(C.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

03.10.2016

O.A No 819/2016

Shri B.M Nile ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Original Application was heard on 11.8.2016. Almost two months have lapsed no affidavit in reply is filed in such a simple matter. At the request of learned P.O, three weeks' time is granted to file affidavit in reply.

If, no reply is filed on the next date, the request for interim relief will be considered.

S.O to 24.10.2016. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 3/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Smt. R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ A.V. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ Ms. N. G. Gohad
~~C.P.O~~/P.O. for the Respondents
~~Adj. To:~~ S.O. to 24/10/16.
Hamdast

[P.T.O.

(Spl.- MAT-F-2 E.

(C.C.P.) J. 2260 (A) (50,000—2-2015)

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

03.10.2016

O.A No 796/2016

Dr S.G Badhe ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

Heard Shri S.S Dere, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

In this Original Application the Applicant is challenging adverse entries given to her by an officer who wrote her ACR three months after retirement in violation of provisions in G.R dated 1.11.2011. Learned Advocate Shri Dere stated that the said G.R was never communicated to the Applicant and it was directly sent to the parent department which is Enforcement Directorate in Government of India. This again is deliberately done to prejudice the case of the Applicant for promotion. He, therefore, prayed that the matter may be heard at an early date.

Learned P.O sought three weeks' time to file affidavit in reply. However, it is made clear that considering the nature of the O.A, no further time will be granted and if no reply is filed on the next date, the matter in any case will be heard finally.

S.O to 24.10.2016. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn.

DATE : 3/10/16

CORAM :

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

~~Hon'ble Shri P. [illegible] (Member)~~

APPEARANCE :

Shri/~~Smt~~ S. S. Dere

Advocate for the Applicant

Shri/Smt. Ms. Savita Suryavanshi

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

~~Adv. To~~ S.O. to 24/10/16.

Hamdast.

[P.T.O.

(C.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

03.10.2016

O.A No 705/2016

Shri M.B Sonawane ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

By order dated 1.9.2016, this Tribunal has directed in para 4 that the specific steps which were required to be taken by the Respondents. It was expected that a decision whether to confirm the Applicant on completion of her probation period will be decided during this period. It appears that no such decision has been taken. If no decision was taken, the Respondents were required to file affidavit in reply before the next date. However, no affidavit is forthcoming.

On instructions from Kumar Katyarmal, Asst. Desk Officer, Medical Education & Drugs Dept, learned P.O states that Government will take decision in this matter within a period of two weeks. Very reluctantly, as a last chance this period is granted. If the order confirming that the Applicant has successfully completed her probation period is not passed before the next date, affidavit in reply should be filed on the next date.

This order should not be construed as any direction to ~~any~~ take decision in any particular manner.

S.O to 18.10.2016. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 3/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/~~Smt.~~ A.V. Bandiwadekar
Advocate for the Applicant
Shri/~~Smt.~~ K.B. Bhise
~~C.G.~~ P.O. for the Respondents
~~Adv. to~~ S.O. to 18/10/16.
Hamdast.

Akn

[P.T.O.

(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

03.10.2016

O.A No 885/2016

Shri D.B Patil ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 18.102016.

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 Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 18.10.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 3/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : N.K. Rajpurohit
C.P.O ~~P.O.~~ for the Respondents

~~Adj To~~ S.O. to 18/10/16

Akn

[P.T.O.

(C.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

03.10.2016

O.A No763/2016

Shri A.L Nikam ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

Learned Advocate Shri Bandiwadekar states that he has already filed affidavit in rejoinder to which no affidavit in sur-rejoinder is filed till date.

If the Respondents want to file any sur-rejoinder, the same should be filed before the next date.

O.A is admitted. Place for final hearing on 13.10.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 3/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/~~Smt.~~ : A.V. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ : Archana B.K.
~~C.P.O./~~P.O. for the Respondents
~~Adj. To~~ O.A. is admitted
S.O. to 13/10/16.

[P.T.O.

(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

03.10.2016

O.A No 923/2015

Shri S.V Pol ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

This application for speaking to the minutes was filed by the learned advocate for the Applicant.

