IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 839 OF 2017

DISTRICT : NASIK

Shri Hemant P. Pagar,)...**Applicant**

Versus

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

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

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

CORAM : Shri Justice A.H Joshi (Chairman)

DATE : 5.10.2017

O R D E R

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

2. In this case, this Tribunal had issued notice for final disposal by order dated 12.9.2017. The applicant has shown that notice was delivered in the office of the Respondents on 25.9.2017.

3. Today learned Presenting Office prays for time and states that para wise remarks are awaited and a Clerk from the office of the Respondent No. 1 has arrived with a request that four weeks' time may be granted for filing affidavit in reply.

4. Learned Presenting Officer was called to take instructions and state as to whether any compelling circumstances existed due to which the Deputy Collector could not prepare the affidavit in reply. No reply much less satisfactory has come forward.

5. It is seen that if at all the Original Application was to be opposed by filing reply, at least para wise remarks should have been ready, unless there were compelling circumstances, which could have prevented the Respondent no. 1 from filing reply. Preparation of para wise remarks with punctualness was/is expected particularly in the background that reply to O.A was to be filed in relation to the action taken by the Respondent no. 1 himself and entire record did rest with him.

6. It is pertinent to note that Respondent no. 1 also acts as a quasi-judicial authority and he very well know that whenever Court/Tribunal or authority exercising judicial / quasi- judicial powers issues a notice/summons, it has to be attended punctually and without reservation or demour.

7. According to applicant the provisions of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 have been made applicable as conditions of service to the applicant.

8. It is argued by the learned Advocate for applicant that:-

(a) The Deputy Collector and Sub Divisional Officer, who is the competent authority in relation to Police Patil has called the applicant for hearing by notice, copy whereof is at Exh.F, page 34. This notice is in the nature of a routine letter and does not conform to the concept of 'notice of show casue'. The notice does not disclose as to what is the proposed or impending action against which he is called to show cause?

(b) The notice dated 15.6.2017, Exh. F, page 34, is not a notice of show cause or a memorandum of charge sheet towards major penalty as contemplated by Rule 8 of M.C.S (Discipline & Appeal) Rules, 1979.

(c) The opportunity of personal hearing including opportunity to deal with evidence used against him by serving memorandum of charges.

(d) The evidence in support was not furnished to the applicant, and also he was not given reasonable and fair opportunity of hearing by observance of principles of natural justice.

(e) Despite all these deficiencies, the defective and ex-facie illegal show cause notice has entailed in impugned order dated 27.7.2016.

9. This Tribunal was curious to know as to whether the Respondent No. 1 would be guided by wiser counsel and discretion, and would elect to observe the rules and procedure by withdrawing impugned order. For this purpose, when the case was heard in morning session,, in the midst of arguments, the hearing was adjourned beyond lunch break for enabling the Respondent No. 1 to contact and consult learned Presenting Officer, discuss with him about all points, find out and then to inform this Tribunal the course of action which Respondent No. 1 choose to adopt.

10. After recess, learned Presenting Officer has reported that the message was sent to the Respondent No. 1. Shri Siddharth Bhandare, the incumbent holding the post of Sub Divisional Officer, Chandwad called him. The case was discussed and the Respondent No. 1 has expressed that he is firm on his action and he would choose to invite an order than to take a sumo action.

11. In the background of aforesaid submission, prima facie present is a fit case not only for final disposal, but with certain further directions to the incumbent holding the post of Respondent No. 1.

12. In the peculiar circumstances narrated in foregoing paragraphs, the incumbent holding the post of Respondent no. 1 is directed as follows:-

(a) He should open mindedly consider his stance as to whether he would like to address himself on the grounds and averments contained in O.A, rules and principles of law relied upon by the applicant, and as referred to in foregoing para No. 8.

(b) In the event, he finds that the grounds and contentions raised in the O.A are factually and legally well founded, namely a connivance or violation of mandatory provisions of Rules has occurred or is done by Respondent no. 1, the Respondent No. 1 shall be free to take corrective measures, and report the compliance on the next date.

13. The Respondent No. 1 shall be free to file affidavit in details, answering the Original Application, if that be the warrant of the case, and justify his action.

