IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

6	of 20	District	
Original Application No.	01 20		Applicant/s
(Advocate)		
	versus		
	The State of Maharasht	ra and others	
			Respondent/s
(Presenting Officer)	
Office Notes, Office Memorand Appearance, Tribunal's o directions and Registrar'	rders or	Tribunal's orders O.A. No.273	of 2019
	S.A. P	atil Vs. tate of Maharashtra & Ors.	Applicant
,	Mancl	Applicant in person is	absent Heard Ms. S.P resenting Officer for the
	2.	Applicant in person is abs	sent.
; ;	3.	To be kept for dismissal of	on 14.10.2019.
!	4.	S.O. to 14.10.2019.	
	(cori)	,	Sd/- (P.N.Dixit) Vice-Chairman (A) 7.10.2019
:	(sgj)		

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original App	lication No.	of 20	District	
				Applicant/s
(Advocate				
		ver	sus	
		The State of Maha	arashtra and others	
				. Respondent/s
(Presenting (Officer	••••••)	
Appear	s, Office Memoranda ance, Tribunal's ord ns and Registrar's	ers or	Tribunal's orders O.A. No.399 of 2	018
			P.V. Korpale Vs.	Applicant
,		-	Vs. The State of Maharashtra & Ors.	Respondents
			Applicant is present in per Manchekar, learned Chief Presen Respondents.	
:		2	2. Ld. CPO seeks two weeks tim	e to file sur-rejoinder.
		3	S.O. to 11.11.2019.	
				Sd/-
			Vice-	P.N. Dixit) Chairman (A) 7.10.2019
			sgj)	
Į.		1		

Tribunal's orders

O.A. No.896 of 2019

S.P. Bidarkar

.. Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

None for Applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Issue notice returnable on 8.11.2019.
- 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 Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. Ld. Advocate for the applicant is directed to serve copy of OA in the office of CPO and on all the respondents.

Sd/-

(P.N. Dixit) Vice-Chairman (A) 7.10.2019

(sgi)

Tribunal's orders

Q.A. No.871 of 2019

.H. Pawra

.. Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. Priya A. Patil, learned Advocate holding for Shri G.T. Kanchanpurkar and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 8.11,2019.

- 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 Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. Ld. Advocate for the applicant is directed to serve copy of OA on all the respondents.

Sd/-(P.N.^I Dixit) Vice-Chairman (A) 7.10.2019

(kgj)

Tribunal's orders

M.A. No.516 of 2019 in O.A. No.950 of 2019

S.K. Inamke

.. Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri V.V. Joshi, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Issue notice returnable on 11.11.2019.
- 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 Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, MA shall stand dismissed without reference to Tribunal and papers be consigned to record.

Ou/-

(P.N. Dixit) Vice-Chairman (A) 7.10.2019

(sgj)

Tribunal's orders

M.A. No.471 of 2019 in O.A. No.860 of 2019

R.P. Bhagat & Ors.

.. Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri V.V. Joshi, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Issue notice returnable on 11.11.2019.
- 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 Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, MA shall stand dismissed without reference to Tribunal and papers be consigned to record.

Sd/-(P.N. Dixit) Vice-Chairman (A) 7.10.2019

(sgj)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	of 20	DISTRICT	
(Advocate			Applicant/s
(Advocate)		
	versus		
Th	e State of Maharashtra	and others	
			Respondent/s
Presenting Officer)	·
Office Notes, Office Memoranda of (Appearance, Tribunal's orders directions and Registrar's ord		Tribunal's orders A. No.470 of 2019 in O.A.	No.860 of 2019
	R.P. Bhagat Vs.	& Ors.	Applicants
	The State of	f Maharashtra & Ors.	Respondents
	Applicant at	d Shri V.V. Joshi, learn nd Ms. S.P. Manchekar, lea he Respondents.	ned Advocate for the arned Chief Presenting
	reasons state granted, sub	nis MA, the Applicants are Applicants are similarly d in the MA, leave to sue juject to the Applicants paready paid. MA disposed	y situated and for the jointly as prayed for is
			Sd/-
		(P.ì	√. Dixit)
<u> </u> 		Vice-Cl	hairman (A)
1	(soi)	7.1	0.2019

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	of 20	DISTRICT	
			Applicant/s
(Advocate)		
	versus		
T	he State of Maharashti	ra and others	
		••••	Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Appearance, Tribunal's orders directions and Registrar's or	s or	Tribunal's orders M.A. No.338 of 2019 in O.A.	No.600 of 2019
	M.M. D	rhule Vs.	Applicant
(The Stat	te of Maharashtra & Ors.	Respondents
	learned	None for Applicant. Heard Chief Presenting Officer for th	Ms. S.P. Manchekar le Respondents.
	2. I 2 and the	Ld. CPO files reply on behalf e same is taken on record.	of respondents no.1 &
	3. п	To be heard on 10.10.2019.	
		Vice-C	Sd/- N. Dixit) Chairman (A)
	(sgj)	7.	10.2019

	G.C.P.)	J	2959	(A)	(50,000-	-3-2017
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[Spl.- MAT-F-2 E.

