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

07.10.2016

O.A No 805/2015

Shri A.S Yadav ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri Hemant Surve, learned advocate for the applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

It is seen that it is not clear on what ground the Applicant was held not eligible to be granted second benefit of A.C.P in terms of G.R dated 1.4.2010. G.R states that second benefits is available to a person after 24 years of continuous service, which the Applicant claims that he completed in the year 2008.

In the affidavit in reply filed by the Respondents on 2.11.2015 this issue has not been clarified. Some letter dated 18.2.2014 is mentioned. However, copy of that letter has not been appended. Similarly, in the ~~letter~~ order dated 10.9.2001 granting the benefit of first Time Bound Promotion to the Applicant, a memorandum dated 21.5.1999 from the Revenue & Forest Department have been mentioned. However, copy of the same have also not been appended.

Learned C.P.O sought time to make available the copies of these documents and also to file additional affidavit explaining in clear terms under what provisions the Applicant is not entitled to be given second benefit of A.C.P.S.

S.O to 27.10.2016. Hamdast.

DATE: 7/10/16

CORAM:

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

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

APPEARANCE:

Shri/~~Smt~~.: Hemant Surve

Advocate for the Applicant

Shri/~~Smt~~.: N.K. Rajpurohit

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

~~Adj To~~.: S.O to 27/10/16.

Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

[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

07.10.2016

M.A 356/2016 in O.A No 995/2015

Shri V.K Jagdhane ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

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

This Misc Application has been filed seeking amendment to the Original Application as per Schedule 'A' to the M.A.

Learned Advocate Shri Gharte stated that he wants to bring legal position on record that before ordering recovery from the Applicant, notice under Rule 134A of the M.C.S (Pension) Rules, 1982 was required to be given, which was not given.

After hearing Learned P.O, it is seen that the proposed amendment does not alter the character of the O.A and it is necessary to be included to consider all the aspect of the relief sought by the Applicant in this O.A.

M.A is accordingly allowed. Learned Advocate Shri Gharte stated that he will amend the O.A within three weeks and serve copy of the amended O.A on the Respondents.

Place the O.A on Board on 27.10.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 7/10/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. A.A. Gharte
Advocate for the Applicant
Shri/Smt. K.B. Bhise
C.P.O./P.O. for the Respondents

~~Adj. to~~ M.A. is Allowed
O.A. Adj. to 27/10/16.

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

R.A.25/2016 in O.A.1098/2015

The State of Mah. & ors. **... Applicants (Ori. Resps.)**

V/s.

Shri R.W. Dhakad **... Respondent (Ori. Applicant)**

PO Heard Smt. K.S. Gaikwad, the learned ~~Advocate~~ for the Applicants (ori. Respondents) and Shri K.R. Jagdale, the learned ~~Presenting Officer~~ for the Respondent (Ori. Applicant). Advocate

Issue notice returnable on 21.10.2016.

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 21st October, 2016.

Sd/- Sd/-

(R.B. Malik) 7/10/16
Member (J)
07.10.2016

(Rajiv Agarwal)
Vice-Chairman
07.10.2016

(skw)

DATE: 7/10/16

CORAM:

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

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

APPEARANCE:

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

Advocate for the Applicant

Shri/Smt. K.R. Jagdale

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

~~Adj. To~~ 21/10/16

[P.T.O.

4

(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.228/2016 in R.A.15/2016 in~~ O.A.837/2014

Shri R.D. Pethkar ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

This is a MA for condonation of delay of about four months in lodging the Review Application.

We have heard Shri S.S. Dere, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The cause assigned being what it is. We are of the opinion that instead of making a short work of the RA, it will be better and in the interest of justice, if the delay was condoned and the RA was heard. The delay was accordingly condoned. The RA is set down for hearing on 25th October, 2016. No order as to costs.

Sd/- Sd/-

(R.B. Malik)
Member (J)
07.10.2016

(Rajiv Agarwal)
Vice-Chairman
07.10.2016

(skw)

DATE: 7/10/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
~~Shri/Smt. :~~ S. S. Dere
Advocate for the Applicant
~~Shri /Smt. :~~ Ms. N. G. Gohad
~~C.P.O./~~P.O. for the Respondents
~~Adj. To:~~ M.A. is Allowed.
R.A. Adj. to 25/10/16.

[P.T.O.

