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

05.12.2016

O.A No 847, 848 & 869/2016

Shri S.B Morye & ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

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

This Original Applications were last heard on 28.11.2016 and last opportunity was granted to the Respondents to file their affidavit in reply. However, no affidavit in reply is forthcoming. However, if on the next date, if no affidavit is filed, it will be presumed that Respondents are not willing to file affidavit in reply and the matter will be heard finally. This may also result in imposition of costs.

S.O to 19.12.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 5/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL.
(Vice - Chairman)
~~Hon'ble Smt 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 19/12/16.

[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. ..... 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 : 5/12/16

CORAM :

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

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

APPEARANCE :

~~Shri/Smt. :~~ D. B. Khaire

Advocate for the Applicant

~~Shri /Smt. :~~ Ms. Savita Suryavanshi

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

~~Adj. To~~ S.O. to 2/1/16.

05.12.2016

O.A No 965/2016

Shri B.A Puri ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri D.B Khaire, learned advocate for the applicants and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

It appears that the Applicant retired in the year 2011 and he is seeking financial benefits on the basis of recommendations of 5th Pay Commission. He has alleged in the Original Application that there has been inaction on the part of the Respondents for 15 years. This prima facie shows that there is a delay of 15 years in filing the Original Application.

Learned Advocate Shri Khaire states that he will file Misc Application seeking condonation of delay.

S.O to 2.1.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

[P.T.O.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 1127 OF 2016

DISTRICT : THANE

Shri N.D Bhosale)...**Applicant**

Versus

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

Shri Amol Joshi, learned advocate for the Applicant.

Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 05.12.2016

O R D E R

1. Heard Shri Amol Joshi, learned advocate for the Applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. The Applicant is challenging the order dated 23.11.2016 transferring him from Traffic Branch to Police Head Quarters, Thane, passed by the Joint Commissioner of Police, Thane. Learned Advocate Shri Joshi stated that the order is prima facie illegal as it has been issued by an authority who is not competent to issue such transfer orders. Under Section 22N of the Maharashtra Police Act, only the Police Establishment Board at Commissionerate level is the competent authority who can issue orders of transfer of the Constabulary. The Applicant has not completed his tenure in the Traffic Branch nor the order has been

issued in the month of April-May. It is, therefore, a mid-term order. No reasons have been mentioned as to why the Applicant has been transferred by such a mid-term order.

3. Considering all these fats, learned Advocate Shri Joshi prayed that the interim relief of staying the aforesaid order may be granted.

4. Learned Presenting Officer stated that there were serious complaints against the Applicant which could have led to law and order problem as he was in the habit of arguing and disputing with vehicle drivers and without taking permission of the seniors, he used to file FIRs against such persons. In view thereof the Applicant has been transferred from Traffic Branch to Head Quarters.

5. As per Section 22N of the Maharashtra Police Act, it is very clear that the Competent Authority to transfer members of Constabulary is Police Establishment Board at Commissionerate level. In the present case the order has been issued with the approval by the Joint Commissioner of Police and it has not been approved by the Commissioner of Police, Thane. There is no approval from the Police Establishment Board.

6. Without going into other aspect, there is a prima facie evidence that the order has not been issued by the competent authority under the law.

7. The Applicant is therefore entitled to interim relief. The order dated 23.11.2016 transferring the Applicant from Traffic Branch to Police Head Quarters is hereby stayed. The Respondent

no. 2 shall post the Applicant back in the Traffic Branch within a period of 7 days from the date of this order.

8 Issue notice before admission made returnable on 2.1.2017.

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

10. 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.

11. 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.

12. 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.

13. S.O 2.1.2017. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 05.12.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Dec 2016\O.A 1127.16 Transfer order challenged, SB. Int order 5.12.16.doc

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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

05.12.2016

O.A No 646/2016

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

Heard Shri Ajay Deshpande, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

Learned Advocate Shri Deshpande files affidavit in rejoinder.

Original Application is admitted. Respondents may file sur-rejoinder, if need be.

Place for final hearing on 18.12017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE: 5/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/Smt. Ajay Deshpande
Advocate for the Applicant
Shri/Smt. K. B. Bhise
C.P.O./P.O. for the Respondents
Rejoinder filed by Applicant.
S.O. to 18/1/17
Adj. to

Akn

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

05.12.2016

O.A No 1128/2016

Shri S.B Mahadik ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2 Issue notice before admission made returnable on 19.12.2016.