(G.C.P.) J 2959 (A) (50,000—3-2017) [Spl. M. THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

Original App	lication No.	of 20	DISTRICT	
				Applicant/s
(Advocate)		
		versu	s	
	The State	of Mahara	shtra and others	
				Respondent/s
(Presenting	Officer)	
Арреа	s, Office Memoranda of Coram, rance, Tribunal's orders or ons and Registrar's orders		Tribunal's orders M.A. No.336 of 2019 in O.A. N	lo.599 of 2019
			P. Shinde Vs.	Applicant
			e State of Maharashtra & Ors. None for Applicant. Heard Marned Chief Presenting Officer for the	
		2.	Ld. CPO suhmits that reply h pondents on 17.9.2019.	as been filed by the
4 		3.	To be heard on 9.10.2019.	
			Vice-C	Sd/- N. Dixit) hairman (A) 10.2019
<u>,</u>		(sg		

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

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Original Application No.	01 40	DISTRICT
		Applicant/s
(Advocate)	
	versus	
Т	The State of Maharashti	ra and others
		Respondent/s
(Presenting Officer)
Office Notes, Office Memoranda o Appearance, Tribunal's order directions and Registrar's o	of Coram, rs or	Tribunal's orders
	OAs. No.1	130, 989, 990 of 2018 & 514 of 2019
	II B Dhumal & C	her (O.A. 1120/19)

Date: 7 || o | | 1 Coram : Hon'ble Shri P. N. Dixit < V/Q-A> Hanible Chri A. F. Kurhokas CAMS Apperance SHASIM SP march C.P.O. / P.O for the Respondents.

DIN' Y'D' Leizade for to poplicant in appear, apolls

> order passed in Fribrial Column .

are order as to costs-

R.Y. Kadam (OA.989/18)

V.Sl Kadam (OA.990/18) P.H Pharande (OA.514/19)

.. Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri Sandesh More, Ld. Advocate holding for Shri A.V. Bandiwadekar, Ld. Advocate for Applicants in OA\$. No.1130/18 & 514/19, Shri Y.B. Lengare, Ld. Advocate for Applicants in OAs No.989 & 990/18 and Ms. S.P. Manchekar, learned CPO for the Respondents.

- One of the applicants Shri Balasaheb Sadashiv Lambhate had filed OA No.975 of 2018 in this Tribunal, the same was allowed by order dated 16.4.2019 and impugned orders passed by respondent no.3 (Revenue Department, State of Maharashtra) were quashed. Shri B.S. Lambhate and applicants in the present OAs are similarly situated.
- 3. The State had moved Hon'ble Bombay High Court against the said decision of the Tribunal by way of Writ Petition No.7753 of 2019. This WP was decided on 1.8.2019 and Hon'ble High Court has observed as under:
 - We have perused the detailed reasoning recorded by the Tribunal and we do not find any perversity or illegality in the said decision. On the contrary, the said decision is based on the report of the Collector, which categorically states that the posts were sanctioned and the petitioner along with other employees were appointed on the said posts, which were clearly sanctioned.
 - In such circumstances, we fail to approve the action of the State Government rejecting the representation of the respondent inspite of the clear fact

Tribunal's orders

finding report recorded by the Collector. The Tribunal has referred to the said decision of the Collector and considering the fact that the respondent has rendered his services from 1995, held him eligible for pensionary benefits considering his appointment on such a subsequent post in terms of the Maharashtra Civil Services (Pension) Rules, 1982. The direction has been given by the Committee to release the pension due to the responded within a period of two months. We are not convinced with submission of the learned counsel for the petitioner that the order passed by the Tribunal calls for any interference in exercise of the writ jurisdiction. Resultantly, we dismiss the writ petition. No order as to costs."

- 4. Today during hearing Ld. CPO confirms that orders issued by the Hon'ble High Court have not been challenged before the Hon'ble Supreme Court. Therefore the judgment of the Hon'ble High Court is final as far as present case is concerned.
- 5. Ld. Advocate for the applicants today confirms that the applicants in present OAs are identically situated qua Shri B.S. Lambhate applicant in OA No.975 of 2018.
- 6. In view of the above as per judgment given by Hon'ble High Court in W.P. No.7753/19, impugned orders challenged by the applicants which are available at Exh.A pg.78-79 of OA.1130/18, Exh.AA & BB pg.221-225 of OA.989/18, Exh.AA & BB pg.224-228 of OA.990/18 & Exh.A pg.16A of OA.514/19 are quashed and set aside. The respondents are directed to provide to the applicants necessary consequential financial benefits including pay fixation, seniority, promotion and also pension, gratuity and terminal benefits in case of those who have retired. The aforesaid exercise be completed within three months. The respondents are also directed to consider granting benefits of Time Bound Promotion and ACP Scheme on merits. OAs disposed off accordingly. No order as to costs.

Sd/-(P.N. Dixit) Vice-Chairman (A) 7.10.2019

(sgj)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	of 20	DISTRICT
		Applicant/s
(Advocate)	
(Advocate	/	
	ver	sus
The S	State of Maha	rashtra and others
		Respondent/s
(Presenting Officer	*****************	
Office Notes, Office Memoranda of Con	ram,	Tribu na l's orders
Appearance, Tribunal's orders or directions and Registrar's orders		iribumat s orders
	Date	: 07.10.2019
	Date	
		O.A.No. 767 of 2019
•	G. B.	KamalkarApplicant
	Vers	us
	The	State of Maharashtra & OrsRespondents.
	1	The Applicant and his Counsel are absent. Heard Kranti Gaikwad, learned Presenting Officer for the condents.
	2.	Learned P.O. for the Respondents submits that
		y will be filed during the course of the day.
	Stat	ement is accepted. It be taken on record.
	3.	The matter is adjourned for hearing at the stage
	of a	dmission.
	4.	S.O. to 14.11.2019.
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•		(A.P. Kurhekar) Member(J)
-	vsm	

Original Application No.	01 4U		DISTRICT	Applicant/s
				rippiteation
(Advocate)			
	ver	sus		
The Stat	te of Mah	arashtra and oth	ers	
				Respondent/s
(Presenting Officer)		
(Presenting Officer				
Office Notes, Office Memoranda of Coram Appearance, Tribunal's orders or directions and Registrar's orders		Tri	bunal's orders	1
	Date	: 07.10.2019.		
		0.4	.No.511 of 20	019
	J. H.	Patil		Applicant
	11	116		
	Vers			
	The	State of Maharas	shtra & Ors.	Respondents.
	Offi	licant and Smt. keer for the Respon	(ranti Gaikwa ndents.	arned Counsel for thind, learned Presenting of the O.A.
	2.			
				s Group-C employee
]			iure at one place.
	3.		*	Applicant submits th
	ŧ			ith promotion order
				group, the Applica
				vit during the course be taken on record.
				ted to learned P.O.
	4.	Rejoinder /Affida		
	5.		0.2019 as a P	
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				Sd/-
			•	. Kurhekar) ember(J)
	vsm			
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ivocate)

versus

The State of Maharashtra and others

Respondent/s	3
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(Presenting Officer)

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

Tribunal's orders

Date: 07.10.2019.

M. A. No.548 of 2019 in O.A.No.39 of 2019

....Applicants The State of Maharashtra & Ors. (Ori. Respondents)

Versus

...Respondent (Ori. Applicant) Kiran Vishnu Patil

- Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Shri A. V. Bandiwadekar , learned Counsel for the Respondent (Ori. Applicant).
- O.A.No.39 of 2019 is decided by this Tribunal on 2. 23.09.2019 whereby the impugned order was quashed and directions were issued to repost the Applicant on the post, he was transferred from within two weeks.
- Learned C.P.O. for the Applicants (Ori. Respondents) sought four weeks time either to challenge the judgment before the Hon'ble High Court or to implement the same.
- Learned Counsel for the Respondent (Ori. 4. Applicant) opposes the application on the ground that enough time was already availed.
- I am inclined to grant ten days time from today to comply the order dated 23.09.2019.
- Misc. Application is disposed of with no order as 6. to costs. 11-

Sd/-

(A.P. Kurhekar) Member(J)

vsm

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: 07.10.2019.

O.A.No.931 of 2019

R. B. Markad

....Applicant

Versus

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

- 1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant, Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent Nos.1 to 3 and Shri C. T. Chandratre, learned Counsel for the Respondent No.4.
- 2. Today, learned C.P.O. has filed reply on behalf of the Respondent No.3. It is taken on record. She seeks four weeks time to file reply on behalf of the Respondent Nos.1 and 2.
- 3. Two weeks time is granted for filing reply on behalf of the Respondent Nos.1, 2 and 5.
- 4. S.O. to 23.10.2019.

Sd/-

(A.P. Kurhekar) Member(J)

vsm

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(A.P. Kurhekar) Member(J)

(Advocate)	~
	versus	
The State o	f Maharashtra and others	
		Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribuns Date: 07.10.2019.	d's orders
		.837 of 2019
	D. K. Pajai	Applicant
	Versus	
	The State of Maharashtr	a & OrsRespondents.
	1. Heard Shri A. V. Bandiwadekar, learned Co for the Applicant and Smt. Kranti Gaikwad, le Presenting Officer holding for Ms S. P. Mand learned Chief Presenting Officer for the Responden 2. Today, learned P.O. has filed reply on be	
	the Respondent Nos.1 a	nd 2. It is taken on record.
	3. On the request	of learned Advocate, two weeks
	time is granted for filing	Rejoinder.
	4. S.O. to 23.10.2	
		Sd/-

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	is granted for filing Rejoinder.	
(Advocate	4. S.O. to 23.10.2019.	
	versus	
The State	of Maharashtra and others	
•	(A.P. Kurhekar) espo	ndent/s
	Member(J)	
(Presenting Officer		
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	Date: 07.10.2019.	
	O.A.No.928 of 2019	
	S. A. DhamaleA	pplicant
	Versus	
	The State of Maharashtra & OrsResponde	nts.
	 Heard Shri A. V. Bandiwadekar, learned for the Applicant and Smt. Kranti Gaikwad, Presenting Officer for the Respondents. In the present O.A., the Application 	learned
	challenged the punishment of reduction in pens	ion.
	3. The subject of minor punishment	in D.E.
	pertains to Bench-I, as per latest office order.	
	4. The Registrar to verify the matter and	d place it
	before appropriate bench.	
	Sd/-	
	(A.P. Kurhekar) Member(J)	
	vsm (Viember (J)	
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*			
(Advocate)			
	versus		
The State o	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: 07.10.2019.		
O.A.No.442 of 2019)19	
	T. F. Nagvekar	Applicant	
	Versus		
	The State of Maharashtra & OrsRespondents. 1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.		
	2. Learned Counsel for the	Applicant requested	
	for permission to amend prayer of	lause 10(d) to rectify	
	the date of order. In prayer cla	iuse date of order is	
	mentioned is 03.11.2009 instead	of 14.09.2018. As	
	such, he wants to correct the date.	·	
	3. Allowed to correct the c	late in prayer clause.	
	Amendment/correction be carried	out during the course	

of the day.

4. On request of learned Counsel, two weeks time

4. On request of learned Counsel, two weeks time is granted for filing Rejoinder.

s. S.O. to 05.11.2019.

Sd/-

A.

(A.P. Kurhekar) Member(J)

	Applicant/s
(Advocate)
	versus
The State	of Maharashtra and others
33.2 3.4.1.	Respondent/s
(Presenting Officer	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Date: 07.10.2019. Tribunal's orders O.A.No.881 of 2019
	Dr. A. K. ParandwalApplicant
•	Versus
	The State of Maharashtra & Ors Respondents.
	1. Heard Shri K.R. Jagdale, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
	2. Learned Counsel for the Applicant has tendered the
÷	copy of order dated 0S.10.2019 issued by the Government
	whereby the Applicant is posted at Kashele, Tal. Karjat, dist.
	Raigad. The copy of order is taken on record and marked by letter 'X'.
	3. The present O.A. was filed pressing grievance that
	the Applicant was kept without posting since 04.07.2019.
	After filing of this O.A., the Tribunal has passed interim
	orders/directions directing the Respondents to issue
	appropriate posting orders. It is in consequence to the
	directions now the Government had issued the order dated
	05.10.2019.
	4. As such, grievance of the Applicant is redressed.
	Original Application, therefore, deserves to be disposed of. In
	so far as waiting period is concerned, the Respondents shall
	pass appropriate orders.
	4. No order as to costs.

vsm

(A.P. Kurhekar) Member(J)

···· Appiicanus (Advocate) versusThe State of Maharashtra and others Respondent/s (Presenting Officer.....) Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Tribunal's orders directions and Registrar's orders Date: 07.10.2019. O.A.No.617 of 2019 L. Y. VanaskarApplicant Versus The State of Maharashtra & Ors. ... Respondents. Heard Shri Rahul Khot holding for Shri N. Y. 1. Chavan, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Smt. Archana B. K., learned Presenting Officer for the Respondents. Today, learned P.O. for the Respondents has filed reply on behalf of the Respondent Nos.1, 3 and 4 and the same is adopted on behalf of the Respondent No.2. It is taken on record. The matter is adjourned for hearing at the stage of admission. S.O. to 11.11.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm