(G.C.P.) J 2260(B) (50,000--2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 8/8/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramakrishnan (Member) A~~ APPEARANCE : Shri/Smt. B.A Bandiwadekar Shri/Smt. Savita suryawanshi C.P.O / P.O. for the Respondents O.T.P. To CA's are disposed off as infructuous.	O.As. No.876 & 910 of 2015 Shri S.R. Madhbhavi (OA.876/15) Shri D.R. Kshirsagar (OA.910/15) ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Smt. Savita Suryawanshi, learned Presenting Officer for the Respondents. 2. Shri Bandiwadekar, Ld. Advocate tenders letters signed by the applicants addressed to the Advocate. They are taken on record. 3. Impugned orders have been modified and applicants are satisfied. 4. In view of the foregoing both the OAs are disposed off as infructuous. Sd/- (A.H. Joshi, J.) Chairman 8.8.2016 (sgj)

R.A.40/2015 in O.A.196/2013

Shri S.K. Dhotre ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

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

As the learned Advocate Shri Bandiwadekar opens his submissions in the light of the Finance Department Pay Rules, 1988 and takes us through the same, it appears that in relation to Note 4 appended to Rule 7(c) thereof, it will be better for facility to implead the Finance Department because of the moment of the matter and the need to finally decide this issue, and therefore, the request of Mr. Bandiwadekar is granted and the Finance Department be impleaded as Party Respondent No.2 to the Review Application. Liberty will be reserved for the Finance Department to file Affidavit-in-reply, if they are so minded. Amendment within two weeks.

S.O. to 6th September, 2016.

Sd/-
(R.B. Malik)
Member (J)
08.08.2016

Sd/-
(Rajiv Agarwal)
Vice-Chairman
08.08.2016

(skw)

O.A.501/2015

Shri K.R. Sarolkar ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

Heard Shri Suryawanshi holding for Shri G.M. Savagave, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

As Mr. Suryawanshi opens his submissions, it is now brought to our notice that the Notification dated 27th October, 2014 under proviso to Article 309 of the Constitution of India is being challenged herein. **Therefore, it is necessary to issue notice to the learned Advocate General of State of Maharashtra, which we accordingly direct the Office to issue a letter of request to the learned Advocate General of the State of Maharashtra returnable on 29th August, 2016.**

In the meanwhile, Mr. Suryawanshi submits that he be allowed to challenge the communication of 30th August, 2001 from the Government to the Director General and Inspector General of Police, Mumbai. He is permitted to do so by way of an amendment within two weeks from today.

The OA stands adjourned to 29th August, 2016.

Sd/-
(R.B. Malik)
Member (J)
08.08.2016

Sd/-
(Rajiv Agarwal)
Vice-Chairman
08.08.2016

(skw)

O.A.800/2016 with O.A.815 & 816/2016

Dr. M.A. Jadhav & Anr. ... Applicants
Vs.
The State of Mah. & Ors. ... Respondents

Not on the original Board. Taken up after having been mentioned by Mr. Dere, the learned Advocate for the Applicant in OA 815/2016. Mr. Lonkar, the learned Special Counsel for the Respondents 1 & 2 is present and so also is Mr. Potbhare, the Advocate for the Applicant in OA 816/2016. Mr. K.B. Bhise, the learned P.O. for Respondent No.3 – GAD. OA 816 has been taken up on Board on the request of learned Advocate Ms. Manchekar. It is in afternoon Board of the Division Bench.

We are informed at the Bar that the Hon'ble Chairman has been pleased to assign these OAs before this Bench for decision according to law. These OAs, its common ground will have to be heard expeditiously and the learned Advocate Ms. Manchekar, is therefore, directed to make sure that the OA is duly served not only on MPSC which she has served but Mr. Lonkar and Mr. Bhise. The calendar of hearing is fixed as below :

9th August, 2016 :- Affidavits-in-reply of Respondents 1, 2 & 3.
12th August, 2016 :- Rejoinders, if any, of the Applicants.

These 3 OAs are adjourned for argument to 18th August, 2016 at morning for arguments to be first on Board.

Sd/-
(R.B. Malik)
Member (J)
08.08.2016

Sd/-
(Rajiv Agarwal)
Vice-Chairman
08.08.2016

(skw)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.810 of 2016

Smt. Nirmala P. Koli ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Admit. To come up in due course.

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.

5. 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.

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.

Sd/-
(A.H. Joshi, J.)
Chairman
8.8.2016

(sgj)

DATE: 8/8/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri [illegible] (Member) A~~
APPEARANCE:
Shri/S: A.D. Sonkawade holding for D.B. Khaire Advocate for the Applicant
Shri/Smt.: Archana B.K.
C.P.O / P.O. for the Respondent/s
Admit.
Adj. To: To come up in due course.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

O.A. No.604 of 2016

Smt. A.V. More & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO tenders affidavit in reply. It is taken on record.

3. Shri Jagdale, Ld. Advocate for the Applicants prays for time to respond. Time granted.

4. S.O. to 8.9.2016.

(A.H. Joshi, J.)
Chairman
8.8.2016

(sgj)

DATE : 8/8/16

CORAM :

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

~~Hon'ble Shri [illegible] (Member) A~~

APPEARANCE :

~~Shri~~/Smt. : K. R. Jagdale

Advocate for the Applicant

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

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

Adj. To 8/9/16

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

M.A. No.248 of 2016 in O.A. No.604 of 2016

Smt. A.V. More & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. By this MA, the Applicants are seeking leave to sue jointly. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.

Sd/-

(A.H. Joshi, J)
Chairman
8.8.2016

(sgj)

DATE: 8/8/16

CORAM:

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

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

APPEARANCE:

Shri/Smt.: K.R. Jagdale

Advocate for the Applicant

Shri/Smt.: Archana BK

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

Adj. To: MA disposed off accordingly

D.E

(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 : 8/8/16
CORAM :
Hon'ble ... A. H. Joshi (Chairman)
Hon'... (Member) A
A...
Sh... G.M. Savagave
A...
Sh... N. G. Gohad
C.P.O...

Adj. To 21/9/16.

Date : 08.08.2016.

O.A.No.156 of 2016

Smt. K.A. Jamadar ...Applicant

Vs.

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

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

2. Learned P.O. for the Respondents has tendered affidavit. It is taken on record. Copy is given to the Advocate for the Applicant.

3. Learned Advocate for the Applicant prays for time to consider the reply and make submission on the next date.

4. He also states that rejoinder if any would be filed on the next date.

5. S.O. to 21.09.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

PCO

(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 : 8/8/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramachandran (Member)(A~~ APPEARANCE : Shri/Smt. C.T. Chandratre Advocate for the Applicant Shri/Smt. K.B. Bhise C.P.O / P.O. for the Respondent/s Adv. A.D. Sonakawade holding for Adv. D.B. Khaire for R.3. Adj. To..... 25/8/16. 8/8	**Date : 08.08.2016.** **O.A.No.577 of 2016** **Shri J.S. Markale ...Applicant** **Vs.** **The State of Mah. & Ors. ...Respondents** 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant, Shri K.B. Bhise, the learned Presenting Officer for the Respondents and Shri A.D. Sonakawade, the learned Advocate holding for Shri D.B. Khaire, the learned Advocate for the Respondent No.3. 2. Learned P.O. for the Respondents as well as learned Advocate Shri A.D. Sonakawade appearing for Respondent No.3 prays for time for filing affidavit. 3. Reply be filed within two weeks. 4. S.O. to 25.08.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** sba

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate ....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer..)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 8/8/16 C.T. Chandratre Archana B.K. Adj. To 22/8/16.	**Date : 08.08.2016.** **O.A.No.547 of 2016** **Shri P.A. Warpe** ...**Applicant** **Vs.** **The Principal Secretary & Ors.** ...**Respondents** 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. Learned P.O. for the Respondents is directed to take instructions from Respondent No.2 as to time framed within which either he/she shall decide tne Applicant's representation copy whereof is at page no.21, made under Rule 129 (b) of M.C.S. (Pension) Rules, 1982 and/ or forward proposal for the approval. 3. Statement be made day after tomorrow. 4. Steno copy and Hamdast is allowed. 5. S.O. to 22.08.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** sba

(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 : 08.08.2016.

M.A.No.269 of 2016 in O.A.No.673 of 2016

Shri S.S. Nambiar & Ors. ...Applicant

Vs.

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 8/8/16
CORAM :
Hon'ble Shri A. H. Joshi (Chairman)
Hon'ble ~~Member (A)~~
APPLICANT :
Shri S.P. Manchekar
Advocate for Applicant
Shri Archana B.K.
C.P.O. for the Respondent/s

Adj. To..... MA is allowed.

[PTO.

(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: 8/8/16 (Chairman) ~~ber~~) A S.P.Manchekar Archana B.K. 20/9/16.	**Date : 08.08.2016.** **O.A.No.673 of 2016** **Shri S.S. Nambiar & Ors. ...Applicant** **Vs.** **The State of Mah. & Ors. ...Respondents** 1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents. 2. Learned Advocate for the Applicant Ms. S.P. Manchekar states that Applicants have received information from the Government that the Applicants' case is under active consideration. 3. Learned Advocate for the Applicant prays for adjournment till 20.09.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** sba

(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 : 3/8/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri ... (Member) A~~ APPEARANCE : Shri/~~Smt~~ S.S. Dere ..... Advocate for ~~Applicant~~ ~~Shri/Smt~~ Archana B.K ..... C.P.O / ~~Presenting Officer~~ for ~~Respondent~~/s Adj. To 21/9/16. B.E.	**Date : 08.08.2016.** **O.A.No.161 of 2016** **Shri K.H. Pimple ...Applicant** **Vs.** **The State of Mah. & Ors. ...Respondents** 1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents. 2. Learned Advocate for the Applicant states that the copy of the Affidavit filed by the State is served on today and he wants time to go through the affidavit. 3. S.O. to 21.09.2016. Sd/- (A.H. Joshi,J.) Chairman sba

(C.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 : 08.08.2016.