Learned Advocate Shri Lonkar states that he does not want to press for speaking to the minutes.

Application stands disposed of as not pressed.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 3/10/16

CORAM :

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

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

APPEARANCE :

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

Advocate for the Applicant

~~Shri/Smt.~~ : K.S. Gaikwad

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

~~Adj To~~ : Application is disposed of.

(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

03.10.2016

O.A No 966/2016

Shri S.V Pol ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 7.11.2016.

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 Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 7.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 3/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. N.K. Rajpurohit
C.P.O./P.O. for the Respondents
~~Adj to~~ S.O. to 7/11/16.

Akn

[P.T.O.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.469 OF 2015
TO
ORIGINAL APPLICATION NO.471 OF 2015
(Subject : Transfer)

DISTRICT : PUNE

1) P.K. Khandale (O.A.No.469/2015)
2) A.R. Ghume (O.A.No.470/2015)
3) S.D. Mane (O.A.No.471/2015) .... Applicants.

Versus

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

Shri R.M. Kolge, the learned Advocate for the Applicants.

Smt. Archana B.K., the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 03.10.2016.

O R D E R

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

2. Learned P.O. Smt. Archana B.K. for the Respondents has tendered affidavit-in-reply in all the three Original Applications. Those are taken on record.

3. Heard for sometime.

4. During hearing it has transpired that these cases proceed in following background and foundation :-

Applicants' claim is that :-

(a) They belong to 'C' group employee.
(b) The tenure of Group-C employee is of three years.
(c) Employees in Group-C category are entitled to retention at location / office for two tenures.
(d) Applicants have not completed two tenures. Since applicants transfer were ordered before completion of two tenures. Mandatory requirement for transfer as prescribed in Section 3 of R.O.T. Act, 2005 have to be followed, however, those are not complied with.

(e) Various provisions such as Sections 22(J)-3, 22(J)-4 and 22 (N)(e) have not been followed.

4. The foundation on which present O.A. is opposed as seen in the affidavit-in-reply of the Respondents, it is seen that Respondents are proceeding on the following foundation :-

> Section 22(N) of the Bombay Police Act, 1951 prescribes tenure of police personnel but does not lay down / fixed tenure for other employees than police personnel. Therefore, impugned transfers are legal and proper.

5. On the contrary applicants' averment seen in paragraph 6.9 of O.A.No.469 /2015 is that applicant would be governed by the R.O.T. Act, 2005. Relevant averment is quoted below for ready reference :-

> *"Therefore, under the aforesaid facts and circumstances of the case, if no fix tenure is mentioned in the ordinance dt. 16th Feb. 2015, under the Bombay Police Act, 1951 then in that circumstances of the case, the transfer Act, is made applicable in the facts of this case and the applicant is eligible for transfer under the Transfer Act 2005, as stated out at A and B of the original application by the applicant herein the case.*
>
> *(Quoted from page 7, sub-para of point 6.9 of paper book of O.A.469/2015)*

6. Averments referred to and quoted in foregoing paragraph is common and concurrent to all three cases.

7. The affidavits filed today, does not contain reply to averment contained in paragraph No.6.9, quoted in foregoing paragraph No.5. Learned P.O. states that two weeks time may be granted to file short affidavit limited to the extent of unanswered portion.

8. Time as prayed for is granted.

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

10. S.O. to 19.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

(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 M.A.270/16 in C.A.42/15 in O.A.339/2012
DATE: 3/10/16 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A APPEARANCE: Shri/Smt. : K.S. Gaikwad ld.P.O. for the Appl. org. Resp. Advocate for the Applicant Shri (Smt. : S.C. Bhosale - Resp-org C.P.O / P.O. for the Respondent/s Appl. in Person. Adj. To MA is allowed to be withdrawn & disposed of. AHJ	Commissioner of Police, Navi Mumbai ..Applicant Vs. Shri S.C. Bhosale ..Respondent Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicant-original Respondent and Shri S.C. Bhosale-Respondent-original applicant in person. 2. Ld. PO states as follows: (a) That written instructions are received from the department requesting to withdraw this MA since the action as required, for which express leave of this Tribunal was not required, is already completed. (b) This MA has become infructuous and requires to be withdrawn. 3. MA is allowed to be withdrawn and disposed off as such. (A.H. Joshi, J.) Chairman 3.10.2016 (sgj)
DATE: 3/10/16 Sh. S.C. Bhosale - Resp-org. Appl. in Person. C.P.O. Adj. To.....	

