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Tribunal's orders

M.A.323/2016 in O.A.970/2014

Dr. V.D. Shinde ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

This MA is taken out in a disposed of OA seeking directions for the Respondents to compute and fill up vacancies yearwise by considering the Officers only from the date of which they acquired the prescribed eligibility criteria required for promotion to the post of District Health Officer cadre.

We have heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

In the Affidavit-in-reply filed by Mr. V.P. Ghodke, Under Secretary in the Office of Public Health Department, Mantralaya, it has been in effect clearly mentioned that the process of computing and filling up the vacancies yearwise is already underway and the Officers only from the date on which they acquired ~~prescribed~~ the prescribed eligibility criteria required for promotion to the post of District Health Officer cadre would be adopted. The Applicant, therefore, apparently has got what he wanted, and therefore, the 3rd Paragraph in the Affidavit-in-reply above referred to (of Mr. V.P. Ghodke) can be in effect incorporated in the final order. We, therefore, direct the Respondents to fill up the vacancies yearwise by considering the Officers only from the date on which they acquired the prescribed eligibility criteria required for promotion to the post of District Health cadre. The said correction be made in the final order and if the Office has already furnished the certified copies, all concerned be directed to surrender the same and a duly corrected copy furnished to them without any extra cost. The MA is accordingly allowed in these terms with no order as to costs. Hamdast.

sd/- 5.10.16
(R.B. Malik)
Member (J)
05.10.2016

sd/-
(Rajiv Agarwal)
Vice-Chairman
05.10.2016

(skw)

TRUE COPY

Asstt. Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai. 07.10.16.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 634 of 20 16 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

~~05~~.10.2016

O.A No 634/2016

Shri R.M Lukade ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

Heard Shri V.P Potbhare, learned advocate for the applicant and Ms Archana B.K holding for Shri A.J Chougule, learned Presenting Officer for the Respondents.

This Tribunal by order dated 11.8.2016 has given certain directions to the Commissioner of Agriculture in para 3. The Commissioner of Agriculture was expected to personally examine the case of the Applicant and to see whether his request in the O.A can be acceded to. Only if he concluded that the request cannot be accepted, he was required to file an affidavit giving the reason for such an action.

However, it is seen that no reply is forthcoming from the Commissioner whether he has taken action as per directions of this Tribunal.

Learned P.O seeks two weeks time to comply with the directions of this Tribunal in order dated 11.8.2016.

S.O to 21.10.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 5/10/16
CORAM :
Hon'ble Shri RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri ... (Member)~~
APPEARANCE :
Shri/Smt. V.P. Potbhare
Advocate for the Applicant Archana B.K. holding for Shri/Smt. Asst. A.J. Chougule
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To:~~ S.O. to 21/10/16.

Akn

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 764 of 20 16 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

05.10.2016

O.A No 764/2016

Shri C.S Kamble ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

Heard Shri P.D Purway learned advocate for the applicant and Ms Archana B.K holding for Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

Learned P.O places on record copy of order dated 20.8.2016 issued by the Government, which mentions that the Applicant has been posted in Mumbai on deputation in the Friendship Cell in MSSIDC on his own request.

As the Applicant has been given posting as per his own request, nothing survives in the present O.A, which is disposed of with no order as to costs.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 5/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri. R. B. MALIK (Member)~~
APPEARANCE :
Shri/~~Smt.~~ P.D. Purway
Advocate for the Applicant
Shri /Smt. Archana B.K. holding for Savita Suryavanshi
C.P.O / P.O. for the Respondents

~~Adj. To~~ O.A. as disposed of.

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 894 of 20 16 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 : 5/10/16
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.P.O./P.O.~~ for the Respondents

~~Adj. To~~ S.O. to 13/10/16.
Hamdast.

05.10.2016

O.A No 894/2016

Shri M.A Desai ... 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.

Shri Bhise, learned P.O has placed on record copy of the relevant noting from the File transferring the Applicant from Solapur to Parbhani.

Learned Advocate Shri Bandiwadekar stated that the Applicant is ostensibly being transferred because of repeated complaints received against her. However, there is nothing on record to suggest that there was any efforts made by the Respondents to inquire into the veracity of the complaint. Another reason given was that she was being posted in drought affected area. Whether this stand is consistent is an issue which has to be examined.

Learned P.O sought time to file affidavit in reply. In fact, affidavit in reply should have been filed by today. However, one weeks' time is given to the Respondents to file reply. It is made clear that if no reply is filed by the next date, matter of grant of interim relief will be considered. If the post is vacant, the same should not be filled till the next date.

S.O to 13.10.2016. Hamdast.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

[P.T.O.