14. The Respondent No. 1 is put to notice that in case the action taken by him does not withstand the acid test of rules, since the Respondent No. 1 is duly warned, the judgment as may be rendered if this Tribunal finds favour with applicant, the order would not stop at granting relief which applicant would be found entitled, but may essentially call for further chastising order such as heavy costs to be paid by the incumbent holding the post of the Respondent No. 1, and who has passed impugned order, personally and from own purse, for which any further personal notice shall not be necessary.

15. At the request of learned P.O, Original Application is adjourned to 2.11.2017 hoping that wisdom bestows on the Respondents and he shall come forward by acting upon wiser counsel to prevail on him, of course unless he has good legal grounds to justify his course of action.

16. Learned Presenting Officer be supplied steno copy for this order delivering thereof to the Respondent No. 1 and incumbent Shri Siddharth Bhandare, S.D.O, Chandwad. Hamdast is allowed.

Sd/-

(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 05.10.2017
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2017\Oct 2017\O.A 839.17 Police Patil appointment. Int order 5.10.17.doc

M.A. 404/17 in
O.A. 614/17.

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

DATE: 25/9/17

CORAM:

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

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

APPEARANCE:

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

Advocate for the Applicant

~~Shri/Smt.~~ Ms. S. Sarayarekar

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

Adj. To 5/10/17.

DATE: 5/10/17

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.~~ Seema Saraf holding for
~~C.P.O./P.O.~~ for the Respondents
D.B. Khaire, Spl. Counsel with
S. Sarayarekar,

~~Adj. To~~ O.A. M.A. 6/10/17 at the
~~request~~ of P.O.
M.A is disposed of.

(1) Prayer (B) is not pressed.

(2) In so far prayer (A) is concerned, applicant has accepted posting at Kandhar.

Hence this MA is disposed

Sd/-

5/10/2017

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.315 OF 2017

DISTRICT: NASHIK

Mr. Santosh N. Salunke ....Applicant.

Versus.

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

Shri K.R. Jagdale, the learned Advocate for the Applicant.

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

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 05.10.2017.

ORDER

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms. Savita Suryawanshi, the learned Presenting Officer for the Respondents.

2. In this case, the applicant has prayed for relief of quashing communication sent by MPSC to the applicant, which is dated 09.03.2017, Exhibit N-page 53 of O.A.

3. By said letter 09.03.2017, M.P.S.C. has informed the applicant that the validity of waiting list has attended its expiry date.

4. According to the MPSC, date of forwarding letter shall be the date from which the life of waiting list is to be reckoned, and it expired on the completion of one year.

5. During the course of hearing, learned P.O. has tendered MPSC's letter dated 23.09.2016 sent to the Government forwarding the list of candidates who were selected.

6. Learned Advocate for applicant has pointed out that the para 5 of the letter dated 23.09.2016 is quoted below:-

> "प्रस्तुत पदाच्या सेवा प्रवेश नियमातील तरतूदीनूसार अनुभव विचारात घेतांना ज्या उमेदवारांनी खाजगी संस्थांमधील जबाबदारीच्या पदावरील व्यावसायीक स्वरूपाचा अनुभव धारण केला आहे, असे अनभव विचाराम घेण्यात आले आहेत. तथापि उमेदवारांचे अनुभव ज्या खाजगी संस्थामधील आहेत त्या संस्थांचा किमान स्तर, स्वरूप अथवा वेतन किती असावे याबाबत सेवा प्रवेश नियमात काहीही नमूद करण्यात आलेले नाही. त्यामुळे उमेदवारांना नियुक्ती देण्यापुर्वी अशा उमेदवारांनी धारण केलेला अनुभव सेवा प्रवेश नियमातील अनुभवाच्या तरतूदीनूसार आहे किंवा कसे, याबाबतची शहानिशा करून त्यानंतरच उमेदवारोच्या नियुक्तीबाबत शासनाने कृपया निर्णय घ्यावा, अशी आयोगाची सूचाना आहे."

7. According to learned Advocate for applicant the text (which is quoted under para) suggests that the Government of Maharashtra is asked to verify the eligibility of the candidates from the point of view of Recruitment Rules and other prescriptions of experience.

