THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.880 OF 2015

DISTRICT : MUMBAI

Shri S.N. Gosavi ...**Applicant**

Versus

The Commissioner of Police & 2 Ors. ....**Respondents**

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant.

Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 04.05.2016

O R D E R

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant Shri A.V. Bandiwadekar has tendered rejoinder. It is taken on record.

3. Learned Advocate for the Applicant has urged for urgent hearing. Therefore, it was considered necessary to examine the merit of the case in order to ascertain as to whether the case can be disposed of expeditiously, and it was done.

4. It has transpired that the question involved in the matter is as follows :-

Is the Applicant is entitled to be governed by second Proviso to Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred as Disabilities Act) ?

5. According to learned Advocate for the Applicant averment with reference to Section 47 (1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 are contained in paragraph no.6.19 and 6.22.

6. Perused the averments contained in the O.A.

Reply to O.A. is filed by Shri Arun Parshuram Jadhav, Assistant Commissioner of Police, (H.Q.-II), office of Commissioner of Police, Mumbai. Perusal of reply contained paragraph nos.21 and 22 at page no.66 and 67, answering crucial averments contained in O.A., reveals that the reply is not only evasive but is potent with mischief of defending the case without disclosing exact grounds of objection, and without answering relevant questions of facts and law.

8. Learned Advocate Shri A.V. Bandiwadekar has pointed out that the position as emerging from the following :-

(a) The Government circular dated 8th August, 2011 which is at annexure 'O', page 60 as well as from the judgment of this Tribunal in O.A.No.337 of 2011 to which Commissioner of Police, Mumbai was a party mandate the same rule,

(b) In view of second Proviso to Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, it is the legal obligation of the Respondents to continue the Applicant on super-numerous post,

(c) In view of the case of **KUNAL SINGH VS. UNION OF INDIA AND ANOTHER 2003 SCC (L & S) 482,** which is relied upon in aforesaid O.A.No.337 of 2011, it prima facie, appears that the Respondents have no escape from the application emerging from second Proviso to Section 47(1).

However, the attempt is being made to evade liability by giving evasive reply, is simply undeniable, yet the O.A. is vexatiously opposed.

9. Government is not expected to behave like a private litigant, and Government ought to contest the cases on legally available, truthful grounds, bonafide and with utmost fairness.

10. It is therefore, necessary to call the attention of Commissioner of Police, himself, particularly because it appears that the affidavit filed by junior officer may have been filed with due and appropriate attention of the Commissioner of Police. It is hard to be persuaded that a highly placed officer would engage himself in raising untenable and prima facie contemptuous pleas.

11. Therefore, the Commissioner of Police, Shri Dattatray Padsalgikar, is directed as follows :-

(a) To call all the papers of present O.A., and read those himself.

(b) To call for and read judgment in O.A.No.337 of 2011, dated 25.01.2012 namely, Shri G.R. Makasare (Applicant) Versus (1) The State of Maharashtra, (2) The Additional Commissioner of Police and (3) The Commissioner of Police, Mumbai (Respondents).

(c) To call for and read judgment of **KUNAL SINGH VS. UNION OF INDIA AND ANOTHER 2003 SCC (L & S) 482,** relied upon in O.A.No.337 of 2011 aforesaid.

(d) If according to him the case is covered by law as is already laid down, he should take affirmative action without waiting for any directions / orders from the Tribunal.

(e) If he holds a view after considering all points involved in the case that Applicant's case is not covered by Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, he should record reasons as to why the case is not covered, and file affidavit on those reasons on next date.

12. Affidavit action as indicated in foregoing clause (d) of paragraph 11 is taken it shall not be necessary to file any affidavit.

13. Learned P.O. is directed to communicate this order to the Respondents, and for that purpose steno copy and hamdast is allowed.