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(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 : 5/10/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble ~~Shri~~ ~~A.P.K~~ (Member) APPEARANCE : Shri/Smt. Punam Mahajan Advocate for the Applicant Shri/Smt. : Archana B.K. C.P.O / P.O. for the Respondents Adj. To : S.O. to 18/10/16	**05.10.2016** **R.A 26/2016 in O.A No 503/2016** Shri A.T Gokule ... Applicant Vs. The State of Maharashtra & Ors ... Respondents 1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K learned Presenting Officer for the Respondents. 2. Issue notice before admission made returnable on 18.10.2016. 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 18.10.2016. Sd/- (Rajiv Agarwal) Vice-Chairman

Akn

[P.T.O.

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(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

05.10.2016

O.A No 809/2016

Shri M.V Kumbharde ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

Heard Shri P.S Pathak learned advocate for the applicant and Ms Archana B.K learned Presenting Officer for the Respondents no 1, 2 & 3 and Shri C.T Chandratre, learned advocate filed Vakalatnama on behalf of Respondent no. 4 and seeks two weeks time to file reply.

Reply on behalf of Respondents no 1 to 3 may also be filed within two weeks.

S.O to 19.10.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 5/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)
~~Hon'ble Shri. A.P.K (Member)~~
APPEARANCE :
Shri ~~Smt~~ P.S. Pathak
Advocate for the Applicant
~~Shri Smt~~ : Archana B.K.
~~C.P.O~~ P.O. for the Respondents no. 1,2&3
C.T. Chandratre for
R.No.4.
Adj. To 19/10/16

[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

05.10.2016

O.A No 969/2016

Shri S.L. Patil ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 26.10.2016.

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 26.10.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

DATE: 5/10/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/~~Smt.~~ K.R. Jagdale
Advocate for the Applicant
Shri/~~Smt.~~ K.B. Bhise
~~C.P.O./~~P.O. for the Respondents

~~Adj. To~~ S.O. to 26/10/16.

Akn

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

05.10.2016

O.A No 971/2016

Shri V.V Waghmare ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging order of suspension of issued by D.C.P, Pune. Learned Advocate Shri Bandiwadekar, stated that this Tribunal in a number of cases have held that the appointing authority of the Police Constables and Police Nasik is Commissioner of Police and not D.C.P and he is not authorized to place Police Personnel of that rank under suspension. He, therefore, stated that the impugned order may be stayed.

3. Learned P.O stated that as per his information recently some orders have been issued authorizing D.C.P also to place Police Personnel of this level under suspension. He seek time to produce that order on record.

4. Issue notice before admission made returnable on 19.10.2016.

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

6. 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.

7. 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.

8. 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.

9. S.O 19.10.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 5/10/16
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. A.J. chougule
~~C.P.O~~ P.O. for the Respondents
Adj. To S.O. to 19/10/16

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

MISC APPLICATION NO 395 OF 2016

IN

ORIGINAL APPLICATION 890 OF 2016

DISTRICT : PUNE

Shri Sunil D. Deshmukh,)
Dy. S.P/A.C.P presently posted in the)
of Commissioner of Police, Mumbai City,)
as A.C.P, having residential address as)
B-405, Meghsparsh Housing Society,)
Survey no. 573, Near Yash Lawns,)
Bibavewadi, Pune 411 037.)...**Applicant**

Versus

1. The Government of Maharashtra)
Through Addl. Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)
2. The Director General of Police,)
Old Council Hall, Colaba, Mumbai)...**Respondents**

Shri M.D Lonkar, learned advocate for the Applicant.

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 05.10.2016

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate Shri Lonkar stated that Applicant was posted as S.D.P.O, Khed, Dist-Pune by order dated 1.6.2016 issued by the Home Department. However, that order was challenged before this Tribunal in O.A no 511/2016. The State Government, then decided to withdraw the order of transfer of the Applicant, as S.D.P.O, Khed and the person who was working there was continued to be posted in that post.

3. Learned Advocate Shri Lonkar stated that now the earlier incumbent Shri M.N Ghatte, has been promoted, but he has not yet been given a posting. He, therefore, requested that the Applicant may be considered for being posted as S.D.P.O, Khed as and when the post becomes vacant. The Applicant has also made a representation dated 30.9.2016 to the Respondent no. 1 in this regard.

4. Learned C.P.O stated that the decision regarding posting a suitable Officer as S.D.P.O, Khed will be taken by the Government as per procedure prescribed under the Maharashtra Police Act when the post becomes vacant.

5. The Government has earlier posted the Applicant as S.D.P.O, Khed and that order was subsequently withdrawn in view of the Original Application filed by Mr Ghatte. Since Shri Ghhate is promoted and that post is likely to fall vacant soon, the Respondents are directed to consider the representation of the Applicant dated 30.9.2016 for being posted as S.D.P.O, Khed within a period of one month from the date on which the said post becomes vacant.