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 19.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

[P.T.O.

DATE: 5/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ R.M.Kolge
Advocate for the Applicant
~~Shri /Smt.~~ S. Suryavanshi
~~C.P.O / P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 19/12/16.

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

05.12.2016

O.A No 553/2016

Shri K.C Sharma ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri D.B Khaire, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Learned Presenting Officer has placed on record a copy of cheque paid to the Applicant as his salary from May 2016 to 3rd September, 2016 and the receipt given by the Applicant acknowledging of having received the same.

As the main grievance of the Applicant does not survive, this Original Application has more or less worked out, except that he requires to be paid for the period for which he was on compulsory waiting. Respondents may pass necessary orders and make payment to him for the said period within two months from the date of this order.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 5/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ D.B.Khaire
Advocate for the Applicant
~~Shri/Smt.~~ Ms. N.G. Gohad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. Time~~ O.A. is 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. 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

05.12.2016

O.A No 564/2016

Shri T.D Hirve ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

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

Learned Advocate ~~Shri Deshpande~~ Smt. Mahajan files affidavit in rejoinder.

Original Application is admitted. Respondents may file sur-rejoinder, if need be.

Place for final hearing on 18.12017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 5/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ : Punam Mahajan
Advocate for the Applicant
Shri /Smt. : K. B. Bhise
C.P.O/P.O. for the Respondents
O.A. is admitted.
~~Adj. To~~ S.o. to 18/1/17
Rejoinder Filed by Applicant.

[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.1129 & 1130/2016

Dr. M.D. Pawar & Anr. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer and Shri N.K. Rajpurohit, the learned CPO for the Respondents.

The Applicants seek urgent relief to avoid a possibility of what can be described as summary removal. They came to be appointed initially in 1998 and 2004 respectively as ad-hoc Medical Officers and ever since then till date, they have been given extension by written orders for 11 months on each occasion. The last such extension was given on 8.11.2016 and 25.10.2016 respectively. It appears that these posts have been withdrawn from the purview of MPSC and District Level Selection Committee headed by the District Collector as Chairperson is to conduct the interviews today. In these circumstances, sensing peril to their continuation on account of they having become age-barred having crossed 38 years of age seek urgent relief. Mr. Bhise, the learned PO strongly objects to grant of any relief and seeks time to file Affidavit-in-reply and contends that till then, no interim relief be granted. He invites reference to the Notification of 2nd February, 2009 and submits that if the Applicants were not absorbed in accordance therewith, then they should have moved the Tribunal within the prescribed period thereafter.

In my opinion, as far as the last mentioned submission of the learned PO is concerned, the point still remains that with whatever the Respondents might contend, they went on giving extensions to the Applicants and the issue of central importance would be as to whether the benefit of several Judgments in the field including **Sachin Dawale Vs. State of Maharashtra and 2 others in Writ Petition No.4872/2012, dated 14.3.2013**. The learned PO interjects with permission to submit that **Sachin Dawale** arose in the context of Teachers in Polytechnic or in any case Engineers while here the matter will be governed by 2009 instrument above referred to. In my opinion, however, the central issue would be the basic principles enunciated by the Hon'ble High Court which came to be upheld by the Hon'ble Supreme Court, and therefore, as of today, the

[*P.T.O.*

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

Applicants cannot be left entirely unprotected and the interim order for the present to hold till the next date will have to be made. The Respondents are directed to let the Applicants continue to function as they are doing at the moment till 9.1.2017.

Issue notice returnable on 09.02.2017.

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 9th January, 2017. The learned PO do waive service. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
05.12.2016

(skw)

DATE: 5/12/16

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

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.~~: U.K. Rajpurohit with

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

K.B. Bhise, C.P.O & P.O. for Resps.

Adj. To 9/1/2017 Hamdast.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

O.A.No.614 of 2014
With
O.A. No.938 of 2016

Shri D.E. Hirde
Shri V.V. Chavan & 3 Ors. ... **Applicants**

V/s.

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

Shri C.T. Chandratre, the learned Advocate for the applicant in O.A. No.614/2014,
Smt Kranti Gaikwad, the learned P.O. for the respondents 1 & 2,
Shri M.R. Patil, the learned Advocate for the Respondent No.3 to 7.
Shri S.S. Dere, the learned Advocate for the applicant in O.A. No.938/2016,
Smt Kranti Gaikwad, the learned P.O. for the Respondent Nos.1, 2, 3 & 5.
Shri C.T. Chandratre, learned Advocate for the Respondent No.4 therein.