8. According to the learned Advocate for applicant, it is evident that the list forwarded by MPSC is not final and it is open ended, because it's finality is dependant upon verification of eligibility etc. The requirement of sending additional candidates, in the event some candidates from the said list are found to be lacking in the eligibility vert well exists.

9. In the aforesaid background. Limited question which arises for consideration as to what shall be the date from which the period of one year is said life of waiting list should be reckoned.

10. In the aforesaid background, the secretary of MPSC is directed as follows:-

> He shall examine afresh as to what is factual and legal foundation of MPSC's notion that the age of waiting list shall have to be reckoned from the date of a list, which is admitted by open ended and is not final, because the eligibility of candidates is still to be verified by the state Government.

11. Affidavit of secretary himself answering the point framed in foregoing para be filed on or before 10/10/2017.

12. Steno copy and hamdast is allowed.

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

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.348 OF 2017

DISTRICT: NASHIK

Smt. Lilabai N. Mhaske ....Applicant.

Versus

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

Ms. S.P. Manchekar, the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 05.10.2017.

ORDER

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Heard for some time.

3. It is seen that Respondent No.3 has filed an affidavit which is vague and skephic, may be because he is a young officer, and has yet to cultivate the acumen of understanding as how to contest the cases.

4. In these promises the incumbent holding the post of the Respondent No.1 is directed as follows:-

a) He shall call for papers of present O.A.

b) Shall read the O.A., its annexures and examine all contentions of the applicant.

c) In case applicant's plea is not eloquent he shall call the applicant and understand the foundation of applicant's claim.

d) After understanding the facts of the case and rules as may be applicable/ as may be shown, he may take decision at his level, if an a decision favorable to applicant is possible under the prevailing rules.

e) In case applicant's claim does not find any favour under the rules, he shall file his own affidavit opposing the O.A. by answering each para, point and if necessary each sentence.

f) Action reporting compliance if any and file affidavit answering O.A. if O.A. is to be opposed on or before 20/11/2017.

5) No further adjournment would be granted unless special circumstances exits, in the background that time was already granted and satisfactory drafter affidavit has not come forward.

6) P.O. is directed to communicate this order. For this purpose steno copy and hamdast is allowed.

7) S.O. to 20.11.2017

Sd/-

(A.H. Joshi,)
Chairman

nmn

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Date : 05.10.2017.

C.A. No. 09 of 2017
In
O.A.No.1067 of 2015

Dr. A.K. Chikhale **....Applicant.**

Versus

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

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

2. None appears for the Applicants.

3. The learned P.O. prays time to find out the status of W.P. filed by the State.

4. S.O. to 1st week of December, 2018 with liberty to circulate before due date, if occasion arises.

Sd/-

(A.H. Joshi J.)
Chairman

prk

DATE : 5/10/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/~~Smt.~~ Anurag Jain
Advocate for the Applicant
Shri /~~Smt.~~ A.J. chougule
~~C.P.O./~~P.O. for the Respondent/s

~~Adj To:~~ S.O. to 1st week of December, 2018 with liberty to circulate before due date, if occasion arises.

G.C.P. J 2200(B) (50,000 2-2015) (Spl. MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

IN

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 : 5/10/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : Shri/~~Smt.~~ A. A. Gharte Advocate for the Applicant Shri/~~Smt.~~ N. K. Rajpurohit C.P.O / P.O. for the Respondent/s ~~Adj. To~~ Removed from board. Applicant shall approach Registry and secure notice, service it and file service report.	**05.10.2017** **O.A No 741/2017** Shri V.K Jagdhane ... Applicant Vs. The State of Maharashtra & Ors... Respondents 1. Heard Shri A.A Gharte, learned advocate for the applicant and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents. 2. Removed from board in view that the affidavit of service is not filed. 3. Applicant shall approach Registry and secure notice, serve it and file service report. Sd/- (A.H Joshi, J.) Chairman Akn

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 : 5/10/17

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ V. P. Potbhare

Advocate for the Applicant

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

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

~~Adj. To~~ Applicant shall approach Registry and secure notice, serve it and file service report.