6. Misc Application stands disposed of accordingly with no order as to costs.

7. Original Application no. 895/2016 be placed on Board on 24.10.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 05.10.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Oct 2016\M.A 395.16 in O.A 890.16 direction to decide M.A S.1016.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 812 OF 2016

DISTRICT : PUNE

Shri Ganesh Arjun Kamble)...**Applicant**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicant.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 05.10.2016

O R D E R

1. Heard Smt Punam Mahajan, learned advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Learned Advocate Smt Mahajan stated that as per decision of Police Establishment Board in the office of the Commissioner of Police, Pune, dated 16.5.2016, 74 officers were transferred. Thereafter more than 36 transfer orders have been withdrawn when the affected persons filed Original Applications in this Tribunal. Only in one or two cases, though the Original Applications have been filed, transfer orders have not been withdrawn. In one such case of Shri V.S Kokane (O.A 827/2016), Hon. Chairman has given certain directions to the Commissioner

of Police, Pune by order dated 12.8.2016. She prayed that similar dir.ctions may be issued to the Commissioner of Police, Pune in the present O.A, which will facilitate decision in the present O.A.

3. Though learned P.O opposed issuance of orders on the line of order in O.A no 827/2016, I see no reason why similar orders should not be passed in the present case. Accordingly, following order is passed.

66 3. Learned Advocate Smt. Punam Mahajan for the Applicant has pointed out as follows :-

(a) After the decision of P.E.B. in the office of Commissioner of Police, Pune dated 26.05.2016 in all 74 Officers/ employees were transferred.

(b) This Tribunal had passed the order on 08.07.2016 in O.A.No.663/2016 and issued to the Commissioner of Police, Pune certain directions. Thereafter 36 transfer orders have been withdrawn by the Commissioner of Police, Pune, while applicant's transfer is not cancelled.

(c) Applicant's case could have been dealt with by the Commissioner of Police, Pune in the same or similar way, which has not been done.

4. In the aforesaid premises, the Respondent No.2, Commissioner of Police, Pune is directed to apply mind to the present case and decide as to whether any distinguishing fact and feature exists in the present case in comparison to the transfers orders which are cancelled after this Tribunal's order dated 08.07.2016 passed in O.A.No.663 of 2016.

5. If the Commissioner of Police, Pune wants to follow the same course as directed in the order dated 08.07.2016 referred to in foregoing paragraphs, the Commissioner of Police, Pune shall be free to adopt same course.

6. In the event, the Commissioner of Police, Pune is desirous of contesting the O.A. in that event, he shall adopt the following course :-

(a) Find out as to whether all members of P.E.B. concerned have read Section 22N of Bombay Police Act before taking decision as recorded in the minutes dated 26.05.2016.

(b) Find out as to within which of the clause or clauses of Section 22N, the impugned transfer fits and is permissible.

(c) Ascertain and identify the facts which do constitute the grounds and circumstances leading to the decision to transfer the Applicant and do fit in any condition or circumstances prescribed by Section 22N of the said Act, enabling the Transfer.

7. Commissioner of Police, Puns shall file own affidavit-in-reply, answering each point, paragraph and averment contained in O.A., if O.A. is to be contested.

8. Hamdast and steno copy is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents. ’/

4. Learned P.O stated that affidavit in reply of Commissioner of Police, Pune will be filed within two weeks.

5. S.O to 18.10.2016. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 05.10.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Oct 2016\O.A 812.16 Transfer order challenged. SB.1016 Int order.doc

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.297 OF 2015

DISTRICT : SATARA

U.N. Yadav & Ors. **.... Applicants.**

Versus

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

Shri B.A. Bandiwadekar, the learned Advocate for the Applicants.

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 05.10.2016.

O R D E R

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

2. Heard both sides for some time.

3. Perused the affidavit filed by Shri Sakharam D. Kharat, Deputy Secretary, Skill Development and Entrepreneurship Department, Mantralaya.

4. It is seen that this Tribunal had passed order on 13.07.2016 and directed that some Senior Officer working in Mantralaya, not below the rank of Deputy Secretary, should file affidavit.

5. It is seen that affidavit is filed by Shri Sakharam D. Kharat, Deputy Secretary, Skill Development and Entrepreneurship Department, Mantralaya, apparently in compliance with the order passed by this Tribunal.

6. Affidavit is drafted in a very skeptic and cryptic manner. Major issues directly involved have not been addressed. Specific pleading have to be replied by equally specific averments.

7. Learned P.O. Ms. N.G. Gohad was called to state as to whether she was involved in drafting the affidavit. Learned P.O. states that she was not consulted in the process of drafting the affidavit.

8. In the background that the manner in which the affidavit is drafted, shows total lack of sincerity and exhibits recklessness. The affidavit as filed cannot be entertained and cannot be retained on record.

9. In the aforesaid premises, it is directed that affidavit at page 163 to 179 be struck off from record. Registrar is directed to remove it from record and keep it in 2nd part of the O.A. paper book.

10. In order to obtain proper answer to the O.A. from the Respondents, it is necessary that affidavit be filed by the Principal Secretary, Higher and Technical Education Department, Mantralaya.

11. Learned P.O. was called to furnish the name of incumbent holding the post of Principal Secretary, Higher and Technical Education Department.

12. Learned P.O. has furnished the following name :-

Shri Deepak Kapoor, Principal Secretary, Higher and Technical Education Department, Mantralaya.

13. Shri Deepak Kapoor, Principal Secretary, Higher and Technical Education Department, Mantralaya is directed as follows :-

(a) Call for the entire papers of O.A. and all related papers ;

(b) Read the O.A. and related papers himself;

(c) Identify the averments and facts are to be admitted and which needs to be disputed and thereafter file specific reply, taking care that reply is not evasive and shall make every averment which is required for opposing their claim.

14. It is recorded, by way of caution, that in case evasive reply is filed, then Secretary may have to be called for further examination on oath. It is hoped that such situation would be avoided.

15. Learned P.O. prays for minimum four weeks time for enabling the Secretary to file reply, in compliance contained in foregoing paragraph no.13.

16. Though four weeks time is prayed, longer time is granted with hope that affidavit would be filed on the next date without fail.

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

18. S.O. to 16.11.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1056 OF 2015

DISTRICT : MUMBAI

A.A. Jagdale .... **Applicant.**

Versus

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

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

Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 05.10.2016.

O R D E R

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Heard for some time. It is seen that affidavit-in-reply is filed in this case for and on behalf of Respondent No.1 by Shri Ganesh P. Bellale, Assistant Controller of Rationing, office of Controller of Rationing and Director, Civil Supplies, Mumbai on the basis of authorization given to him by Respondent No.1, probably on the basis of para-wise remarks which were approved by the Respondent No.1.

3. Perusal of affidavit filed by the State reveals that it contains statement that judgment delivery by Hon'ble High Court Bench at Aurangabad (in case of Shri S.C. Saindane Versus State of Maharashtra bearing Writ Petition No.2136 of 2011) is carried before Hon'ble Supreme Court, however, it is not stated as to what has happened to the case before the Hon'ble Supreme Court, and how Government wants to deal with present cases in the light of subsequent Government decision dated 08.12.2011.

In the background that Government decision dated 05.11.2009 is already superseded, being set aside by Hon'ble High Court, and now the field is governed by Government decision on 08.12.2011, and arguments contained in the affidavit-in-reply are silent as to the grounds entitling withholding of promotion of the Applicant.

4. The affidavit is drafted and arranged in unusual manner and paragraphs & sub-paragraphs are either numbered awkwardly or are left un-numbered, and hence those are unidentifiable and the text is left in a complicated state. The form of affidavit only reminds that of cramming the garbage.

5. The reply at page 38 onwards and rejoinder are, therefore liable to be struck off from the record of the paper book of O.A.. The Registrar is directed to remove the affidavit-in-reply from page 38 onwards including its index and also the rejoinder, and keep it in the 2nd part.

6. In the background that reply is filed, without proficiency as well without seriousness, whatsoever, and now it is stuck off, it is necessary to direct the officer holding the post of Respondent No.1 to file his own affidavit.

7. Therefore, learned P.O. was asked to furnish the name of the incumbent holding the post of Controller of Rationing and Director, Civil Supplies.

8. Learned P.O. has furnished the following name :-

Shri Avinash Subedar, Controller of Rationing and Director, Civil Supplies.

9. Shri Avinash Subedar, Controller of Rationing and Director, Civil Supplies is directed as follows :-

(a) Call for the papers of O.A. along with other related documents;

(b) Read all record himself;

(c) Prepare notes of reply on the basis of facts which are admitted and which are to be denied.

(d) Isolate and identify headings contained in O.A. relating to question as to whether applicant is eligible for promotion without waiting for her procuring a Caste Validity Certificate.

(e) File an affidavit on limited question justifying if there exists grounds on which Respondents is entitled to refuse the grant of promotion to the applicant on account of her failure to secure Caste Validity Certificate, in the background of Government decision dated 08.12.2011 and judgment of Hon'ble High Court of Bombay Bench at Aurangabad in case of Shri S.C. Saindane Versus State of Maharashtra bearing Writ Petition No.2136 of 2011 whereby Government decision dated 05.11.2009 came to be quashed.

10. Affidavit, if any, be filed on or before 24.10.2016.

11. If affidavit is not filed on the next date, the case will proceed without filing of reply, on the principles of Rule (10) of Order VIII of Civil Procedure Code.

12. It shall not be necessary to file affidavit, if action to promote the applicant is taken.

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

14. S.O. to 24.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

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 : 5/10/16 CORAM : Hon'ble [illegible] A. H. Joshi (Chairman) Hon'ble [illegible] Rameshkumar (Member)A APPE[illegible] Shri/Smt. C.T. Chandratre Advocate for the Applicant Shri/Smt. ...time for Resp. C.P.O / P.O. for the Respondent/s Adj. To 7/10/16. sba	**Date : 05.10.2016.** **C.A.No.85 of 2013 in O.A.No.788 of 2012** **R.T. Patil ...Applicant** **Vs.** **The State of Mah. & Ors. ...Respondents** 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant. None for the Respondents. 2. Adjourned to 07.10.2016. -Sd- (A.H. Joshi, J) Chairman

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 : 05.10.2016.