14. S.O. to 21.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

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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.404/16

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

Applicant with Shri P.V. Patil, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

This OA was heard substantially yesterday as well as today. It would appear that the Applicant is aggrieved by his non-consideration for nomination to IAS non-SCS. At present, he is on deputation to Pune District Central Cooperative Bank. As of now, he has admittedly not been cleared for being considered for the said nomination. It seems that the cause assigned is that in accordance with the relevant G.R, at least 9 ACRs out of 10 (immediate past) of the concerned Officer must be Outstanding. In the case of the Applicant (see Page 4 of the OA), 8 ACRs are indisputably Outstanding while in respect of the 2, even in my view, there is some difficulty. I express no opinion thereabout.

As the matter was being debated, the learned Advocate for the Applicant on instructions from the Applicant, who is present before the Bench today informed that as a sequel to the directions of this Tribunal in OA 840/2013 (Shri Sanjaykumar S. Bhosale Vs. The State of Maharashtra and 3 others, dated 17.4.2014), he made the 1st representation on 19.5.2014 and the 2nd representation on 20.2.2015 (Exh. 'K', Page 95 of the paper book). According to the Applicant, as an interim measure, it should be directed that the Respondents should take a decision within one week from today

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

thereupon. Therefore, as of now, I do not rule upon or express opinion about any other aspect of the matter and as an interim relief measure, direct that the representation dated 20.2.2015 already pending with the Principal Secretary, Department of Cooperation and Marketing be decided within one week from today and its outcome communicated to the Applicant within three days thereafter. The OA stands adjourned to 13th June, 2016. In case, the Applicant considers it necessary to move the Tribunal during the vacation, he shall have to follow the procedure in that behalf. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
04.05.2016

(skw)

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.274/2016

Shri C.V. Sane ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Learned Advocate Jagdale stated that the Applicant retired in the year 2002 and for some time after retirement, he was paid provisional pension. The D.E. is still not decided, but the provisional pension has been stopped long time back. Smt. Gaikwad, learned P.O. stated that the Applicant was being paid provisional pension till 2007. However, she is not in a position to state why the provisional pension has not been paid after that day.

As the Applicant is facing a departmental enquiry and on that ground, the regular pension has not been sanctioned to him, but he is entitled to get the provisional pension till the result of the D.E. which is pending against him is declared. The Respondents are, therefore, directed to ensure that the provisional pension is paid to the Applicant from the date it was stopped and he should be paid till the decision of the D.E. This order could be complied with within a period of one month. Hamdast.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
04.05.2016 04.05.2016

(skw)

DATE: 4/5/16
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.: K. S. Gaikwad
C.P.O./P.O. for the Respondents
Reply filed by R. No. 1.
Adj. To 17/6/16.

(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

O.A.1071/15

Dr. A.P. Misal ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

The OA proceeds without Affidavit in rejoinder and the same is admitted and in view of the absence of the Applicant, a fixed date is given.

It shall appear before the appropriate Bench on 16th June, 2016.

Sd/-

(R.B. Malik)
Member (J)
04.05.2016

DATE : 4/5/16
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ Applicant and Advocate
Absent
~~Advocate for the Applicant~~
~~Shri/Smt.~~ K. S. Gaikwad
~~C.P.O.~~/P.O. for the Respondents

Adj. To 16/6/16
before appropriate Bench.
(with OA 1072/15)

(skw)

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.85 of 2016

Shri Ravindra P. Pimpalgaonkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Ms. Ranjana Todankar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. It is not necessary to mention the details of the matter as of today. The applicant seeks stay to the continuation of the DE. The applicant filed an affidavit on 7.4.2016 and the reply thereto is awaited. Again the details need not be mentioned but it seems that on account of an unfortunate family difficulty of the Ld. PO it is possible that the reply could not be prepared. I can understand that. Shri Vikas S. Jadhav, Assistant Registrar, Cooperative Societies, Daund, who is present before the bench makes a statement that he shall request the enquiry officer to postpone the enquiry scheduled on 7.5.2016 to the next date. As of now the matter stands adjourned to 7.6.2016 for the affidavit in reply and arguments. All concerned to act on steno copy hereof. S.O. to 7.6.2016.

Sd/-

(R.B. Malik)
Member (J) 4.5.16
4.5.2016

(sgj)

DATE: 4/5/16

CORAM:

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

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

APPEARANCE:

~~Shri~~ Ms. Ranjana Todankar

Advocate for the Applicant

~~Shri~~ Ms. N. G. Gohad

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

Adj to 7/6/16

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.414 & 415 of 2015

Shri S.M. Chikhalikar & 1 Anr.... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri Deshmukh and Shri V.P. Potbhare, the learned Advocates for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Issue notice returnable on 7.6.2016.

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 7th June, 2016. Learned P.O do waive service.

It is made clear that the pendency of these OAs should not be taken as a ground to prevent the Applicants from filing additional

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

DATE: 5/5/16

CORAM:

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

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

APPEARANCE:

Shri/s. : U.P. Deshmukh
with U.P. Potbhare C.A.P. filed
Advocate for the Applicant

~~Shri/Smt.~~ : K.B. Bhise
~~C.P.O./P.O.~~ for the Respondents

Order passed on the
~~Adj. To~~ Tribunal's
Sadeem.

S.O. to 7/6/16.

replies to the charge-sheet. It is also made clear that the mere pendency of these OAs by themselves will be no ground to stay the D.E. However, if a request is made in this regard, the concerned authorities including the Enquiry Officer will be free to take his own decision in this behalf as per law.

Sd/-

~~(R.B.~~ Malik) 05.05.16
Member (J)
05.05.2016

(skw)

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.404/16

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

Applicant with Shri P.V. Patil, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

This OA was heard substantially yesterday as well as today. It would appear that the Applicant is aggrieved by his non-consideration for nomination to IAS non-SCS. At present, he is on deputation to Pune District Central Cooperative Bank. As of now, he has admittedly not been cleared for being considered for the said nomination. It seems that the cause assigned is that in accordance with the relevant G.R, at least 9 ACRs out of 10 (immediate past) of the concerned Officer must be Outstanding. In the case of the Applicant (see Page 4 of the OA), 8 ACRs are indisputably Outstanding while in respect of the 2, even in my view, there is some difficulty. I express no opinion thereabout.

As the matter was being debated, the learned Advocate for the Applicant on instructions from the Applicant, who is present before the Bench today informed that as a sequel to the directions of this Tribunal in OA 840/2013 (Shri Sanjaykumar S. Bhosale Vs. The State of Maharashtra and 3 others, dated 17.4.2014), he made the 1st representation on 19.5.2014 and the 2nd representation on 20.2.2015 (Exh. 'K', Page 95 of the paper book). According to the Applicant, as an interim measure, it should be directed that the Respondents should take a decision within one week from today thereupon. Therefore, as of now, I do not rule upon or express opinion about any other

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	aspect of the matter and as an interim relief measure, direct that the representation dated 20.2.2015 already pending with the Principal Secretary, Department of Cooperation and Marketing be decided within one week from today and its outcome communicated to the Applicant within three days thereafter. The OA stands adjourned to 13th June, 2016. In case, the Applicant considers it necessary to move the Tribunal during the vacation, he shall have to follow the procedure in that behalf. Hamdast.
	Sd/-
DATE: 4/5/16 CORAM: ~~Hon'ble Shri RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: Shri/~~Smt.~~ P. V. Patil Advocate for the Applicant Shri/~~Smt.~~ N. K. Rajpurohit C.P.O./~~P.O.~~ for the Respondents ~~Adj.~~ S.O. to 13/6/16 Hamdast	(R.B. Malik) Member (J) 04.05.2016 (skw)