05.10.2017

O.A No 626/2017

Shri S.B Wategaonkar ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

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

2. Removed from board in view that the affidavit of service is not filed.

3. Applicant shall approach Registry and secure notice, serve it and file service report.

Sd/-

(A.H Joshi, J.)
Chairman

Akn

(CCP) - J 226013 (50,000) -2-2015) [Spl. MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 5/10/17
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. : Archana B.K.
C.P.O / P.O. for the Respondent/s
Adj. To : M.A. is allowed

05.10.2017

M.A 400/2017 in O.A No 863/2017

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

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

2. Applicant has filed O.A no 863/2017 seeking relief of compassionate appointment.

3. On showing by the applicant O.A is delayed by eight months.

4. Notice was served on the Respondents on 22.9.2017. However, reply is not filed. However, O.A is opposed by oral submissions.

5. Considering that applicant's representation is still pending and not decided, the aspect of delay turns out to be insignificant.

6. However, considering that applicant has explained delay satisfactorily, the delay of eight months caused in filing O.A is condoned.

Sd/-

(A.H Joshi, J.)
Chairman

Akn

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 5/10/17 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.~~ Archana B.K. C.P.O / P.O. for the Respondent/s ~~Adj To~~ Applicant shall approach Registry and secure notice, serve it and file service report. BJE	**05.10.2017** **O.A No 863/2017** Shri C.V Bhosale ... Applicant Vs. The State of Maharashtra & Ors... Respondents 1. Heard Shri A.V Bandiwadekar learned advocate for the applicant and Ms Archana B.K. learned Presenting Officer for the Respondents 2. Applicant shall approach Registry and secure notice, serve it and file service report. Sd/- (A.H Joshi, J) Chairman Akn

(C.C.P.) J 2200(B) (50,000) -2-2015) (Spl. MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 5/10/2017
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.~~ : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To... MA is allowed.

B.E.

05.10.2017

M.A 399/2017 in O.A No 864/2017

Shri S.B Sarmukaddam ... 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. Applicant has filed O.A no 864/2017 praying for the reliefs of grant of Ist A.C.P as well as 2nd ACP and consequential benefits.

3. On showing by the applicant O.A is delayed by five months.

4. Notice was served on the Respondents on 21.9.2017. Reply is not filed. However, O.A is strongly opposed by oral submission.

5. Considering that the cause of action and subject matter of the O.A is recurrent and continuous, actually there is no delay. However, considering a contingency of possibility of delay, this Tribunal is convinced that it is duly and satisfactorily explained.

6. Hence delay of five months in filing O.A is condoned.

Sd/-

(A.H Joshi, J.)
Chairman

Akn

(CCP) - J 2960(D) -50,000 -2 2015) (Spl. MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 5/10/2017

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.~~ : A.J. Chougule

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

~~Adj.~~ To. Applicant shall approach Registry and secure notice serve it and file service report

05.10.2017

O.A No 864/2017

Shri S.B Sarmukaddam ... 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. Applicant shall approach Registry and secure notice, serve it and file service report.

Sd/-

(A.H Joshi, J.)
Chairman

Akn

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

DATE : 5/10/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~

APPEARANCE :
Shri/~~Smt.~~ : S.P. Manchekar
Advocate for the Applicant
Shri/~~Smt.~~ : A.J. chougule
C.P.O. / P.O. for the Respondent/s

Adj. To 7/12/2017.

Date: 05.10.2017

O.A. 511 of 2017 with O.A. 512 of 2017 with O.A. 514 of 2017 with O.A. 515 of 2017 with O.A. 516 of 2017 and O.A. 523 of 2017

Dhananjay A. Jadhav & Ors. **....Applicant.**

Versus

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. states that he needs time to verify as to whether the affidavit which is ready is proper.

3. He prays for a week's time.

4. P.O. was called to ascertain as to whether the copy of minutes of civil services board is annexed to the reply. P.O. has answered in negative. He was called to ascertain as to whether the copy or original of civil services board is available.

5. Learned P.O. has taken instruction from Shri. Ramesh Tukaram Lohar, Chief Administrative Officer, Food and Drugs Department and states that the copy of minutes of civil services board is not brought.