C.A.No.02 of 2015 in O.A.No.170 of 2013

S.N. Kolte ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel with Smt. Archana B.K. the learned Present Officer for the Respondents.

2. Learned Special Counsel for the Respondents Shri D.B. Khaire states as follows:-

That the statement of calculation on the basis of which amount is credited in the account of Applicant will be furnished to him today itself.

3. In view of the foregoing statement of learned Special Counsel Shri D.B. Khaire, adjourned to 07.10.2016.

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

sba

DATE : 5/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rameshkumar (Member) A
APPEAR:
Shri/Smt. C. T. Chandratre
Advocate for the Applicant,
Shri/Smt. D.B. Khaire (Spl Counsel)
C.P.O./P.O. for the Respondent/s with
Smt Archana B.K. for Ors.
Adj. To 7/10/16.

PTO

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 : 05.10.2016.

C.A.No.120 of 2015 in O.A.No.313 of 2015

Dr. R.S.S.G. Abbas **...Applicant**

Vs.

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

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

2. Learned P.O. for the Respondents Shri K.B. Bhise states as follows :=

   (a) The matter is being considered for granting to the Applicant the Salary and Allowances, towards the period during which the Applicant had remained unemployed on account of failure to take action in time.

   (b) Four weeks time may be granted for taking decision and action.

3. Time as prayed for is granted.

4. S.O. to 10.11.2016.

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

prk

DATE : 5/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh kumar (Member)-A
APP:
Shri S.P. Manchekar
Advocate for the Applicant
Shri K.B. Bhise
C.P.O./P.O. for the Respondent/s

Adj. To 10/11/16.

PTO

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

Date : 05.10.2016.

O.A.No.541 of 2015 with M.A.No.111 of 2016

Y.C. Korande ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri P.G. Kayande, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents Smt. K.S. Gaikwad has tendered the affidavit affirmed by Shri Bijay Kumar, Principal Secretary (Agriculture), Agriculture & Animal Husbandary, Dairy Development and Fisheries Department, Mantralaya. It is taken on record.

3. Learned Advocate for the Applicant Shri P.G. Kayande states that time is needed for taking instructions from the Applicant on the following points :-

(a) Applicant would decide to accept the posting at available vacancy at Jalgaon; or Ahmednagar; or;

(b) Applicant would wait because the post of Deputy Director, Agriculture (Atma) is likely to fall vacant in Nashik Division, where Shri Pravin Gavade is posted due for transfer and applicant may be ready to wait till that vacancy arises.

4. If statement is made by the State that applicant's claim will be considered for that post (at Nashik), the applicant will be happy.

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

6. Adjourned to 17.10.2016.

(A.H. Joshi, J.)
Chairman

prk

DATE : 5/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble [illegible]shikumar (Member) A
APPE[illegible]
Shri/Sm[illegible] P.G. Kayande
Advocate [illegible]plicant
Shri/Smt. K.S. Gaikwad
C.P.O / P.O. for the Respondent/s

Adj. To 17/10/16.

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 directians and Registrar's orders	Tribunal's orders C.A. No.130 of 2015 in O.A. No.308 of 2012

Shri S.S. Padave ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO, on instructions received from Shri Suresh Khade, Deputy Secretary, Home Department, states that every effort would be made to place applicant's case before the next Cabinet meeting and outcome would be reported.

3. S.O. to 25.10.2016.

(A.H. Joshi, J.)
Chairman
5.10.2016

(sgj)

DATE: 5/10/16
CORAM:
Hon'ble Shri A. H. Joshi (Chairman)
Hon'ble ~~Shri Kamalkumar (Member) A~~
APPO...
Shri G.A. Bandiwadekar
Advocate for the Applicant
Shri K.S. Gaikwad
C.P.O. for the Respondent/s

Adj. To 25/10/16.

[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	Date : 05.10.2016 Tribunal's orders

O.A.No.654 of 2016

M.D. Shinde **...Applicant**

Vs.

The State of Maharashtra & 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. Interim relief is continued.

3. Learned P.O. Shri K.B. Bhise for the Respondents prays for time on the ground that order dated 27.04.2016, passed by this Tribunal in O.A.No.467 of 2015, is challenged before the Hon'ble High Court and the Writ Petition is still pending

4. In view of the foregoing, hearing of this O.A. is therefore, adjourned to 20.12.2016.

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

prk

DATE: 5/10/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri A. Hamsakumar (Member) A
Advocate for the Applicant
Shri S.P. Manchekar
Advocate for the Applicant
Shri K.B. Bhise
C.P.O. for the Respondent/s
Adj. To 20/12/16.

[P.T.O.

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

Date : 05.10.2016.

M.A.No.393 of 2016 in O.A.No.338 of 2016

A.D. Barade ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

Direction to Registrar:-

1. It is seen that though by yesterday's order, this O.A. was adjourned for enabling the applicant to bring draft amendment, the office has permitted the Advocate for the Applicant to amend the O.A.

2. Registrar is directed to hold an enquiry as to reason due to which though leave to amend was not granted, the officer concerned has allowed learned Advocate for the Applicant to amend the O.A.

3. Appropriate steps be taken to ensure that the staff/ officers read the orders and implement those in correct and proper manner.

4. Registrar shall call explanation from the officer concerned and take suitable action/ against officer concerned if satisfactory explanation does not come forward.

5. Compliance be reported on or before next date.

Direction in O.A.

6. Heard Shri P.B. Gore, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

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

(a) On the basis of whatever he understood from the order passed by this Tribunal on yesterday he has furnished the draft amendment and office has allowed to incorporate the same.

(b) He understands the error on his part and undertakes that any such overt act shall not occur in further.

(c) He apologises for his act.

8. In aforesaid background leave to amend is granted *post facto*, as one time order.

9. Misc. Application is allowed.

Sd/-

(A.H. Joshi, J)
Chairman

DATE : 5/10/16

CORAM :

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

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

APPEARANCE :

Shri/Smt. : P.B. Gole

Advocate for the Applicant

Shri /Smt. : K.S. Gaikwad

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

Adj. To MA is allowed.

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 : 05.10.2016.

C.A.No.116 of 2014 in O.A.No.03 of 2013 with 24, 38, 39, 40 & 41 of 2014

S.R. Pimpatkar & Ors.. ...Applicants

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri J.N. kamble, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel for the Respondents.

2. Learned Special Counsel for the Respondents Shri D.B. Khaire states as follows:-

That the Dean, B.J. Medical College has submitted proposal relating to Applicant's revision of pension on 28.8.2016 to the A.G. and A.G. has acknowledged its receipt.

3. Learned Special Counsel for the Respondents prays for time for securing information from the A.G. as to time within which A.G. would be taking decision.

4. Time as prayed for is granted.

5. S.O. to 21.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE: 5/10/16
CORAM:
Hon'ble ... H. Joshi (Chairman)
Hon'ble ... Kumar (Member)
APP:
Shri ... J.N. Kamble
Advocate for Applicant
Shri ... D.B. Khaire sp.(counsel)
Counsel for the Respondent/s
Adj. To 21/10/16.

[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
DATE: 5/10/16 CORAM: Hon'ble Member: Shri A. H. Joshi (Chairman) Hon'ble Member: Rajeshkumar (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 19/10/16.	**Date : 05.10.2016.** **O.A.No.433 of 2016** **P.G. Pingle ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the Presenting Officer for the Respondents. 2. Learned Advocate for the Applicant states that Applicant wants to amend the O.A. for incorporating new grounds of challenge. 3. Leave to amend as prayed for is granted. Amendment be carried out within one week. 4. Adjourned to 19.10.2016. (A.H. Joshi, J.) Chairman prk

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

04.10.2016

R.A 23/2016 in O.A No 1106/2015

Smt Sayali S. Ghadshi ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

2. Heard Shri K.R Jagdale, learned advocate for the applicants and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 18.10.2016.

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 18.10.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 4/10/16
CORAM :
Hon'ble Shri RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri ... (Member)~~
APPEARANCE :
~~Shri/Smt.~~ K.R. Jagdale
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. to~~ S.O. to 18/10/16

[P.T.O.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 553 OF 2016

DISTRICT : PUNE

Shri K.C Sharma)...**Applicant**

Versus

The State of Maharashtra)...**Respondents**

Shri D.B Khaire learned advocate for the Applicant.

Smt Kranti S. Gaikwad learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 03.10.2016

O R D E R

1. Heard Shri D.B Khaire learned advocate for the Applicant and Smt Kranti S. Gaikwad learned Presenting Officer for the Respondents.

2. Learned Advocate Shri Khaire stated that the Applicant was working in Khadi and Village Industries Commission, Pune from where he was relived on 8.1.2916. He was kept on compulsory waiting till 9.3.2016 when he was posted as Deputy Registrar in Pune District Urban Banking Association. He was paid salary for the month of March and April, 2016. Thereafter, by order dated 30.5.2016, the Applicant was relieved without giving any further posting. The Applicant challenged that order in the present O.A and by order dated 13.6.2016 this

Tribunal granted interim relief in terms of prayer clause 11(a). Accordingly, Applicant continued to work as Deputy Registrar in Pune District Urban Banking Association, Pune. Learned Advocate Shri Khaire stated that thereafter the Applicant was transferred to Marketing Board, Pune by order dated 17.6.2016 during the pendency of this Original Application. The Applicant has joined the said post on 20.9.2016, despite the stay order being there in his favour and the fact that the order dated 17.6.2016 is in apparent violation of the stay order granted by this Tribunal.

3. Learned Advocate Shri Khaire, stated that these facts are brought to the notice of this Tribunal to show that the Respondents are harassing the Applicant only because he has approached this Tribunal by filing this Original Application. He has not been paid salary for the period of compulsory waiting and for the months of May 2016 onwards.

4. The Respondents are directed to ensure that the salary for the period when the Applicant was on compulsory waiting as well as when he was discharging his duties in the Urban Bank Association, Pune is paid to him within two weeks from today.

5. S.O to 17.10.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 03.10.2016
Dictation taken by : A.K. Nair.

(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.394/2016 in O.A.576/2016

Shri P.B. Dandekar ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

Heard Shri R.S. Kavle, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

This MA needs to be allowed without much ado. The names of the authorities be deleted and the posts be allowed to remained in array of the Respondents. The amendment be carried within one week from today. The MA is allowed in these terms with no order as to costs.

Sd/-
(R.B. Malik)
Member (J)
05.10.2016

Sd/-
(Rajiv Agarwal)
Vice-Chairman
05.10.2016

(skw)

DATE: 5/10/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. R.S. Kavale
Advocate for the Applicant. holding for K.B. Bhise
Shri/Smt. Archana B.K.
C.P.O / P.O. for the Respondents
Adj. To: M.A. is allowed.

IPTO

(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.196/2016

Shri D.R. Badiwale ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Affidavit-in-rejoinder has already been filed. Admit. Liberty to mention granted.

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.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. 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.

Sur-rejoinder, if any, must be filed on the date when the matter appears before the Bench and not thereafter.

(Sd/- 5.10.16
(R.B. Malik)
Member (J)
05.10.2016

(skw)

DATE : 5/10/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh Kumar (Member) A R.B.Malik
APPEARANCE :
Shri/Smt. : K.R. Jagdale
Advocate for the Applicant
Shri/Smt. : K.B. Bhise
C.P.O. / P.O. for the Respondents
Adj. : Admit

[P.T.O.

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.696/2016

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

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi holding for Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Affidavit-in-rejoinder is taken on record. Admit. Liberty to mention granted.

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.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. 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.

Sd/-
(R.B. Malik) 5-10-16
Member (J)
05.10.2016

(skw)

DATE: 05/10/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh Kumar (Member) R.B. Malik AJ
APPEARANCE:
Shri/Smt.: B. A. Bandiwadekar
Advocate for the Applicant
Shri/Smt.: Ms. S. Suryawanshi
C.P.O / P.O. for the Respondent/s
Adj. To: Admit.

[P.T.O.

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

O.A.757/2016

Shri N.P. Pawar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

This OA by consent is being disposed of at this stage itself in terms of Prayer Clause (b) of the Para 9 of the OA. Liberty is reserved for the Applicant to bring in a fresh action in terms of Prayer Clause (a) if so advised.

The detailed discussion of facts is not necessary. It would be suffice to mention that the Applicant seeks the relief of confirmation of his services in the cadre of Dy.S.P./Assistant Commissioner of Police. By Prayer Clause (b), a direction is sought that his representation dated 16.2.2016 be decided within a reasonable period stipulated by this Bench. Mr. Lonkar invites reference to Para 13 of the Affidavit-in-reply filed just now wherein it is *inter-alia* mentioned that in view of the pending criminal case against Applicant, the order of confirmation was not issued. I am informed at the Bar that now the said criminal case has been decided in favour of the Applicant. It is further mentioned in Para 13 of the Affidavit-in-reply, that steps are in progress in the direction of confirmation as sought by the Applicant. Upon receipt of the information from the DGP, the request of the Applicant will be considered as per the Rules in consultation with the GAD and other concerned departments.

In my opinion, the above discussion should make it clear that it cannot be an endless process and whatever has to be done must be done in a time bound manner. In my view, an appropriate decision must be taken on the representation of the Applicant above referred to within two months from today and the OA stands disposed of with these directions with a further direction that the outcome be conveyed to the Applicant within one week thereafter. No order as to costs.

(Sd/-) 05.10.16
(R.B. Malik)
Member (J)
05.10.2016

(skw).

DATE: 5/10/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri R.B. Malik (Member)
APPEARANCE
Shri/Smt.: M.D. Lonkar
Advocate for the Applicant
Shri/Smt.: K.B. Bhise
C.P.O./ P.O. for the Respondent/s
Adj. To OA disposed.

(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.760/2016

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

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Shri Chandratre makes a statement that the Applicant does not want to file Rejoinder. Admit. Liberty to mention granted.

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.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. 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.

(R.B. Malik) 5.10.16
Member (J)
05.10.2016

(skw)

DATE : 5/10/2016
CORAM :
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri R.B. Malik ~~M. Ramesh Kumar (Member)~~ A J
APPEARANCE :
~~Shri/Smt.~~ : C.T. Chandratre
~~Advocate~~ for the Applicant
Shri /Smt. : K.B. Bhise
~~C.P.O~~ / P.O. for the Respondent/s
Admit
Adj. To.....

[P.T.O.

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	Date : 05.10.2016. Tribunal's orders

M.A.No.569 of 2015 in C.A.No.142 of 2014
in O.A.No.27 of 2003

U.P. Paradkar & Ors. ...Applicants

Vs.

The State of Mah. & Ors. ...Respondents

1. None for the Applicant. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents Smt. K.S. Gaikwad states as follows:-

(a) That the judgment of this Tribunal is carried before the Hon'ble High Court.

(b) The Writ Petition is circulated and next date is given by the Hon'ble High Court is 19.10.2016.

3. In view of the statement of learned P.O., adjourned to 25.10.2016.

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

sba

DATE: 5/10/16
CORAM
Hon'ble ... Joshi (Chairman)
Hon'ble ... (Member) A
APP...
Shri ... Hmc for the appl.
Advocate ...
Shri ... K.S. Gaikwad
C.P.O ... Respondent/s
Adj. To 25/10/16.

[P.T.O.

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.242/2016**

Shri A.D. Raste ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri V.K. Bodhare holding for Shri A.M. Joshi, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The learned P.O. seeks further time to file reply. Last chance was already granted. The request for further time is therefore, rejected. The OA is formally admitted and appointed for hearing making it clear that just before the hearing commences, if the reply is tendered, it will be taken on record, but no adjournment will be given for the same. The OA stands adjourned for hearing to 21st October, 2016.

S.O. to 21st October, 2016.

5.10.16

(R.B. Malik)
Member (J)
05.10.2016

(skw)

DATE: 5/10/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh Kumar (Member) A R.B.Malik J
APPEARANCE:
Shri/Smt. V.K. Bodhare holding for Smt. A.M. Joshi
Advocate for the Applicant
Shri/Smt. Ms. N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 21/10/2016

(B)

[P.T.O.

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.334/2016 in O.A.879/2016

Shri M.B. Jadhav ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 20.10.2016.

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 20th October, 2016.

5.10.16

(R.B. Malik)
Member (J)
05.10.2016

(skw)

DATE: 5/10/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~M. Ramesh Kumar (Member) A~~ R.B. Malik
APPEARANCE:
Shri/Smt.: S.T. Bhosale
Advocate for the Applicant
Shri/Smt.: K.S. Gaikwad
C.P.O./ P.O. for the Respondent/s
Adj. To 20/10/2016

[P.T.O.

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.973/2016

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

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri K.B. Bhise, 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. Liberty reserved for the Applicant to seek interim relief.

5-10-16

(R.B. Malik)
Member (J)
05.10.2016

(skw)

DATE : 05/10/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh Kumar (Member) A
R.B. Malik
APPEARANCE :
Shri/Smt. : C. T. Chandratre
Advocate for the Applicant
Shri /Smt. : K. B. Bhise
C.P.O / P.O. for the Respondent/s
Adj. To 19/10/2016

[P.T.O.

..... 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.699/2016

Shri I.A. Bhise ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Affidavit-in-reply is taken on record. Shri Dere, the learned Advocate for the Applicant submits that the Applicant does not want to file Rejoinder. Heard Mr. Dere and the learned P.O. Regard being had to the facts, the OA is admitted and a fixed date is given for final hearing on 10th October, 2016 before the 2nd Bench.

S.O. to 10th October, 2016.

Sd/- 5.10.16

(R.B. Malik)
Member (J)
05.10.2016

(skw)

L.O.

Mentioned by both the sides. The date is altered to 7th October, 2016 before the 2nd Bench.

S.O. to 7th October, 2016.

Sd/- 5.10.16

(R.B. Malik)
Member (J)
05.10.2016

(skw)

DATE: 05/10/2016
CORAM:
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri M. ~~Ramesh Kumar (Member) A~~ R.B. Malik
APPEARANCE:
Shri/Smt. : S.S. Dere
Advocate for the Applicant
Shri /Smt. : A.B. Kololgi
C.P.O. / P.O. for the Respondent/s
Adj. To 7/10/2016

[P.T.O.

Application No. of 20 DISTRICT

..... Applicant/s

versus

The State of Maharashtra and others

..... Respondents

ring Officer.....

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

Date : 05.10.2016.

C.A.No.58 of 2016 in O.A.No.422 of 2014

S.B. Pawaskar ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri B.A. 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 Ms. N.G. Gohad has tendered affidavit. It is taken on record.

3. S.O. to 06.10.2016.

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

sba