

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.984 OF 2015  
WITH  
ORIGINAL APPLICATION NO.1021 OF 2015**

**DISTRICT: PUNE**

**S.A. Sarwade (O.A.No.984/2015)  
G.B. Shinde (O.A.No.1021/2015)**

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

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

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

**CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN**

**DATE : 06.05.2016.**

**ORDER**

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
2. It is seen that the affidavit required to be filed for answering the queries and points raised in order dated 07.04.2016 is not filed.
3. Learned P.O. for the Respondents Shri K.B. Bhise states that this order was communicated through letter dated 18.04.2016.
4. Today the case was called out in the morning. Learned P.O. Shri K.B. Bhise had informed that no instructions are received and hence at his request hearing was adjourned.
5. Thereafter, learned P.O. mentions the matter, informing that the officer has been called and he wants time for filing reply.

6. Learned P.O. Shri K.B. Bhise was called to show reasons as to why cost should not be ordered towards negligence of the officer concerned in filing affidavit, and even failing to contact learned P.O. and pray for time. Learned P.O. Shri K.B. Bhise has no reply.

7. The officer who was called to file affidavit, Shri Vijay Sabhirsing, Secretary, Home Department, is directed to show cause as to why he should not saddled with costs of Rs.10,000/- to be paid personally towards his failure to attend to the order passed by this Tribunal, and comply with the same and towards failure to contact the learned P.O. for request for extension of time to file affidavit.

8. If no reply showing cause is filed the matter will be taken up for passing order as to costs.

9. Learned P.O. was called to state as to whether this order is to be send to the concerned officer through the Tribunal.

10. Learned P.O. stated that Shri Sanjay Khedekar, Deputy Secretary, Home Department who is present in the court will be asked to come again the collect the order, and deliver it to the officer concerned.

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

12. S.O. to 15.06.2016.



Sd/-

(A.H. Joshi, J.)  
Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. of 20 DISTRICT ..... Applicant/s


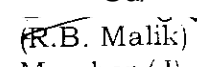
(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders <b>O.A.315/2016</b></p>
<p><b>DATE:</b> <u>6/5/16</u>  <b>CORAM:</b>  <del>Hon'ble Shri. RAJIV AGARWAL</del>  <del>(Vice-Chairman)</del>  Hon'ble Shri R. B. MALIK (Member) ✓  <b>APPEARANCE:</b>  Shri/Smt. <u>S.S. Dere</u>  Advocate for the Applicant  Shri/Smt. <u>A.J. Chougule</u>  C.P.O./P.O. for the Respondents    <u>S.O. to 9/6/16</u>  </p>	<p><b>Shri S.J. Waychal</b> ... Applicant  <b>Vs.</b>  <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>The learned P.O. Shri Chougule is instructed by Shri V.G. Shirasath, Desk Officer. The learned P.O. tenders a copy of a communication from the Government to MPSC dated 2.5.2016. The same is taken on record. It seems therefrom that Shri Deepak D. Dhote has already indicated that he would not take the post which in the list at Serial No.24. As of now, the Affidavit-in-reply is still awaited. My order of 7<sup>th</sup> April, 2016 with particular emphasis on Para 6 governs the parties. It seems possible that the OA itself can be worked out, and therefore, the Respondents must file their Affidavit-in-reply on the next date and mentioned just now on that day itself, it will be possible to decide this OA, depending upon the nature of the averments in the reply.</p> <p>S.O. to 9<sup>th</sup> June, 2016.</p> <p style="text-align: right;">Sd/-    (R.B. Malik)  Member (J)  06.05.2016</p> <p>(skw)</p>

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

Tribunal's orders

**O.A.329/2016**

**Shri S.K. Kedare** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

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

Short Affidavit-in-reply has been placed on record, essentially, taking stand that pending administrative appeal, this OA is not maintainable. Now, in my opinion, the word, "ordinarily" appearing in Section 20 of the Administrative Tribunals Act does not entirely bar the entertainment of OA in circumstances like the present one. However, the manner of exercise of jurisdiction is equally significant aspect of the matter. Therefore, as of today, I am not so inclined to grant any interim relief. It is, however, made it clear that the mere pendency of this OA shall not come in the way of the normal progress of the appeal and it will be most appropriate, if the appeal was expeditiously decided because the Applicant has been compulsorily retired.

The Respondents must file on that day the detailed Affidavit-in-reply. Liberty is reserved for the Applicant to renew his request for interim relief on the next date.

S.O. to 14<sup>th</sup> June, 2016.

**Later On :**

The learned P.O. rises with permission and submits that the Applicant has not so far preferred the appeal. The learned Advocate for the Applicant, however, makes a statement at the Bar which I accept that the Applicant has preferred the appeal.

DATE: 6/5/16

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. A.V. Sakolkar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

CAO/P.O. for the Respondents

short affidavit filed by R/O ✓

Adj. To S.O. to 14/6/16

Sd/-

(R.B. Malik)  
Member (J)  
06.05.2016

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

Tribunal's orders

**O.A.355/2016**

**Shri K.P. Patil** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 17.06.2016.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 17<sup>th</sup> June, 2016. Learned C.P.O. do waive service.

DATE: 6/5/16

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. G.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

C.P.O. for the Respondents

Adj. To

S.O. to 17/6/16

(skw)

Sd/-

~~(R.B. Malik)~~ 06.05.16  
Member (J)  
06.05.2016

**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
<p><b>DATE:</b> <u>5/5/16</u></p> <p><b>CORAM:</b>  Hon'ble Shri. <u>RAJIV AGARWAL</u>  (Vice-Chairman)  Hon'ble Shri R. B. MALIK (Member) J</p> <p><b>APPEARANCE:</b>  <del>Name for the</del> <u>applicant</u>  <del>Advocate for the Applicant</del>  Shri <u>N.K. Rajpurohit</u>  C.F.O./R.O. for the Respondents  <u>O.A. is admitted.</u>  <del>Adv. To</del> <u>17/6/16</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><b><u>O.A.47/2016</u></b></p> <p><b>Smt. S.P. Sontakke</b> ... Applicant  <b>Vs.</b>  <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>None for the Applicant. Heard Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.</p> <p>Rejoinder not filed. Proceed without Rejoinder. OA is admitted. It be placed before the appropriate Bench for hearing/dismissal on 17<sup>th</sup> June, 2016.</p> <p style="text-align: right;">Sd/- <u>15</u>  <u>(R.B. Malik)</u>  Member (J)  06.05.2016</p> <p>(skw)</p>

**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
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**O.A.301/2016**

**Shri J.A.M.H. Momin & 3 Ors...Applicants  
V/s.  
The State of Mah. & ors. ... Respondents**

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

Heard both the sides. It is not necessary to make any detailed observation. As of today, I am of the opinion that the interim relief in terms of Para 10(b) needs to be and is hereby granted till further orders. The Respondents shall in the event of granting actual promotions appraised the promotees to the post of Awal Karkoon that their promotions shall be subject to the ultimate outcome of this OA. The Respondents must file Affidavit-in-reply on the next date.

S.O. to 9<sup>th</sup> June, 2016. Hamdast.

DATE: 6/5/16

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

C.O.P.O. for the Respondents

~~Adj. To S.O. to 9/6/16  
Hamdast~~

Sd/-

(R.B. Malik) 06.05.16  
Member (J)  
06.05.2016

(skw)

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

Tribunal's orders

**O.A.408/2016**

**Shri V.B. Aute** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 14.06.2016.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 14<sup>th</sup> June, 2016. Learned C.P.O. do waive service.

DATE: 6/5/16

CORAM:

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

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

APPEARANCE:

Shri/S. D. B. Khaire

Advocate for the Applicant

Shri N.K. Rajpurohit

C.P.O. for the Respondents

S.O. to 14/6/16.

(skw)

Sd/-  
(R.B. Malik)  
Member (J)  
06.05.2016



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.417 OF 2016**

**DISTRICT : PUNE**

Dr. Pradipkumar S. Awate. )...**Applicant**

**Versus**

1. Maharashtra Public Service )  
Commission & 2 Ors. )...**Respondents**

**Shri D.B. Khaire, Advocate for Applicant.**

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

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

**DATE : 06.05.2016**

**ORDER**

1. The learned P.O. Shri A.J. Chougule is being instructed by Shri P.Y. Bhurke, Under Secretary, MPSC.

W  


2. The matter comes up before me for consideration of interim order. The interviews for the post of Deputy Director, Health Services are scheduled for 12<sup>th</sup> and 13<sup>th</sup> May, 2016. The Applicant has not been invited therefor and stung thereby, he is up before me with this OA.

3. As indicated at the outset, as of today, the only issue that engages my attention is as to whether by way of an interim order, the Applicant can be allowed to participate in the interview process scheduled for the two dates above referred to. By way of abundant caution, however, I make it clear that this order is not even a provisional expression of judicial view with regard to the rights of the parties before me in this OA and it is in that connection that I must repeat as to what the scope of the interim relief is.

4. The Applicant claims to be M.B.B.S. and D.C.H. In so far as the experience is concerned, he points out that in his application (Page 22 of the paper book), he has set out the details thereof. Mr. Khaire, the learned Advocate invites attention to the note (नियम) in Para 5 of the Advertisement whereby the pay scale therein given would be deemed to be the pay scale of Class-I post. The learned



P.O. in stoutly objecting to the grant of any interim relief *inter-alia* invites my attention to a communication from Directorate of Health of 15.4.2015 addressed to the Principal Secretary, Public Health. It was thereby conveyed to the Government that the Applicant could not be considered to be a Class-I Officer.

5. Now, quite pertinently, it so happened that the Applicant himself was one of the candidates called for interview on 24<sup>th</sup> February, 2015 (Exh. 'E', Page 24 of the paper book). He must have been found at least provisionally eligible then, but on that day, the interviews got postponed indefinitely. Mr. Chougule, the learned P.O. on instructions submits that it so happened because the Applicant got through in the screening test, and therefore, he had been called for interview. I should think that he wants to convey that thereafter the Directorate of Health informed the Government regarding the ineligibility of the Applicant.

6. Another letter of 27<sup>th</sup> April, 2015 is furnished to me for perusal from the Government in Health Department to the MPSC and it was therein mentioned that the Applicant had been given the benefit of ACP Scheme, but even then as per the Service Rules, he was not working in

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Class-I cadre. Now, this precisely is not an undisputed position and issues were joined in that behalf. I am in no position as of now to rule thereupon. However, this much must be said that in the ultimate analysis, the Applicant is before this Tribunal with his own claim and while the Respondents will have every right to contest the OA, the issue of interim relief has its own hue. In fact, I wanted the learned P.O. to suggest some via-media whereby regard being had to the fast approaching dates of interview by some interim measure, the interest of the Applicant could also be safeguarded at least provisionally, but it seems that the Respondent-MPSC is absolutely sure about the truism of its case, and therefore, I will have to now consider if any interim relief can be granted.

7. Before proceeding further, I may also mention that an extract from what the learned P.O. termed as General Instruction No.2.2.12.4 was brought to my notice. On the face of it, it shows that the duration that a candidate held the additional charge would not be counted as experience. Now, in the first place, that is not the only ground on which the Applicant bases his claim in this OA. Secondly, this contention which is an important disabling provision was not specifically set out in the Advertisement although the learned P.O. pointed out the 6<sup>th</sup> Clause of the



Advertisement and relying thereupon, it was his submission that the knowledge hereof must be imputed to the Applicant. As of today, I do not think I can make a short work of the case of the Applicant relying on these submissions of the learned P.O.

8. My attention was also invited to an order made by the Hon'ble Chairman of this Tribunal on 14.10.2015 in OA 130/2015 which I have carefully perused. The Hon'ble Chairman was pleased to hold that the MPSC did not concur with the directions contained in his order of 19.8.2015 whereby they ought to have re-fixed the benchmark after eliminating ineligible candidates.

9. Now, as far as the Applicant is concerned, he by no means is hit by that order because, if I hold it to be so just now, the net result that I will have produced will be that I will have acted on a mere ipse-dixit of the Respondents about the eligibility or rather the ineligibility of the Applicant summarily without putting it on judicial anvil.

10. Now, in view of the foregoing, I am of the opinion that since the dates of interview are approaching fast and regard being had to the nature of duty to be performed by

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the statutory bodies they, they are, it must be around the corner, the appropriate course of action would be to give a direction to the Respondent-MPSC to allow the Applicant to participate in the interview for the above referred post either on 12<sup>th</sup> May, 2016 or 13<sup>th</sup> May, 2016. The Applicant shall approach the MPSC in that regard and he will be informed accordingly by the MPSC. All the other requirements that any candidate in any post before the MPSC is required to comply with shall be complied with by the Applicant as well.

11. It is made clear that by this order itself, I have not pronounced upon the eligibility and competence of the Applicant over the said post. The Respondents shall file their Affidavit-in-reply on the next date and at that time, they may as well move the Bench for further directions.

12. Issue notice returnable on 14<sup>th</sup> June, 2016.

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

14. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly

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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.

15. 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.

16. 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.

17. S.O. to 14<sup>th</sup> June, 2016. Learned P.O. do waive service. All concerned to act on a Steno-copy.

Sd/-  
**(R.B. Malik)**  
**Member-J**  
**06.05.2016**

Mumbai  
Date : 06.05.2016  
Dictation taken by :  
S.K. Wamanse.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO.205 OF 2016  
IN  
ORIGINAL APPLICATION NO.399 OF 2016**

**DISTRICT : SOLAPUR**

1. Shri Nilesh M. Gandhi & 5 Ors. )...**Applicants**  
(Proposed Interveners/Proposed Respondents)

**Versus**

Shri Mahesh A. Gadekar & Anr. )...**Respondent**  
(Ori. Applicant)

**And**

The State of Maharashtra. )...**Respondent**

**Ms. S.P. Manchekar, Advocate for Applicants (Proposed  
Interveners/Proposed Respondents)**

**Shri S.S. Dere, Advocate for Respondent (Ori. Applicant)**

**Shri K.B. Bhise, Presenting Officer for Respondent**

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

**DATE : 06.05.2016**





**ORDER**

1. The Applicants of this MA seek impleadment to the pending OA brought by the candidates who claim that their names have been recommended for the appointment by the M.P.S.C. In that OA, those Applicants have sought interim relief. In the meanwhile, the Applicants of this MA seek impleadment inter-alia on the ground that they came to be promoted by the order of 30.5.2015 on temporary basis as Assistant Commissioner, Drugs against the post meant for nomination. In Para 3, it is mentioned that the original Applicants have challenged the order of promotion of the present Applicants of this MA made by the above referred order of 30.5.2015 and he is seeking a direction that the Government should not issue any further order of ad-hoc promotion. According to him, the names were recommended on 5.4.2016. In this background, the Applicants of this MA seek to intervene because their interest is likely to be affected.

2. The learned P.O. leaves the matter to the Tribunal.

3. Shri S.S. Dere, the learned Advocate made a statement that the Applicant did not want to file Affidavit-



in-reply to this MA and he was allowed to argue the matter without Affidavit-in-reply as per his request.

4. During the debate at the Bar, I was taken through the order of what can be described as ad-hoc promotion dated 30.5.2015. Be it noted that another set of Applicants have also challenged the selection process by way of OA No.346/2016 and I am told that the Tribunal has made interim order that the ultimate outcome of that OA would govern the course of action in the matter of appointments.

5. Now, in view of the above discussion, I must make it clear that in deciding this application for intervention, the short point is as to whether on the elementary tenets that govern the law of impleadment of third parties, this application can be allowed. If it could be found that the Applicants of this MA are at least the proper parties, then without getting drawn into the academics of necessary party and proper party, they will have to be impleaded. In deciding this MA, I am not going to decide even provisionally much less finally any fact at issue that befalls the office of OA 399/2016 or for that matter any other OA pending either inter-partes or other Applicants pitted against the Applicants.

A handwritten signature in black ink, consisting of a stylized 'S' or 'M' shape with a long horizontal line extending to the right.

6. If that be so, then in the context of the factual aspect of the matter discussed hereinabove, it is very clear that the claim of the Misc. Applicants cannot be dismissed out of hand. I must repeat that at this stage, I am only concerned with whether they are at least a proper party and I am unable to summarily throw them out at this stage because it is not possible for me to conclude that they are not going to be affected at all by any order made herein.

7. In terms, the order of 30.5.2015 may not have been challenged in this OA, but if one were to peruse Prayer Clause (b) of the OA, it would become very clear that the language employed therein is directed against those, who had been appointed as ad-hoc or in any other temporary manner. I must again make it very clear that at this stage, I am not deciding any fact at issue which falls within the purview of the OA. That being the state of affairs, I must hold which I do that this intervention application will have to be and is hereby allowed. The Applicants hereof be impleaded as party private Respondent Nos.2 to 7 by an appropriate amendment to be effected by the original Applicant during the course of the day. A consolidated copy of the OA after amendment be filed and served on the newly added Respondents through their Advocate Ms. Manchekar.

A handwritten signature in black ink, appearing to be 'M. Manchekar', written over a horizontal line.

8. The Misc. Application is allowed with no order as to costs. The OA stands adjourned to 13<sup>th</sup> June, 2016.

Sd/-

(R.B. Malik)  
Member-J  
06.05.2016

Mumbai  
Date : 06.05.2016  
Dictation taken by :  
S.K. Wamanse.

E:\SANJAY WAMANSE\JUDGMENTS\2016\4 April, 2016\M.A.205.16 in O.A.399.16.w.5.2016.doc

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> (DIB) Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramachandran (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. : A.V. Bandiwadekar Advocate for the Applicant Shri/Smt. : K.B. Bhise C.P.O./P.O. for the Respondent/s</p> <p>Adj. To..... Head order passed in Tribunal column - S.O. 5/7/16 Steno copy and Hardast is allowed to Learned P.O.</p>	<p>Date : 06.05.2016.</p> <p>O.A.No.325 of 2016</p> <p>G.P. Rekulwad ..... Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors ..... Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Shri K.B. Bhise prays for time for filing reply.</p> <p>3. It appears that Respondents would be required to exert for filing of reply to this O.A.. Almost same or lesser efforts would be needed for examining the eligibility of the Applicant for relief prayed for by him in this O.A..</p> <p>4. However, Respondents should first in order / sequence of actions to be taken, examine the claims of the applicant and decide the eligibility of applicant as per rules, as regards various demands made.</p> <p>5. Such of the benefits to which the applicant may be found entitled be granted to him, and affidavit-in-reply be filed in the event some of the claims are to be disputed.</p> <p>6. Learned P.O. prays for six weeks time for reporting the outcome and steps, as may be taken.</p> <p>7. Therefore, longer time can be granted for the exercise by the Respondents.</p> <p>8. It is clarified that the pendency of this case will not come in the way of granting to the applicant any adhoc promotion in the event he is otherwise eligible.</p> <p>9. Learned P.O. is directed to communicate this order to the Respondents. Steno copy and Hamdast is allowed to learned P.O..</p> <p>10. S.O. to 05.07.2016. 2</p> <p>Sd/- (A.H. Joshi, Jt) Chairman</p> <p>prk</p>

**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
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Date: 6.05.2016.

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

Shri S.C. Gupta ...Applicant

Vs.

Smt. Sujata Saunik, Principal Secretary ...Respondent

DATE: 6/5/16  
 CORAM: (01B)  
 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.B. Bhise  
 C.P.O./P.O. for the Respondent/s

Adj. To: 5/7/16

Heard, order passed  
 in Tribunal column  
 So on 5/7/16

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

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

That the G.A.D. has approved the proposal of the Health Department for granting to the Applicant Deemed Date of Promotion and for financial approval, now the matter is submitted before the Finance Department and week's time is required.

3. Adjourned to 5.07.2016. It is clarified that longer adjournment would not be a licence for delaying the compliance.

Sd/-

(A.H. Joshi, J.)  
Chairman

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

Tribunal's orders

Date : 06.05.2016.

O.A.No.308 of 2016

P.A. Patharikar

... Applicant.

Versus

The State of Maharashtra

...Respondent.

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

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

(a) Instructions are received to the effect that meeting of Review Committee to consider the matter of continuation / revocation of suspension of various cases including that of applicant is schedule to be held tomorrow.

(b) It is hoped that the decision as would be reached in the meeting of the Committee would be communicated to the Applicant.

3. Respondents should ensure that the minutes of Review Committee are signed and approved from competent authority within two weeks and decision be communicate to the applicant within one week thereafter.

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

5. S.O. to 08.06.2016.

Sd/-

A.H. Joshi, J  
Chairman

prk

DATE: 6/5/16.

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

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

Adj. To: Head

order passed in  
tribunal column.

So to 8/6/16.

Steno copy and  
Hamdast is allowed  
to learned P.O.

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

Tribunal's orders

06.05.2016

O.A No 148 /2016

Shri Rajendra K. Shirsath ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.V Bandiwadekar with Shri M.R Patil and Shri D.B. Khaire, learned Advocate for the Applicant, Shri A.J Chougule, learned Presenting Officer for the Respondent no 1 and Shri M.O Lonkar, learned advocate for Respondent no. 2.

2. The case was heard for quite sometime.

3. At this stage, Learned Presenting Officer states that he has received instructions that the meeting of the Review Committee to consider the continuation / revocation of the suspension of various cases is expected to be held in the month of May, 2016 and in the proposed meeting Applicant's case will be put up.

4. Parties agree that in view of the subsequent development noted in the foregoing paragraph, further hearing can be deferred. Hence, adjourned to 14.6.2016, on which date, if necessary, a date for hearing will be fixed.

5. Steno copy and Hamdast allowed to learned Presenting Officer for communication.

Sd/-

(A.H Joshi, J) /  
Chairman

Akn

DATE: 6/5/16  
CORAM:  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Ramachandrar (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

M.O. Lonkar for R-2  
Adj. To: 14/6/16

order passed by  
Tribunal Column  
S o k 14/6/16  
Steno copy and  
Hamdast is allowed  
to learned P.O.  
for communication.

2



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION 216 OF 2016**

**DISTRICT : SINDHUDURG**

Shri A.P Charate ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

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

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

CORAM : Justice A.H. JOSHI (CHAIRMAN)

DATE : 6.5.2016

**ORDER**

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.
2. Learned Presenting Officer states that instructions to oppose Original Application are received, however, these are incomplete
3. Applicant's claim is that his case is covered by the principles as laid down in the judgment of Hon'ble High Court rendered in Writ Petition no. 2046/2010 (Nagpur Bench).
4. In view of the pleadings and prayers contained in the Original Application, the Respondents have to show as to how the Applicant's case is not covered by the judgment rendered in W.P no 2046/2010 (Nagpur), instead of barely denying the liability.



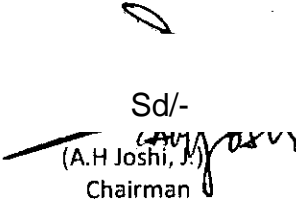
5. It is expected that Respondent no. 1 should apply mind to each of the points involved in the case, and ascertain as to whether it is possible to oppose Original Application on fact or on the points of law.

6. If there are grounds opposing the Original Application, in that event, affidavit in reply should be filed point by point by the Respondent no. 1 and not by any other subordinate officer.

7. Learned Presenting Officer prays four weeks time to file reply after reopening.

8. Longer time prayed for by the Learned Presenting Officer can be granted with a condition that no further time will be granted.

9. S.O to 14.7.2016.

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

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION 239 OF 2016**

**DISTRICT : SATARA**

Smt Swati P. Khatavkar & Ors

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

Ms Swati Manchekar, learned advocate for the Applicant.

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

CORAM : Justice A.H. JOSHI (CHAIRMAN)


DATE : 6.5.2016

**ORDER**

1. Heard Ms Swati Mnachekar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply.
3. Applicant has placed reliance on the judgment of this Tribunal in the case of Smt Surekha Nandakumar Molak & another Vs. Superintending Engineer, Pune Irrigation & others in O.A no 215/2014 and the judgment of the Hon'ble High Court in case of Vinodkumar Khiru Chavan Vs. The State of Maharashtra & Ors, W.P no 7793/2009 and copies are placed on record.
4. In the premises noted in the foregoing para, Respondents should not lose time and exert in opposing the claim by filing affidavit-in-reply.



5. Respondents should first examine whether the Applicant's claim is well founded and can be considered and take further action, if so possible. Pendency of this Original Application will not come in the way of taking affirmative decision, if Respondents decided accordingly.
6. In the event, Applicant's claim is unsustainable and is required to be opposed, in that case only affidavit in reply for opposing O.A should be filed.
7. For reporting action, and if necessary for filing affidavit in reply adjourned to 28.6.2016.
8. Grant of larger time does not mean that the decision should be delayed.
9. Steno copy and Hamdast allowed to learned Presenting Officer for communication.

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

Akn

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI****ORIGINAL APPLICATION NO.112 OF 2016****DISTRICT: THANE****S.S. Munj & Ors.****.... Applicants.****Versus****The State of Maharashtra & Ors.****...Respondents.**

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

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.05.2016.

**ORDER**

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
2. Applicants' claim is opposed by the Respondent No.2 by filing affidavit of his subordinate Deputy Director Forensic, Science, Kalina, Mumbai.
3. At the outset the stand taken by the Government through the affidavit filed by and on behalf of Respondent No.2, is prima facie, untenable.
4. Learned P.O. for the Respondents Shri K.B. Bhise was called to furnish the name of the Secretary who is incharge of the matters and has control over the office of Forensic, Science, Kalina, Mumbai.
5. Learned P.O. has taken instructions and state the name of the officer holding the post of Principal Secretary of the concerned portfolio in Home Department as follows :-

Shri Rajnish Seth, Principal Secretary (Special), Home Department.

6. Shri Rajnish Seth, Principal Secretary (Special), Home Department is directed as follows :-

- (a) To call for the papers of the present O.A., read the O.A., annexures thereto and apply mind to all the facts and legal issues involved therein.
- (b) To his own file affidavit whether he subscribes to the plea taken in the affidavit filed by Shri Bhausahab P. More, Deputy Director, office of Director, Directorate of Forensic Science Laboratories, Kalina, Mumbai, which is at page 48 onwards of the paper book of O.A..

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

8. S.O. to 15.06.2016, for filing affidavit.

0

Sd/-

(A.H. Joshi, *Handwritten signature*)

Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**C.A.No.22 of 2016 in O.A.No.1000 of 2013 with**

**C.A.No.23 of 2016 in O.A.No.1001 of 2013 with**

**C.A.No.24 of 2016 in O.A.No.1002 of 2013 with**

**C.A.No.25 of 2016 in O.A.No.1003 of 2013**

**DISTRICT :**

**Shri G.S. Halakude (C.A.No.22/2016 in O.A.No.1000/ 2013)**

**Shri R.Y. Chavan (C.A.No.23 / 2016 in O.A.No.1001 / 2013)**

**Shri S.L. Rathod (C.A.No.24 / 2016 in O.A.No.1002 / 2013)**

**Shri S.K. Thorat (C.A.No.25 / 2016 in O.A.No.1003 / 2013 )...Applicants**

**VERSUS**

**Shri Narayan Tukaram Shisode and Ors.**

**)...Respondents**

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

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

**CORAM:- Justice Shri A.H. Joshi, Hon'ble Chairman.**


**DATE : 06.05. 2016**

**ORDER**

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
2. Learned P.O. for the Respondents states as follows:-
  - (a) That the group of Writ Petitions filed by the State on 24.08.2015 was on board on 27.4.2016 but the matters did not reach for hearing on that dates.
  - (b) The date is not given by C.M.I.S and the hearing may be adjourned.

3. Learned Advocate for the Applicants has serious objection to the manner in which the Writ Petitions are filed and is used as shield and a protection for hearing of C.A. without taking efforts and steps to get the Writ Petition mentioned for circulation.
4. Learned Advocate for the Applicant further states as follows:-
- (a) It is practice of the State to file the W.P. and not to take circulation and continue to disobey the order, and seek adjournment in contempt case.
  - (b) Order passed by this Tribunal is based on the judgment of Nagpur Bench of this Tribunal in O.A.No.636, 733 and 599 of 2013 decided on 26.02.2015. The said judgment of this Tribunal (Nagpur Bench) was challenged before the Hon'ble High Court of Nagpur Bench by filing W.P.6329 of 2015, and the W.P. has been dismissed on 23.11.2015.
  - (c) Therefore, attempt of the State in not taking circulation in the W.P. and seeking adjournment in the C.A. is of causing delay, in a vexatious manner.
  - (d) Pendency of W.P. does not operate as a bar in absence of stay and hence cognizance of contempt may be taken.
5. Notwithstanding the submission by way of last chance to the State, to take steps to circulate the Writ Petition filed by the State, hearing is adjourned to 14.06.2016.
6. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.



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



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. S. P. Manchekar Advocate for the Applicant Shri/Smt. B. J. Chougule C.P.O./P.O. for the Respondent/s</p> <p>Adj. To..... <u>Head.</u> order passed in Tribunal column. S.O. 13/6/16.</p> <p style="text-align: right;"><u>e</u></p>	<p><u>06.05.2016</u></p> <p style="text-align: center;"><u>O.A No 397/2016</u></p> <p>Shri S.N. Pawar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Swati Manchekar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Presenting Officer on instructions from Shri Sanjay Khedekar, states as follows:-</p> <p>(i) Office note is put up for revoking the decision to disqualify the applicant and to declare him as duly qualified.</p> <p>(ii) The Secretary-in-charge of the Portfolio is out of station and the matter would be processed, the decision would be taken, and would be communicated to the applicant as well as to the concerned authorities within 10 days.</p> <p>3. For placing compliance on record, S.O to 13.6.2016. If necessary reply to the remaining part of the Original Application should be filed on the next date.</p> <p style="text-align: right;">Sd/- (A.H Joshi, J.) Chairman [P.T.O.</p> <p>Akn</p>

# 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
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakrishna (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. Uday Bhosle ..... Advocate for the Applicant Shri/Smt. K.B. Bhise ..... C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To..... Headd</p> <p>order passed in usual column S.O to 21/7/16.</p> 	<p><u>06.05.2016</u></p> <p><u>O.A No 151/2016</u></p> <p>Shri D.T Jagtap ..... Applicant Vs. The State of Maharashtra &amp; Drs ..... Respondents</p> <p>1. Heard Uday Bhosle, learned advocate for the applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Learned Presenting Officer tenders reply and same is taken on record. Learned Advocate Shri Bhosle requests for time to consider the reply and file rejoinder, only if necessary.</p> <p>3. S.O to 21.7.2016.</p> <p style="text-align: right;">Sd/- (A.H Joshi,  Chairman</p> <p>Akn</p>

# 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
<p><b>DATE:</b> <u>6/5/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) <del>Hon'ble Shri M. Rameshkumar (Member) A.</del></p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>Uday Bhosle</u> Advocate for the Applicant Shri/Smt. : <u>K. B. Awise</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To: <u>Heard</u> <u>order passed in</u> <u>Tribunal Column</u> <u>5020 21/7/16.</u></p> <p></p>	<p><b>06.05.2016</b></p> <p><b><u>O.A No 233/2016</u></b></p> <p>Shri T.B Gonsalves ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Uday Bhosle, learned advocate for the applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Learned Presenting Officer tenders reply and same is taken on record. Learned Advocate Shri Bhosle requests for time to consider the reply and file rejoinder, only if necessary.</p> <p>3. S.O to 21.7.2016.</p> <p style="text-align: right;">Sd/- (A.H Joshi, ) Chairman</p> <p>Akn</p>

**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
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> (0/B) Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt: none for the applicant Advocate for the Applicant Shri/Smt: A.J. Chougule C.P.O./E.O. for the Respondent/s</p> <p>Adj. To: Heard order passed in Tribunal 6/4/16 S.O to 15/6/16. Steno copy and handout is allowed</p>	<p><u>06.05.2016</u></p> <p><u>C.A 136/2014 in O.A No 275/2010</u></p> <p>Dr B.R Birajdar &amp; ors ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. None for the applicant and heard Shri A.J Chougules learned Presenting Officer for the Respondents.</p> <p>2. Learned Presenting Officer on instructions from Shri B.B Patil, Under Secretary, Public Health Department, states as follows:-</p> <p>(i) That the matter is submitted before the Finance Department for approval. Finance Department would be pursued for their action in the matter.</p> <p>(ii) If Finance Department approves and there are no queries, objections etc., the decision at the level of Public Health Department would be taken expeditiously and action would be reported on the next date.</p> <p>3. S.O to 15.6.2016. Steno copy and Hamdast allowed to learned Presenting Officer for communication.</p> <p style="text-align: right;">Sd/- (A.H Joshi, J) Chairman</p> <p style="text-align: right;">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> 6/5/16</p> <p><b>CORAM:</b> (SIB) Hon'ble Justice Smt. A. M. Joshi (Chairman) <del>Hon'ble Shri. W. Ramoshikumar (Member) A</del></p> <p><b>APPEARANCE:</b> Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... <u>Hewel</u> order passed in Tribunal Column SO no 16/6/16. Steno copy and Hewel is allowed.</p> <p style="text-align: right;">e</p>	<p><b>Date : 06.05.2016.</b></p> <p style="text-align: center;"><b>O.A.No.870 of 2015</b></p> <p><b>M.B. Jare</b> .... Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors</b> .... Respondents.</p> <p>1. Heard, Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant Shri A.V. Bandiwadkar states as follows :-</p> <p>(a) Applicant has learnt that Department has decided to place the applicant's case before the Review Committee for consideration of continuation or revocation of suspension.</p> <p>(b) Applicant believes that recommendations of the Department were favouring to the revocation of suspension.</p> <p>(c) Learned P.O. should to take instructions on the point as to when meeting of the Review Committee, would be held.</p> <p>3. Learned P.O. is directed to secure information on the foregoing point No.(c) and make statement on the next date, and also as to whether applicant's case would be considered in ensuing meeting.</p> <p>4. For reporting outcome and answering query raised hereinbefore, S.O. to 16.06.2016.</p> <p>5. Learned P.O. is directed to communicate this order to the Respondents. Steno copy and Hamdast is allowed to learned P.O..</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>prk</p>

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

Tribunal's orders

Date : 6.05.2016.

C.A.No.20 of 2016 in O.A.No.249 of 2015 with  
C.A.No.21 of 2016 in O.A.No.250 of 2015

Shri P.R. Mudgal (C.A.No.20 / 2016 in O.A.No.249 / 2015)  
Shri R.A. pawar ( C.A.No.21 / 2016 in O.A.No.250 / 2015)  
...Applicants

Vs.

Shri Shivaji Upase, Secretary & Ors. ...Respondents

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

2. Shri Shivaji Upase, Secretary, (CADA), Water Resources Department, Mantralaya, Mumbai and Shri Prabhakar Deshmukh, Secretary, Water Conservation Department, Mantralaya, Mumbai are present.

3. Both these officers pray for time to file affidavit apology.

4. It is expected that in the affidavit they would explain the reasons due to which the time was spent after receipt of order passed by this Tribunal in the O.A., as well as order to remain present personally passed by this Tribunal on 13.04.2016 and what measure they will take to ensure that the order passed by the Court/ Tribunal are attended punctually and brought to the notice of the Secretary or the officers named as Contemnor or party in O.A.

4. Learned P.O. for the Respondents after taking instructions from the Contemnors states that affidavit would be filed after receiving.

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

6. S.O. to 28.06.2016.

DATE: 6/5/16

CORAM:

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

~~Hon'ble Shri M. Ramchitambar (Member)-A~~

APPEARANCE:

Shri/Smt. : K. R. Jagdale

Advocate for the Applicant

Shri/Smt. : K. B. Bhise

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

Adj. To: Head.

order passed in  
Tribunal column  
S.O. to 28/6/16  
Steno copy and  
Hamdast is allowed

Sd/-

(A.H. Joshi, J.)  
Chairman

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>6/5/16</u></p> <p>CORAM: <u>(015)</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A.</p> <p>APPEARANCE: Shri/Smt. : <u>M. B. Kadam</u> Advocate for the Applicant Shri/Smt. : <u>K. B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>Head</u> order passed in tribunal column S.O to 4/7/16 steno copy and Hamdast is allowed.</p> <p style="text-align: right;"><u>S</u></p>	<p>Date : 6.05.2016.</p> <p style="text-align: center;">C.A.No.03 of 2016 in O.A.No.1214 of 2013</p> <p>Shri A.T. Ghodake ...Applicant</p> <p style="text-align: center;">Vs.</p> <p>Shri Shekhar Gaikwad &amp; Ors. ...Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri M.B. Kadam, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</li> <li>2. Learned P.O. for the Respondents states after instructions received from Shri S.D. Gavate, Assistant Conservator of Forest, Sangli as follows:-       <ol style="list-style-type: none"> <li>(a) That the order passed by this Tribunal was stayed by the Hon'ble High Court.</li> <li>(b) The Hon'ble High Court has dismissed the Writ Petition on 2.05.2016.</li> <li>(c) Copy of order of Hon'ble High Court was received on yesterday.</li> </ol> </li> <li>3. 10 days time may be granted for compliance of the order passed by this Tribunal</li> <li>4. Compliance be reported on the next date.</li> <li>5. Let the Contempt Application shall come up for hearing on 4.07.2016.</li> <li>6. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.</li> <li>7. S.O. to 4.7.2016.</li> </ol> <p style="text-align: right;">Sd/- (A.H. Joshi, J) Chairman</p> <p>sba</p>

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

Tribunal's orders

Date: 6.05.2016.

C.A.No.37 of 2016 in O.A.No.629 of 2015

Shri C.R. Rajput ...Applicant  
Vs.  
Mr. Manu Kumar Shrivastav ...Respondents

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

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

- (a) Contemnors are present.
- (b) They pray for time for filing affidavit of apology of a modality which are adopted for availing recurrence such sitaution in future and to offer explanation as to why there is delay on day to day basis.

3. Learned P.O. for the Respondents prays for four weeks time.

4. Time as prayed for is granted.

5. If affidavit is filed on the next date the Contemnor need not remain present.

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

7. S.O. to 22.06.2016.

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

DATE: 6/5/16 (6/5/16)  
CORAM:  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Ramachandran (Member) A

APPEARANCE:  
Shri/Smt. K.R. Jagdale  
Advocate for the Applicant  
Shri/Smt. N.K. Rajpurohit  
C.P.O./P.O. for the Respondent/s

Adj. To..... Head  
*order passed in Tribunal Column. S.O. to 22/6/16. Steno copy and Hamdast is allowed.*

sba





# 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
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) <del>Hon'ble Shri M. Rameshkumar (Member) A</del></p> <p><u>APPEARANCE:</u> Shri/Smt. :..... A.V. Bandiwadekar Advocate for the Applicant Shri/Smt. :..... K.B. Dhise C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To..... 21/7/16.</p>	<p><u>06.05.2016</u></p> <p><u>O.A No 240/2016</u></p> <p>Shri S.R Rathod ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Learned Presenting Officer tenders reply and same is taken on record. Learned Advocate Shri Bandiwadekar request time to consider the reply and file rejoinder, only if necessary.</p> <p>3. S.O to 21.7.2016.</p> <p style="text-align: right;">Sd/- (A.H Joshi, J.) Chairman</p> <p>Akn</p>

**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
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> (D.B) Hon'ble Justice Sibi A. H. Joshi (Chairman) Hon'ble Shri M. Ramasankar (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. C.T. Chaudhary Advocate for the Applicant Shri/Smt. N.G. Gohad C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: Heard order passed in Tribunal Column SO no 818/16.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 6.05.2016.</p> <p style="text-align: center;"><u>C.A.No.35 of 2016 in O.A.No.571 of 2015</u></p> <p>Shri S.T. Shinde ...Applicant Vs. Shri S.S. Sandhu, Secretary &amp; Ors. ...Respondents</p> <p>1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents states as follows:-</p> <p>(a) Steps are taken for filing Writ Petition challenging the order passed in O.A. 571 of 2015 before the Hon'ble High Court.</p> <p>(c) Circulation will be taken and the intimation would be given to the Applicant as well as progress would be informed on the next date.</p> <p>3. S.O. 8.8.2016. If the circulation is not taken on or before 15.06.2016, the Applicant shall be free to take circulation before due date.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>sb</p>

**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
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. R.M. Kolge for P.O. Sugdare Advocate for the Applicant Shri/Smt. N.G. Gohad C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... Head order passed in Tribunal Column S.O to 21/7/16</p>	<p>Date : 06.05.2016.</p> <p>O.A.No.319 of 2016 with M.A.No.161 of 2016</p> <p>N.D. Patil .... Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate holding for Shri A.D. Sugdare, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Ms. N.G. Gohad prays for time for filing reply.</p> <p>3. It is expected that reply to M.A. and O.A. both be filed.</p> <p>4. S.O. to 21.07.2016.</p> <p>Sd/- (A.H. Joshi, J) Chairman</p> <p>prk</p>

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

Tribunal's orders

06.05.2016

M.A 549/2014 in O.A No 663/2012

Shri J.M Mankar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. None for the Applicant and heard Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. The matter was proceeded on account of it being a contempt, because of the word used in the prayer clause "all consequential benefits". According to the Respondents all payments are made. According to the rejoinder filed by the Applicant, the benefit of one additional increment which the Applicant is entitled to because he has worked in Naxalite area is not granted.

3. Learned Presenting Officer states that the applicant would not be entitled to said benefits, because the applicant was posted in Gondia, District-Dhule, and was under suspension and during that period Gondia was not included in the Naxalite area till 2005.

4. Learned Presenting Officer press for time to furnish this information.

5. S.O to 15.7.2016. Steno copy and Hamdast allowed to learned Presenting Officer for communication.

DATE: 6/5/16.

CORAM:

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

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

APPEARANCE:

Shri/Smt. none for the applicant

Advocate for the Applicant

Shri /Smt. K.B. Bhise

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

A/d. To. Heard

order passed in  
tribunal column.

S.O to 15/7/16.

Steno copy and  
Hamdast is allowed.

[Signature]

Sd/-

(A.H Joshi, J.)  
Chairman

Akn

**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
<p><b>DATE:</b> <u>6/5/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>C.T. Chandratre</u> Advocate for the Applicant. Shri/Smt. : <u>D.B. Khaire S.P.C. Counsel</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. <u>Heard</u></p> <p><u>order passed by Tribunal Column S.O to 30/6/16.</u></p> <p align="right"><u>2</u></p>	<p><b>Date : 06.05.2016.</b></p> <p align="center"><b>C.A.No.85 of 2013 in O.A.No.788 of 2012</b></p> <p><b>R.T. Patil</b> ..... Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors</b> ..... Respondents.</p> <p>1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel for the Respondents.</p> <p>2. Learned Special, Counsel for the Respondents Shri D.B. Khaire states as follows :-</p> <p>(a) General Administration Department has responded to the proposal submitted by the Public Works Department (P.W.D.).</p> <p>(b) The P.W.D. would expeditiously answer the queries and report the progress.</p> <p>3. For reporting outcome and compliance, S.O. to 30.06.2016.</p> <p align="right">Sd/- (A.H. Joshi, J.) Chairman</p> <p align="left">prk</p>

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

Tribunal's orders

Date : 06.05.2016.

O.A.No.409 of 2016

K.G. Sarang .... Applicant.

Versus

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

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

2. Issue notice returnable on 24.06.2016.

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 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.. 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 24.06.2016.

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

prk

DATE: 6/5/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. A.M.D. Lonkar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit CPO

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

Adj. To.....

Heard  
order passed by  
Tribunal column  
S.O. to 24/6/16.

**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 : 06.05.2016.
<p>DATE : <u>6/5/16</u> (DIB)</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakumar (Member)</p> <p>APPEARANCE: Shri/Smt. : <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt. : <u>K.B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>Head</u> <u>order passed in</u> <u>Tribunal column</u> <u>so to 28/7/16.</u></p>	<p>O.A.No.42 of 2016</p> <p>A.R. Bhai ..... Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors ..... Respondents.</p> <p>1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Shri K.B. Bhise states that as follows :-</p> <p>Para-wise remarks to the amended O.A. are received and four weeks time be granted for filing reply.</p> <p>3. Longer time can be granted on the condition that no further adjournment would be sought.</p> <p>4. Therefore, by way of last chance, time is granted for filing reply.</p> <p>5. S.O. to 28.07.2016.</p> <p>Sd/- (A.H. Joshi, J.) Chairman</p> <p>prk</p>



**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
<p><u>DATE:</u> 6/5/16</p> <p><u>CORAM:</u> (015) Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. : R. M. Kolge Advocate for the Applicant Shri/Smt. : K. B. Bhise C.P.O./R.O. for the Respondent/s</p> <p>Adj. To..... Heard order passed in Tribunal column S.O. to 12/7/16. for reply.</p>	<p><b>Date : 06.05.2016.</b></p> <p align="center"><b>O.A.No.519 of 2015</b></p> <p><b>D.V. Avhad</b> ..... Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors</b> ..... Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant Shri R.M. Kolge stated as follows :-</p> <p>(a) Leave for substitution was granted but he was not able to complete the same because some more information was required to be called.</p> <p>(b) Now amended O.A. required to be substituted is ready and prays for leave to substitute by enlargement of time.</p> <p>3. Leave for substitution and enlargement by one week from today is granted.</p> <p>4. Applicant is directed to serve the copies of paper book of amended O.A. on the Respondents directly apart from giving additional copies to learned P.O..</p> <p>5. S.O. to 12.07.2016, for reply.</p> <p align="right">Sd/- (A.H. Joshi, J.) Chairman</p> <p align="right">[P.T.O.]</p>

**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
<p><u>DATE:</u> 5/5/16</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) <del>Hon'ble Shri M. Rameshkumar (Member)</del></p> <p><u>APPEARANCE:</u> Shri/Smt. R.M. Kolge Advocate for the Applicant Shri/Smt. K.B. Bhise C.P.O / P.O. for the Respondent/s</p> <p>Adj. To: 28/6/16</p> <p><i>[Signature]</i></p>	<p>Date : 05.05.2016.</p> <p>O.A.No.50 of 2016</p> <p>A.N. Gagare &amp; Ors. .... Applicants.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors .....Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Shri K.B. Bhise prays for time on the ground that affidavit-in-reply is ready, but is not sworn.</p> <p>3. In view of the foregoing, S.O. to 28.06.2016.</p> <p style="text-align: center;">D</p> <p style="text-align: right;">Sd/- <i>[Signature]</i> (A.H. Joshi, J.) Chairman</p> <p>prk</p>

# 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
<p><u>DATE:</u> <u>5/5/16</u></p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramesh Kumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. <u>28/6/16</u></p> <p style="text-align: center;"><u>e</u></p>	<p>Date : 05.05.2016.</p> <p style="text-align: center;">O.A.No.255 of 2016</p> <p>Dr. V.K. Patne ..... Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors ..... Respondents.</p> <p>1. Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Smt. K.S. Gaikwad has tendered reply. It is taken on record.</p> <p>3. Adjourned to 28.06.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>prk</p>

**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
<p><u>DATE:</u> <u>6/5/16.</u></p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) <del>Hon'ble Shri M. Rameshkumar (Member) A</del></p> <p><u>APPEARANCE:</u> Shri/Smt. : <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt. : <u>K.S. Gaikwad</u> C.P.O./R.O. for the Respondent/s</p> <p>Adj. To..... <u>20/7/16</u></p> <p>Heard order passed in Tribunal column SON 20/7/16.</p>	<p><u>06.05.2016</u></p> <p><u>O.A No 410/2016</u></p> <p>Shri N.M Jagtap ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard K.R Jagdale, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Presenting Officer on instructions from Shri Shirish Rajwade, A.C.F, Jawahar, states that proposal for continuance of provisional pension of the Applicant will be submitted within one week.</p> <p>3. S.O to 20.7.2016.</p> <p style="text-align: right;">Sd/- (A.H Joshi, J.) Chairman</p> <p>Akn</p>

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.876 OF 2015  
WITH  
ORIGINAL APPLICATION NO.910 OF 2015

DISTRICT: SOLAPUR

S.R. Madhbhavi (O.A.No.876/2015)  
D.R. Kshirsagar (O.A.No.910/2015)

.... Applicants.

Versus

The State of Maharashtra & Ors

....Respondents.

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

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.05.2016.

**ORDER**

1. Heard, Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Learned Advocate for the Applicants Shri A.V. Bandiwadekar urges for final hearing the case. Since, today only one day before vacation and only few hours have remained, final hearing does not appear to be possible.
3. At this stage, learned Advocate for the Applicants Shri A.V. Bandiwadekar states as follows :-
  - (a) Applicants would like to make representation requesting to consider their request for suitable posting during general transfers in the month of May, 2016 / June, 2016 and for this purpose they would made representations.
  - (b) In the event transfer is made and applicants are satisfied, Applicants may not pursue this O.A..

4. In view of the statement of learned Advocate Shri A.V. Bandiwadekar this Tribunal directs as follows :-
- (a) If applicants choose they may make representation for consideration of their request for transfer / posting in the general transfer to be effect in the month of May, 2016 / June, 2016.
  - (b) In case representations are made they may be considered by the Respondents, notwithstanding pendency of present O.A..
  - (c) Pendency of this O.A. will not come in the way of Government for deciding the application, if made.
5. Awaiting action, if any, taken by the Government and if necessary for further hearing S.O. to 11.07.2016.
6. Learned P.O. is directed to communicate this order to the Respondents. Steno copy and Hamdast is allowed to learned P.O..



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

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI

C.A.No.38 of 2016 in O.A.No.1136 of 2012

DISTRICT :

Smt. R.S. Thakurdesai & Ors. ...Applicant

Vs.

Shri Sitaram Kunte, Principal Secretary, F.D. & Ors. ...Respondents

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

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

**CORAM:- Justice Shri A.H. Joshi, Hon'ble Chairman.**

**DATE : 06.05. 2016**

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. Learned Advocate for the Applicant states as follows:-
  - (a) In Writ Petition No. 4999 of 2016 Rule is granted and the directions of this Tribunal to regularise the service is stayed. Remaining directions contained in operative order of this Tribunal is not stayed.
  - (b) Remaining order means following 3 parts of the order as follows:-
    - I. The Respondents shall absorb the Applicants within a period of six weeks from today and shall be continued in service as regular employees.

- II. Applicants shall be entitled to regular salary from 1<sup>st</sup> March, 2016 with order admissible allowances, etc. but would not be entitled to claim any monetary benefit for past services rendered by them, even after they are made permanent in accordance herewith.
- III. Since the Applicant's services are regularized, they shall be entitled to continuity in service for all other purposes except monetary purposes from the dates of their first appointment.

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

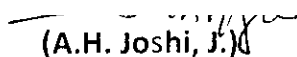
Since the regularization which is a basic aspect it is stayed, remaining order relating regularization which is a consequential direction also stands stayed as necessary a result of the stay of the regularization.

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

That the hearing of the C.A. be adjourned which will enable to Applicant to move Hon'ble High Court to have a clarification as to whether other/ remaining directions contained in the operative part of the order are not stayed.

5. Adjourned to 7.11.2016 with liberty to circulte before due date.

2

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

sba



**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.412 OF 2016**

**DISTRICT: MUMBAI**

**S.S. Kamble**

**.... Applicant.**

**Versus**

**The State of Maharashtra & Ors**

**....Respondents.**

Shri Chahel P.A. Singh, the learned Advocate for the Applicant.

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

**CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN**

**DATE : 06.05.2016.**

**ORDER**

1. Heard Shri Chahel P.A. Singh, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
2. Issue notice returnable on 22.06.2016.
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 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.. 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. Pendency of this O.A. will not come in the way of permitting the applicant to join duty at the place of previous posting.
8. Learned P.O. is directed to communicate this order to the Respondents. Steno copy and Hamdast is allowed to learned P.O..
9. S.O. to 22.06.2016.



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

prk

IN

Court Application No.

of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram,  
Announcements, Tribunal's orders or  
Members and Registrar's orders

Tribunal's orders

O.A. No.405 of 2016

Smt. Preeti Harsh Wig ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for  
the Applicant and Miss Neelima Gohad, learned  
Presenting Officer for the Respondents.

2. The matter comes up before me for  
consideration of interim relief. The Ld. PO furnishes  
huge compilation containing the complaints. Copy  
thereof is furnished to the Ld. Advocate for the  
applicant. As of today nothing more needs to be said  
thereabout. 8 page set of documents furnished by  
Shri Lonkar, Ld. Advocate is also taken on record. It  
may not be possible to hear the matter even for  
interim relief as today. It is adjourned to 7.6.2016.  
However, with liberty to the applicant to circulate it  
during vacation in accordance with the prevalent  
rules.

Sd/-

(R.B. Malik)  
Member (J)  
6.5.2016

(sgj)

DATE: 6/5/16

CORAM:

~~Hon'ble Mr. RAJYAGOPAL~~  
(Vice-Chairman)

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

APPEARANCE:

~~Shri M. D. Lonkar~~

Attorneys for the Applicant:

~~Shri Miss N. G. Gohad~~

Shri P. G. for the Respondents

ALL

7/6/16