IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MISC. APPLICATION NO.87 OF 2016
IN
ORIGINAL APPLICATION NO.201 OF 2016

DISTRICT : THANE

Shri Pravin Vasant Patil.)...**Applicant**

Versus

1. The State of Maharashtra & 4 Ors.)...**Respondents**

Shri S.T. Bhosale, Advocate for Applicant.

Shri A.J. Chougule, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 06.04.2016

O R D E R

1. This Misc. Application for condonation of delay which according to the Applicant is of 126 days. The reply has not been filed, but none was really necessary in the first place because the facts are such that no unnecessary protraction

would be in the interest of justice. Secondly, even without reply, the learned Presenting Officer Shri A.J. Chougule was allowed to make submissions which he did in good measure and stoutly opposed the application.

2. It is not necessary to delve into the factual aspect of the matter that squarely falls within the domain of the OA. As far as this MA is concerned, the case of the Applicant is that initially an OA came to be instituted before the Aurangabad Bench of this Tribunal. It appears that there some issue about the territorial jurisdiction was raised, and therefore, in the ultimate analysis, this OA was presented before this principal Bench.

3. Another aspect of the matter is that the Applicant was in the process of collecting some vital documents which took time.

4. As already mentioned above, the learned P.O. Shri Chougule strongly opposed the application on every aspect of the matter.

5. It is not necessary for me to closely examine the legal aspect of the matter as to whether in so far as the proceedings before the Maharashtra Administrative Tribunal (MAT) are concerned, the issue of territorial jurisdiction in the sense, it is understood in relation to those proceedings that are squarely governed by the procedural provisions of the Code of Civil

Procedure are applicable or not. I leave that issue undecided. However, that is one aspect of the matter. In so far as the cause for condonation of delay is concerned, another aspect is time taken for collection of documents. There is absolutely nothing on record to show that the Applicant in the manner of speaking slept over his right and just dragged his feet along. There is nothing to show that the Applicant could be assailed for being deliberately negligent or his conduct being contumacious. Therefore, I think I must adopt an approach which would be more attuned to do substantial justice rather than technicality.

6. For the foregoing, the MA is allowed. The delay is condoned and the Applicant and Office of this Tribunal are directed to process the matter further, so that the OA is brought before the appropriate Bench for disposal according to law. No order as to costs.

7. After the pronouncement of the above order, the learned P.O. tenders the Affidavit-in-reply to the OA. It is taken on record.

Sd/-

(R.B. Malik)
Member-J
06.04.2016

Mumbai
Date : 06.04.2016
Dictation taken by :
S.K. Wamanse.
E:\SANJAY WAMANSE\JUDGMENTS\2016\4 April, 2016\M.A.87.16 in O.A201.16.w.4.2016.doc

(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 : 06.04.2016. **O.A.No.162 of 2016** **Shri M.A.M.I. Sayyed ...Applicant** **Vs.** **State of Maharashtra and ors. ...Respondents** 1. Applicant in person present. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. Issue notice returnable on 8.06.2016. 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 authorised 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. S.O. to 8.06.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** sba

DATE: 6/4/16

CORAM :

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

Hon'ble Shri M. Panneerselvam (Member) A

APPEARANCE :

Shri/Smt. ... Appl. in person present

Advocate for the Applicant

Shri/Smt. ... K.S. Gaikwad .....

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

Adj. To... 8/6/2016. .....

BHE

P.T.O.

(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 : 06.04.2016.

O.A.No.435 of 2015 with O.A.No.436 of 2015 with O.A.No.437 of 2015 with O.A.No.438 of 2015

Shri Nitin Shivdas Patil (in O.A.No.435 of 2015)
Shri M.M. Salunkhe (in O.A.No.436 of 2015)
Shri K.D. Wagh (in O.A.No.437 of 2015)
Shri J.S. Shelkar (in O.A.No.438 of 2015)
...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

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

2. Learned Advocate for the Applicant Shri K.R. Jagdale prays for time to prepare and address.

3. S.O. to 7.06.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the Respondents

Adj. To 7/6/16.

[P.T.O.

(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: 6/4/16 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramakrishna (Member) A~~ ATTENDANCE: Shri/Smt. Hme for the appl. Advocate for the Applicant Shri/Smt. A.J. Chougule C.P.O. / P.O. for the Respondent/s Adj. To. Let the OA. come for hearing in due course.	Date: 06.04.2016. O.A. No. 489/2009 Shri V.H. Meshram . ..Applicant Versus : The Principal Secretary, Home Mantralaya and Ors. Respondents (1) None for the applicant. Heard Shri A.J. Chougule, the learned Presenting Officer for the Respondents. (2) The learned Advocate for the applicant has filed pursis seeking leave to withdraw the Vakalatnama. He can be permitted to withdraw the Vakalatnama provided he serves an intimation by R.P.A.D or in the alternative furnishes a letter to the applicant conceding for withdrawal of Vakalatnama. Hence request for withdrawal is rejected. Let the O.A. come for hearing in due course. Sd/- (A.H. Joshi, J.) Chairman Psz

[P.T.O.

(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 : 06.04.2016.

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

Shri K.R. Dhumal (in O.A.No.276 of 2016)
Shri S.B. Barudwale (in O.A.No.277 of 2016 ...Applicants
Vs.
The State of Maharashtra & Ors. ...Respondents

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

2. Learned P.O. for the Respondents prays for one month's time in view the excessive work load due to the recruitment of the Constables in the district and that the said excess work will continue till 22.4.2016.

3. Considering the request made by the learned P.O. four weeks time is granted for filing reply.

4. The Applicant shall be free to join transferred post. Such joining will not come in the way of Applicant for getting restitution, if he succeeds.

5. S.O. to 4.05.2016.

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

sba

DATE : 6/4/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~

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

Adj. To 4/5/16

[P.T.O.

(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 : 06.04.2016.

O.A.No.167 of 2016 with O.A.No.168 of 2016 with O.A.No.170 of 2016 with O.A.No.236 of 2016

Shri A.B. Dalvi (in O.A.No.167 of 2016)
Shri S.A. Jadhav (in O.A.No.168 of 2016)
Shri R.B. Pawr (in O.A.No.170 of 2016)
Shri S.G. Palande (in O.A.No.236 of 2016)
...Applicants

Vs.

The Addl. Commissioner of Police & Ors. ...Respondents

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

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

3. For hearing, adjourned to 8.06.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman),
~~Hon'ble Shri M. Manoharan (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. For hearing adjourned to 8/6/2016.

[P.T.O.

(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 : 06.04.2016.

O.A.No.103 of 2016

Shri M.S. Pawar ...Applicant
Vs.
State of Maharashtra &Ors. ...Respondents

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

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

3. S.O. to 10.6.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Kanthaiah (Member) A~~
ADVOCATE :
Applicant : M.D. Lonkar
Advocate for the Applicant
Shri/Smt. : K.S. Gaikwad
C.P.O. for the Respondent/s

Adj. To 10/6/16.

[P.T.O.

(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 : 06.04.2016. **O.A.No.221 of 2016** **Shri S.D. Shewale ...Applicant** **Vs.** **State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S.Gaikwad, the Presenting Officer for the Respondents. 2. Learned P.O. for the Respondents has tendered reply for Respondent No. 1 and 2. It is taken on record. 3. Learned Advocate for the Applicant prays for three weeks time for filing rejoinder and addressing. 4. S.O. to 3.05.2016. Sd/- (A.H. Joshi, J.) Chairman sba

DATE : 6/4/16
COR :
Hon'ble Shri A. H. Joshi (Chairman)
Hon'ble Ramesh ... (Member) A
Adv. for :
K.R. Jagdale
Applicant.
Adv. for
K.S. Gaikwad .....
C.P. for the Respondents

Adj. To 3/5/16.

[P.T.O.

(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 : 06.04.2016.

O.A.No.23 of 2015

Shri Vijay Pawalu Suryawanshi & Ors. ...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. None for the Applicant. Heard Shri K.B. Bhise, the Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for a week's time for filing reply. It shall suffice reply to paragraph no.7.16 is filed and record is produced.

3. S.O. to 21.04.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : time for the appl.
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 21/4/16.

[P.T.O.

(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 : 06.04.2016.

O.A.No.194 of 2015

Shri C.J. Kamble & 44 Ors. ...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri A.J. Chougule, the Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time on the ground that the officer who has issued impugned order has sought guidance and clarification from the Hon'ble Chief ~~Minister~~ Secretary and the ~~reply~~ is awaited.

3. Learned P.O. for the Respondents prays for month's time.

4. Time as prayed for is granted.

5. S.O. to 6.5.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : K.R. Jagdale
Advocate for the Applicant
Shri /Smt. : A.J. Chougule
C.P.O / P.O. for the Respondents

Adj. To 6/5/16.

[P.T.O.

(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 : 06.04.2016.

O.A.No.20 of 2016 with O.A.No.55 of 2016

Shri Vijay Sahebrao Baharwal & Ors.(in O.A.No.20 of 2015)
Shri V.P. Kashid (in O.A.No.55 of 2016) ...Applicant
Vs.
The Director General and Inspector General of Police & Ors. ...Respondents

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

2. Learned Advocate for the Applicant Shri A.V. Bandiwadekar prays for time for filing rejoinder.

3. S.O. to 9.06.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman),
~~Hon'ble Shri M. (A.)~~ (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.....9/6/2016.....

[P.T.O.

(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 : 06.04.2016.

O.A.No.162 of 2016

Shri M.A.M.I. Sayyed ...Applicant

Vs.

State of Maharashtra and ors. ...Respondents

1. Applicant in person present. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 8.06.2016.

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 authorised 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. S.O. to 8.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

[P.T.O.

DATE : 6/4/16

CORAM :

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

Hon'ble Shri M. Ramesh Kumar (Member) A

APPEARANCE :

Shri/Smt. Appl. in Person present

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To 8/6/2016.

(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 : 06.04.2016.

O.A.No.435 of 2015 with O.A.No.436 of 2015 with O.A.No.437 of 2015 with O.A.No.438 of 2015

Shri Nitin Shivdas Patil (in O.A.No.435 of 2015)
Shri M.M. Salunkhe (in O.A.No.436 of 2015)
Shri K.D. Wagh (in O.A.No.437 of 2015)
Shri J.S. Shelkar (in O.A.No.438 of 2015)
...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

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

2. Learned Advocate for the Applicant Shri K.R. Jagdale prays for time to prepare and address.

3. S.O. to 7.06.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the Respondents

Adj. To 7/6/16.

[P.T.O.

(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: 6/4/16 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakrishna (Member) A APPEARANCE: Shri/Smt. ....None for the appl. Advocate for the Applicant Shri/Smt. : A.J. Chougule C.P.O. / P.O. for the Respondent/s Adj. To....Let the OA come for hearing in due course. 6/4	Date: 06.04.2016. O.A. No. 489/2009 Shri V.H. Meshram . ..Applicant Versus The Principal Secretary, Home Mantralaya and Ors. Respondents (1) None for the applicant. Heard Shri A.J. Chougule, the learned Presenting Officer for the Respondents. (2) The learned Advocate for the applicant has filed pursis seeking leave to withdraw the Vakalatnama. He can be permitted to withdraw the Vakalatnama provided he serves an intimation by R.P.A.D or in the alternative furnishes a letter to the applicant conceding for withdrawal of Vakalatnama. Hence request for withdrawal is rejected. Let the O.A. come for hearing in due course. Sd/- (A.H. Joshi, J.) Chairman Psz

[P.T.O.

(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 : 06.04.2016.

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

Shri K.R. Dhumal (in O.A.No.276 of 2016)
Shri S.B. Barudwale (in O.A.No.277 of 2016 ...Applicants
Vs.
The State of Maharashtra & Ors. ...Respondents

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

2. Learned P.O. for the Respondents prays for one month's time in view the excessive work load due to the recruitment of the Constables in the district and that the said excess work will continue till 22.4.2016.

3. Considering the request made by the learned P.O. four weeks time is granted for filing reply.

4. The Applicant shall be free to join transferred post. Such joining will not come in the way of Applicant for getting restitution, if he succeeds.

5. S.O. to 4.05.2016.

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

sba

DATE : 6/4/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~

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

Adj. To 4/5/16.

[P.T.O.

(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 : 06.04.2016.

O.A.No.103 of 2016

Shri M.S. Pawar ...Applicant
Vs.
State of Maharashtra &Ors. ...Respondents

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

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

3. S.O. to 10.6.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Kanthaiah (Member) A~~
APPEARANCE :
Advocate : M.D. Lonkar
Advocate for the Applicant
Shri/Smt. K.S. Gaikwad
C.P.O. / P.O. for the Respondent/s

Adj. To 10/6/16.

[P.T.O.

(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 : 06.04.2016.

O.A.No.23 of 2015

Shri Vijay Pawalu Suryawanshi & Ors. ...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. None for the Applicant. Heard Shri K.B. Bhise, the Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for a week's time for filing reply. It shall suffice reply to paragraph no.7.16 is filed and record is produced.

3. S.O. to 21.04.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : time for the appl.
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 21/4/16.

[P.T.O.

(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 : 6/4/16 CORAM : Hon'ble Shri A. H. Joshi (Chairman) Hon'ble Ramesh Gajbhiye (Member) A Applicant : Shri K.R. Jagdale Advocate for Applicant Shri K.S. Gaikwad ..... C.P. for the Respondents Adj. To 3/5/16.	**Date : 06.04.2016.** **O.A.No.221 of 2016** **Shri S.D. Shewale ...Applicant** **Vs.** **State of Maharashtra & Ors. ...Respondents.** 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S.Gaikwad, the Presenting Officer for the Respondents. 2. Learned P.O. for the Respondents has tendered reply for Respondent No. 1 and 2. It is taken on record. 3. Learned Advocate for the Applicant prays for three weeks time for filing rejoinder and addressing. 4. S.O. to 3.05.2016. Sd/- (A.H. Joshi, J.) Chairman sba

[P.T.O.

(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 : 6/4/16
CORAM :
Hon'ble Member Shri ... H. Joshi (Chairman)
~~Hon'ble Shri M. Kanic Ukumar (Member) A~~
APPEARANCE :
Shri/Smt. : K.R. Jagdale
Advocate for the Applicant
Shri /Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To 6/5/16.

Date : 06.04.2016.

O.A.No.194 of 2015

Shri C.J. Kamble & 44 Ors. ...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri A.J. Chougule, the Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time on the ground that the officer who has issued impugned order has sought guidance and clarification from the Hon'ble Chief ~~Minister~~ Secretary and the reply is awaited.

3. Learned P.O. for the Respondents prays for month's time.

4. Time as prayed for is granted.

5. S.O. to 6.5.2016.

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

sba

[P.T.O.

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 : 06.04.2016.

C.A.No.08 of 2015 in O.A.No.1038 of 2013

Shri D.R. Bhamre ...Applicant

Vs.

The State of Maharashtra & Or. ...Respondents

1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri K.B. Bhise, the Presenting Officer for the Respondents.

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

The question as to whether review should be filed in the High Court to the judgment rendered in Writ Petition No. 175 of 2015 is pending before L & J.D. and a week's time may be granted for making a statement, as to time which L & J.D. needs to render its opinion.

3. Learned P.O. for the Respondents prays for a week's time.

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

5. S.O. to 27.04.2016.

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

sba

DATE : 6/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakumar (Member) A~~
APPEARANCE :
Shri/Smt. : V.P. Pathare
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the respondent/s

Adj. To 27/4/16.

(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

06.04.2016

O.A No 1042/2015

Heard Shri J.N Kamble, learned advocate for the applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

Learned Advocate Shri Kamble files affidavit in rejoinder.

O.A is admitted. Respondents are at liberty to file sur-rejoinder, if need be.

Place for final hearing on 28.4.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 6/4/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ J. N. Kamble
Advocate for the Applicant
~~Shri/Smt.~~ K. B. Bhise
C.P.O / P.O. for the Respondents

~~Adj. To~~ O.A. is admitted.
S.O. to 28/4/16.

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

O.A.310/2016

Shri B.D. Solanke ... Applicant
Vs.
The State of Mah. & ors. ...Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

Issue notice returnable on 05.05.2016.

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 5th May, 2016. The learned P.O. do waive service.

Sd/-

(R.B. Malik)
Member (J)
06.04.2016

(skw)

DATE: 6/4/16
CORAM:
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri ~~M. Ramesakumar (Member) A J~~ R.B. Malik
APPEARANCE:
Shri/Smt. : G.A. Bandiwadekar
Advocate for the Applicant
Shri /Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To: 5/5/16.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MISC. APPLICATION NO.120 OF 2016
IN
ORIGINAL APPLICATION NO.265 OF 2016

DISTRICT : THANE

Shri Prashant J. Ganjale.)...**Applicant**

Versus

1. The State of Maharashtra & 3 Ors.)...**Respondents**

Shri V.S. Deokar, Advocate for Applicant.

Shri A.J. Chougule, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 06.04.2016

O R D E R

1. Heard Shri V.S. Deokar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This is an application for condonation of delay which according to the Applicant is of 1 year, 5 months and 15 days.

3. The case of the Applicant is that he came to be appointed as Kotwal and when he went to report for duty on 1.10.2013, he was not allowed to do so. At that time, a fresh order of cancellation of his appointment was handed over to him. It is his case that thereafter he had been continuously trying to persuade the Respondents to let him join the duties but in vain. Another limb of his case is that his aged mother was seriously ill from 2011 onwards for which a huge bunch of medical documents came to be submitted today though there was a reference to that aspect of the matter earlier. Some of the medical documents are also of 2014 and 2015. Those documents do indicate that the lady had multiple health problems. Mr. Deokar, the learned Advocate on instructions from his client who is present in the Tribunal informs that the mother of the Applicant passed away on 20th March, 2016.

4. Another aspect of the matter is that in the OA which is yet to be registered having been blocked by the delay, there is a challenge to a publication of 26.2.2016 issued by the Respondent No.4 which is also challenged. It is not necessary for me to examine in detail that aspect of the matter in deciding this MA. But the fact remains that the said publication of 26.2.2016 has been challenged. There is a specific prayer in that regard in the OA. Mr. Chougule, the learned P.O. in stoutly opposing this application invited my attention to the fact that in the MA, no specific prayer is made in so far as that publication is concerned.

5. Now, as to the above submission of the learned P.O, I find that there are pleadings to that effect clearly made in Para 8 of the MA and without getting too much hide bound by the procedural aspect of the matter, it is very clear in my view that it is not as if the other

side has been taken completely by surprise just because there was no prayer pertaining to the said publication. In any case, as far as that publication is concerned, there is no relief as such sought in this MA save and except that the said publication by itself gives him added strength to sustain his OA and as far as the challenge to the said publication is concerned, examined in isolation, there is no vice of the Bar of limitation because it came to be published as recently as on 26.2.2016.

6. Therefore, if it is found that the facts pertaining to the said publication and the other aspects of the OA are so neatly intertwined as to make it almost inseparable, I am of the opinion that in totality of circumstances, it will have to be taken into consideration.

7. In so far as the other aspect of the delay is concerned, it needs to be noted that unless there is some element of lack of diligence, there would be no delay in the first place, and therefore, the delay itself cannot always be cited to contest the issue of condonation of delay. The issue is as to whether the Applicant makes out a case for condonation of delay and as far as that aspect of the matter is concerned, one has to remain alive to the established legal position that the approach should be to advance substantial justice rather than insisting on technicality. The present facts have already been mentioned above. They are such that by no stretch of imagination can it be said that the conduct of the Applicant would be so contumacious as to make the Applicant disentitled to be heard in the OA.

8. The learned P.O. raised the issue of matter being what can be described as Division Bench matter. In my opinion, however, when it comes to the hearing of the OA, that aspect of the matter can be considered and even otherwise, it is not as if, it is an issue of jurisdiction affecting the validity of a judicial order.

9. In view of the foregoing, the delay is condoned. The Office and the Applicant are directed to process the matter further, so as to make it possible to decide the OA to be heard on merit. The OA be placed before the appropriate Bench on 18th April, 2016. The MA is accordingly allowed with no order as to costs.

Sd/-

(R.B. Malik)
Member-J
06.04.2016

Mumbai
Date : 06.04.2016
Dictation taken by :
S.K. Wamanse.
E:\SANJAY WAMANSE\JUDGMENTS\2016\4 April, 2016\M.A.120.16 in O.A.265.16.w.4.2016.doc

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(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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 : 6/4/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) APPEARANCE : Shri Siddesh Biradar holding for R. K. Adsule Advocate for the Applicant Shri M.K. Rajpurohit C.P.O for the Respondents no. 1 to 7. order passed on the Tribunal's ... short affidavit ... R.No ... Adj. To S.O. to 13.4.16 Hamdast. A.V. Bandiwadekar for R. No. 7 to 11. M.D. Lonkar for R. No. 12 to 14.	**06.04.2016** **O.A No 211/2014** Heard Shri Siddesh Biradar holding for Shri Ravindra Adsule, learned advocate for the Applicants, Shri N.K. Rajpurohit, learned C.P.O for Respondents 1 to 6, Shri A.V Bandiwadekar, learned advocate for Respondent no. 7 and Shri M.D Lonkar, learned advocate for Respondents no 12 to 14. This Tribunal by order dated 30.3.2016 directed Respondent no. 3, 4 & 5 to file their affidavit in reply and it was stated that if affidavit is not filed on the next date, i.e. 6.4.2016, we have imposed cost of Rs. 10,000/-. That order was self speaking one and by way of operationalizing the same, the Respondents, Social Justice Department and Finance Department are imposed, cost of Rs. 10,000/- in accordance therewith to be deposited on or before the next date. S.O to 13.4.2016. Sd/- (R.B. Malik) Member (J) Sd/- (Rajiv Agarwal) Vice-Chairman Akn

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(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

06.04.2016

O.A Nos 229 & 269/2001

Heard Shri M.D Lonkar and Shri G.A Bandiwadekar, learned advocate for the Applicant in O.A 229/2001, O.A 269/2001 and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

The matter remained sine-die because Writ Petition no 903/2001 is pending. It is now set down for hearing before the Hon. High Court on 11.4.2016. It is as a matter of fact that stay to these two O.As has not been granted by the Hon. High Court. But in view of the pendency of the Writ Petition above referred to, in the year 2005 these two O.As were kept adjourned sine-die.

All concerned are ad-idem that whatever decision rendered by the Hon. High Court in the pending Writ Petition will be binding even on these Applicants. Therefore, these two O.As are now set down for final disposal on 13.4.2016.

DATE: 6/4/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. M.D. Lonkar and G.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. K.B. Bhise
C.P.O./P.O. for the Respondents
Adj. To: S.O. to 13/4/16.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

(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: 6/4/16 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri ... Kumbhkarn (Member) A~~ A[illegible] Shri/Smt. M.D. Lonkar Advocate for Applicant ~~Shri/Smt.~~ N.G. Gohad C.P.O / P.O. for the Respondent/s Adj. To 26/4/2016.	Date: 06.04.2016 (D.B. Matter) C.A. No. 134/2015 in O.A. No. 406/2014 S.S. Naik ..Applicant Versus The State of Maharashtra and Ors. Respondents. (1) Heard Shri M.D. Lonkar, the learned Advocate for the applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents State. (2) The learned P.O states that Affidavit affirmed by Shri K.P. Bakshi, A.C.S is brought. (3) The affidavit was called for perusal. It is seen that failure to take action is attributable to "Inadvertence". (4) At this stage, the learned P.O states that she will reconsider the contents of the affidavit and discuss with the officer concern and advice for taking the candid approach. (5) S.O to 26.04.2016. Sd/- (A.H. Joshi, J) Chairman Psz

[P.T.O.

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

Date: 06.04.2016 D.B. Matter

C.A. No. 163/2014 in O.A. No. 307/2014

P. U. Bisen ..Applicant

Versus

State of Maharashtra and Ors. ..Respondents

(1) Heard Shri C.T. Chandratre, the learned Advocate for the applicant and Ms. K.S. Gaikwad, the learned Presenting Officer for the Respondents-State.

(2) This O.A. is circulated by the learned Advocate for the applicant in view of dismissal of Writ Petition No. 6347/2015 filed by the State challenging the order passed by this Tribunal in O.A. No. 307/2014.

(3) The learned P.O states that since the O.A. has come on board with a day's notice, a week's time may be granted.

(4) Time is granted expecting that the State should come with a plea as to whether they have decided to acquiesce with the orders of this Tribunal and the Hon'ble High Court and are deciding to implement the orders, and if not, what is the alternate design they have.

(5) Statement be made on affidavit on the next date. In the event the order is to be acquiesced, due compliance of the order is expected.

(6) S.O to 25.04.2016.

Sd/-

(A.H. Joshi, J.)

Chairman

Psz

DATE : 6/4/16 DB

CORAM :

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

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

APPEARANCE :

Shri/Smt. : C. T. Chandratre

Advocate for the Applicant

Shri /Smt. : K.S. Gaikwad

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

Adj. To 25/4/16.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 6/4/16 DB CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh kumar (Member) A~~ APPEARANCE : Shri/Smt. : A.R. Joshi Advocate for the Applicant Shri/~~Smt.~~ : A.J. Chougule C.P.O / P.O. for the Respondent/s Adj. To 2/5/2016 BPK	Date: 06.04.2016. (D.B. Matter) O.A. No. 656/2015 Shri D.A. Puranik ..Applicant Versus The State of Mah. And Ors. .. Respondents (1) Heard Shri A.R. Joshi, the learned Advocate for the applicant and Shri A.J. Chougule, the learned Advocate for the applicant. (2) The learned Advocate for the applicant has tendered sur rejoinder. It is taken on record. (3) The learned Advocate for the applicant prays for time to address. (4) S.O to 02.05.2016. Sd/- (A.H. Joshi, J.) Chairman Psz

[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 : 6/4/16 DB CORAM : ~~Hon'ble Justice Shri~~ A. H. Joshi (Chairman) ~~Hon'ble Shri ... (Member) A~~ APPEARANCE : ~~Shri~~/Smt. : J.M. Murkute ~~Advocate for the Applicant~~ ~~Shri~~/Smt. : K.S. Gaikwad C.P.O./P.O. for the Respondent/s Admit. Adj. To To come up in due course.	Date: 06.04.2016. (D.B. Matter) O.A. No. 113/2016 Shri S.D. Murkute ...Applicant Versus The State of Mah. & Ors. .. Respondents (1) Heard Shri J.M. Murkute, the learned Advocate for the applicant and Ms. K.S. Gaikwad, the learned P.O for the respondents State. (2) Admit. To come in due course. Sd/- (A.H. Joshi) Chairman Psz

(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: 6/4/2016 DB CORAM: Hon'ble Shri A. H. Joshi (Chairman) ~~Hon'ble Shri V. Kumbhartkhi (Member) A.~~ APPEARANCE: Shri/Smt. K.R. Jagdale Advocate for the Applicant Shri/Smt. A.J. Chougule C.P.O. for the Respondent/s Admit. Adj. To To come up for hearing in due course	Date: 06.04.2016. (D.B. Matter) O.A. No. 1068/2015 Shri V.S. Muthe ..Applicant Versus The State of Mah. & ors. ..Respondents (1) Heard Shri K.R. Jagdale, the learned Advocate for the applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. (2) Admit. To come for hearing in due course. Sd/- (A.H. Joshi, J.) Chairman Psz

[P.T.O.