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.300 of 2016

Shri Prabhakar L. Nagare & 5 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Shri Chandratre, Ld. Advocate renews his request for interim relief. The Ld. PO, on instructions from Shri Nandkishor E. Phondke, Under Secretary, Water Resources Department, Mantralaya, Mumbai, informs that the enquiry officer has been appointed by order dated 30.4.2016. I have perused the record and proceedings and a separate compilation which contains the earlier orders of this Tribunal including the order made by the second bench in OA No.1010/2013 and 1011/2013 (Shri Uttam Shankar Rajule V/s. The State of Maharashtra, dated 10.9.2014) and the other order of the Tribunal in OA No.33/2015 (Shri Uttam Shankar Rajule V/s. The State of Maharashtra, dated 3.12.2015) whereby the proceedings against the first delinquent came to be quashed by the second bench. As far as the main aspect of the matter is concerned except cost of Rs.20,000/- the said order was apparently confirmed in WP No.1701/2016 (The State of Maharashtra V/s. Shri Uttam Shankar Rajule, dated 17.2.2016). That order was made upon consent of the parties. As already mentioned the

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

events are of the year 2000 and 3 of the applicants have retired and 2 delinquents have passed away. This is the kind of delay which I think the Tribunal will have to scrutinize on the anvil of the relevant legal principles for continuation of the DE. The respondents will obviously have to justify the delay.

3. As of today the stage of the departmental proceedings is that by the order dated 30.4.2016 the enquiry officer has been appointed. This is defined as status quo and the parties are directed to maintain it till the date next to the filing of the affidavit in reply. S.O. to 9.6.2016. All concerned to act on steno copy hereof.

Sd/-

(R.B. Malik) 04.05.16
Member (J)
4.5.2016

(sgj)

DATE: 4/5/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~S/Shri~~ C. T. Chandrabose
Advocate for the Applicant
~~S/Shri~~ N. G. Gohad
~~C.P.O./P.O.~~ for the Respondents
Adj. To 9/6/16

2

(7)

(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: 4/5/16

CORAM:

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

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

APPEARANCE:

~~Shri~~ Ms. N.G. Gohad

~~Advocate~~ P.O. for the Applicant Leave note

Of ~~Shri~~ Smt. Praveen Mahajan

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

Adv. for the

~~Adj. to~~ M.A. is disposed of.

Order

M.A.185/2016 in O.A.1082/2014

Heard Smt. N.G. Gohad, the learned Presenting Officer for the Applicants (Ori. Respondents).

This is an application for extension of time to comply with our order dated 22nd January, 2016 by three months from today. Notice has not been directed to be issued. However, in view of the course of action that we are going to adopt even the original Applicant is not going to be seriously prejudiced.

It would appear quite clearly from the order of 22nd January, 2016 made by us in this Bench that we noted that the original Applicant had already been promoted pending OA and directions were given to take a decision about the deemed date within two months from that date.

Now, in fact, this application came to be presented on 16th April, 2016 which was after the time limit had expired. Therefore there is no question of granting three months time and taking into consideration all aspects of the matter, final extension is granted for a period of one month from today and it is made clear that no further extension shall be granted. We have also recorded the fact that the Government has accepted the order of this Tribunal dated 22nd January, 2016 and they do not want to challenge it before the Hon'ble High Court. The MA is disposed of with no order as to costs.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
04.05.2016 04.05.2016

(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

Date : 4.05.2016.

O.A.No.191 of 2016

Shri V.Sh. Deshpande **...Applicant**

Vs.

The State of Maharashtra

...Respondent

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents is directed to take instructions from the Respondents as to what is legal impediment in considering the Applicant's prayer contained in the O.A.

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

4. S.O. to 06.05.2016

Sd/-

A.H. Joshi, J.
Chairman

sba

DATE : 4/5/16.
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh'kumar (Member) A~~
APPEARANCE :
Shri/Smt. : A. V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : N. G. Gohad
C.P.O / P.O. for the Respondents
Adj. To 6/5/16
order passed in Tribunal Column. Hamdast and steno copy is allowed.

(Advocate .....)

(A.H. Joshi, J.)
Chairman

sba

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 4.05.2016.

O.A.No.111 of 2015

Shri D.R. Hindlekar ...Applicant

Vs.

