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

DATE : 3/11/2017
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
~~Shri/Smt.~~ : N.K. Rajpurohit Ld.C.P.O.
Advocate for the Applicant
~~Shri~~ /Smt. :.....
C.P.O / P.O. for the Respondent/s

Adj. To.....Present MA is disposed.

Date : 03.11.2017.

Special Miscellaneous Application No.1 of 2017

N.K. Rajpurohit, learned C.P.O.

1. Heard. Learned Chief Presenting Officer / learned Presenting Officers have prayed for dispensation with the condition of signing.

2. This Tribunal had directed that at the time of filing of affidavit-in-reply, learned C.P.O. / learned P.O.s shall sign a certificate about correctness of the affidavit-in-reply.

3. Grievance of learned C.P.O. / learned P.O.s is that many times affidavits readily drafted are received from the Departments and though unsatisfactory, those have to be signed by learned C.P.O. / learned P.O.s concerned.

4. Therefore, whenever learned C.P.O. / learned P.O.s themselves undertake the job of drafting of affidavit-in-reply by using para-wise remarks or after taking instructions, learned C.P.O. / learned P.O.s shall continue to sign the certificate as already ordered.

5. Whenever the learned C.P.O. / learned P.O.s are required by the Officers or Departments of the Government concerned, to file the affidavit which is prepared by the Department, learned C.P.O. / learned P.O.s are excused from signing the certificate, on the condition that learned C.P.O. / learned P.O.s shall have to endorse at the limit of signing the affidavit, barely for filing purpose.

6. Present M.A. is accordingly disposed.

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

prk

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

(Spl.- MAT-F-2 E.

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

M.A.453/2017 in O.A.No. 900/2017

The State of Mah. & ors. ... Applicants (Ori. Resps.)

Vs.

Mr. Sadanand Wayse Patil ... Respondent (Ori. Applicant)

1. Heard Mrs. K.S. Gaikwad, the Presenting Officer for the Applicants (Ori. Respondents) and Respondent (Ori. Applicant in person).

2. Learned P.O. submitted in view of the directions given by this Tribunal in O.A.900/2017 on 27.09.2017, the Hon'ble Chief Minister who is holding the charge of Home Department has taken decision in the appeal and decided to send the file to the M.P.S.C. for consultation and accordingly, the G.A.D. has approved the letter and the same has been forwarded to the M.P.S.C.

3. After receiving the opinion from the M.P.S.C, necessary orders will be issued by the Home Department. Learned P.O. has submitted that, for this purpose, at least two weeks' time will be required, and therefore, she sought extension of two weeks from today.

4. The Respondent (Ori. Applicant) has objected to grant two weeks' time on the ground that the I.P.S. nominations has to be forwarded to the concerned D.P.C. before 15th November, 2017 as the meeting of the DPC has been scheduled on 23.11.2017, and therefore, he prayed to grant short time to the present Applicants.

5. Considering the submissions of the learned P.O. that the Hon'ble Chief Minister who is the in-charge of the Home Department has to pass necessary orders on the appeal preferred by the Respondent. The decision has been communicated to the MPSC and their opinion has been sought. Since the matter is pending with MPSC, it is just to grant short time to the present Applicants to issue necessary orders to comply with the order passed by this Tribunal on 27.09.2017 in O.A.900/2017, and therefore, it

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 3/11/17 CORAM: ~~Hon'ble Shri RAJIV AGARWAL (Vice - Chairman)~~ ~~Hon'ble Shri R. B. MALIK (Member)~~ B.P. Patil APPEARANCE: ~~Shri/Smt.~~ : K.S. Gaikwad P.O. ~~Advocate for the Applicant~~ ~~Shri/Smt.~~ : Respondent in person skw ~~C.P.O / P.O. for the Respondents~~ (Resi. Applicant) ~~Adj. To~~ M.A. is allowed.	is necessary to grant extension as prayed by the Applicants. 6. In view of the above said facts, the Misc. Application is allowed and time to implements the order passed by this Tribunal on 27.09.2017 is extended till 10.11.2017. (B.P. Patil) Member-J 03.11.2017

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

O.A.No.1095/2016

Mr. B.S. Killedar & Ors. ... **Applicants**
Vs.
The State of Mah. & ors. ... **Respondents**

1. Heard Mr. G.A. Bandiwadekar, the learned Advocate for the Applicants and Mrs. K.S. Gaikwad, the Presenting Officer for the Respondents.