2

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. ..... of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

07.10.2016

O.A No 978/2016

Shri S.A Shevale ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 25.10.2016.

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

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

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

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

7. S.O 25.10.2016.

DATE : 7/10/16

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : S.S. Dere

Advocate for the Applicant

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

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

~~Adj. To~~ S.O. to 25/10/16.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

[P.T.O.

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.642/2016

Shri G.J. Rasal & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

DATE : 7/10/16
CORAM : Shri R.B. Malik (M(J))
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A

APPEARANCE :
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : A.B. Kololgi
C.P.O / P.O. for the Respondent/s

Adj. To 27/10/16.

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Rejoinder has already been filed. Admit.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

Sur-rejoinder, if any, must be filed on the next date and not thereafter when the matter appears before the Bench. Regard being had to the nature of the OA, a fixed dated is given for hearing.

S.O. to 27th October, 2016.

Sd/-
(R.B. Malik) 07.10.16
Member (J)
07.10.2016

(skw)

[P.T.O.

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.120/2016

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

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

See the order dated 22nd August, 2016 made by the Hon'ble Chairman and my order dated 23rd September, 2016. The Affidavits of Shri Dattatray T. Shinde, Superintendent of Police, Sangli and Shri K.K. Upadhyay, Additional Superintendent of Police, Sangli are taken on record. The Hon'ble Chairman was pleased to issue show cause notice to them as to why cost of Rs.10009- each should not be imposed on them.

I have carefully perused the two Affidavits and in my opinion, the apology that they have sought comes from the heart and not just the lips. But still, they are warned to be particular henceforth in dealing with the judicial matters and accepting their apologies, the matter in that behalf is treated as closed and since as noted in my order of 23rd September, 2016, the relief sought has already been granted to the Applicant, the OA stands disposed of with no order as to costs.

Sd/-
07.10.16
(R.B. Malik)
Member (J)
07.10.2016

(skw)

DATE: 7/10/16
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. S.S. Dere
Advocate for the Applicant
Shri/Smt. A.J. Chougule
C.P.O / P.O. for the Respondent/s
Adj. To OA is disposed of.

[P.T.O.

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.291/2016

Shri S.A. Tamboli ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri S. Solanke holding for Shri P.V. Patil, the learned Advocate for the Applicant and Shri A.J. Chougule holding for Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Shri Solanke, the learned Advocate for the Applicant makes a statement that his client has been given the relief that he had sought for herein, and therefore, he seeks to withdraw the OA. Leave is accordingly granted and the OA is disposed of with no order as to costs.

Sd/- malik

(R.B. Malik) 07-10-16
Member (J)
07.10.2016

(skw)

DATE: 7/10/16
CORAM: Shri R.B. Malik (MJ)
~~Shri A.H. Joshi (VC)~~
~~Rameshkumar (MA)~~
APPEARANCE:
Shri S. Solanke holding for P.V. Patil
Advocate for Applicant
Shri K.B. Bhise
C.P.O. for the Respondents
Adv. T. OA is disposed of.

[P.T.O.

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.479/2016

Shri D.J. Patil ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Affidavit-in-rejoinder is not filed. Admit.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

S.O. for hearing on 27th October, 2016.

Sd/- 7.10.16
(R.B. Malik)
Member (J)
07.10.2016

(skw)

DATE : 7/10/16
CORAM : Shri R.B.Malik (M(J))
Hon'ble Justice Shri A.H. Joshi (Chairman)
Hon'ble V. Ramakrishnan (Member)(A)
API :
Shri/S: D.B. Khaire
Advocate for the Applicant.
Shri/Smt. : K.S. Gaikwad
CPO/PO for the Respondent/s
Adj. To 27/10/16 for hearing.

[P.T.O.

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.918/2010

The State of Mah. & Ors. ... **Applicants (Ori. Resps.)**

Vs.

Shri S.B. Gaikwad ... **Respondent (Ori. Applicant)**

Speaking to Minutes

Heard Smt. A.B. Kololgi, the learned Presenting Officer for the Applicants (Ori. Respondents) and Shri Agawane, the learned Advocate for the Respondent (Ori. Applicant).