CORAM : RAJIV AGARWAL, VICE-CHAIRMAN
R.B. MALIK (MEMBER-JUDICIAL)

DATE : 05.12.2016

PER : R.B. MALIK (MEMBER-JUDICIAL)

ORDER

Heard Shri C.T. Chandratre, the learned Advocate for the applicant in O.A. No.614/2014, Smt Kranti Gaikwad, the learned P.O. for the respondents 1 & 2, Shri M.R. Patil, the learned Advocate for the Respondent No.3 to 7 therein. Shri S.S. Dere, the learned Advocate for the applicant in O.A. No.938/2016, Smt Kranti Gaikwad, the learned P.O. for the Respondent Nos.1, 2, 3 & 5. Shri C.T. Chandratre, learned Advocate for the Respondent No.4 therein.

We have perused the record and proceedings and heard the submission at bar. There was a hint in the order dated 9.10.2016 that both the Original Applications may be heard together. Now, we direct that both of them shall be heard together.

Shri C.T. Chandratre, the learned Advocate for the parties above referred to submits in response to a query from the bench that the said applicant does not want to implead the candidates who according to the seniority list and as per the submission of the Shri S.S. Dere, the learned Advocate will stand superseded in case O.A.No.614/2014 were succeed. We have recorded that statement but we make it clear that this judicial forum has independent powers to order impleadment in a deserving case for which there are legal principles that are applicable. As of today, we would add nothing more of our own.

Further in the first O.A., the affidavit-in-reply of the State was filed in February, 2015 then on 26.5.2016, a Government order came to be issued regarding fixing of seniority of the original applicant in O.A. No.614/2014. There are contentions and counter contentions about the conduct of the said respondents. We had directed the State to formally place that order in O.A. No.614/2014 as well as in O.A. No.938/2016. Till date that direction has not been complied with and the learned P.O. seeks a further short adjournment for filing the affidavit-in-reply. We are not concerned with whether the State has filed any affidavit or not because we have already granted sufficient time for filing the reply. Still further, Shri S.S. Dere, the learned Advocate submits and for which we as of today, make no observations or determination that in essence the Government order just referred to would be contrary to the stand of the Government manifested by the affidavit-in-reply filed by them in O.A. No.614/2014. We make it clear that it would have been much better had the state filed affidavit-in-reply but even then since the said Government order and pleadings will be before us, we will be in a position to evaluate them.

Shri S.S. Dere, the learned Advocate and Shri M.R. Patil, the learned Advocate insist on interim relief. It appears that their object is that by an interim order the promotions should not be affected and the seniority list should not be disturbed as on 8.1.2014.

Shri C.T. Chandratre, the learned Advocate opposes this application firstly because accordingly to him there is no plea in the affidavits of the clients of Shri S.S. Dere and Shri M.R. Patil, the learned Advocates to give justifying reasons for the grant of interim stay. Secondly, according to him the order above discussed of 26.5.2016, is a well reasoned one and there is no prima-facie material to grant any stay thereto. He also points out that the said order itself is based on G.R. of 26.3.2004 and issued with the concurrence of Finance Department and G.A.D. Therefore, there is no room for our intervention at this stage.

Learned P.O. opposes the grant of any stay relying upon the affidavit-in-reply filed in February, 2015. The status-quo such as exists today, in our opinion should be maintained till further orders and liberty is reserved for the client of Shri C.T. Chandratre as well as learned P.O. to seek any alternation/modification or vacation thereof. We accordingly in these terms direct the parties to maintain the status-quo. All concerned are acted on Steno-copy hereof. Hamdast. S.O. to 19.12.2016.

Sd/- Sd/-

(R.B. MALIK)
MEMBER (J)
05.12.2016

(RAJIV AGARWAL)
VICE-CHAIRMAN
05.12.2016

vsm

..... 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.488/2016

Shri M.K. Bahaddarpure ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

DATE : 5/12/16

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

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

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

APPEARANCE :

~~Shri~~/Smt. : Punam Mahajan

Advocate for the Applicant

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

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

Adj. To 16/12/2016.

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

This is a matter which was filed on 8.6.2016 and till now, reply has not been filed. The OA proceeds withthout reply and is appointed for final hearing without reply to 16th December, 2016.

S.O. to 16th December, 2016.

Sd/-

(R.B. Malik)
Member (J)
05.12.2016

(skw)

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others.