2. Learned P.O. has filed Affidavit of Mr. Vikas S. Kharage, Secretary (Forests), Revenue & Forest Department, Mantralaya, Mumbai as per the directions given by this Tribunal. The same is taken on record.

3. Learned P.O. has submitted that the proposal dated 13.3.2013 sent by Deputy Conservator of Forest, Kolhapur addressed to Chief Conservator of Forest (T), Kolhapur and the another proposal dated 09.01.2017 are pending with the Respondent No.1. She submitted that the Respondent No.1 will take decision on the said proposal within one month, and therefore, she prayed to grant one month's time to take conscious decision on the said proposals.

4. Learned Advocate for the Applicant has submitted that he has no objection to grant time to the Respondent No.1 to decide the proposal sent to the concerned authorities. He further submitted that, after the decision on the proposal, the same may be communicated to the Applicant.

5. In view of the submissions made by the learned P.O. and the learned Advocate for the Applicant, three weeks' time is granted to the Respondent No.1 to take decision and to communicate the same to the Applicant and also to submit compliance to the Tribunal on 23.11.2017.

6. S.O. to 23rd November, 2017.

Sd/-

(B.P. Patil)
Member-J
03.11.2017

skw

DATE: 3/11/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
~~Hon'ble Shri R. B. MALIK (Member)~~ B.P. Patil
APPEARANCE:
~~Shri/Smt.~~ G.A. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
Affidavit of Reply filed by R.No.1.
~~Adj. To~~ S.O. to 23/11/17.

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 : 3/11/17

CORAM :

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

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

B.P. Patil

APPEARANCE :

~~Shri/Smt.~~ : D.H. Pawar

Advocate for the Applicant

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

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

~~Adj. To~~ S.O. to 30/11/17.

O.A.No.650/2017

Mr. M.G. Sawant ... Applicant

Vs.

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

1. Heard Mr. D.H. Pawar, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the Presenting Officer for the Respondents.

2. Learned P.O. has submitted a communication dated 23.10.2017 by which notice has been issued to the Applicant to file his reply to the report of the Enquiry Officer. The same is taken on record.

3. Learned P.O. submits that the Government will take decision in the enquiry against the Applicant on receiving the reply of the Applicant. Therefore, she sought time.

4. Learned Advocate for the Applicant has submitted that the Applicant has not received the communication dated 23.10.2017 till today along with the report, and therefore, he has also prayed to grant time. Time granted till 30.11.2017.

5. S.O. to 30th November, 2017.

Sd/-

(B.P. ~~Patil~~)
Member-J
03.11.2017

skw

(G.C.P.) J 2200(B) (60,000)-2-2015)

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 : 3/11/17

CORAM :

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

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

APPEARANCE :

~~Shri Smt.~~ : A.A. Aghav

Advocate for the Applicant

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

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

Affidavit and reply filed by R.No.1.

~~A.O. To~~

S.O. to 17/11/17 for further orders.

O.A.No.674/2017

Mr. P.B. Nazirkar ... Applicant

Vs.

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

1. Heard Mr. A.A. Aghav, the learned Advocate for the Applicant and Mr. K.B. Bhise, the Presenting Officer for the Respondents.

2. Affidavit filed by District Collector, Pune and Affidavit-in-reply of Respondent No.1 is taken on record.

3. S.O. to 17th November, 2017 for further orders.

Sd/-

(B.P. Patil)
Member-J
03.11.2017

skw

..... 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 : 3/11/2017 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : Shri/~~Smt.~~ : C. T. Chandratre Advocate for the Applicant Shri/~~Smt.~~ : K.B. Bhise C.P.O / P.O. for the Respondent/s Heard. ~~Adj.~~ To.....for making statement adjourned to 7/11/2017. BJK	**Date : 03.11.2017.** **O.A.No.592 of 2017** **U.R. Bhosale ....Applicant.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. Shri C.T. Chandratre, the learned Advocate for the Applicant states that applicant would co-operate with the departmental enquiry, even if the departmental enquiry is conducted on day to day basis. 3. Learned P.O. for the Respondents is called to state as to whether departmental enquiry can be conducted on day to day basis. 4. For making statement, adjourned to 07.11.2017. Sd/- **(A.H. Joshi J.)** **Chairman** prk

..... Respondent/s

(Presenting Officer.....)

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

DATE : 3/11/2017

CORAM :

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

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

APPEARANCE :

Shri/Smt. : Heard Appl. in person.

~~Advocate~~ for the Applicant

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

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

Adv. Mayur Jadhav for R.6.

Adj. To 6/11/2017.

Steno copy and Hamdast is allowed to both parties.

Date : 03.11.2017.

O.A.No.882 of 2017

D.C. Patil **....Applicant.**

Versus

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

1. Heard Applicant in person, Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents and Shri Mayur Jadhav, the learned Advocate for the Respondent No.6.

2. If Applicant wants, he shall submit, come with fresh separate application for each of his prayers.

3. In case applicant comes with such three or more such applications response from the competent authority would be sought.

4. S.O. to 06.11.2017.

5. Steno copy and Hamdast is allowed to both parties.

Sd/-

(A.H. Joshi J.)
Chairman

prk

[PTO]

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

CONTEMPT APPLICATION NO. 60 OF 2017

IN

ORIGINAL APPLICATION NO 303 OF 2017

DISTRICT : NAVI MUMBAI

Smt Preeti Harsh Wigh,
R/at 102, Vikas C.H.S Ltd, Plot No. 92,
Sector-17, Koparkhairne,
Navi Mumbai. 400 709.)...**Applicant**

Versus

1. Shri Pradip Kumar Vyas,
Principal Secretary, Public Health Dept.
Having office at G.T Hospital,
Mini Mantralaya, Mumbai 400 001.

2. Shri R.D Deokar,
Commissioner, ESIS, having office at
Panchdeep Bhavan, 6th floor,
N.M Joshi Marg, Lower Parel,
Mumbai 400 013.)...**Respondents**

Shri R.G Panchal, learned advocate for the Applicant.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Justice A.H Joshi (Chairman)

RESERVED ON : 02.11.2017

PRONOUNCED ON : 03.11.2017

O R D E R

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

2. Applicant has moved this application for contempt. According to the Applicant order passed in O.A no 303/2017 dated 28.8.2017 has not been complied with.

3. As per the operative order, the order was to be complied within six weeks from the date of the order. The period of four weeks came to an end on or around 14.10.2017.

4. The applicant has furnished to the officers concerned intimation of order by representations on 7.9.2017, 8.9.2017 and 18.10.2017. The applicant has furnished personal notice to the Contemnors on 28.10.2017, i.e. 4 days before filing present case for action for contempt.

5. It is not shown that personal notice is served. It is also not shown that Contemnor is given four weeks' notice for the compliance.

5. In this background, as per the view taken by this Tribunal dated 30.8.2016 in Misc Application No. 324/2016 in C.A 8/2015 in O.A 1038/2013, (Shri D.R Bhamre Vs. State of Maharashtra & Ors) in absence of giving four weeks' time, Contempt Application shall not be entertained.

6. Hence, application is disposed of with liberty to wait for four weeks' time from the date of service of notice and if order remains to be complied with, to file an application for contempt.

Sd/-

(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 03.11.2017
Dictation taken by : A.K. Nair.

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