Therefore he sought leave of this Tribunal to withdraw the O.A.. 3. In view of the submission of learned Advocate of leave to withdraw the O.A. with liberty to file fresh is granted. 4. O.A. is disposed of with liberty as sought. Sd/- Sd/- **(P.N. Dixit) (B.P. Patil)** **Member(A) Member(J)** prk

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl.- MAT-F-2 E.

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
DATE : 3/5/2019 CORAM : B.P. Patil (MJ) Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P.N. Dixit (Member) A APPEARANCE : Shri/Smt. : V.P. Potbhare Advocate for the Applicant Shri /Smt. : A.J. Chougule C.P.O / P.O. for the Respondent/s A.O. To 7/6/2019	**Date : 03.05.2019** **M.A.No.85 of 2019 in O.A.No.710 of 2016** **A.C. Sonwane ..... Applicant** **Versus** **The State of Maharashtra & Ors. ..... Respondents** 1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents. 2. Learned P.O. Shri A.J. Chougule for the Respondents prays for time for filing affidavit-in-reply to the amended M.A.No.85/2019. 3. Time granted. 4. S.O. to 07.06.2019. Sd/- Sd/- **(P.N. Dixit) (B.P. Patil)** **Member(A) Member(J)** prk

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

~~Date : 03.05.2019.~~

O.A.No.437 of 2019

N. P. Swami **....Applicant**

Versus

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

1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is seeking direction to release the retiral benefits which seems to have been not paid for want or some procedural compliance. The Applicant stands retired on 31.05.2018. Perusal of D.A. reveals that pension papers forwarded to the office of A.G. but certain discrepancies were noted and, therefore, the proposal was sent back to the office of Executive Engineer (Respondent No.3).

3. On last date, the matter was adjourned to direct the Respondents to take instructions from Executive Engineer to know the present status.

4. Today, the learned P.O. submitted that he talked to Executive Engineer and he was told that pension papers are again submitted with the office of A.G.. Thus, it seems that the matter is under process and retiral benefits will be released soon.

5. There is no legal hurdle to release the retiral benefits to the Applicant as per his entitlement. His retiral dues were not paid for want of proper follow-up by the Executive Engineer.

6. In view of above, this O.A. is disposed of with direction to Respondent No.3 (Executive Engineer) to ensure that all the retiral benefits of the Applicant be released within one month from today as per his entitlement without fail.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

~~Date : 03.05.2019.~~

O.A.No.437 of 2019

N. P. Swami ....Applicant

Versus

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

1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is seeking direction to release the retiral benefits which seems to have been not paid for want of some procedural compliance. The Applicant stands retired on 31.05.2018. Perusal of O.A. reveals that pension papers forwarded to the office of A.G. but certain discrepancies were noted and, therefore, the proposal was sent back to the office of Executive Engineer (Respondent No.3).

3. On last date, the matter was adjourned to direct the Respondents to take instructions from Executive Engineer to know the present status.

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5. There is no legal hurdle to release the retiral benefits to the Applicant as per his entitlement. His retiral dues were not paid for want of proper follow-up by the Executive Engineer.

6. In view of above, this O.A. is disposed of with direction to Respondent No.3 (Executive Engineer) to ensure that all the retiral benefits of the Applicant be released within one month from today as per his entitlement without fail.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

~~Date : 03.05.2019.~~

O.A.No.437 of 2019

N. P. Swami ....Applicant

Versus

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

1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is seeking direction to release the retiral benefits which seems to have been not paid for want of some procedural compliance. The Applicant stands retired on 31.05.2018. Perusal of O.A. reveals that pension papers forwarded to the office of A.G. but certain discrepancies were noted and, therefore, the proposal was sent back to the office of Executive Engineer (Respondent No.3).

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6. In view of above, this O.A. is disposed of with direction to Respondent No.3 (Executive Engineer) to ensure that all the retiral benefits of the Applicant be released within one month from today as per his entitlement without fail.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

~~Date : 03.05.2019.~~

O.A.No.437 of 2019

N. P. Swami **....Applicant**

Versus

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

1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is seeking direction to release the retiral benefits which seems to have been not paid for want of some procedural compliance. The Applicant stands retired on 31.05.2018. Perusal of O.A. reveals that pension papers forwarded to the office of A.G. but certain discrepancies were noted and, therefore, the proposal was sent back to the office of Executive Engineer (Respondent No.3).

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5. There is no legal hurdle to release the retiral benefits to the Applicant as per his entitlement. His retiral dues were not paid for want of proper follow-up by the Executive Engineer.

6. In view of above, this O.A. is disposed of with direction to Respondent No.3 (Executive Engineer) to ensure that all the retiral benefits of the Applicant be released within one month from today as per his entitlement without fail.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

~~Date : 03.05.2019.~~

O.A.No.437 of 2019

N. P. Swami **....Applicant**

Versus

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

1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is seeking direction to release the retiral benefits which seems to have been not paid for want of some procedural compliance. The Applicant stands retired on 31.05.2018. Perusal of O.A. reveals that pension papers forwarded to the office of A.G. but certain discrepancies were noted and, therefore, the proposal was sent back to the office of Executive Engineer (Respondent No.3).

3. On last date, the matter was adjourned to direct the Respondents to take instructions from Executive Engineer to know the present status.

4. Today, the learned P.O. submitted that he talked to Executive Engineer and he was told that pension papers are again submitted with the office of A.G.. Thus, it seems that the matter is under process and retiral benefits will be released soon.

5. There is no legal hurdle to release the retiral benefits to the Applicant as per his entitlement. His retiral dues were not paid for want of proper follow-up by the Executive Engineer.

6. In view of above, this O.A. is disposed of with direction to Respondent No.3 (Executive Engineer) to ensure that all the retiral benefits of the Applicant be released within one month from today as per his entitlement without fail.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

~~Date : 03.05.2019.~~

O.A.No.437 of 2019

N. P. Swami ....Applicant

Versus

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

1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is seeking direction to release the retiral benefits which seems to have been not paid for want of some procedural compliance. The Applicant stands retired on 31.05.2018. Perusal of O.A. reveals that pension papers forwarded to the office of A.G. but certain discrepancies were noted and, therefore, the proposal was sent back to the office of Executive Engineer (Respondent No.3).

3. On last date, the matter was adjourned to direct the Respondents to take instructions from Executive Engineer to know the present status.

4. Today, the learned P.O. submitted that he talked to Executive Engineer and he was told that pension papers are again submitted with the office of A.G.. Thus, it seems that the matter is under process and retiral benefits will be released soon.

5. There is no legal hurdle to release the retiral benefits to the Applicant as per his entitlement. His retiral dues were not paid for want of proper follow-up by the Executive Engineer.

6. In view of above, this O.A. is disposed of with direction to Respondent No.3 (Executive Engineer) to ensure that all the retiral benefits of the Applicant be released within one month from today as per his entitlement without fail.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

G.C.P.) J 1726(B) (20,000—10-2013) [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
vsm	**Date : 03.05.2019.** **O.A.No.1123 of 2018** **A. B. Gavari ....Applicant** **Versus** **The State of Maharashtra & Ors. ..Respondents.** 1. Shri K.R. Jagdale, learned Advocate for the Applicant is absent (Leave Note is on record). Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Today, learned C.P.O. for the Respondents has tendered copy of letter dated 02.05.2019 stating that in view of ensuing Legislative Assembly Elections, the Applicant cannot be posted in his home district i.e. Pune. The copy of letter is taken on record. 3. As the Applicant and his Advocate both are absent, the matter is adjourned for hearing on 13.06.2019. Sd/- **(A.P. Kurhekar)** **Member(J)**

G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 03.05.2019. **O.A.No.897 of 2018** **V. V.Patil ....Applicant** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri S.B. Gaikwad holding for Shri M. I. Pathan, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. This O.A. has been filed on 09.10.2018 since then enough time has been given to the Respondents to file reply but in vain. Today, again learned P.O. for the Respondents requested for time to file reply. As in the present matter, enough time is already granted, no further time can be given. 3. Original Application to proceed without reply. The matter is adjourned for hearing at the stage of admission. 4. S.O. to 17.06.2019. Sd/- **(A.P. Kurhekar)** **Member(J)**
vsm	

Office Notes. Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 03.05.2019.