..... Respondent/s

(Presenting Officer.....)

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

DATE : 5/12/16

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

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

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

APPEARANCE :

Shri/~~Smt.~~ : S.N. Gawade

Advocate for the Applicant.

Shri /~~Smt.~~ : M.D. Lonkar spl. counsel

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

Adj. To 2/1/17 for rejoinder.

O.A.919/2016

Shri H.R. Jadhav ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri S.N. Gawade, the learned Advocate for the Applicant and Shri M.D. Lonkar, the learned Special Counsel for the Respondents.

Shri Gawade, the learned Advocate refers to some orders made by the learned Additional Sessions Judge, Thane dated 3.11.2016 which on his request is ~~d~~retained on record and submits that because of that order, the modification whereof is under consideration of the learned Judge, the Rejoinder could not be prepared. Shri Lonkar, the learned Special Counsel for the Respondents objects to the grant of any adjournment. I have considered the rival submissions. The OA stands adjourned for Rejoinder finally to 2nd January, 2017.

Sd/-

(~~R.B.~~ Malik) 5-12-16
Member (J)
05.12.2016

(skw)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.336/2016

Shri B.R. Rangari ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

This is a Division Bench matter. The Applicant is permitted to mention it before the Division Bench. Liberty is granted to provide another set of OA.

Sd/-

(R.B. Malik)
Member (J)
05.12.2016

(skw)

DATE : 5/12/16
CORAM : Shri B.A. Bandiwadekar
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :
~~Shri/Smt. :~~ K.S. Gaikwad
Advocate for the Applicant
Shri /Smt. :.....
C.P.O / P.O. for the Respondent/s

This is a Division Bench matter.
~~Adj. To.....~~
Liberty is granted to provide another set of OA.

D/B-II

(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

O.A.409/2016

Shri K.G. Sarang ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Shri Lonkar, the learned Advocate for the Applicant informs that the Applicant does not want to file Rejoinder. The matter is admitted and is appointed for final hearing to 19th January, 2017.

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.

S.O. to 19th January, 2017.

Sd/-

(R.B. Malik)
Member (J)

DATE : 5/12/16

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

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

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

APPEARANCE :

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

Advocate for the Applicant

~~Shri~~/Smt. : N.G. Gohad

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

Adj. To 19/1/2017.

(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 : 5/12/16

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

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

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

APPEARANCE :

~~Shri/Smt.~~ : The Appl. with shri D.B. Khaire

Advocate for the Applicant

~~Shri/Smt.~~ : Punam Mahajan, Adv. for

~~C.P.O./P.O. for~~ the Respondent/s no.1.

Shri K.B. Bhise P.O. for R. 2 & 3.

~~Adj. To~~..... RA is withdrawn.

R.A. 29/2016 in O.A.266/2016

Shri R.K. Kunjir ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

The Applicant with Shri D.B. Khaire, the learned Advocate for the Applicant, Smt. Punam Mahajan, the learned Advocate for the Respondent No.1 and Shri K.B. Bhise, the learned Presenting Officer for the Respondents 2 & 3.

Affidavits-in-reply are taken on record. Mr. Khaire, the learned Advocate submits that the Applicant wants to withdraw this RA. On Applicant's request, the RA is allowed to be withdrawn and as such disposed of with no order as to costs.

Sd/-

(R.B. Malik) 5-12-16
Member (J)
05.12.2016

(skw)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.897/2016

Shri M.P. Idekar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri Mishra holding for Shri V.R. Bang, the learned Advocate for the Applicant and Ms. Gohad holding for Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

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)
Member (J)
05.12.2016

(skw)

DATE : 5/12/16

CORAM : Shri R.B.Malik (M/J)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/~~Smt~~. : Mishra holding for V.R.Bang
Advocate for the Applicant

Shri/Smt. : A.G.Gohad holding for Smt.K.S.Gaikwad, P.O. for Resp.
C.P.O / P.O. for the Respondent/s

Adj. To.....Admit.....

(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 : 5/12/16

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

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

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

APPEARANCE :

Shri/Smt. : Punam Mahajan

Advocate for the Applicant

Shri/Smt. : N. G. Gohad

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

Adj. To 13/12/16. Hamdast.

BJ Le

O.A.1062/2016

Shri C.C. Darade & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

There has been insistence on behalf of the Applicants for grant of interim relief during the last few hearings hereof. Despite opportunity, the Affidavit-in-reply has not been filed. The learned PO in fact submits that Parawise reply has not been given and nobody has approached her. Therefore, she prays for further adjournment. The said application is stoutly opposed by the learned Advocate for the Applicant.