By consent, it is directed that in Paras 6, 7, 8, 9, 13 and 14 of the order dated 8.8.2016, the word, "LIDCOM" be substituted for the words, "LIDCO, LITCO and NITCO" respectively. These corrections be effected in the original Judgment and if the certified copies are issued, the parties be requested to surrender the same and the Office to issue a duly corrected copy without additional charge.

sd/- 07-10-16

(R.B. Malik)
Member (J)
07.10.2016

(skw)

DATE: 7/10/16

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

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

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

ATTENDANCE:

~~Shri/Smt.~~ A.B. Kololgi ld. P.O.

~~Advocate for~~ the Applicant (Org. Resp.)

~~Shri/Smt.~~ Agawane ld. Adv.

~~G.I. for~~ for the Respondent/s (Org. Appl.)

Adj. To..... As per order passed the corrections be effected in the O.A. Judgment

[P.T.O.

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.804/2016

Shri A.R. Wakde ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Ms. Manchekar, the learned Advocate for the Applicant submits that the Applicant does not want to file Rejoinder. Admit.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

S.O. to 20th October, 2016.

Sd/- 07.10.16
(R.B. Malik)
Member (J)
07.10.2016

(skw)

DATE: 7/10/16
CORAM: Shri R.B. Malik
~~Hon'ble Shri A. H. Joshi (Chairman)~~
~~Shri Rameshkumar (Member)~~ A
Shri S.P. Manchekar
Advocate for Applicant
Shri A.B. Kololgi
C.P.O. for the Respondent/s
Adj. To 20/10/16

[P.T.O.

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 7/10/16
CORAM : Shri R.B.Malik
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~
Hon'ble ~~Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To..... Admit.

O.A.244/2016

Shri I.R. Mulla ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Rejoinder is taken on record. Admit. Liberty to mention granted.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

Sd/-
7.10.16
(R.B. Malik)
Member (J)
07.10.2016

(skw)

[P.T.O.

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.902/2015

Shri N.G. Kondhalkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri D.B. Khaire, the learned Advocate for the Applicant and Smt. A.B. Kololgi holding for Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Shri Khaire, the learned Advocate for the Applicant submits that the Applicant does not want to file Rejoinder. Admit. Liberty to mention granted.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

Sd/-
07.10.16
(R.B. Malik)
Member (J)
07.10.2016

(skw)

DATE : 7/10/16
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. D.B. Khaire
Advocate for the Applicant
Shri/Smt. A.B. Kololgi
C.P.O / P.O. for the Respondent/s
Adj. To.....Admit.

[P.T.O.

07.10.2016

O.A No 984/2016

Smt Dr Ratna D. Raokhande ... Applicant
Vs.
The State of Maharashtra & Ors.... Respondents

1. Heard Shri S.S Dere, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. It is seen that the notice of Original Application has been served on the Respondent no. 1 today only. Learned P.O, therefore, requested that the prayer for interim relief may be considered after notice is duly served on the Respondents. This request is reasonable. Learned Advocate Shri Dere stated that Dr Kharat, who has been asked to take over charge of the post of Deputy Director of Health Services from the Applicant has not assumed the charge and therefore, till Monday the date on which issue of grant of interim relief will be going to be heard, status quo may be granted. Accordingly, it is ordered that status quo be maintained till Monday, i.e. 10.10.2016.

3. Issue notice before admission made returnable on 10.10.2016.

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

5. 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.

6. 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.

7. 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.

8. S.O 10.10.2016.

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 7/10/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ S. S. Dere
Advocate for the Applicant
~~Shri/Smt.~~ Ms. Savita Suryavanshi
~~C.P.O / P.O.~~ for the Respondents
~~Adj To:~~ S.O. to 10/10/16.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 981 OF 2016

DISTRICT : SANGLI

Smt Padmavati S. Kadam,)...**Applicant**

Versus

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

Smt Punam Mahajan, learned advocate for the Applicant.

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 07.10.2016

ORDER

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

2. Learned Advocate Smt Mahajan stated that the Applicant is challenging the transfer order dated 26.9.2016 by which she has been transferred from Kolhapur to Mumbai. Earlier, by order dated 24.5.2016 the Applicant was transferred from A.C.B to Solapur City by P.E.B No. 2. That order was challenged by the Applicant before this Tribunal in

O.A no 481/2016. By order dated 27.7.2016, D.G.P, M.S, Mumbai cancelled the transfer order of the Applicant. As a result, she continued to remain in A.C.B and being posted at Kolhapur.

3. Now by the impugned order passed by D.G.P, A.C.B, the Applicant has been transferred from Kolhapur to Mumbai. The transfer order does not mention the provisions under which the order has been passed, nor is there any mention of the approval from the concerned P.E.B. Under Section 22J-3(2) of the Maharashtra Police Act, a P.E.B at the level of Specialized Agencies is envisaged. The order does not mention that approval of this Board, if constituted, was obtained. The Applicant is of the rank of Police Inspector, who has been given one step promotion as Dy. S.P.

4. Under Section 22N (1)(a), the normal tenure of a Police Personnel of the rank of Dy. S.P is two years at one place of posting and for a Police Personnel of the rank of Police Inspector in a Specialized Agency is three years. As the Applicant was posted to Kolhapur by order dated 18.3.2014, even if this is taken that the Applicant as a Dy. S.P and has completed her tenure, as the order is issued in the month of September, 2016, it is a mid term transfer and as per Section 22N(2) of the Maharashtra Police Act, it could have been done only in the circumstances mentioned in Section 22N. None of this is mentioned in the impugned order.

5. Learned P.O stated that the Applicant's posting was at Mumbai and she was attached to Kolhapur and now

she is being brought back to her original post. He also sought time to file affidavit in reply.

6. In a number of cases, this Tribunal has held that so called "attachment" are in effect transfers and the so called "attachment" of the Applicant to Kolhapur for last more than 2 years in effect amounted to transfer. In any case, this issue can be examined in detail at the time of final hearing of this O.A.

7. Prima facie, it appears that the provisions of the Maharashtra Police Act mentioned hereinabove have not been followed and the Applicant, is therefore, eligible to be granted interim relief. Respondent no. 2, is therefore, directed to allow the Applicant to continue to work as Dy. S.P, A.C.B, Kolhapur till the final disposal of this Original Application.

8. Issue notice before admission made returnable on 10.11.2016.

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 10.11.2016. Hamdast.

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 07.10.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Oct 2016\O.A 981.16 Transfer order challenged SB.1016, Int order.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
CONTEMPT APPLICATION NO.69 OF 2016
IN
ORIGINAL APPLICATION NO.254 OF 2015

Shri Sanjay T. Mete ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Shri C.T. Chandratre – Advocate for the Applicant.

Smt. Archana B.K. – Presenting Officer for the Respondents.

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 7th October, 2016

ORDER

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

2. Ld. PO has pointed out that affidavit in reply is filed by Shri Ashish Kumar Singh, Principal Secretary, Public Works Department, Mantralaya on 4.10.2016.

3. Contemnor No.2 Shri Dinesh Kumar Jain, Secretary, Finance Department, Mantralaya has filed affidavit. In the affidavit he has answered various queries put by the Tribunal.

4. Perusal of both affidavits reveal that inspite of receipt of intimation dated 13.4.2016 Exhibit A-2 and notice dated 18.7.2016 reply was not given to the Applicant. Had the reply been given punctually, and the applicant would have been told that the process or action is going on, the Applicant may not have filed the contempt application.

5. The affidavits do not express any reason why the notices have not been punctually replied.

6. It is thus evident that on account of recklessness on the part of the contemnors the applicant was forced to file contempt application.

7. The act of failure to respond to the notice or intimation that the CA will be filed is in fact a concluded act of contempt.

8. The respondents have not shown in the affidavit as to what had precluded them from responding and answering to notices. Later compliance does not in any manner purge the contempt much less nullify the contempt.

9. Ld. PO was called to state the reasons as to why action against contemnor should not be taken for not taking cognizance of letter/intimation notifying that Applicant would file a contempt petition, because said failure is 1st stage where contempt has occurred.

10. Ld. PO has taken instructions from Shri Prakash Surwase, Deputy Secretary, P.W.D., Mantralaya and Shri S.D. Londhe, Under Secretary, Finance Department, Mantralaya and learned P.O. states that appropriate response including affidavit of proper apology and preventive measures as would be adopted will be made on the next date.

11. S.O. to 10.11.2016.

12. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

Sd/-

(A.H. Joshi, J)
Chairman
7.10.2016

Dictation taken by: S.G. Jawalkar.

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

CONTEMPT APPLICATION NO.55 OF 2016

IN

ORIGINAL APPLICATION NO.930 OF 2014

Smt. Suvarna A. Joshi ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Shri B.A. Bandiwadekar – Advocate for the Applicant.

Miss Savita Suryawanshi – Presenting Officer for the Respondents.

CORAM : Shri Justice A.H. Joshi, Chairman.

DATE : 7th October, 2016

ORDER

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Miss Savita Suryawanshi, the learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant has tendered affidavit in rejoinder. It is taken on record.

3. It is pointed out that order is passed whereby it is disclosed that applicant's candidature was examined and certain relief is granted and certain relief is declined. The decision is communicated to the applicant by communication dated 18.8.2016.

4. Ld. PO states that the order passed by the Tribunal is complied with to its letter and spirit and the contempt application may be disposed off.

5. Ld. Advocate for the applicant has pointed out that in spite of service of personal intimation on the contemnor Smt. Medha Gadgil, Principal Secretary, Medical Education and Drugs Department, Mantralaya, the applicant was not informed that the matter is being processed, else applicant would have though ten times before filing contempt application.

6. Ld. PO wants to rely on affidavit filed by contemnor Smt. Medha Gadgil which is at page 48, and urges that the application be disposed as the order passed by this Tribunal is complied with.

7. Perused the affidavit.

8. It is seen that the affidavit of contemnor is totally silent on the cause or reasons due to which the notice of action for contempt, was not responded to, by the contemnor. It is also silent on the facts as to reasons due to which the applicant was not communicated that the action furtherance to order of Tribunal was in process and the time frame within which the decision may be taken.

9. It is thus obvious that the failure on the part of respondent to respond and reply the notice of the advocate had resulted in leading to filing of the contempt application.

10. Even now it is not shown as to what steps would be taken in future whenever a notice indicating that due to failure to obey the order of Tribunal a contempt petition would be filed.

11. In the present case a vague, slipshod and casually tendered apology has come, which does not exhibit any repentance or remorse, whatsoever.

12. The apology out to show awareness towards exact failure to do an act which act may have been exclusively within the power of contemnor, repentance thereto and an apology with assurance to avoid recurrence.

13. It is thus evident that it was perfectly within the personal knowledge of the contemnor that order of this Tribunal was not complied with, and prima facie, case of contempt is made out. Belated compliance does not in any manner purge the contempt much less nullify the contempt, or absolve the contemnor from liability of being tried, by taking cognizance thereof.

14. Ld. PO states that:-

(a) It is likely that detailed affidavit has not come forward due to lack of knowledge as to the manner in which affidavit be filed;

(b) She would speak to the contemnor to ascertain if any explanation, excuse or justification exists, which has led to failure to respond to the notice served on her before filing of the application for action for contempt, though it is not disclosed in the affidavit which is already filed.

(c) Hearing may be adjourned to receive further response from the contemnor.

15. In view of the request of learned P.O. for the Respondents, hearing is adjourned to 17.10.2016.

16. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

Sd/-

(A.H. Joshi, J.)
Chairman
7.10.2016.

Dictation taken by: S.G. Jawalkar.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 07.10.2016.

O.A.No.901 of 2015

N.G. Kondhalkar ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

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

2. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents states as follows :-

Hearing be adjourned to four weeks, awaiting for final order on the appeal of the applicant.

3. In view of the foregoing, adjourned to 05.12.2016.

Sd/-

(A.H. Joshi, J)
Chairman

prk

DATE : 7/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Shri M. Rameshkumar (Member)~~ A
APPEARANCE :
Shri D.B.Khaire
Advocate for the Applicant
Shri N.K.Rajpurohit
C.P.O. for the Respondent/s
Adj. To 5/12/16.

[P.T.O.

..... 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 : 07.10.2016.

O.A.No.444 of 2016

Dr. R.V. Jadhav **...Applicant**

Vs.

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

1. Heard Shri P.S. Bhavake, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned Advocate Shri P.S. Bhavake for the Applicant states that some time may be granted for enabling him to study and address the court.

3. In view of the foregoing, adjourned to 18.10.2016.

Sd/-

(A.H. Joshi, J)
Chairman

prk

DATE : 7/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. P.S. Bhavake
Advocate for the Applicant
Shri/Smt. N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 18/10/16.

[P.T.O.

Original Application No. of 20

..... 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 : 07.10.2016.**

M.A.No.215 of 2016 in O.A.No.326 of 2016 with O.A.No.611 of 2016

Dr. Y.M. Kokadwar **...Applicant**

Vs.

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

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

2. Learned P.O. for the Respondents Smt. K.S. Gaikwad has tendered the affiadvit-in-reply on behalf of Respondents No.1 and 4. Those are taken on record.

3. Learned Advocate Ms. S.P. Manchekar for the Applicant prays for time to consider and file rejoinder, only if necessary.

4. S.O. to 10.11.2016.

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

prk

DATE : 7/10/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
~~Shri~~ S.P. Manchekar
Advocate for the Applicant
~~Shri~~ /Smt. : K.S. Gaikwad
C.P.O / P.O. for the Respondent/s

~~Adj.~~ To 10/11/16.

[P.T.O.

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 7/10/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : C.T. Chandratre Advocate for the Applicant D.B. Khaire P.O. for the Respondent/s Adj. To 19/10/16.	**Date : 07.10.2016.** **C.A.No.85 of 2013 in O.A.No.788 of 2012** **R.T. Patil ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel with Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. Learned Special Counsel Shri D.B. Khaire states that the draft of Review Petition is still not finalized and a week's time may be granted for the same. 3. Time as prayed for is granted. 4. S.O. to 19.10.2016. Sd/- (A.H. Joshi, J) Chairman prk

[P.T.O.

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 07.10.2016.

C.A.No.11 of 2016 in O.A.No.1053 of 2013

A.R. Jadhavar **...Applicant**

Vs.

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

1. Heard Smt. Lata Patne, the learned Advocate holding for Shri V.B. Joshi, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. At the request of learned P.O. Smt. K.S. Gaikwad for the Respondents, adjourned to 18.10.2016, for reporting progress and steps completed till next date.

Sd/-

(A.H. Joshi, J)
Chairman

prk

DATE: 7/10/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri R. Ramcshkumar (Member) A

Lata Patne
Advocate for the Applicant
Shri K.S. Gaikwad
C.P.O for the Respondent/s

Adj. To 18/10/16

[P.T.O.

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

C.A. No.52 of 2015 in O.A. No.315 of 2014

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

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

2. Shri Bandiwadekar, Ld. Advocate states that for processing remainder of compliance, which is liable to be done by the respondents, certain actions were required on the part of the applicant and the applicant has taken steps.

3. In view of the statement of Ld. Advocate for the applicant, it is hoped that respondents would expedite remaining compliance.

4. Ld. PO states that so far no instructions are received.

5. S.O. to 17.10.2016, for enabling the respondents to make a statement as to what steps would be taken.

6. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

Sd/-
(A.H. Joshi, J.)
Chairman
7.10.2016

(sgj)

DATE: 7/10/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Shri M. Rameshkumar (Member)~~
ADVOCATE:
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. K.B. Bhise
C.P.O./P.O. for the Respondents

Adj. To 12/10/16. Steno copy & Hamdast is allowed.

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 : 7/10/16.
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/~~Smt~~ D. B. Khaire
Advocate for the Applicant (Intervenor)
~~Shri/Smt.~~ Archana B.K.
~~C.P.O/~~P.O. for the Respondents No. 2+04.
M.D. Lonkar Adv. for R. No. 1.
~~Adj. To~~ M.A. is Allowed.
O.A. Adj. to 27/10/16.

Akn

07.10.2016

M.A 378/2016 in O.A No 886/2016

Shri I.G Mulani ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri D.B Khaire, learned advocate for the applicant (Intervenor), Ms Archana B.K, learned Presenting Officer for the Respondent 2 to 4 and Shri M.D Lonkar, learned advocate for Respondent no. 1 in this M.A.

Learned Advocate Shri Khaire stated that the Applicant is likely to be affected by the outcome of the O.A and therefore, he is seeking to be made as party Respondent no. 4 in the O.A. Learned Advocate Shri Lonkar has no objection. Learned P.O has no instructions in the matter, Considering the sand taken by various parties, this M.A is allowed.

Learned Advocate Shri Lonkar stated that he will make necessary amendment in the title of the O.A within one week. Shri Khaire, learned advocate for the Applicant in the M.A waives service of notice of this O.A.

O.A to be placed on Board on 27.10.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

[P.T.O.