The Government of Maharashtra & Ors. ...Respondents

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Admit. This O.A. shall come up for hearing in due coruse.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 4/5/16
CORAM :
Hon'ble Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~A. Patil (Member) A~~
M.D. Lonkar
A.J. Chougule
Submit.

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 : 4.05.2016.

C.A.No.39 of 2016 in O.A.No.421 of 2003

Shri S.N. Bawane & Ors. **...Applicants**

Vs.

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

1. Heard Shri S.P. Palshikar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for four week time for filing reply.

3. S.O. to 18.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 4/5/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramachandran (Member) A
APPEARANCE :
Shri S. P. Palshikar
Advocate for the Applicant
Shri [illegible]
C.P.O. for the Respondents

Adj. to 18/7/16

PTO

(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 : 4/5/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramakrishnan (Member) A~~ APPEARANCE : Shri/Smt. : K R Jagdale Advocate for the Applicant Shri/Smt. : K S Gaikwad C.P.O / P.O. for the Respondent/s Adj. To.....Heard S.O. to 6/5/16. sba	**Date : 4.05.2016.** **C.A.No.37 of 2016 in O.A.No.629 of 2015** **Shri C.R. Rajput ...Applicant** **Vs.** **Mr. Manu Kumar Shrivastav & Ors. ...Respondents** 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. Learned P.O. for the Respondents prayas for time for filing affidavit of compliance and apology. 3. S.O. to 6.05.2016. Sd/- (A.H. Joshi, J.) Chairman

P.T.O.

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

Date : 4.05.2016.

C.A.No.41 of 2016 in O.A.No.1225 of 2010

Shri S.C. Gupta ...Applicant

Vs.

Smt. Sujata Saunik, The Principal Secretary, ...Respondents

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. It is seen that the judgment of this Tribunal is dated 6.2.2014. Thereafter applicant gave a letter to the contemnor addressing by designation on 24.02.2015, gave personal notice on Respondent on 23.05.2015, 21.06.2015 and Advocates notice on 11.4.2016 calling to comply, and informing that action for taking contempt petition would be taken if compliance is not done.

3. In spite of service of personal notice order is not complied.

4. Today learned P.O. for the Respondents states that the promotion of junior Dr. V.M. Bagid which was ad-hoc is not regularised and till regularization of promotion of Dr. Bagadi any benefit cannot be given to the Applicant.

5. It is not indispute that Dr. Bagadi was junior to Applicant and he was promoted. According to the Applicant, same benefit has to be given to the Applicant.

6. Hence Reapondent has not only committed contempt but has aggravated.

7. Applicant has made out the case for taking cognizance.

8. At this stage learned P.O. for the Respondents prays for adjourning for passing of further order to 6.5.2016.

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

10. S.O. to 6.05.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

DATE : 4/5/16.
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : S.P. Manchekar
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s
Adj. To..... Heard order passed in Tribunal Column. SO to 6/5/16 Hamdast and Steno Copy is Allowed.

cba

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

Date : 4.05.2016.

O.A.No.276 of 2016 with O.A.No.277 of 2016

Shri K.R. Dhumal (in O.A.No.276 of 2016)
Shri S.B. Barudwale (in O.A.No.277 of 2016)
...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Ms. Lata Patne , the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

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

> Para-wise remarks are received however those are not up to satisfaction and hence fresh para-wise remarks are called, and therefore prays for four weeks time for filing reply.

3. At this stage learned Advocate for the Applicant prays for copy of the order quoted in reference clause in the impugned order and also copy of the proposal for transferring the Applicant submitted by the Superintendent of Police, Sangli.

4. Learned P.O. is direct to furnish to Applicant's Advocate these copies.

5. Learned Advocate for the Applicant prays for leave for adding the annexure and amending the O.A. appropriately.

6. Leave to amend as prayed for is granted.

7. Amendment be served on the Respondents and P.O. on or before next date.

8. Reply to the O.A. as may be amended be filed on the next date.

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

10. S.O. to 11.07.2016.

Sd/-

(A.H. Joshi,J.)
Chairman

DATE : 4/5/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~[illegible]~~kumar (Member) A

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

Adj. To..... Heard order passed in Tribunal Column S.O. to 11/7/16. Hamdast and Steno copy 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 : 4/5/16.
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : K.S. Gaikwad
C.P.O / P.O. for the Respondent/s
Adj. To..... Heard order passed in Tribunal Column. Soto 27/6/16.

Date : 4.05.2016.

M.A.No.39 of 2016 in O.A.No.387 of 2015 (A'bad)

Shri C.S. Vyavahare ...Applicant
Vs.
The Director of Medical Education and Research & Ors. ...Respondents

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

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

That the para wise comments for answering O.A. and M.A. are received and four weeks time may be granted for filing reply.

3. Time as prayed for is granted.

4. S.O. to 27.06.2016 for reply.

Sd/-

(A.H. Joshi, J)
Chairman

sba

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

Date : 4.05.2016.

O.A.No.1105 of 2015 with M.A.No.60 of 2016

Shri N.M. Dhumal **...Applicant**

Vs.

The Commissioner of Police, Mumbai & Ors.

...Respondents

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states that this O.A. is become infructuous because Applicant is already promoted and transferred at Nagpur.

3. Learned Advocate for the Applicant states as follows:-

(a) Applicant wants to pursue the O.A. on count of objectionable remark contained in impugned transfer order to the effect that the order was issued because the superior officer had furmished a default against the Applicant.

(b) Said observation is stigmatice.

4. Competent Authority the Respondents No.1 or any other officer who has taken the decision to incorporate the word default in the impugned order is directed to answer contains in para no.6.10 unless he decide to withdraw that term in so far releted to the Applicant.

5. S.O. to 25.07.2016.

Sd/-

(A.H. Joshi, J)
Chairman

Sba

DATE : 4/5/16.
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri V. [illegible] (Member) A~~
APPEARANCE :
S/Shri S. P. manchekar
Advocate for Applicant
Shri/Smt. K B Bhise
C.P.O./P.O. for Respondents

Adj. To..... Heard order passed in Tribunal Column 5 to 25/7/16.

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

Date : 4.05.2016.

O.A.No.109 of 2016 with O.A.No.110 of 2016 with O.A.No.125 of 2016

Shri I.F. Mulla (O.A.No.109 of 2016)
Shri N.K. Mane (O.A.No.110 of 2016)
Shri B.R. Patil (O.A.No.125 of 2016)
...Applicants

Vs.

The Collector, Sangli & Ors. ...Respondents

1. Heard Shri M.B. Kadam, learned Advocate holding for Shri S.S. Dere, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Common prays in all this application for time bound promotion.

3. Learned P.O. for the Respondents states that four weeks time may be granted for filing reply.

4. Whether Applicants are entiled for time bound promotion is the matter which is decided by the Respondents. The matter has not become mature for adjudication because the O.A. is filed against the inaction, and not against the rejection.

5. Therefore it shall be appropriatefor the Respondents to scrutinize applicants' cases, if required give hearing and decide at their level whether the Applicants are entitled and from date from which the Applicants are entitled for benefit of time bound promotion.

6. Decision in this regard can be taken within six weeks from today.

7. Decision as may be taken be communicate to the Applicant suitably including by speed post.

8. If it is found that the Applicants are not entitled and the O.A. is required to be contested, in that case only affiavait in reply be filed.

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

10. S.O. to 5.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 4/5/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. ... Adv. B. Kadam for S.S. Dere
Advocate for the Applicant
Shri/Smt. A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To Heard.
order passed in Tribunal Column
S.O. to 5/8/16
Hamdast

(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 : 4/5/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : ~~Shri/Smt~~ : None for the Applicant Advocate for the Applicant Shri/Smt. : A.J. Chougule C.P.O / P.O. for the Respondents/s Adj. To 1/8/16. sba	**Date : 4.05.2016.** **O.A.No.560 of 2015** **Shri P.K. Landge ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. None for the Applicant. Heard Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Adjourned to 1.08.2016. Sd/- **(A.H. Joshi, J.)** **Chairman**

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

Date : 4.05.2016.

O.A.No.591 of 2015

Shri B.R. Sangle ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant has tendered rejoinder. It is taken on record.

3. Paragraph No. 7.7 of O.A. contains averments as follows:-

> "Now the Applicant came to be acquitted by the Hon'ble High Court hence he was entitled for reinstatement with consequential benefits."

4. It contains a statement that after acquittal of the Applicant the dismissal which was solely based on the verdict of convention is liable to be set aside.

5. The averments are replied by the State Government through the affidavit filed by Deputy Secretary, Home Department, is an evasive manner.

6. Therefore Principal Secretary, Home Department who is dealing with the aspect should file his own affidavit, unless a decision to revoke the order of dismissal is taken.

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

8. S.O. to 4.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 4/5/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman) (D/B)
Hon'ble Shri M. Rameshkumar (Member) A
APPEARANCE :
Shri/Smt. : K. R. Jagdale
Advocate for the Applicant
Shri/Smt. : K. S. Gaikwad
C.P.O / P.O. for the Respondent/s
Adj. To..... Heard order passed in Tribunal Column. S.O. to 4/7/16.

(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 : 4.05.2016.

O.A.No.223 of 2015

Shri S.S. Khatke ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

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

2. Learned C.P.O. for the Respondents states on instruction received from Shri Kiran Upasani, Law Officer, Director General of Police, as follows:-

(a) The order of promotion of the Applicant has issued.

(b) The proposal of assigning deemed date is in process and for that purpose a month's time is required.

3. Adjourned to 1.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE: 4/5/16
CORAM: (OIB)
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE:
Shri/Smt. : A. R. Joshi
Advocate for the Applicant
Shri /Smt. : A. N. Rajpurohit
C.P.O / P.O. for the Respondent/s
Adj. To..... order passed in Tribunal Column. Adj to 1/8/16.

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

Date : 4.05.2016.

O.A.No.226 of 2016

Shri G.S. Musmade ...Applicant

Vs.

The State of Maharashtra ...Respondents

1. Heard shri M.B. Kadam, learned Advocate holding for shri D.B. Khaire, the learned Advocate for the Applicant and Shri K.B. bhise, the learned Presenting Officer for the Respondents.

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

> He has received instructions from the office of Commissioner of Agriculture requesting for granting of time for filing affidavit in reply.

3. It is seen that prayers of the Applicants are for a direction for taking a decision as regards duration of compulsory waiting.

4. The prayers are of such nature that the Respondents should not exert and waste time in filing affidavit in reply.

5. Respondents would better take decision as regards Applicants prayers contained in O.A. within six weeks from today.

6. If decision is taken, it be communicated to the Applicant by appropriate mode including seepd post. If decision is taken affidavit need not be filed. If there any legal impedment in deciding the claim of the Applicant in that case only affidavit can be filed.

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

8. S.O. to 12.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

DATE : 4/5/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri Smt. M. B. Kadam for D B Khaire
Applicant
Shri K B Bhise
Respondent/s
Adj. to Heard
order passed in
Tribunal Column
S.O. to 12/7/16
Hamdast old
steno copy 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 : 4/5/16

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.~~ : N.G. Gohad

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

Adj. To 11/8/16 for reply

Date : 4.05.2016.

C.A.No.66 of 2015 in O.A.No.499 of 2014

Shri A.V. Joshi ...Applicant

Vs.

Shri Rajesh Kumar, Secretary ...Respondents

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for four weeks time for filing affidavit.

3. Though four weeks time is required longer time is granted with the hope that no further adjourments will be required.

4. S.O. to 1.08.2016 for reply.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

[P.T.O.