6. P.O. therefore prays for time.

7. It prima facie appears that the respondents are not serious in contesting the case.

8. Hence, S.O. 07.12.2017.

Sd/-

(A.H. Joshi, J.)
Chairman

(CCP) - J 2260(B) (50,000 -2.2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Originnl 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 : 5/10/17

CORAM :

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

Hon'ble Shri M. Ramesh kumar (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... Removed from board in view that the affidavit of service is not filed.

05.10.2017

O.A No 600/2017

Shri S.G Dhanawade ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri K.R Jagdale learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Removed from board in view that the affidavit of service is not filed.

3. Applicant shall approach Registry and secure notice, serve it and file service report.

Sd/-

(A.H Joshi, J.)
Chairman

Akn

(CCP) 3 2/2004) (50,000 2-2015) (Spl. MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 5/10/2017 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member)~~ A APPEARANCE : ~~Shri/Smt.~~ : V.P. Potbhare ~~Advocate for the Applicant~~ ~~Shri/Smt.~~ : S. Suryawanshi C.P.O / P.O. for the Respondent/s Removed from board ~~Adj. To~~ Applicant shall approach Registry and secure notice, serve it and file service report Akn	**05.10.2017** **O.A No ~~527/2017~~** 525/2017 Shri M.R Desai ... Applicant Vs. The State of Maharashtra & Ors... Respondents 1. Heard Shri V.P Potbhare, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents. 2. Removed from board in view that the affidavit of service is not filed. 3. Applicant shall approach Registry and secure notice, serve it and file service report. Sd/- (A.H Joshi, J.) Chairman

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.929 OF 2017

DISTRICT: NASHIK

P.Z. Girnar ....**Applicant.**

Versus

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

Shri C.T. Chandratre, the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 05.10.2017.

O R D E R

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

2. Issue notice before admission returnable on 11.10.2017.

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

4. 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.

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. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. Filing of reply shall not be necessary if order of recovery is withdrawn without prejudice to enquiry furtherance to the charge sheet.

9. It is evident, prima-facie, from record annexed to O.A. that the charge sheet is served on the Applicant. Before completing the D.E., the order of recovery subject matter of charge sheet is ordered. This conduct of the Respondents Dy. Collector exhibits that either present to be a case of total non application of mind alternately or also to be a case of ignorance of basic rule of need of observance of doctrine of principles of natural justice.

10. Therefore, Shri Ajay More, Dy. Collector, S.D. O. Malegaon is called to show cause as to why he should not be saddled with costs of Rs.25,000/- to be paid personally on account of his passing the order of recovery without application of mind, and thereby dragging the Applicant to approach this.Tribunal.

11. Heard on the point of interim relief. Prima-facie direction to recover the amount without adjudication of the liability appears to be without authority of law and without application of mind.

12. Therefore, ad interim order, impugned order is stayed to the extent of direction for recovery.

13. At this stage, the learned P.O. states that she would speak to the S.D.O. to find out if he would choose to withdraw the order of recovery and requests to list the case on board, tomorrow.

14. Hence, for the present S.O. to 06.10.2017 for further orders.

15. Steno copy and Hamdast is allowed to the learned P.O. for enabling the learned P.O. to communicate this order.

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

vsm

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[Spl.- MAT-F-2 E.

J 2959(B) (50,000—3-2017)

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. 615 of 20 17

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 7/9/17 CORAM : ~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK ~~(Member)~~ (Vice-Chairman) APPEARANCE : ~~Shri/Smt.~~ M.B. Kadam holding for G. Sadavarte Advocate for the Applicant ~~Shri/Smt.~~ M.A. H.G. Gohad ~~C.P.O./P.O.~~ for the Respondents Adj. To 5/10/17 for reply	
DATE : 5/10/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh Kumar (Member) A~~ APPEARANCE : ~~Shri/Smt.~~ Shri. M.B. Kadam holding for G. Sadavarte. Advocate for the Applicant ~~Shri/Smt.~~ Archana B.K. ~~C.P.O./~~P.O. for the Respondent/s ~~Adj. To~~ O.A. is disposed.	Disposed as infructuous. Sd/- CAO/Joshi 5/10/2017