If the reply is not filed, then it goes without saying that by virtue of the doctrine of absence of traverse, at least the interim relief will become difficult not to grant and with this very clear observation, the OA stands adjourned reply and consideration of interim relief to 13th December, 2016.

S.O. 13th December, 2016. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
05.12.2016

(skw)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.1000/2016

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

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

Shri Lonkar, the learned Advocate for the Applicant informs 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.

Sd/-

(R.B. Malik) 5.12.16
Member (J)
05.12.2016

(skw)

DATE: 5/12/16
CORAM: Shri R.B. Malik (M/J)
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:
Shri/Smt.: M.D. Lonkar
Advocate for the Applicant
Shri/Smt.: K.S. Gaikwad
C.P.O / P.O. for the Respondent/s

Adj. To: Admit. Liberty to mention is granted.

BVE

(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

O.A.999/2016

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

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Shri Lonkar, the learned Advocate for the Applicant informs 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.

Sd/-

(R.B. Malik) 5/12/16
Member (J)
05.12.2016

DATE: 5/12/16

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

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

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

APPEARANCE:

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

Advocate for the Applicant

~~Shri/Smt.~~ K.S. Gaikwad holding for N.K. Rajpurohit, C.P.O. for R2&3

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

Adj. To Admit. Liberty to mention is granted

Sd/-

(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 : 5/12/16

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

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

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

APPEARANCE :

~~Shri~~/Smt. : Punam Mahajan

Advocate for the Applicant

Shri /Smt. : Smt. S. Gohad

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

~~Adj. To~~ Admit. Liberty to mention is granted.

O.A.861/2016

Shri D.T. Karche ... Applicant

Vs.

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

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Smt. Mahajan, the learned Advocate for the Applicant 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.

Sd/-

(R.B. Malik) 5-12-16
Member (J)
05.12.2016

(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 : 5/12/16

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

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

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

APPEARANCE :

~~Shri/Smt.~~ : V.K. Jagdale

Advocate for the Applicant

Shri/Smt. : N.G. Gohad

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

~~Adj. To~~ Admit. Liberty to mention is granted.

O.A.264/2016

Shri C.B. Sawant ... Applicant

Vs.

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

Heard Smt. V.K. Jagdale, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

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) 5/12/16
Member (J)
05.12.2016

(skw)

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 5/12/16

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

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

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

APPEARANCE :

~~Shri~~/Smt. : Punam Mahajan

Advocate for the Applicant

~~Shri~~/Smt. : S. Suryawanshi

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

Adj. To..... OA is disposed of.

BE

O.A.253/2016

Shri B.D. Koli ... Applicant

Vs.

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

Heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned CPO for the Respondents.

The learned PO is being assisted by Smt. Vidya Bhoite, Assistant, Home Department. The Affidavit-in-reply of 3rd Respondent is taken on record. Para 6 thereof needs to be reproduced.

> "6. It is submitted that this office on 19.7.2016 has sent a proposal to the State Government for taking decision for grant of consequential benefits in the cadre of A.P.I. and on the post of P.I. Hereto annexed and marked as **Exhibit R-1** is the copy of the proposal sent by this office to the State Government and orders on the same from the State Government are awaited. It is submitted as soon as the orders on the aforesaid proposal from the State Government will be received, this office would issue the orders."

In my opinion, therefore, by adopting the course of action of accepting the said statement as an undertaking and laying down the time limit of three months from today to comply, this OA can be disposed of.

The contents in Para 6 of the Affidavit-in-reply filed by Mr. Anil P. Sawant, Desk Officer in the Office of Director General of Police, dated 3rd December, 2016 is treated as an Undertaking and three months time from today is granted for compliance. The OA is accordingly disposed of with no order as to costs.

Sd/-

(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 : 5/12/16

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

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. : K.S. Gaikwad

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

~~Adj. To~~..... Issue notice returnable on 20/12/16.

O.A.1132/2016

Shri A.M. Atram ... Applicant

Vs.

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

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

Issue notice returnable on 20.12.2016.

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.

Liberty reserved for the Applicant to renew the request for interim relief. The Respondents must file an appropriate Affidavit to assist the Tribunal in a proper determination of the said issue and keep the record, if any, ready for perusal.

S.O. to 20TH December, 2016.