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.569/15 in C.A.142/14 in O.A.27/2003
	Ms. U.P. Paradkar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents None for the Applicants. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. PO wants time to trace the brief. 3. S.O. to 5.10.2016. Sd/- (A.H. Joshi, J.) Chairman 3.10.2016 (sgj)

DATE : 3/10/16

CORAM :

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

Hon'ble Shri M. Ramakrishnan (Member) A

ORDER :

Shri ..... None for the appl.

Adv. for the Applicant

Shri ..... K.S. Gaikwad

C.P.O. for the Respondent/s

Adj. To..... 5/10/16.

[P.T.O.

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

Date : 03.10.2016

M.A.No.2 of 2016 in O.A.No.956 of 2014 with O.A.No.957 of 2014 and O.A.No.958 of 2014

The State of Maharashtra & Ors.
.... Applis. (Org. Respdts.)

Versus

S.T. Tiwari & Ors.
....Respdts. (Org. Applis.)

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants (Org. Respondents) and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents (Org. Applicants).

2. Heard for sometime.

3. Affidavit of the Applicants is made by Shri Dharampal M. Barmase, Deputy Director, Greater Mumbai Milk Scheme, Worli.

4. This affidavit contains positive statement that the posts held by Shri T.V. Lotiya and Shri T.M. Shah does not require any reporting in marathi etc..

5. This statement is to be made on the basis of documents. It would be necessary to put certain questions to this Officer, Shri D.M. Barmase.

6. Therefore, Shri D.M. Barmase, Deputy Director is directed to remain present on the next date.

7. Learned P.O. is directed to communicate this order and secure his present.

8. Steno copy and Hamdast is allowed to learned P.O..

9. S.O. to 05.10.2016.

(A.H. Joshi, J.)
Chairman

prk

DATE : 3/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble V. Ramasubramanian (Member) A~~
C.A.V. :
Shri B.A. Bandiwadekar
for the Applicant (Org. Appl.)
Shri K.S. Gaikwad
C.P.O. for the Respondent/s

Adj. To 5/10/16.

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

C.A. No.85 of 2013 in O.A. No.788 of 2012

Shri R.T. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

None for the Applicant. Heard Shri D.B. Khaire, learned Special Counsel for the Respondents.

2. Shri D.B. Khaire, learned Special Counsel for the respondents states that steps are being taken to file an application for recalling / modification of order passed by this Tribunal on 22.11.2012 by assigning proper reasons.

3. Shri Khaire, Ld. Special Counsel has tendered for perusal of this Tribunal a draft of the application.

4. Perusal thereof reveals that lot of exercise and professional assistance for its finalisation is required.

5. Shri Khaire, Ld. Special Counsel states that hearing be adjourned for enabling to move an application as indicated and secure its circulation on the same date.

6. S.O. to 5.10.2016.

(A.H. Joshi, J)
Chairman
3.10.2016

(sgj)

DATE: 3/10/16

CORAM:

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

Hon'ble ~~Shri M. Ramakrishnan (Member) A~~

Adv. for the Applicant

Shri D.B. Khaire spl. counsel for the Respondent/s

Adj. To 5/10/16

(G.C.P.) J 2260 (A) (50,000---2-2015)

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 Corum, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

O.A.172/2016

Shri D.S. Katke ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri Shrikant Patil holding for Shri M.B. Kolpe, the learned Advocate for the Applicant, Shri A.J. Chougule, the learned Presenting Officer for Respondent Nos.1 to 4, Mrs. D. Kamat-Bhobe, the learned Advocate for Respondent No.5. None for Respondent No.6. Shri B.A. Bandiwadekar, the learned Advocate for Respondent No.7.

