IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

O.A. No. 1136 of 2016

N.A.A. Khan .....Applicant

V/s.

State of Mah. & Ors .....Respondent

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

The learned P.O. is being instructed by Shri Suhas Mamdapurkar, Section Officer, Minority Development Department.

The matter is placed before me for consideration of urgent relief. The urgent relief sought is to protect the applicant's continuation to the post of Stenographer (Higher Grade), Urdu by the impugned order of 30.11.2016 which is a detailed one and running into more than 7 pages. The entire history has been given as to how the applicant came to be initially appointed on 6.1.1981 and how the subsequent events took place. As a matter of fact ever since that date the applicant has continued to function in various capacities and what the impugned order does is to effectively terminate him from the date on which the order has been passed namely 30.11.2016. This order is made even without a show cause notice to someone who held the post for about more than 25 years of Stenographer (H.G.) and even before that from 1981. Needless to say no other enquiry has been made. One aspect of the matter is that according to the applicant he continues to hold the office and, therefore, interim relief, if any, granted would not be of mandatory relief interlocutory stage.

The learned P.O. on instructions submits only for my perusal the document showing that the applicant has been evading the receipt of the notice and the same is, therefore, effected by pasting. The notice in this O.A. was served on other side yesterday and the

document which purports to show notice by pasting bears today's date. There is every reason to believe that there was a conscious attempt to force some kind of a state of *fait acompli* and I disapprove of the said attitude and conduct of the respondents. This is an abuse of the caution practiced to make sure that other side is heard before any orders are made.

The said document, however, is retained on record.

The above discussion must have made it clear that there is a case for the grant of interim relief and even I were to assume that by notice by way of pasting today that impugned notice was served, still I make it clear that I would have been in exercise of my power to grant mandatory relief on interlocutory stage granted the relief and the net result of order that is being made today is that the applicant shall be allowed to resume the duty and continue to function as usual till further orders. It is made specifically clear that he shall not be made sit idle by paying up service to this order. I also make it clear that in the midst of the hearing, I expressed a view that the O.A. itself could be heard expeditiously, but then having heard the matter fully I am of the opinion that not granting interim relief would be at the expense of justice. The respondents, therefore, are directed to let the applicant continue to function as he has been doing thus far till further orders. The interim relief in the sense already explained herein above is granted till further orders. The respondents shall file an Affidavit-in-Reply within four weeks.

S.O. to 13.1.2017. Hamdast.

Sd/- 06-12-16

(R.B. Malik)
Member (J)
06.12.2016

vsm

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

M.A. No.582 of 2015
In
O.A. No. 1035 of 2015

B.V. Sawant & Ors .....Applicants

V/s.

State of Mah. & Ors .....Respondent

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

This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-

(R.B. Malik)
Member (J)
06.12.2016

vsm

DATE: 6/12/2016
CORAM: Shri R.B. Malik (MJ)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~
APPEARANCE:
~~Shri/Smt.~~ : V.V. Joshi
Advocate for the Applicant
Shri ~~/Smt.~~ : K.B. Bhise
C.P.O / P.O. for the Respondent/s
Adj. To.....MA is allowed.

[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

O.A. No.1122 of 2016

P.G. Juikar .....Applicant

V/s.

State of Mah. & Ors .....Respondent

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant who seeks urgent relief and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents who is being instructed by Smt Vaishali Koli, Sr. Clerk, C.P.O..

As of today, no interim relief is being granted but liberty is reserved for the applicant to renew the said request if and when the circumstances demand. The respondents must file affidavit-in-reply, on next date. This is an O.A. that can be heard expeditiously and in as much as the applicant has already retired there is every reason why the O.A. must be disposed of at the earliest. The matter stands adjourned for reply to 4.1.2017. The learned Advocate for the applicant informs here and now that he will not file rejoinder and, therefore, it is made clear that regardless of whether reply is filed or not, the matter shall appear before the Second Division Bench for final hearing on 19.1.2017. Hamdast.

S.O. to 19.1.2017

Sd/-

(R.B. Malik)
Member (J)
06.12.2016

6/12/16
Coram - Hon. Shri R.B. Malik (M/J)

Adv. M.D. Lonkar for the appl.

Ms. S. Suryawanshi, P.O. for the Resps

S.O. to 19/1/17. Hamdast.

[P.T.O.

vsm

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 1138 OF 2016

DISTRICT : THANE

Dr Ujjwala Prakash Durgude)...**Applicant**

Versus

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

Ms Swati Manchekar, learned advocate for the Applicant.

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 06.12.2016

O R D E R

1. Heard Ms Swati Manchekar, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate Ms Swati Manchekar stated that though a clear order was passed by this Tribunal dated 1.3.2016 in O.A no 925/2015, that a posting should be immediately given to the Applicant, at that point of time the Applicant was without posting for no fault of her for a period of nine months, posting was given to the Applicant after four months in July, 2016. So the compulsory waiting period of the Applicant was increased almost

by four months. No urgency was shown by the Respondents for giving posting to the Applicant.

3. Now the grievance of the Applicant is that though some period out of nine months has been treated as compulsory waiting, even for that period, no payment has been made to her. For the balance period also extra ordinary leave has been granted despite the Tribunal making a clear observations in the aforesaid order that there was no fault on the part of the Applicant for remaining without posting for a period of nine months. She, therefore, prayed that interim relief be granted, thereby directing the Respondents to make payment for the period which they have decided to treat as compulsory waiting within a period of one month.

4. The prayer appears to be reasonable. Respondents will ensure that the Applicant is paid in accordance with G.R dated 2.11.2016, within a period of one month from the date of this order.

5. Issue notice before admission made returnable on 10.1.2017.

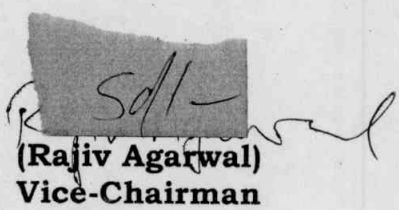
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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

8. 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.

9. 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.

10. S.O 10.1.2017. Hamdast.



(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 06.12.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Dec 2016\O.A 1137.16 Transfer order challenged SB.06.12.16 Int. order.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 1137 OF 2016

DISTRICT : KOLHAPUR

Shri K.B Jagtap)...**Applicant**

Versus

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

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

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 06.12.2016

O R D E R

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Shri N.K. Rajpurohit learned Chief Presenting Officer for the Respondents.

2. The Applicant is challenging the impugned transfer by order dated 2.12.2016. Learned Advocate Shri Bandiwadekar stated that this order is mid-term transfer order as defined under the Maharashtra Police Act. Though the Applicant has admittedly completed two years tenure at Traffic Branch at Uran, as the transfer is effected in the month other than April-May, such a mid-

term transfer can be made in exceptional circumstances, in public interest and on account of administrative exigencies. Learned Advocate Shri Bandiwadekar stated that it is mentioned in the order that the Applicant has been transferred due to administrative exigencies and no exceptional reasons for his mid-term transfer have been mentioned.

3. Learned Advocate Shri Bandiwadekar stated that earlier also the Applicant had filed two Original Applications before this Tribunal, namely O.A no 620 & 621/2016 challenging his transfer from Uran Traffic Branch to Special Branch in Navi Mumbai Police Commissionerate and another order transferring him from Navi Mumbai Police Commissionerate to Gadchiroli. Both these transfer orders were quashed and set aside by this Tribunal by order dated 9.8.2016 being violative of the provisions of Maharashtra Police Act. The Applicant was thereafter posted back to Uran Traffic Police Branch. However, after almost three months he is being ~~again~~ again transferred from Uran Traffic Police Branch and the person who was posted earlier at Uran in his place viz. Shri Milind Hiwale, Respondent no. 4 in the present O.A is again posted in the place of the Applicant in Traffic Police Branch, Uran. Learned Advocate Shri Bandiwadekar stated that it appears that the Respondents are not reconciled with the fact that the order of transferring the Applicant from Traffic Branch, Uran was quashed by this Tribunal and for some or other reason they wanted to bring Shri Hiwale, Respondent no. 4 back to Traffic Branch at Uran. Learned Advocate Shri Bandiwadekar, further stated that the work of the Applicant in Traffic Branch has been appreciated by his superiors and he was given appreciation letter on 4.5.2016 by the D.C.P, Traffic, Navi Mumbai. On the contrary when during the earlier transfer of the Applicant, Respondent no. 4 was working in the Traffic Branch, ~~and~~ in the monthly meeting of the

Commissioner, which was held on 31.8.2016, the Commissioner has expressed his dissatisfaction about the work of the Respondent no. 4 in the Traffic Branch at Uran.

4. Considering these facts, learned Advocate Shri Bandiwadekar stated that prima facie case has been made out to grant interim relief of staying the transfer order of the Applicant.

5. Learned Chief Presenting Officer made available the concerned file of the Police Establishment Board, wherein it is mentioned that considering the experience of the Applicant, the Board has decided to post him at Police Station, Rabale. No reason mentioned in section 22N, which may justify the mid-term transfer of the Applicant has been mentioned in the note which was considered by the said P.E.B in its meeting held on 2.12.2016.

6. Prima facie, the impugned order has been issued in violation of express provision of Section 22N(2) of the Maharashtra Police Act. It is not really necessary to examine other issues raised by Shri Bandiwadekar, learned advocate for the Applicant, which will be heard at the time of final hearing of the O.A.

7. Considering the above facts, the impugned order dated 2.12.2016 transferring the Applicant from Traffic Branch, Uran is stayed. Respondent no. 3 will post the Applicant back to the post he was working before his transfer. This order will not come in the way if Respondent no. 3 wants to withdraw the said order.

8 Issue notice before admission made returnable on 10.1.2017.

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

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

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

12. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

13. S.O 10.1.2017. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 06.12.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Dec 2016\O.A 1137.16 Transfer order challenged SB.06.12.16 Int. order.doc

(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

06.12.2016

O.A No 1021/2016

Shri J.L Kshirsagar ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri G.A Bandiwadekar, learned advocate for the applicant, Mrs K.S Gaikwad, learned Presenting Officer for the Respondents no 1 & 2 and Shri M.D Lonkar, learned Presenting officer for Respondent no.3.

Learned Advocate Shri Bandiwadekar files affidavit in rejoinder. Shri Lonkar learned advocate for Respondent no. 3 along with Mrs Kranti Gaikwad, learned P.O states that this matter should be placed before D.B as it involves interpretation of Divisional Allotment Cadre Rules.

O.A is admitted. Respondents may file sur rejoinder, if need be. Petitioner is directed to submit second set of the O.A.

Place for final hearing before D.B after vacation. Parties to mention

Sd/-

(Rajiv Agarwal)
Vice-Chairman

[P.T.O.

DATE: 6/12/16
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.~~ : K.S. Gaikwad
~~C.P.O/P.O. for the Respondents~~ Reo. 1&2.
M.D. Lonkar for R.No 3.
~~Adj. To~~ O.A is admitted.
Matter place before D.B. after vacation.
Parties to mention.
Rejoinder filed. FH

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

06.12.2016

O.A No 1037/2016

Shri P.D Pramanik ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri Mishra, learned advocate holding for Shri V.R Bang, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

It appears that Applicant has retired in 2005 and he is yet to receive regular pension.

The office of the Accountant General, Maharashtra-I has sanctioned his pension by issuing PPO dated 19.7.2016. However, even now the Respondents have not paid his regular pension.

Learned P.O on instructions from Mrs M.R Kashi, Office Superintendent, in the office of S.I.D stated that the bill has been submitted to the Pay & Accounts office, Mumbai for making all the payments to the Applicant and the same will be made within one month.

S.O to 3.1.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE: 6/12/16

CORAM:

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

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

APPEARANCE:

~~Shri/Smt.~~ Mishra holding for V.R. Bang.

~~Advocate for the Applicant~~

~~Shri /Smt.~~ Ms. S. Suryavanshi

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

~~Adj. To~~ S.O. to 3/1/17.

Akn

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. ..... 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

06.12.2016

M.A no 419/2016 in O.A No 569/2016

Shri P.B Dandekar ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri R.S Kavle learned advocate for the applicant and Shri K.B. Bhise learned Presenting Officer for the Respondents.

In this Misc Application, notice was issued on 15.11.2016. No reply is forthcoming. This Misc Application can be decided in the absence of any reply of the Respondents as the Applicant wants to add a prayer challenging the order dated 9.11.2015 issued by the Industries Department.

Respondents will get full opportunity to submit their say to the amended O.A.

This Misc Application to amend the O.A is allowed. Learned Advocate Shri Kavle states that he will amend the O.A within one week and serve the copy of amended O.A on the Respondents one week thereafter.

O.A to be placed on Board on 20.12.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

DATE: 6/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ R.S. Kavale
~~Advocate for the Applicant~~
~~Shri/Smt.~~ K.B. Bhise
~~C.P.O / P.O. for the Respondents~~
~~Adj. To~~ O.A. is Allowed.
O.A. Adj. to 20/12/16.

Akn

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 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

06.12.2016

O.A No 602/2016

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

Heard N.Y Chavan, learned advocate for the applicant and Ms Archana B.K, learned Chief Presenting Officer for the Respondents.

Learned Advocate Shri Chavan stated that the order to amend the Original Application was already granted. But he could not amend the same and he prays for time to amend the Original Applicant. Time sought is granted.

S.O to 20.12.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

DATE: 6/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. : N.Y. Chavan
Advocate for the Applicant
Shri/Smt. : Archana B.K.
C.P.O / P.O. for the Respondents
Adj. To: S.O. to 20/12/16.

Akn

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 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

06.12.2016

O.A No 635/2016

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

Heard Shri Ajay Deshpande, learned advocate for the applicant and Ms Neelima Gohad learned Presenting Officer for the Respondents.

Respondent no. 2 has filed affidavit that he does not wish to file reply in the matter and affidavit in reply will be filed by Respondent no. 1. Respondent no. 1 has not filed affidavit in reply in this matter.

Learned Presenting Officer on instructions from Shri Ninad Lad, Assistant Section Officer, Home Department, states that the period of suspension will be regularized and all his post and past retirement dues will be paid to the Applicant within a period of two months from today. This undertaking is taken on record.

S.O to 7.2.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE: 6/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/Smt.: Ajay Deshpande
Advocate for the Applicant
~~Shri/Smt.~~ Ms. N.G. Gohad
~~C.P.O / P.O. for the Respondents~~
~~Adj. to~~ S.O. to 7/2/17.

Akn

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 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

06.12.2016

O.A No 809/2016

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

Heard Shri P.S Pathak, learned advocate for the applicant, Ms Archana B.K learned Presenting Officer for the Respondents no 1 to 3 and Shri C.T Chandratre, learned advocate for Respondent no. 4.

Shri Pathak, files affidavit in rejoinder. O.A is admitted. Respondents may file sur-rejoinder, if need be.

Place for final hearing on 3.1.2017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 6/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ : P. S. Pathak
Advocate for the Applicant
~~Shri/Smt.~~ : Archana B.K.
~~C.P.O / P.O.~~ for the Respondents No. 1 to 3.
C.T. Chandratre for R-No. 4.
~~Adj. To~~.....
S.O. to 3/1/17.
Rejoinder Filed. FH
O.A. is admitted.

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE: 6/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt.: Kavita Pawar
Advocate for the Applicant
Shri/Smt.: Ms. S. Suryavanshi
C.P.O / P.O. for the Respondents
Adj. To: S.O. to 20/12/16.

06.12.2016

O.A No 920/2016

Shri D.B Wadile ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Mrs Kavita Pawar, learned advocate for the applicant and Ms Savita Suryavanshi learned Presenting Officer for the Respondents.

Learned Advocate Mrs Pawar stated that she is not able to file rejoinder due to personal difficulties and she undertake to file the same before the next date. She, however, brought to the notice of this Tribunal that the Applicant has not been paid subsistence allowed though he was suspended in the month of August 2016.

On instructions from Shri Pramod Wagh, Dy. S.P, Nasik, learned P.O states that subsistence allowance will be paid to the Applicant within a period of two weeks.

S.O to 20.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

[P.T.O.

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

O.A. No. 1131 of 2016

Shri G. H. Darade .....**Applicant**

V/s.

State of Mah. & Ors .....**Respondent**

Heard Smt Snehal Kundalkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Issue notice returnable on 13.1.2017.

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

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

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

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

S.O. to 13.1.2017. Learned P.O. do waive service.

DATE: 6/12/2016

CORAM: Shri R.B. Malik (MJ)

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

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

APPEARANCE:

Shri/Smt.: Snehal Kundalkar ld.

Advocate for the Applicant

Shri/Smt.: K.B. Bhise

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

Adj. To 13/1/17

Sd/-

(R.B. Malik)
Member (J)
06.12.2016

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A. No.172 of 2016

D. S. Katke .....Applicant

V/s.

State of Mah. & Ors .....Respondent

Heard Shri Shrikant Patil holding for Shri M.B. Kolpe, the learned Advocate for the Applicant and Ms S. Suryawanshi holding for Shri A.J. Chougule, the learned Presenting Officer for the Respondent nos.1 to 4.

The Affidavit-in-Reply of Respondent Nos. 5 and 7 have been filed. None for Respondent No.6.

The learned P.O. requests for grant of further time for filing Affidavit-in-Reply is hereby rejected because sufficient opportunity has already been granted to them. The O.A. proceeds without their Affidavit-in-Reply.

The learned Advocate for the applicant informs that the applicant does not want to file rejoinder.

Admit, liberty to mention. It is made clear that if the Respondent Nos.1 to 4 ~~wants to~~ file their Affidavit-in-Reply on the next date when the matter appears before the Division Bench, it will be taken on record but no adjournment shall be given on that count.

DATE : 6/12/16

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

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

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

APPEARANCE :

~~Shri/Smt.~~ Shrikant Patil holding for Shri M.B. Kolpe adv. for appl.
Advocate for the Applicant

~~Shri/Smt.~~ S. Suryawanshi holding for A.J. Chougule, P.O. for Resps.
C.P.O / P.O. for the Respondent/s

Adj. To.....Admit. Liberty to mention.

Sd/-

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A. No.858 of 2016

Shri R.C. Kadam .....Applicant

V/s.

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

Heard Smt Punam Mahajan, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.

Affidavit-in-Reply is taken on record. Sur-Rejoinder, if any, must be filed on the next date and not thereafter.

Admit, liberty to mention.

Sd/-

(R.B. Malik)
Member (J)
06.12.2016

DATE : 6/12/16

CORAM : Shri R.B.Malik (MJ)

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

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

APPEARANCE :

Shri/Smt. : Punam Mahajan

Advocate for the Applicant

~~Shri/Smt.~~ : K.B. Bhise

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

Admit.

Adj. To Liberty to mention.

Byte

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A. No.1046 of 2016

Shri S.P. Chavan .....Applicant

V/s.

State of Mah. & Ors .....Respondent

Heard Smt Punam Mahajan, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Perused the Affidavit-in-Reply on behalf of Respondent No.3 with particular reference to para 2.3 and document at Exb. R1, page no. 115.

This matter is capable of early hearing and disposed of. It is admitted and placed before the Division Bench on 16.12.2016 as an expedited O.A.

Sd/-

(R.B. Malik)
Member (J)
06.12.2016

vsm

DATE: 6/12/16

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

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

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

APPEARANCE:

~~Shri~~/Smt.: Punam Mahajan

Advocate for the Applicant

Shri /Smt.: K.B. Bhise holding for

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

Shri N.K. Rajpurohit, C.P.O. for Resps.

Adj. To 3' 16/12/16 before D/B-II as an expedited O.A.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A. No. 1049 of 2016

Shri A. G. Bhosale .....Applicant

V/s.

State of Mah. & Ors .....Respondent

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

This O.A. was placed for consideration for interim relief. There is no doubt that there is an arguable case as far as the applicant is concerned. However, now that the reply has been filed, in my opinion, after admitting the O.A. it can be appointed for final hearing on a fixed date before the Division Bench.

Shri A.V. Bandiwadekar, the learned Advocate informs that the applicant is going to ~~attend~~ obtain the age of superannuation next month. Regard being had to all these circumstances, the affidavit-in-rejoinder is taken on record.

The O.A. is admitted and is appointed for final hearing before the Second Division Bench on 15.12.2016 as an expedited O.A.

Sd/-

(R.B. Malik)

DATE : 6/12/16

CORAM : Shri R.B. Malik (MJ)

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 Respondent/s

Admit.

Adj. To. for f.H. before second D/B on 15/12/16 as an expedited O.A.

(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

C.A. No.81 of 2016
In
O.A. No.534 of 2016

Shri P.R. Ingale ... Applicant

V/s.

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

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant, Ms S. Suryawanshi, the learned P.O. for the Respondent no.1 and Shri Sandeep Shinde, the learned Advocate for the Respondent nos. 2 & 3.

We have perused our order dated 15.11.2016 wherein we had quoted a portion in Marathi of a communication dated 30.9.2016 by Shri A.A. Joshi, Under Secretary, Water Resource Department, added by the first respondent. We observed there that it made a shocking reading. Having given our most anxious consideration, we direct show cause notice to issue to the said Shri A.A. Joshi asking him to show cause as to why an appropriate contempt action may not be initiated against him.

S.O. to 20.12.2016.

Sd/- Sd/-

(R.B. MALIK)
MEMBER (J)
06.12.2016

(RAJIV AGARWAL)
VICE-CHAIRMAN
06.12.2016

(vsm)

DATE: 6/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt. : C.T. chandratre
Advocate for the Applicant
Shri /Smt. : Ms. S. Suryawanshi
C.P.O / P.O. for the Respondents R.No.1.
Sandeep Shinde for R.Nos. 2 & 3. (V.P. Filed)
Adj. To:
S.O. to 20/12/16.
Reply Filed by R.No.3.

[P.T.O.

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

C.A. No. 95 of 2016
In
O.A. No.379 of 2015

Smt P.B. Madage ... Applicant

V/s.

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

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

The oral request of Smt Punam Mahajan, the learned Advocate to implead the Secretary, M.P.S.C. Shri Pradeep Kumar to this C.A. forthwith is granted. The said amendment be carried forthwith. Now as far as the main C.A. is concerned, Ms. N.G. Gohad, the learned P.O. submits that this C.A. has been served on the M.P.S.C. today only. In fact, this is somewhat inaccurate because whatever was served yesterday, was there but a practice is being followed in this Tribunal pursuant to the directions of the Hon'ble Chairman whereby the parties give personal notice of what can be called intended contempt notice which in this case was served on 25.10.2016, a copy which is at page 18 of the Paper-Book. The very purpose of this courtesy shown to the parties would be lost; if after a loss of period of one month the respondents come up and ask for more time on technical ground of insufficient time in the C.A. itself. Therefore, we direct that the post amendment, notice be issued to Respondent No.2 and the Secretary, M.P.S.C. asking them to show cause as to why an appropriate contempt action may not be initiated against them for having failed to comply with the order herein referred to.

S.O. to 20.12.2016.

Sd/- Sd/-

(R.B. MALIK)
MEMBER (J)
06.12.2016

(RAJIV AGARWAL)
VICE-CHAIRMAN
06.12.2016

(vsm)

DATE: 6/12/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. : Punam Mahajan
Advocate for the Applicant
Shri/Smt. : Ms. N.G. Gohad
C.P.O / P.O. for the Respondents
Adj. To: S.O. to 20/12/16.