O. A. No.446 of 2019

F. M. Y. Patel **....Applicant**

Versus

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

1. Heard Shri M. B. Kadam holding for Shri R. M. Koige, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 14.06.2019.

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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 14.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 03.05.2019.

O. A. No.439 of 2019

R. R. Awale **....Applicant**

Versus

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

1. Heard Shri P. G. Kayande, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 13.06.2019.

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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 13.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes. Office Memoranda of Coram. Appearance. Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 03.05.2019. **M. A. No.580 of 2018 in O. A. No.1060 of 2017** **S. S. Charankar ....Applicant** **Versus** **The State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri Prashant Suryawanshi holding for Shri G. M. Savagave, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. In terms of order passed by this Tribunal in M.A. on 25.04.2019, amendment has been carried out in the O.A. and the Respondent No.4 has been impleaded. 3. As such, in view of the order passed on 25.04.2019, the Misc. Application is disposed of with no order as to cots. Sd/- **(A.P. Kurhekar)** **Member(J)** vsm

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

Date : 03.05.2019.

O. A. No.1060 of 2017

S. S. Charankar **....Applicant**

Versus

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

1. Heard Shri Prashant Suryawanshi holding for Shri G. M. Savagave, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 140.06.2019 to Respondent No.4 who is newly impleaded in O.A.

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 or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 14.06.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Date : 03.05.2019.

O.A.No.379 of 2019

B. K. Vane & Ors. **....Applicants**

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicants have challenged the impugned order dated 27.03.2019 as well as the order dated 11.03.2019 and also prayed for interim relief to stay the implementation of the impugned orders. The Tribunal by order dated 23.04.2019 has granted interim relief for reposting of the Applicants at their earlier post.

3. Today, the learned P.O. for the Respondents has tendered copy of the order issued by the Additional Director General of Police (Traffic), Mumbai stating that in terms of interim relief granted by this Tribunal, the Applicants have been reposted. In the said order, it is further stated that the order issued by the Respondent No.1 dated 11.03.2019 also stands cancelled.

4. In so far as the order dated 27.03.2019 is concerned, learned P.O. submitted that as the main order dated 11.03.2019 is cancelled, the orders dated 27.03.2019 and 02.04.2019 which pertain to relieving of the Applicants are also cancelled and separate order for cancellation of orders dated 27.03.2019 and 02.04.2019 is not required. Statement is accepted.

5. In view of above, the Original Application has become infructuous and disposed of accordingly.

6. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

~~Date : 03.05.2019.~~

O.A.No.437 of 2019

N. P. Swami ....Applicant

Versus

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

1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is seeking direction to release the retiral benefits which seems to have been not paid for want or some procedural compliance. The Applicant stands retired on 31.05.2018. Perusal of O.A. reveals that pension papers were forwarded to the office of A.G. but certain discrepancies were noted and, therefore, the proposal was sent back to the office of Executive Engineer (Respondent No.3).

3. On last date, the matter was adjourned to direct the Respondents to take instructions from Executive Engineer to know the present status.

4. Today, the learned P.O. submitted that he talked to Executive Engineer and he was told that pension papers are again submitted with the office of A.G.. Thus, it seems that the matter is under process and retiral benefits will be released soon.

5. There is no legal hurdle to release the retiral benefits to the Applicant as per his entitlement. His retiral dues were not paid for want of proper follow-up by the Executive Engineer.

6. In view of above, this O.A. is disposed of with direction to Respondent No.3 (Executive Engineer) to ensure that all the retiral benefits of the Applicant be released within one month from today as per his entitlement without fail.

7. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm