IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLICATION NO.903 OF 2016

DISTRICT : PUNE

Smt. Suman Balkrishna Saste.)
Age : 64 Yrs., Working as Assistant)
Professor, Residing ast B-102, Le. Mirage,)
16, Boat Club road, Pune 411 001.)...**Applicant**

Versus

1. Chief Secretary.)
State of Maharashtra, Mantralaya,)
Mumbai 400 032.)

2. The Addl. Chief Secretary,)
Medical Education & Drugs Dept,)
Mantralaya, Mumbai - 400 032.)

3. The Principal Secretary.)
General Admn. Department,)
Mantralaya, Mumbai 400 032.)

4. The Principal Secretary.)
Finance Department, Mantralaya,)
Mumbai 400 032.)

5. The Director.)
Medical Education & Research,)
Government Dental College Building,)
4th Floor, St. George Hospital Campus,)
Mumbai 400 001.)

6. Dean.)
B.J. Government Medical College,)
Jai Prakash Narayan Road,)
Near Pune Railway Station,)
Pune 400 001.)...**Respondents**

Mrs. Punam Mahajan, Advocate for Applicant.

Mr. K.B. Bhise, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 03.08.2017

JUDGMENT

1. A demand of recovery of an amount of Rs.24,58,838/- (to be hereinafter the impugned amount) has brought a retired Professor of Biochemistry by way of this Original Application (OA) before me.

2. I make it clear at the outset that, for the reasons to be presently set out, this OA is not being disposed of today finally and it will remain pending till such time as the **Writ Petition No.7997/2016 (Mrs. Suman B. Saste Vs. The State of Maharashtra and others)** gets decided by the Hon'ble High Court and till such time as this OA remains pending, the stay granted by this Tribunal

presided over by the Hon'ble Chairman vide the order dated 8.9.2016 (Para 13) shall continue.

3. I have perused the record and proceedings and heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned Presenting Officer (PO) for the Respondents. The 1st Respondent is the Chief Secretary of the State of Maharashtra, the 2nd Respondent is the State of Maharashtra in Medical Education and Drugs Department, the 3rd Respondent is the Principal Secretary of the General Administration Department (GAD), the 4th Respondent is the Government in Finance Department, the 5th Respondent is the Director, Medical Education and Research and the 6th Respondent is the Dean, B.J. Medical College, Pune.

4. The Applicant was born on 22nd September, 1952. She joined the service as a Lecturer through Divisional Selection Board (DSB). She came to be appointed by the order dated 6.6.1979 w.e.f. 17.10.1977. For a brief period from 7.8.1979 to 22.8.1979, she was discontinued but reappointed on 22.8.1979 and the Government has still not decided anything with regard to this particular period. The Applicant came to be promoted as Lecturer in Bio-chemistry on 18.9.1980 (Annexure 'A-4',

Page 23 of the Paper Book (PB)). The Applicant made several representations for regularization but to no avail. She responded to an advertisement for the post of Lecturer in Bio-chemistry issued by the Maharashtra Public Service Commission (MPSC) in B.J. Medical College, Pune. She got selected and joined there on 20.10.1993. She was put on probation for two years and that was cleared after the said period. At Annexure 'A-6' (Page 29 of the PB) is the letter of appointment through MPSC. She in fact completed her period of probation 33 days after two years presumably because she had availed of leave of 33 days during the probation. With effect from 22.11.1996, she was given permanency certificate vide the order dated 23.12.1998 (Annexure 'A-9', Page 33 of the PB).

5. In Para 6.12 of the OA, the Applicant has pleaded that, her appointment through DSB was from 11.10.1977 and through MPSC from 14.10.1993. Dr. Mrs. Subodhini Abhang, Dr. K.H. Deshpande, M.G. Kelekar and Mrs. Gita Sukumaran also came to be appointed through DSB during August/October, 1977 just like the Applicant. Except Mrs. Sukumaran, all others came to be appointed through MPSC just like the Applicant on 14.10.2013. The perusal of Page 108 of the PB would show that, in the Affidavit-in-reply, this aspect of the matter is not disputed.

6. The Applicant has pleaded in Para 6.13 that, this Tribunal in deciding OA Nos.531, 532, 533, 604, 605, 606, 607, 608, 697 and 338/2013 on 28.4.2014 referred to an earlier decision in OA 1284/2009 dated 4.3.2013 and held that, those Applicants who were similarly placed as the present Applicant were entitled to get their breaks condoned for the limited purpose of Annual Increments and Earned Leave.

7. By an order of 13.9.2012 as pleaded in Para 6.15, the Director of Medical Education and Research – the 5th Respondent herein, issued an order of recovery of Rs.1,40,040/- on the ground that, for the period from 24.9.1998 to 13.10.2001, excess payment came to be made to her. Stung thereby, the Applicant instituted **OA 876/2014 (Dr. Suman B. Saste Vs. The State of Maharashtra and one another)**. The present 2nd Respondent and the present 5th Respondent were Respondents 1 and 2 respectively therein. In that OA, the reliefs were claimed as enumerated in Para 6.15. Instead of paraphrasing, I think I had better reproduced the relief therein claimed.

> "**6.15** The Petitioner submits that, by the order dated 13/9/2012, issued by the Respondent No.5 and the order dated 3/11/2012, issued by the

Respondent No.6, a recovery order was issued to the tune of Rs.1,40,040/- (Rs. One Lakh Fourty Thousand Fourty Only) on the ground that excess payment was made to the Petitioner from 24/9/1988 to 13/10/2001. The Petitioner submits that the Petitioner had filed O.A.No.876/2014, seeking the following reliefs –

a) This Original application may kindly be allowed.

b) The order dated 13/9/2012 issued by Respondent No.2 and order dated 3/11/2012 issued by Respondent No.3 there by initiating recovery for the excess amount paid to applicant by canceling senior pay scale for the period 24/9/1988 to 13/10/2001 and which is to be tune of Rs.1,40,040/- as per information given by office, though the said amount is not mentioned in above orders may kindly be quashed and set aside to the extent of recovery as same is not implemented.

c) The order dtd. 13/9/12 issued by Respondent No.2 and order dtd.3/11/2012 issued by Respondent No.3 there by initiating recovery for the excess amount paid to applicant by canceling senior pay scale for the period 24/9/1988 to 13/10/2001 and which is to the tune of Rs.1,40,040/- as per information given

by office, though the said amount is not mentioned in above orders may kindly be quashed and set aside as same is not implemented as on today.

d) The Respondents be directed to extend the benefits of Selection Grade w.e.f. 14/10/2009 with arrears forthwith.

e) The communication dated 26/3/2014 there by denying service continuity and admissible pensionary benefits and other benefits to applicant from date of her initial joining on the post of Lecturer / Asst. Professor may kindly be quashed and set-aside.

f) Respondents be directed to pay pensionary and other admissible benefits by treating her qualifying service w.e.f. 24/9/1980.

g) Respondents be directed to pay Senior Pay scale to applicant since 24/9/1988 and Selection Grade w.e.f. 24/9/1996 considering her joining from 24/9/1980 and pay arrears there of and accordingly revised her pay fixation as same is paid to similarly situated employees since date of selection by D.S.B.

h) The pendency of this Original Application will not come in her way to retire voluntarily after expiry of three months statutory period of

notice dated 3/8/2014 (in O.A.No.876/2014 it is wrongly typed as 3/8/1914).

i) Any other relief for which applicant is entitled may kindly be granted in the interest of justice.

j) The order dated 1/10/2014 issued by Administrative Officer, B.J. Medical College, Pune may kindly be quashed and set aside.

k) The order dated 1/10/2014 issued by Administrative Officer, B.J. Medical College, Pune may kindly be stayed."

8. It will be appropriate in my view to note down the gist of that particular order deciding that particular OA on 11.3.2016 (Coram : The Hon'ble Vice-Chairman). It would appear therefrom that the Selection Grade was being claimed by the Applicant w.e.f.14.10.2009 and continuation in service from 24.9.1980. Reliance was placed on the Judgment of the Hon'ble Supreme Court in the matter of **State of Punjab and others Vs. Rafiq Masih (White Washer) dated 18th December, 2014 : Civil Appeal No.11527/2017 arising out of SLP (C) No.11684/2012.** The said order then referred to **Secretary, State of Karnataka Vs. Umadevi : (2006) 4 SCC 1** while noting down the gist of the submissions of the learned PO. The discussion actually started from Para 8. It was noted there that, the initial appointment of the

Applicant was not from MPSC but it was through DSB. A Paragraph from **Umadevi** was quoted. It appears to be the view of this Tribunal in that matter that, the initial appointment of the Applicant was not after following a proper procedure. It was held that the Applicant could not get the right to count her regular service for pensionary benefits, etc. because she was not in regular service till 14.10.1993 as discussed above, and therefore, it would be out of question to grant to her senior scale from 24.10.1988 in terms of G.R. of 26.2.1991. It was further mentioned that the Applicant was appointed on regular basis on 14.10.1993 and would be eligible to get senior scale only w.e.f. 14.10.2001. It was held that, there was an over-payment to the extent of an amount mentioned above. In Para 11, it was noted that the Selection Grade was granted by-mistake to her w.e.f. 14.10.2009. Mrs. Punam Mahajan, the learned Advocate for the Applicant pointed out to me that, there was no discussion with regard to the pre-2009 period, but it was held that the Applicant did not hold Ph.D. in relevant subject and she was also not holding a medical degree and hence, in the ultimate analysis, it was held against the Applicant and her OA came to be dismissed. With the result, the demand of that particular amount stood.

9. It is a clearly established position on record that, relying on the order of the Hon'ble Vice-Chairman and for no other reason in OA 876/2014, the demand of the impugned recovery to the tune of Rs.24,58,838/- has been made. The Applicant challenged the order of the Hon'ble Vice-Chairman in the said OA 876/2014 and also the subsequent demand of more than Rs.24 Lakhs made by the Respondents. The Hon'ble High Court was pleased to make an order dated 11th August, 2016, a copy of which is at Annexure 'A-17' (Page 97 of the PB). It is mentioned in the said order by the Hon'ble High Court as to how in respect of the earlier demand of Rs.1,40,040/-, the Applicant filed OA 876/2014 and then a fresh demand was made by a letter dated 4th June, 2016 without issuing any show cause notice or giving any opportunity of being heard. It was observed in Para 3 that, *Prima-facie* it did appear that, there was no show cause notice issued to the Applicant. Their Lordships held that, in so far as the then fresh demand was concerned, this Tribunal be moved and an interim relief was granted and, "so far as the challenge to the impugned order passed by the Tribunal is concerned, the Respondents to file their reply within four weeks". Notice Before Admission was issued. The service was waived.

10. It is quite clear from the above discussion that the Writ Petition against the order of this Tribunal on OA 876/2014 is still pending before the Hon'ble High Court. The Respondents have made the said order as the basis for their demand for the higher amount which is the subject matter of the challenge herein.

11. As far as the order of this Tribunal in OA 876/2014 is concerned, as far as this Tribunal is concerned, it has become final. Therefore, it is unscrutable as far as I am concerned, although it does appear that, apart from **Umadevi's** case, a subsequent Judgment of the Hon'ble Supreme Court in **State of Karnataka and others Vs. M.L. Kesari) (2010) 9 SCC Page 247**) was not cited before the Hon'ble Vice-Chairman. But as I mentioned just now, that particular order is now the subject matter of judicial scrutiny before the Hon'ble High Court. Now, if there is no other source for the Respondents to lay a claim for the larger amount except for the earlier Judgment of the Hon'ble Vice-Chairman in OA 876/2014, the Writ Petition whereagainst is pending, in my opinion, it will not be proper to decide this particular OA at this stage and till such time, as that Writ Petition was decided. It is equally clear, however, that there are substantive and substantial issues involved, and therefore,

the stay granted by the Hon'ble Chairman should continue in favour of the Applicant till such time as this OA is heard and finally decided after the Judgment of the Hon'ble High Court in the pending Writ Petition.

12. In view of the foregoing, this Original Application is adjourned *sine-die* and the stay granted by the Hon'ble Chairman of this Tribunal on 08.09.2016 to continue till the hearing and final disposal of this Original Application. Liberty is reserved for both the sides to move this Tribunal with a reasonable notice to the other side, if need be, after the decision of the said Writ Petition which is now pending.

Sd/-

(R.B. Malik) 03.08.17
Member-J
03.08.2017

Mumbai
Date : 03.08.2017
Dictation taken by :
S.K. Wamanse.
D:\SANJAY WAMANSE\JUDGMENTS\2017\8 August, 2017\O.A.903.16.w.8.2017.Recovery.doc

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 3/8/17

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : Archana B.K. P.O.

~~Advocate for the Applicant~~

~~Shri /Smt.~~ : A.V. Bandiwadekar

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

Reply filed by Respondent in M.A.

~~Adj. To~~

O.A. is admitted.

S.O. to 21/8/17

FH

M.A. No.128 of 2017
in
O.A. No.169 of 2016

The State of Mah. & ors. **... Applicants (Or. Respondents)**

V/s.

Shri B.S. Nikam **... Respondent (Ori. Applicant)**

Heard Smt. Archana B.K., the learned P.O. for the Applicants (Ori. Respondents) and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent (Ori. Applicant).

Affidavit-in-Reply to the Misc. Application is taken on record. M.A. is tagged along with the OA.

The Original Application is admitted and appointed for final hearing on 21.08.2017.

Sd/-
(R.B. Malik)
Member (J)
03.08.2017

(vsm)

(G.C.P.) J 2260(B) (50,000---2-2015) [Spl.- MA T-J -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: 3/8/17

CORAM:

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

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

APPEARANCE:

Shri/Smt.: R.M. Kolge

Advocate for the Applicant

~~Shri/Smt.:~~ Ms. S. Suryawanshi

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

Adj. To 28/9/17

PH

O.A. No.878 of 2016

Shri P.M. Bhokare ... Applicant

V/s.

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

Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms S.S. Suryawanshi, the learned P.O. for the Respondents.

The learned P.O. is being instructed by Shri Vilas Patil, Deputy Executive Engineer, Pune Irrigation Division, Pune.

I have perused the record and proceedings and with the assistance of both the sides, I direct the Applicant to comply with whatever is to be done by him as would become clear from the record within a period of eight weeks from today. The matter be placed before the bench thereafter with further direction depending upon the state of compliance.

Original Application stands adjourned to 28.09.2017.

Sd/-

3.8.17

(R.B. Malik)
Member (J)
03.08.2017

(vsm)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 3/8/17

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ A.V. Bandiwadekar

Advocate for the Applicant

~~Shri/Smt.~~ : Archana B.K.

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

O.A. is admitted.

~~Adj. To~~

S.O. to 4/9/17. FH

O.A. No.547 of 2017

Shri C.K. Yerunkar ... Applicant

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.

The request for further time to file Affidavit-in-Reply is turned down because the last chance was already given.

The Original Application is admitted and appointed for final hearing on 04.09.2017, making it clear that however, on that day, if the Reply is filed, it will be taken on record but no adjournment will be given for that purpose.

S.O. to 04.09.2017.

Sd/-

(R.B. Malik) 03.08.17
Member (J)
03.08.2017

(vsm)

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

O.A. No.608 of 2017

Shri Pradip R. Ghorpade ... Applicant

V/s.

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

Heard Shri T. Mhatugade, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Smt. Archana B.K., the learned P.O. for the Respondents.

There is nobody to instruct the learned P.O. The Applicant retired on 30.06.2014 and this is a pension related matter. The learned P.O. seeks at least two weeks time to take instruction in the matter.

I make it clear that regard being had to nature of the OA. By the next date, the Respondents must be able to come clean on whatever heads of the post retiral benefits had been cleared and whatever is remaining, the reasons for the same. The Government by the ~~Rule~~ G.R. dated 29.04.2016 has screwed up the machinery and that must be reflected in actual practice.

Issue notice returnable on 18.08.2017.

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

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

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

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 18.08.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 3.8.17

Member (J)

03.08.2017

DATE: 3/8/17

CORAM:

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

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

APPEARANCE:

~~Shri/Smt.~~ T. Mhatugade

Advocate for the Applicant

~~Shri/Smt.~~ K.B. Bhise

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

holding for Archana B.K.

~~Adj. To~~

S.O. to 18/8/17

L.C.

Shri. Dhananjay Bhausaheb Patil, Dist. Special Auditor, class-I, co. op. Soc. Kolhapur is present.

VSM

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(G.C.P.) J 2260(B) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

O.A. No.495 of 2017

Smt. A.M. Malge ... Applicant

V/s.

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

Heard Ms S.P. Manchekar, the learned Advocate for the Applicant and Ms S.S. Suryawanshi holding for Smt. Archana B.K., the learned P.O. for the Respondents.

The Respondents say that they are going to file Affidavit-in-Reply during the course of the day. On this statement, the Original Application stands adjourned for Rejoinder on 08.08.2017.

S.O. to 08.08.2017.

Sd/-

(R.B. Malik) 03.08.17
Member (J)
03.08.2017

DATE: 3/8/17

CORAM:

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

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

APPEARANCE:

~~Shri/Smt.~~ Ms. S.P. Manchekar

Advocate for the Applicant

~~Shri/Smt.~~ Ms. S. Suryawanshi

~~C.P.O./P.O.~~ for the Respondents holding for Archana B.K.

~~Adj. To~~

S.O. to 8/8/17

Reply filed by Respondent.

(vsm)

2

(G.C.P.) J 2260(B) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 3/8/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. : A.R. Joshi

Advocate for the Applicant

Shri/Smt. : Archana B.K.

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

~~Adj. To~~ S.O. to 11/8/17.

O.A. is admitted.

expedited.

FH

O.A. No.468 of 2017

Smt. S.V. Bhagat ... Applicant

V/s.

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

Heard Shri A.R. Joshi, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.

The learned P.O. is being instructed by Shri Sanjay N. Gaurdkar, Asst. Desk Officer, Home Dept. Mantralaya, Mumbai.

Regard being had to the nature of the claim. I grant the request of the learned Advocate to expedite the hearing of this OA. It is admitted and as an expedited OA, it is adjourned to 11.08.2017.

However, it is made clear that on the next date when the matter is called out for hearing, if the Reply of Respondent Nos. 1, 2 and 4 are tendered, it will be taken on record but no adjournment shall be given for that purpose.

S.O. to 11.08.2017.

Sd/-

(R.B. Malik) 3.8.17

Member (J)

03.08.2017

(vsm)

2

(G.C.P.) J 2260 (A) (50,000—2-2015) (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.218/2017

Mr. U.V. Deshmukh ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

As the matter is in the process of being heard, it appears that, the present incumbent to the post of Circlr Officer, Kalyan, District Thane which is the post that the Applicant is longing for, will have to be made a party hereto. Regard being had to the nature of the proposed amendment, written MA is dispensed with. The said incumbent is to be impleaded as party Respondent No.3. The suitable amendment to be effected within a period of one week from today. A consolidated copy of the OA after amendment be filed and the copy be furnished to the learned PO to file Additional Affidavit-in-reply, if any. Consequential amendmend and explanatory amendment is also allowed.

S.O. to 16th August, 2017.

Sd/-
(R.B. Malik) 03.08.17
Member (J)
03.08.2017

(skw)

DATE : 3/8/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ : A.V. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ : Ms. S. Suryawanshi
~~C.P.O./P.O.~~ for the Respondents

~~Adj. To~~ S.O. to 16/8/17.

PH

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

O.A. No.719 of 2017

Shri D.R. Rupwate ... Applicant

V/s.

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

Heard Shri M.B. Kadam holding for Shri S.S. Dere, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned P.O. for the Respondents.

Issue notice returnable on 31.08.2017.

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

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

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

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 31.08.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 3.8.17

Member (J)

03.08.2017

(vsm)

DATE: 3/8/17

CORAM:

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

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

APPEARANCE:

~~Shri/Smt.~~ Mr. B. Kadam holding for Mr. S.S. Dere

~~Advocate for the Applicant~~

~~Shri/Smt.~~ Ms. N.G. Gohad

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

~~Adj. To~~ S.O. to 31/8/17.

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

O.A. No.710 of 2017

Smt. R.N. Deshpande ... **Applicant**

V/s.

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

Heard Shri U.V. Bhosle, the learned Advocate for the Applicant, Shri Irfan Shaikhm the learned Advocate for the Respondent No.1 and Shri K.B. Bhise, the learned P.O. for the Respondent Nos.2 & 3.

Right to request for interim relief is reserved for the Applicant but no interim relief as of today.

Issue notice returnable on 18.08.2017.

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

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

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

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 18.08.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)
Member (J)
03.08.2017

(vsm)

DATE : 3/8/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ : U.V. Bhosale
Advocate for the Applicant
Shri/Smt. : K.B. Bhise
~~C.P.O / P.O.~~ for the Respondents No. 2&3.
Irfan Shaikh for R.No.1.
~~Adj. To~~
S.O. to 18/8/17.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 3/8/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
~~Shri/Smt.~~ M.B. Kadam
Advocate for the Applicant
~~Shri /Smt.~~ Ms. N.G. Gohad
~~C.P.O / P.O.~~ for the Respondents
Reply filed by R.No.2
~~Adj. To~~
O.A. is admitted.
S.O. to 1/9/17.

O.A. No.574 of 2017

Shri N.M. Gosarade ... Applicant

V/s.

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

Heard Shri M.B. Kadam, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned P.O. for the Respondents.

Affidavit-in-Reply is taken on record. The learned Advocate informs that the Applicant does not want to file Rejoinder.

Original Application is admitted and appointed for final hearing on 01.09.2017.

Sd/-
(R.B. Malik)
Member (J)
03.08.2017

(vsm)

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 3/8/17

CORAM:

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

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

APPEARANCE:

~~Shri/Smt.~~ A. Khupade holding for M. Harit

Advocate for the Applicant

~~Shri/Smt.~~ N. G. Gohad

~~C.P.O./P.O.~~ for the Respondents holding for K. S. Gaikwad.

~~Adj. to~~ Rejoinder filed by Applicant. O.A. is admitted. S.O. to 31/8/17.

O.A. No.04 of 2017

Smt. M.D. Kasve ... Applicant

V/s.

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

Heard Shri A. Khupade holding for Shri M. Harit, the learned Advocate for the Applicant and Ms N.G. Gohad holding for Smt. Kranti Gaikwad, the learned P.O. for the Respondents.

The Affidavit-in-Rejoinder is taken on record. Original Application is admitted and appointed for final hearing on 31.08.2017.

Affidavit-in-Sur-Rejoinder, if any, must be filed on that day and not thereafter.

S.O. to 31.08.2017.

Sd/-

(R.B. Malik)
Member (J)
03.08.2017

3-8-17

(vsm)

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 3/8/17

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : K.R. Jagdale

Advocate for the Applicant

~~Shri/Smt.~~ : Ms. N.G. Gohad

~~C.P.O.~~ P.O. for the Respondents holding for N.K. Rajpurohit for R. No. 1 & 2.

~~Adj. To~~

Prabhakar Ranshur holding for A.S. Gaikwad for R. No. 3.

O.A. is admitted.

S.O. to 31/8/17.

FH

O.A. No.142 of 2017

Shri S.M. Pawar ... Applicant

V/s.

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

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant, Ms N.G. Gohad, the learned P.O. holding for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents 1 & 2 and Shri Prabhakar Ranshur holding for Shri A.S. Gaikwad, the Advocate for Respondent No.3.

Pleadings are complete . The Original Application is admitted and appointed for final hearing on 31.08.2017.

Sd/-

(R.B. Malik) 3.8.17
Member (J)
03.08.2017

(vsm)

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 3/8/17

CORAM:

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

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

APPEARANCE:

~~Shri/Smt.~~ : M.D. Lonkar

~~Advocate for the Applicant~~

~~Shri/Smt.~~ : K.B. Bhise

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

Reply filed by R.Nos. 2.

~~Adj. To~~:

O.A. is admitted
S.O. to 4/9/17.

FH

O.A. No.422 of 2017

Shri A.D. Sawant ... Applicant

V/s.

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

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. for the Respondents.

Affidavit-in-Reply is taken on record. The learned Advocate informs that the Applicant does not want to file Rejoinder.

Original Application is admitted and appointed for final hearing on 04.09.2017.

Sd/-
(R.B. Malik) 3.8.17
Member (J)
03.08.2017

(vsm)