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

O.A. No.973 of 2015

Smt. S.S. Sawant ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This case was on board on 24.8.2016 and on that date this Tribunal recorded certain order and sought response from the respondents and for which steno copy and hamdast was granted. Even longer date was given to see that matter can be sorted out since the decision had to be taken by the office of respondent no.3.

3. Ld. PO states that instructions are still awaited from the office of respondent no.3.

4. The respondents are put to notice that if no instructions are given by day after tomorrow, the Tribunal shall be constrained to direct personal attendance of Commissioner of Police, Thane.

5. Ld. PO is directed to secure the name of Commissioner of Police, Thane and furnish it day after tomorrow.

6. Steno copy and hamdast is allowed.

7. S.O. to 16.11.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
7.11.2016

(sgj)

DATE: 7/11/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE:
Shri R.M. Kolge
Advocate for the Applicant
Shri A.J. Chougule
C.P.O. for the Respondent/s

Adj. To 16/11/2016. Steno copy & hamdast is allowed.

2

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

Date : 07.11.2016.

O.A.No.926 of 2016

Dr. S.N. Kundetkar **.... Applicant.**

Versus

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

1. Heard Shri A. Joshi, learned Counsel for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2 Learned Advocate seeks leave of the Tribunal to amend the title of Respondent No.1 which should be read as Additional Chief / Principal Secretary (Revenue) and Forest Department. Learned Advocate for the Applicant also seeks leave to delete the Respondent No.2 from the list of Respondents.

3. Request to amend ~~Respondent No.1 and delete Respondent No.2 hereby allowed.~~ O.A. accordingly is granted.

4. Learned Advocate under takes to make the amendments forthwith.

5. O.A. can be kept for further hearing after two weeks. S.O. to 22.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ : Amol Joshi
Advocate for the Applicant
~~Shri/Smt.~~ : K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 22/11/16.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders C.A.48 of 2016 in O.A.342 of 2011 with C.A.49 of 2016 in O.A.343 of 2011
DATE : 7/11/2016 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : Shri/Smt. : None for the appl. Advocate for the Applicant Shri /Smt. : K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 24/4/2017 B.T.C.	Shri J.D. Mehta (CA.48/16) Shri A.D. Mehta (CA.49/16) ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents None for the Applicants. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. PO states that the order passed by this Tribunal is carried before the Hon'ble High Court and in view thereof the hearing of this CA be adjourned. 3. In view of the statement of the Ld. PO, hearing is adjourned to 24.4.2017. (A.H. Joshi, J.) Chairman 7.11.2016 (sgj)

[P.T.O.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1043 OF 2016

DISTRICT : PUNE

M.J. Dashwant .... **Applicant.**

Versus

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

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

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondent.

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN

DATE : 07.11.2016.

O R D E R

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

2 Learned Advocate for the Applicant pleaded strongly for grant of interim relief of staying recovery of Rs.1000/- per month from the Salary of the Applicant which is ordered by virtue of order of Hon'ble High Court.

3. Learned Advocate stated that the Hon'ble High Court has ordered the Commissioner of Police, Pune to hold an enquiry and fix responsibility. Cost of Rs.5,000/- imposed on Commissioner of Police was to be recovered from erring officer. However this order has not been complied with and the Commissioner of Police, Pune, has gone on the assumption that the applicant is in the erring officer without following the proper procedure. He, therefore, pressed for grant of interim relief.

4. I am not inclined to grant any interim relief at this stage. Considering the fact that a very nominal amount is sought to recovered from the monthly Salary of the Applicant and it will take almost 5 year to recover the entire amount, interim relief does not appear justified.

5. In the meantime with the co-operation of the Respondent this Tribunal will endeavor to dispose of this O.A. in the shortest possible time. Respondent is directed to file affidavit-in-reply on the next date. Sufficient time of four weeks is granted for this purpose.

6. Issue notice returnable on 05.12.2016.

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

8. 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.

9. 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.

10. 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.

11. S.O. to 05.12.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

prk

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

Date : 07.11.2016.

O.A.No.971 of 2016

V.V. Waghmare .... Applicant.

Versus

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

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

2 In this O.A. the Respondents were asked to file affidavit-in-reply on the issue of competence of the Deputy Commissioner of Police, to place a Member of Constabulary under Suspension.

3. Learned Advocate Shri B.A. Bandiwadekar has pointed out to several judgments of this Tribunal, where it has been clearly held that the D.C.P. has no authority to place a Member of Constabulary under suspension.

4. Last opportunity is granted to the Respondents to file affidavit-in-reply. If affidavit is not filed on the next date it will be presumed that the Respondents did not wish to file any affidavit-in-reply and matter will be finally heard on 16.11.2016.

5. S.O. to 16.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. A.J. chougule
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 16/11/16.

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

Date : 07.11.2016.

O.A.No.926 of 2016

Dr. S.N. Kundetkar .... Applicant.

Versus

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

1. Heard Shri A. Joshi, learned Counsel for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2 Learned Advocate seeks leave of the Tribunal to amend the title of Respondent No.1 which should be read as Additional Chief / Principal Secretary (Revenue) and Forest Department. Learned Advocate for the Applicant also seeks leave to delete the Respondent No.2 from the list of Respondents.

3. Request to amend ~~Respondent No.1~~ and ~~delete Respondent No.2 hereby allowed.~~ O.A. accordingly is granted.

4. Learned Advocate under takes to make the amendments forthwith.

5. O.A. can be kept for further hearing after two weeks. S.O. to 22.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
~~Hon'ble~~ Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ Amol Joshi
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 22/11/16.

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: 7/11/16 CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) ~~Hon'ble Shri R. B. MALIK (Member)~~ APPEARANCE: ~~Shri/Smt.~~ None for the Applicant. Advocate for the Applicant ~~Shri/Smt.~~ Archana B.K. ~~C.P.O.~~/P.O. for the Respondents ~~Adj. To.~~ S.O. to 5/12/16. Sd/-	**Date : 07.11.2016.** **O.A.No.936 of 2016** **S.A. Dhavale .... Applicant.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. None for the Applicant. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents. 2 Learned P.O. Smt. Archana B.K. for the Respondents seeks four weeks time to file reply. 3. S.O. to 05.12.2016. Sd/- **(Rajiv Agarwal)** **Vice-Chairman** prk

[P.T.O.

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

Date : 07.11.2016.

O.A.No.634 of 2016

R.M. Lukade **.... Applicant.**

Versus

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

1. Heard Shri V.P. Potbhare, learned Counsel for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2 Learned C.P.O. Shri N.K. Rajpurohit placed on record the letter from the Respondents to the Applicant dated 28.10.2016, informing him that his period from 27.07.2012 to 27.10.2013 has been regularized as period of compulsory waiting and Salary for that period has been deposited in his Bank Account.

3. Learned Advocate Shri V.P. Potbhare wants time to seek instructions from the Applicant.

4. S.O. to 10.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri V.P. Potbhare
Advocate for the Applicant
Shri M.K. Rajpurohit
C.P.O. for the Respondents
Adj to S.O. to 10/11/16.

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

Date : 07.11.2016.

O.A.No.902 of 2016

V.D. Sawant .... Applicant.

Versus

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

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

2 Learned P.O. Smt. K.S. Gaikwad files affidavit-in-reply. Learned Advocate Shri M.D. Lonkar does not wish to file any rejoinder. ~~Both are taken on record~~.

3. O.A. is admitted. To come up for Final Hearing. on next date.

4. S.O. to 15.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ M.D. Lonkar
Advocate for the Applicant
Shri ~~Smt.~~ K.B. Bhise
~~C.P.O.~~ P.O. for the Respondents
Reply filed by R.No. 1 to 5.
~~Adj. To~~
O.A. is admitted.
S.O. to 15/12/16.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 07.11.2016.

O.A.No.758 of 2016

R.S. Indalkar .... Applicant.

Versus

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

1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2 Learned P.O. Smt. Archana B.K. files sur-rejoinder. The same is taken on record. O.A. is admitted. To come up for Final Hearing after two weeks.

3. S.O. to 22.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/~~Smt.~~ B.A. Bandiwadekar
Advocate for the Applicant
~~Shri/~~Smt. : Archana B.K.
~~C.P.O.~~ P.O. for the Respondents
Sur-Rejoinder filed by R.Mg. 7/22.
Adj. To
O.A. as admitted
S.O. to 22/11/16.
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

Date : 07.11.2016.

O.A.No.936 of 2016

S.A. Dhavale .... Applicant.

Versus

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

1. None for the Applicant. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents.

2 Learned P.O. Smt. Archana B.K. for the Respondents seeks four weeks time to file reply.

3. S.O. to 05.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt. :~~ None for the Applicant.
Advocate for the Applicant
~~Shri/Smt. :~~ Archana B.K.
~~C.P.O./~~P.O. for the Respondents
~~Adj. To:~~ S.O. to 5/12/16.

[P.T.O.

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

Date : 07.11.2016.

M.A.No.414/2016 in O.A.No.1013/2016

D.Y. Warang & Ors. .... Applicants.

Versus

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

1. Heard Shri M.D. Lonkar, learned Counsel for the Applicants and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 05.12.2016.

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

4. Applicants are 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. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 05.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri P. B. MALIK (Member)~~
APPEARANCE :
Shri/~~Smt.~~ M.D. Lonkar
Advocate for the Applicant
~~Shri/Smt.~~ Ms. N.G. Gohad
~~C.P.O./~~P.O. for the Respondents
~~Adj. To :~~ S.O. to 5/12/16.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 07.11.2016.

M.A.No.413/2016 in O.A.No.1013/2016

D.Y. Warang & Ors. .... Applicants.

Versus

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

1. Heard Shri M.D. Lonkar, learned Counsel for the Applicants and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2 This is an application for leave to sue jointly.

3. Both the Applicants are seeking similar reliefs against the same Respondents. M.A. to sue-jointly is therefore allowed, subject to payment requisite court fees, if not already paid.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/~~Smt.~~ M.D. Lonkar
Advocate for the Applicant
Shri/~~Smt.~~ Ms. N.G. Gohad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To.~~ M.A. 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

Date : 07.11.2016.

O.A.No.582 of 2016

G.R. Gujrathi .... Applicant.

Versus

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

1. Heard Shri R.M. Kolge, learned Counsel for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents No.1 & 2 and Shri B.A. Bandiwadekar, learned Counsel for Respondent No.3.

2 Replies have been filed by the Respondents. Learned Advocate Shri R.M. Kolge does not wish to file any rejoinder.

3. O.A. is admitted. To come up for Final Hearing.

4. S.O. to 21.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. R.M. Kolge
Advocate for the Applicant
Shri/Smt. : K.S. Gaikwad
~~C.P.O.~~/ P.O. for the Respondents No. 1&2.
B.A. Bandiwadekar for Res. 3.
~~Adj. To :~~
O.A. is admitted.
S.O. to 21/11/16.

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

Date : 07.11.2016

O.A.No.1009 of 2016

Dr. A.S. Khomane .... Applicant.

Versus

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

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

2. Issue notice returnable on 05.12.2016.

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

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

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

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

7. S.O. to 05.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. M.D. Lonkar
Advocate for the Applicant
Shri/Smt. Ms. N.G. Gohad
~~C.P.O.~~ P.O. for the Respondents
~~Adj. To~~ S.O. to 5/12/16.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 07.11.2016.

O.A.No.693 of 2016

P.A. Kudanar .... Applicant.

Versus

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

1. Heard Shri P.S. Pathak, learned Counsel for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Smt. Archana B.K. learned Presenting Officer for the Respondents.

2. Learned Advocate Shri P.S. Pathak files affidavit-in-rejoinder. The same is taken on record. O.A. is admitted. Respondents may file sur-rejoinder, if need be. To come up for Final Hearing after two weeks.

3. S.O. to 22.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
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. K.S. Gaikwad
~~C.P.O~~ / P.O. for the Respondents
holding for Archana B.K.
~~Adj. To~~
~~Sur~~ Rejoinder filed by Applicant.
O.A. is admitted.
S.O. to 22/11/16.

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

Date : 07.11.2016

M.A.No.415/2016 in O.A.No.1012/2016

S.S. Mirgal .... Applicant.

Versus

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

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

2. Issue notice returnable on 05.12.2016.

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

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

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

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

7. S.O. to 05.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. M.D. Lonkar
Advocate for the Applicant
Shri/Smt. Ms. N.G. Gohad
~~C.P.O.~~/P.O. for the Respondents
Adjd. To. S.O. to 5/12/16.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 7/11/16

CORAM :

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

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

APPEARANCE :

Shri/Smt. B.S. Shinde

Advocate for the Applicant

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

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

Adj. To 13/12/16

C.A.76/2016 in O.A.242/2015

Shri V.D. Kulkarni & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri B.S. Shinde, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

The Applicants are directed to serve the Contempt Notice personally on the persons holding the posts of the Respondents herein and the matter be placed before us on 13th December, 2016.

The Applicants are hereby directed to amend their Contempt Application suitably to incorporate the names of the Officers who are holding the posts of the Respondents herein.

S.O. to 13th December, 2016.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
07.11.2016 07.11.2016

(skw)

[P.T.O.

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

Date : 07.11.2016.

O.A.No.587 of 2016 to O.A.No.591 of 2016

V.D. Kolekar (O.A.No.587/2016)
T.V. Dhokate (O.A.No.588/2016)
B.S. Malame (O.A.No.589/2016)
S.T. Kare (O.A.No.590/2016)
S.P. Jadhav (O.A.No.591/2016) .... Applicants.

Versus

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

1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2 Affidavit-in-~~reply~~ rejonder have been filed by the Applicants in all the O.As except in O.A.No.590/2016, which will be filed shortly.

3. O.A. is admitted. Respondents may file sur-rejoinder, if need be. To come up for Final Hearing after two weeks.

4. S.O. to 22.11.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

prk

DATE: 7/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/~~Smt.~~ B.A. Bandiwadekar
Advocate for the Applicant
Shri/~~Smt.~~ N.K. Rajpurohit
C.P.O./~~P.O.~~ for the Respondents
Rejoinder filed by Applicant (except OA 590/16)
~~Adj. To~~.....
O.A. is admitted.
S.O. to 22/11/16.

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 : 07.11.2016.

O.A.No.717 of 2016 to O.A.No.721 of 2016

S.D. Shelar (O.A.No.717/2016)
S.V. Thakurdesai (O.A.No.718/2016)
E.J. Barshinge (O.A.No.719/2016)
S.H. Parche (O.A.No.720/2016)
P.S. Pereira (O.A.No.721/2016) .... Applicants.

Versus

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

1. Heard Shri B.A. Bandiwadekar, learned Counsel for the Applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2 Affidavit-in-rejoinder has been filed. O.A.s are admitted. Respondents may file sur-rejoinder, if need be. To come up for Final Hearing on next week.

3. S.O. to 15.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE : 7/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri B.A. Bandiwadekar
Advocate for the Applicant
Shri N.K. Rajpurohit.
C.P.O / ~~P.O.~~ for the Respondents
Rejoinder filed in OA 720/16
Reply filed by R.No.1 (in All O.As.)
~~Affidavit of~~
Sur-Rejoinder filed in OA 719/16.
O.As are admitted.
S.O. to 15/11/16.
FH
Copy

[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.165/2016

Shri R.S. Patil ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

This OA can be disposed of here and now for which both sides have no objection.

The Applicant is a retired Awal Karkun in the Office of the Collector, Mumbai. It so happened that on the basis of what was perceived was overpayment on account of the supposedly incorrect date from which the Time Bound Prmotion became admissible to the Applicant. The said allegedly over paid amount was by the impugned order sought to be recovered.

It is indisputable that the issue of the Time Bound Promotion finally rests with the Judgment of the Division Bench of the Hon'ble the Chief Justice of Bombay High Court in **Writ Petition No.9051/2013 (The State of Maharashtra Vs. Smt. Meena A. Kuwalekar and other Writ Petitinos decided on 28th April, 2016** (Meena Kuwalekar's case). Based on Meena Kuwalekar's case, I in the Single Bench decided by common Judgment a number of OAs, the leading one being **OA 732/2011 (Dr. Shankar B. Kasabe Vs. Secretary, Public Health Department and other OAs, dated 8.6.2016**. The said common Judgment concluded thus in Para 24.

> "**24.** The Respondents in this fasciculus of OAs are directed to reconsider the case of all the Applicants herein in the matter of grant of Time Bound Promotion / Assured Career Progression Scheme by counting the services of the Applicants from the date of their initial appointments in whichever capacity and take the steps consequent thereupon so as to extend the benefit of this judgment based on Meena Kuwalekar's case. The authorities shall bear in mind the principles laid down in Meena Kuwalekar's case and also in this OA. Compliance be made within eight weeks from today. A copy hereof be forwarded to the Chief Secretary, Government of Maharashtra with a request to comply with the directions in Paragraph 22 of this Judgment. These Original Applications

[*P.T.O.*

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

stand allowed to this extent with no order as to costs."

It is again an indiaputable factual legal position that this Applicant will have to be treated at par with the Applicants in **Dr. Shankar Kasabe** (supra) as well as **Meena Kuwalekar** (supra). Therefore, her date of entitlement to the Time Bound Promotion will have to be reckoned as the date of her first appointment and that being the state of affairs, there will be no question of any over payument having been made. The other payment, however, has been considered to have been made by the Respondents and recovery from the monthly pension and gratuity have been made. On instructions, Ms. Gohad, the learned P.O. informs me that this recovery was made till the month of March, 2016. I make it clear that I make no pronouncement with regard to the quantum of pension or any of the heads of the post retiral benefits. It is necessary to make this observation because it appears to me that there is some dispute that the Applicant raised about the quantum. That aspect of the matter will be worked out and in case, the directions to refund the amount recovered is sufficient to take care of the situation so be it.

It is, therefore, directed that the Applicant is not liable to make any repayment to the Respondents and whatever amount has been paid by the Applicant either directly, if any, or recovered from her in any manner whatsoever shall be refunded back to her within a period of six weeks from today. The order herein impugned being at Exh. 'A', therefore, stands quashed and set aside. The Applicant shall be entitled to be paid full pension and other post retiral benefits, as if the said impugned order was not passed. The Original Application is allowed in these terms with no order as to costs.

Sd/-

(R.B. Malik) 07.11.16
Member (J)
07.11.2016

(skw)

DATE: 7/11/16

CORAM:

Hon'ble ~~Shri P.N. Joshi (Chairman)~~ Shri R.B. Malik (M/J)

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

APPEARANCE:

Shri/~~Smt~~ B.A. Bandiwadekar

Advocate for the Applicant.

~~Shri/Smt~~ M.S. Gohad

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

~~A.J. To~~ OA is allowed in those terms with no order as to costs.

(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

(Presenti ng Officer.....)

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

O.A.91/2016

Shri P.A. Kamble ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

This OA can be disposed of at this stage itself for which after some debate at the Bar, both sides do not have any objection.

The Applicant, in this OA seeks directions to the Respondents to regularize his services and give him the benefit of permanency for all purposes and further to pass any other appropriate order.

A show cause notice of 17.10.2013, a copy of which is at Exh. 'A' (Page 12 of the Paper Book) becaused this OA. It was therein alleged by the Respondents that the Applicant allegedly played sharp practice and he was asked to show cause as to why an appropriate action under Rule 8 read with Rule 5 (1)(8) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 be not initiated against the Respondents. The Applicant brought this OA thereagainst seeking relief already indicated hereinabove.

The 2nd Division Bench of this Tribunal of which I was also a Member in deciding the fasciculus of OAs, the leading one being **OA 195/2014 (Shri Mohan S. Bhoir Vs. The State of Mah. & Ors. and other OAs, dated 12.8.2015)** and the Hon'ble High Court in a batch of Writ Petitions, the leading one being **Writ Petition No.11408/2014 (Ramesh S. Mayne Vs. Chief Conservator of Forest and others and other Writ Petitions, dated 13th March, 2015)** are the two pronouncements based on which this OA can be worked out. In Para 9 of the order of the Hon'ble High Court, the following observations are made.

> **"9.** We direct the respondent-State not to take any adverse action against the petitioner and other similarly placed employees on the basis of show-cause notice issued to them until further orders."

[P.T.O.

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

DATE : 7/11/2016

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~~ J.H. Kamble

Advocate for the Applicant

Shri/~~Smt~~ A.J. Chougule

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

~~Adj. To~~ This OA stands disposed of with no order as to costs.

The present Applicant is admittedly, "similarly placed employee" stung by the show cause notice to him.

The issue herein involved is subjudice before the Hon'ble High Court in the above batch of Writ Petitions. In my opinion, therefore, the show cause notice the receipt hereof gave rise hereto cannot now survive in view of the foregoing and it has become non-est. The present OA can, therefore, be disposed of making it clear that subject to the final directions of the Hon'ble High Court in the pending Writ Petition, ~~if any~~, other rights survive in favour of the Applicant to take recourse to the appropriate legal remedy, it will be open to him to do so. With this abundant clarification, I am making it clear that the show cause notice herein stands declared *non-est* and subject to the observations just now made, this OA stands disposed of with no order as to costs.

Sd/-

(R.B. Malik)
Member (J)
07.11.2016

(skw)

(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 : 7/11/16 CORAM : Hon'ble ~~Justice Shri~~ Shri R.B. Malik (M(J)) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : Shri/Smt. : A.D. Sonkawale holding D.B. Khaire for Advocate for the Applicant Shri/Smt. : N.K. Rajpurohit C.P. / P.O. for the Respondent/s Adj to.... Admit.	**O.A.408/2016** **Shri V.B. Aute ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Shri A.D. Sonkawle holding for Shri D.B. Khaire, 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. Affidavit-in-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. Sur-rejoinder, if any, it be filed on the next date and not thereafter. Sd/- (R.B. Malik) 07.11.16 Member (J) 07.11.2016 (skw)

(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.333/2016

Shri M.A.M.U. Qureshi ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

It seems that the matter still hangs fire. The reply has not been filed. I have perused my order of 17.10.2016. The OA proceeds without Affidavit-in-reply. I make it clear that on the next date, when the matter appears for hearing, if reply is tendred, it will be taken on record, but no adjournment shall be given for that purpose. The OA is admitted and appointed for final hearing on 1st December, 2016.

Sd/-

(R.B. Malik) 07-11-16
Member (J)
07.11.2016

(skw)

DATE: 7/11/16
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. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. A.B. Kololgi
C.P.O / P.O. for the Respondent/s
Admit.
Adj. To 1/12/16.

[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.342/2016

Shri P.L. Hotkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Ms. Gohad, the learned PO seeks further time to file Affidavit-in-reply. I have perused the order dated 1.9.2016 whereby the Hon'ble Chairman was pleased to grant time of a little more than two months. The order was self-operating and, therefore, this OA shall proceed ex-~~facie~~ parte. The OA is admitted and is appointed for final hearing on 1st December, 2016.

Sd/-

(R.B. Malik)
Member (J)
07.11.2016

(skw)

DATE: 7/11/2016

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.: N.G. Gohad holding for

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

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

~~Adj. To...~~ Admit.

1/12/16.

[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.416/2016

Shri G.S. Pawar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Applicant and Advocate were absent on 26.9.2016 and 17.10.2016 also. Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

The compliance with the Hon'ble Chairman's order on 21.7.2016 has not been done. The Affidavit-in-reply has been filed. The order dated 26.9.2016 be perused. The OA is formally admitted and is appointed for hearng, failing which for dismissal to 2nd December, 2016.

S.O. to 2nd December, 2016.

Sd/-

(R.B. Malik) 07-11-16
Member (J)
07.11.2016

(skw)

DATE: 7/11/2016

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.: None for the appl.

Advocate for the Applicant
Shri/Smt.: A.B. Kolgi

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

Adj. To 2/12/16.

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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 : 7/12/2016

CORAM :

Hon'ble Jr ~~ce Shri A. H. Joshi (Chairman)~~ Shri R.B. Malik (M(J))

Hon'ble ~~M. Ramesh kumar (Member) A~~

APPEARANCE :

Shri/Smt. : M.D. Lonkar

Advocate for the Applicant

Shri/Smt. : N.G. Gohad

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

Admit.

Adj. to 7/12/16.

O.A.440/2016

Shri P.U. Rathod ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Shri Lonkar, the learned Advocate for the Applicant makes a statement that the Applicant does not want to file Affidavit-in-rejoidner. 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 2nd December, 2016.

Sd/-

(R.B. Malik)
Member (J)
07.11.2016

(skw)

(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 : 7/11/2016 CORAM : Hon'ble ~~Shri A. H. Joshi (Chairman)~~ Shri R.B. Malik (M/J) Hon'ble Shri M. Kameshkumar (Member) A APPEARANCE : Shri/Smt. A.T. Javeri Advocate for the Applicant. Shri/Smt. M.D. Lonkar sp. cons C.P.O / P.O. for the Respondent/s Adj. To 21/11/2016 Sd/-	**O.A.919/2016** **Shri H.R. Jadhav ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Ms A.T. Javeri, the learned Advocate for the Applicant and Shri M.D. Lonkar, Special Cousel with Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents. Smt. Javeri, the learned Advocate undertakes to file Vakalatnama by the next date and Memo of appearance during the course of the day. The copies of the Affidavits-in-reply have been furnished to the learned Advocate for the Applicant. S.O. to 21st November, 2016. Sd/- (R.B. Malik) 07/11/16 Member (J) 07.11.2016 (skw)

(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 Off cer.....)

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

M.A.435/2016 in O.A.267/2013

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

Vs.

Shri R.R. Avtade ... Respondent (Ori. Applicant)

Heard Shri K.B. Bhise, the learned Presenting Officer for the Applicants (Ori. Respondents) and Applicant in person.

Shri Bhise, the learned PO serves a copy of the MA to the Applicant to accept it and waive service.

S.O. to 15th November, 2016 for reply.

Sd/-

(R.B. Malik)
Member (J)
07.11.2016

(skw)

DATE: 7/11/2016

CORAM:

Hon'ble Shri R.B. Malik (M(J))

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

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

APPEARANCE:

S. K.B. Bhise

I/c P.O.

~~Advocate~~ for the Applicant Coop. Rep.)

Shri ..... Appl. in person .....

C.P.O / P.O. for the Respondent/s (Coop. Appl.)

Adj. To..... 15/11/2016.

[P.T.O.

2

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

M.A.436/2016 in O.A.1018/2015

Shri Commissioner, State Excise & Ors. ... Applicants (Ori. Respondents)

Vs.

Shri Sudhir V. Bhagwat ... Respondent

Heard Shri K.B. Bhise, the learned Presenting Officer for the Applicants (Ori. Respondents) and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent (Ori. Applicant)

This Misc. Application is presented by the State seeking extension of time to comply with our order in the disposed of OA dated 27.07.2016 whereby we directed by allowing the OA and quashing and setting aside the impugned order that the case of the Applicant for promotion to the post of Sub-Inspector, State Excise should be considered and if otherwise, found fit to appoint him on that promotional post within a period of three months from 27.7.2016.

It is pertinent to note that in so far as the original Applicant was concerned, he faced difficulties relating to his height in such a manner as to attract the provisions of the Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Further details are not necessary to be mentioned.

That being the state of affairs, the case of the Applicant stands on a peculiar and distinct pedestal, and therefore, the case of the State that now they have made the necessary amendment in the Recruitment Rules in the matter related to the height is completely foreign to the scope of the OA. In fact, we have no hesitation in observing that the whole thing is so simple as to make it completely unnecessary to consider the issue of promotion including therein the cases of others also. In fact, at one stage, we were so disposed as to take suo-moto cognizance and initiate contempt action, which is inherent in our view in this matter. However, as of today, we refrain from taking any serious measure and making it clear that our order will have to be complied with and there is no question of extension, the Misc. Application is accordingly dismissed with no order as to costs.

DATE: 7/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/~~Smt.~~ K. B. Bhise P.O.
~~Advocate~~ for the Applicant
Shri/~~Smt.~~ A.V. Bandiwadekar Adv.
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To:~~ M.A. is dismissed

Sd/- (R.B. Malik) Member (J) 07.11.2016

Sd/- (Rajiv Agarwal) Vice-Chairman 07.11.2016

(skw)

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.86/2016 in O.A.1114/2015 with C.A.89/2016 in O.A./2016 and C.A.90/2016 in O.A./2016

Shri K.N. Lonkar & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant in C.A.86/16, Shri A.A. Gharte, the learned Advocate for Applicants in C.As 89 & 90/2015 and Shri K.B. Bhise, the learned Presenting Officer for MPSC and the other Respondents in all the matters.

We have perused the record and proceedings and heard the submissions at the Bar. In so far as the Applicants in the CAs 89 & 90/2016 are concerned, they have complied with the procedural requirement of causing service of the intended contempt action to the Respondents. The Applicant in CA 86/2016 has apparently not done so. However, in our opinion, the facts are so bizarre as not to get detained by the procedural aspects of the matters. The orders of which the contempt is alleged came to be made on 7.9.2016 in the OAs by this very Bench and that will have to be read along with the order on Review Applications made in these very OAs in which we made an order on 16.9.2016. They are self-speaking and nothing more needs to be said or done about it. It is very clear that there is absolutely no room for any doubt or dispute about the mandate enshrined in the above referred orders. The grievance apparently is that not only have the orders not been complied with, but contrary thereto, the appointment orders have been issued to the candidates who figured in the waiting list.

We are very clearly of the opinion that the orders are not just capable of being executed but the Respondents were in duty bound to do so. We do not think, attempts to make light the process of law and the institution represented by this Tribunal could be countenanced, and therefore, in fact a case to take suo-motu action in contempt is constituted. Therefore, as already mentioned at the outset that is a matter where we should not get detaind by procedure.

It is made clear that by the very nature of things, even if, the appointments have been made as alleged by the Applicants and even if they are made still further, all that will be subject to the final outcome of these CAs and this fact must be made clear to those appointees, if any. It

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

should also be made clear that in the event this Tribunal were to hold in favour of the present Applicants, thehn those appointees may have to vacate the Office without any hastle or ado.

Issue notice to the Respondents 1 & 2 asking them to show cause as to why an appropriate action in contempt be not initiated against them, made returnable on 21st November, 2016. Hamdast.

Sd/-
(R.B. Malik)
Member (J)
07.11.2016

Sd/-
(Rajiv Agarwal)
Vice-Chairman
07.11.2016

(skw)

DATE : 7/11/16

CORAM :

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

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

APPEARANCE :

Shri/Smt. M. D. Lonkar (CA 86/16)
A. A. Ghorte (CA 582/2016)
Advocate for the Applicant

Shri/Smt. K. B. Bise
C.P.O./P.O. for the Respondents

Adj. To. 21/11/16.

Hamdast.

(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 OA.189/2014 with OA.190/2014
DATE : 7/11/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh kumar (Member) A~~ APPEARANCE : Shri/Smt. : Leave note of adv. P. Mahajan taken on record Advocate for the Applicant ~~Shri~~/Smt. : K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 22/11/2016.	Shri M.V. Kulkarni Shri A.R. Jadhav ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Smt. Punam Mahajan, learned Advocate for the Applicants has filed leave note. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. In view of the leave note, adjourned to 22.11.2016. Sd/- (A.H. Joshi, J.) Chairman 7.11.2016 (sgj)

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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 C.A.46 of 2016 in O.A.352 of 2014
DATE: 7/11/2016 CORAM: 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.~~ : K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 24/4/2017.	Shri R.J. Tundiwale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. PO states that the order passed by this Tribunal is carried before the Hon'ble High Court and writ petition filed by the State is expected to come up for hearing on 31.1.2017 as per CMIS date given by the Registry of the Hon'ble High Court. 3. In view of the statement of the Ld. PO, hearing is adjourned to 24.4.2017. Sd/- (A.H. Joshi, J.) Chairman 7.11.2016 (sgj)

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

C.A.37 of 2013 in O.A.632 of 2011

Dr. Anjali S. Warke ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO states that Shri Sanjay Jadhav, Administrative Officer from the office of Commissioner, ESIS, Mumbai, who is present in the Court, is not able to give instructions because he has not read the papers.

3. The said officer is called to show cause why he should not be saddled with cost for coming to the Tribunal without studying the papers and taking time of this Tribunal.

4. He was called to state whether he wants time to engage a lawyer.

5. He prays for time till tomorrow.

6. S.O. to 8.11.2016.

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

(A.H. Joshi, J)
Chairman
7.11.2016

(sgj)

DATE: 7/11/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE:
Shri/Smt. : S.K. Warke
Advocate for the Applicant
Shri/Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 8/11/2016.

(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 C.A.88 of 2015 in O.A.150 of 2015
DATE : 7/11/2016 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : Shri/Smt. : Pans for the appl. Advocate for the Applicant ~~Shri~~/Smt. : K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 8/11/2016.	Dr. F.H.R.H. Gaidry ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents None for the Applicant. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. At the request of Ld. PO adjourned to 8.11.2016. Sd/- (A.H. Joshi, J) Chairman 7.11.2016 (sgj)

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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 C.A.84 of 2015 in O.A.781 of 2013
DATE : 7/11/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A APPEARANCE : Shri/Smt. : None for the appl. Advocate for the Applicant Shri /Smt. : K.S.Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 8/11/16.	Shri P.M. Waghmare & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents None for the Applicants. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. At the request of Ld. PO adjourned to 8.11.2016. Sd/- (A.H. Joshi, J.) Chairman 7.11.2016 (sgj)

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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 C.A.38 of 2016 in O.A.1136 of 2012
DATE : 7/11/2016 CORAM : 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. K.S. Gaikwad C.P.O / P.O for the Respondent/s Adj. To 10/4/2017. BE	Smt. R.S. Thakurdesai & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. PO states that the order passed by this Tribunal is carried before the Hon'ble High Court and writ petition filed by the State is expected to come up for hearing on 18.11.2016 as per CMIS date given by the Registry of the Hon'ble High Court. 3. In view of the statement of the Ld. PO, hearing is adjourned to 10.4.2017. Sd/- (A.H. Joshi, J.) Chairman 7.11.2016 (sgj)

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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 C.A.63 of 2015 in O.A.511 of 2012
DATE : 7/11/2016 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : Shri/Smt. : R.M.Kolge Advocate for the Applicant ~~Shri~~/Smt. : K.S Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 21/11/2016. PE	Shri K.P. Magar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri R.M. Kolge, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. PO states as follows: (a) Instructions are received informing that the order is complied with. (b) Chart showing amounts paid to the various applicants is received. (c) Its copy is furnished to Shri R.M. Kolge, Ld. Advocate for the Applicants. 3. Shri Kolge, Ld. Advocate prays for one weeks' time. 4. Time granted. 5. S.O. to 21.11.2016. Sd/- (A.H. Joshi, J) Chairman 7.11.2016 (sgj)