Mrs. Kamat, the learned Advocate for the Respondent No.5 makes a statement that the Affidavit-in-reply filed at the stage of the MA be treated as the one for the OA. Her request is granted. Finally adjourned for Affidavit-in-reply of other Respondents to 17th October, 2016.

S.O. to 17th October, 2016.

Sd/- 3-10-16
(R.B. Malik)
Member (J)
03.10.2016

(skw)

DATE: 3/10/16
CORAM: Hon'ble Shri R.B.Malik (M/J)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~
APPEARANCE:
~~Shri/Smt.~~ Shrikant Patil holding for M.B. Kolpe
Advocate for the Applicant
Shri/Smt.: A.J. Chougule
C.P.O / P.O. for the Respondent/s 1 to 4.
Mrs. D. Kamat-Bhobe, adv. for R.5
~~Adv. for~~ None for R.6.
Adv. B.A. Bandiwadekar for R.7.
Adj to 17/10/16

(G.C.P.) J 2260 (A) (50,000—2-2015)

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: 3/10/16

CORAM: Hon. Shri R.B. Malik (M(J))

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

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

APPEARANCE:

Shri/Smt. : B.A. Bandiwadekar

Advocate for the Applicant

Shri /Smt. : A.J. Chougule

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

Adj. To 7/11/16.

O.A.963/2016

Shri B.J. Chougule ... Applicant

Vs.

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

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

Issue notice returnable on 07.11.2016.

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

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

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

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

S.O. to 7th November, 2016.

-16

Sd/-

(R.B. Malik)
Member (J)
03.10.2016

(skw)

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.535/2016

Shri R.C. Barhe ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

This OA can be disposed of by consent at this stage itself.

The OA was made for an order of revocation of suspension of the Applicant. A communication from the Deputy Director, Health Services, Nashik Division to the Chief Presenting Officer is taken on record. The order of suspension has been revoked and the Applicant has been reinstated. That being the state of affairs, the OA having worked itself out is disposed of only in view of the communication above referred to, with no order as to costs.

Sd/-

(R.B. Malik)
Member (J)
03.10.2016

(skw)

DATE: 3/10/16
CORAM: Hon. Shri R.B. Malik (M/J)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~
APPEARANCE:
Shri/Smt.: C.T. Chandratre
Advocate for the Applicant
Shri/Smt.: A.J. Chougule
C.P.O / P.O. for the Respondent/s
Adj. To.... OA is disposed of.

03.10.16

(G.C.P.) J 2260 (A) (50,000—2-2015)

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

O.A.175/2016

Shri A.R. Parab ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Heard. The OA is admitted. It be placed before the Bench for hearing on 27th October, 2016. It is made clear that if Sur-rejoinder is filed on that day, it will be taken on record but no adjournment will be given for the same.

S.O. to 27th October, 2016.

Sd/- 03.10.16
(R.B. Malik)
Member (J)
03.10.2016

(skw)

DATE: 3/10/16
CORAM: Hon Shri R.B. Malik (M/J)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramesh kumar (Member) A~~
APPEARANCE:
~~Shri~~/Smt.: M.D. Lonkar
Advocate for the Applicant
~~Shri~~ /Smt.: K.S. Gaikwad
C.P.O / P.O. for the Respondent/s
Admit.
Adj. To 27/10/16.

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.880/2015**

Shri S.N. Gosavi ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Mrs. Kololgi, the learned P.O. is being instructed by Shri S.A. Mahale, Sr. Administrative Officer.

I am a little disappointed to note that despite my order of 21st September, 2016, the matter relating to prayer Clause (c) still has not been decided although this is a matter relating to a physically handicapped Police Personnel who is covered by the provisions of Disabilities Act. The OA is admitted and is peremptorily placed for hearing on 10th October, 2016.

S.O. to 10th October, 2016.

Sd/-

(R.B. Malik)
Member (J)
03.10.2016

03.10.16

(skw)

DATE: 3/10/16
CORAM: Hon. Shri R.B. Malik (Member)
~~Shri A.H. Joshi (Chairman)~~
~~Shri ..... (Member)~~
B.A. Bandiwadekar
Applicant
A.B. Kolgi
the Respondent/s
Adj. To 10/10/16

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.188/2016

Shri M.J. Garad ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

This OA is made by a Medical Officer seeking the benefit of Assured Career Progression Scheme (ACP). It is case of the Applicant that this OA is fully covered by the decision of this Tribunal in **OA 1180/2012 (Dr. Nawalsingh K. Chavan Vs. State of Maharashtra and 3 others, dated 13.9.2013)** rendered by the Hon'ble Vice-Chairman. A copy of which is at Exh. 'A-5' (Page 17 of the Paper Book).

I have perused the record and proceedings and heard Mr. P.S. Wadgaonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

A careful perusal of the averments in this OA and that in **Dr. Nawalsingh Chavan** (supra) would make it clear that on parity of reasoning and similarly placed person, this OA must be decided in line with the OA 1180/2012 above referred to. This OA, is therefore, allowed. The Applicant is held eligible for the benefit of ACP Scheme from the date of completion of 12 years of service, if he is otherwise eligible in line with the order in **Dr. Nawalsingh Chavan** (supra). The Respondents are directed to place the case of the Applicant before the DPC, if need be by calling a Special DPC and take an appropriate decision within three months from today. No order as to costs.

Sd/-
(R.B. Malik)
Member (J)
03.10.2016

(skw)

DATE: 3/10/16
CORAM: Hon. Shri R.B. Malik
~~Hon. Shri A. H. Joshi (Chairman)~~
~~Hon. Shri Rameshkumar (Member) A~~
Shri P.S. Wadgaonkar
Advocate for the Applicant
Shri A.J. Chougule
C.P.O. / P.O. for the Respondent/s
Adv. To.... OA is allowed.

(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

DATE: 3/10/16

CORAM: Hon. Shri B.B. Kolgi

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

~~Hon'ble Shri M. Ramakrishnan (Member) A~~

APPEARANCE:

Shri/Smt. : None for the appl.

Advocate for the Applicant

Shri /Smt. : A.J. Chougule

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

Adj. To 11/11/16.

O.A.571/2014

Dr. S.D. Dhivare ... Applicant

Vs.

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

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

Issue notice returnable on 11.11.2016.

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

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

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

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

S.O. to 11th November, 2016.

Sd/- 5.10.16

(R.B. Malik)
Member (J)
03.10.2016

(skw)

[P.T.O.

(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

DATE : 3/10/16

CORAM : Hon. Shri R.B. Malik (M(J))

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

~~Hon'ble Shri M. Ramakumar (Member) A~~

APPEARANCE :

Shri/Smt. ..... None for the applicant.

Advocate for the Applicant

Shri/Smt. ..... N.K. Rajpurohit

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

Appl. be intimated the next date.

Adj. To..... 11/11/16

13/10

O.A.805/2013

Shri S.K. Nannaware ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

The Applicant has been remaining absent over a period of time and the OA is, therefore, set down for hearing failing which for dismissal and the Applicant be intimated the next date because the matter was initially filed at Aurangabad.

S.O. to 11th November, 2016.

Sd/- 3-10-16

(R.B. Malik)
Member (J)
03.10.2016

(skw)

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.137/2016

Dr. Sunanda G. Rodge ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 11.11.2016.

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

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

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

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

S.O. to 11th November, 2016.

Sd/-

(R.B. Malik)
Member (J)
03.10.2016

(skw)

M.A. 3/10/16
Hon. Shri R.B. Malik (Mem) (J)
A
Time for the appl.
Applicant
K.B. Bhise
Respondents
Adj to 11/11/16.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.154/2016

Shri F.M.Y. Patel ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

The Affidavits-in-reply of Respondents 1 & 2 have been filed. Last chance is granted for Affidavit-in-reply of Respondent No.3 – State of Maharashtra. It is made clear that if the Affidavit-in-reply is not filed, the Tribunal shall proceed on the basis that the Respondent No.3 accepts the averments in the ~~Affidavit in reply~~ OA and appropriate step will then be taken.

S.O. to 18th October, 2016.

Sd/- 3.10.16
(R.B. Malik)
Member (J)
03.10.2016

(skw)

DATE: 3/10/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh kumar (Member) A
Hon. Shri R.B. Malik (Mj)
APPEARANCE:
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : A.B. Kololgi
C.P.O / P.O. for the Respondent/s

Adj. To 18/10/16.

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.934/2016

Shri B.M. Doke & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Issue notice returnable on 19.10.2016.

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

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

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

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

S.O. to 19th October, 2016.

Sd/-
(R.B. Malik)
Member (J)
03.10.2016

(skw)

DATE: 3/10/16
CORAM: Hon. Shri R.B. Malik (MJ)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramachakumar (Member) A~~
APPEARANCE:
Shri/Smt.: B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt.: A.B. Kololgi
C.P.O / P.O. for the Respondents
Adj. To: 19/10/16

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.685/2016**
DATE: 3/10/16 CORAM: Hon.Shri R.B.Malik(Mlj) ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ ~~Hon'ble Shri M. Ramesh kumar (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 Adj. To.....24/10/16.	**Smt. H.B. Gawhane ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. The learned P.O. requests for further time to file the Affidavit-in-reply ~~was~~ rejected because the last chance was already granted. It is, however, made clear that ~~when~~ on the next date ~~it~~ appears for hearing before the appropriate Bench, if Affidavit-in-reply is tendered, it will be taken on record but no adjournment will be given for the same. In ~~these~~ this set of circumstances, the OA is admitted and be placed before the appropriate Bench on 24th October, 2016. S.O. to 24th October, 2016. Sd/- 3.10.16 (R.B. Malik) Member (J) 03.10.2016 (skw)

(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 Corum, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

DATE : 3/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakumar (Member) A

APPEARANCE :
Shri C.T. Chandratre
Advocate for the Applicant
Shri/Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To OA is disposed of.

O.A.690/2016

Shri J.V. Bhadane ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

This OA, in view of my order dated 22nd August, 2016 can be disposed of finally.

I have heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents who is being instructed by Shri B.S. Shinde, Desk Officer, P.W.D, Mantralaya, Mumbai .

It is made clear at the outset that even as this OA is being disposed of, liberty is reserved for the Applicant to bring in another OA on the same cause of action, if need be, in so far as it relates to Prayer Clause (a) of the present OA.

Prayer Clause (b) relates to the decision on Applicant's representations dated 4.4.2015 and 11.4.2015 within one month. By my order of 22nd August, 2016, I in fact granted time till today to take a decision on those two representations although one of them was more than one year old. The learned P.O. submits that some more time is necessary to complete the task and cites the excuse of old record, etc. The excuses are bound to be there ~~at~~ a plenty but the issue is as to whether the kind of seriousness that a judicial order deserves has been shown or not. In my opinion, it is necessary to give a final time limit and dispose of the OA, so that if need be further harsher measures could be adopted against the Respondents. This OA is disposed of with directions in terms of Prayer Clause (b) reserving the liberty as mentioned hereinabove in relation to Prayer Clause (a) to decide the representations above referred to within one week from today and then communicate its outcome to the Applicant within two working days thereafter. No order as to costs.

3.10.16

Sd/-
(R.B. Malik)
Member (J)
03.10.2016

(skw)

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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.962/2016

Smt. M.P. Khadilkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 07.11.2016.

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

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

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

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

S.O. to 7th November, 2016.

Sd/- 3.10.16

(R.B. Malik)
Member (J)
03.10.2016

(skw)

DATE: 3/10/16
CORAM: Hon.Shri R.B.Malik (M(J))
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramesh kumar (Member) A~~
APPEARANCE:
Shri/Smt. : B.A. Bandiwadekar
Advocate for the Applicant
Shri /Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s
Adj. To 7/11/16.

[P.T.O.