O.A.No.410 of 2016

Shri N.M. Jagtap **...Applicant**

Vs.

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

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has tendered reply. It is taken on record.

3. Learned Advocate for the Applicant Shri K.R. Jagdale prays for time to go through the reply and file rejoinder, if any.

4. S.O. to 16.10.2016.

(A.H. Joshi, J.)
Chairman

sba

DATE : 8/8/16
CORAM :
Hon (Chairman)
Hon ~~mber~~) A
AP :
Shri K.R. Jagdale
Advo :
Shri/Smt. Archana B.K.
C.P.O / P.O.

Adj. To 16/10/16

[P.T.O.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.396 of 2016

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

Heard Shri Anub Lahoti, learned Advocate holding for Shri S.S. Dixit, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO has tendered affidavit received from Shri Pranaya Ashok, SP, Ratnagiri.

3. Perused the affidavit. The language employed by the officer does not fit to the language expected of Superintendent of Police, who is an IPS Officer.

4. Ld. PO states that she would examine the matter and give suitable advise to the concerned officer to file proper affidavit. Ld. PO prays for returning the affidavit for proper redrafting.

5. Considering the request of the Ld. PO adjourned to 7.9.2016, however, copy of affidavit is taken on record.

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

Sd/-
(A.H. Joshi, Vice Chairman)
Chairman
8.8.2016

(sgj)

DATE: 8/8/16
CORAM:
Hon'ble Shri A.H. Joshi (Chairman)
Hon'ble Shri ~~(Member) A~~

Anup Lahoti holding for adv S.S Dixit
Archana B.K.

A.T.To. 7/9/16.
Steno copy & hamdast is allowed.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.327 OF 2016

Shri Milind M. Kathe & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Shri M.D. Lonkar – Advocate for the Applicant

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

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 8th August, 2016

O R D E R

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO is instructed by Smt. A.A. Katadkar, Desk Officer, office of Director General of Police, Mumbai. Ld. PO states that letter is received from the Respondent No.2 requesting for time for filing affidavit in reply.

3. It is seen that the prayer in OA are composite. Applicant has inter-alia prayed for grant of seniority and decision on representations.

4. In the premises noted in the foregoing para, it may not be necessary to file detailed affidavit at this stage.

5. It shall suffice if respondent no.2 files affidavit on following points:

(a) Whether the representations referred to in prayer (b) at page 13 of the OA are received and are pending.

(b) The reason due to which the representations have been kept pending.

(c) Whether there exists any legal impediment in deciding the representations.

(d) Time frame within which the representations would be decided.

6. Though time frame is asked in foregoing point (d) of para no.5, at this stage itself adjournment for four weeks is granted which would enable the respondents to decide the representations within four weeks only, if there be no legal impediment in deciding the representations.

7. Action as may be taken by the Respondent No.2 be placed on record suitably.

8. S.O. to 19.9.2016.

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

Sd/-

(A.H. Joshi, J.)
Chairman
8.8.2016

Dictation taken by: S.G. Jawalkar.

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Date : 08.08.2016.

C.A.No.130 of 2015 in O.A.No.308 of 2012

Shri S.S. Padave ...Applicant

Vs.

Smt. Rashmi Shukla,
The Commissioner,
State Intelligence Dept. ...Respondent

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

2. Learned P.O. for the Respondents states that Shri Naresh Ingle, Assistant has come to instruct and states that two months time is required for securing the approval from the Hon'ble Cabinet.

3. As of today, two months and three weeks time is over from the enlarged date, granted by Hon'ble High Court.

4. The matter can wait upto forthcoming Cabinet meeting.

5. All steps as required be complied on day to day basis.

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

7. In view of the foregoing, adjourned to 09.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

CONTEMPT APPLICATION NO.101 OF 2015

IN

ORIGINAL APPLICATION NO.1086 OF 2012

Shri L.G. Sawant & Ors. ..Applicants

Versus

The State of Maharashtra & Ors. ..Respondents

Miss S.P. Manchekar – Advocate for the Applicants

Shri M.V. Thorat – Special Counsel for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 8th August, 2016

ORDER

1. Heard Miss S.P. Manchekar, learned Advocate for the Applicants and Shri M.V. Thorat, learned Special Counsel for the Respondents.

2. Shri Thorat, Ld. Special Counsel for the Respondents states that:

(a) He shall file affidavit during the course of the day.

(b) The contempt petition be dismissed in view of the fact that writ petition challenging the order passed by this Tribunal is already filed and due to said fact the contempt application has become infructuous.

3. Ld. Special Counsel was asked to state whether affidavit contains statement as to what efforts were taken to get the writ petition circulated

since it was filed almost before 8 months. Ld. Special counsel states that no details are incorporated in the affidavit.

4. Ld. Advocate states that though writ petition is filed way back in January, no efforts are made to get it circulated.

5. Contemnor shall be free to meet this allegation by filing proper additional affidavit.

6. S.O. to 24.8.2016.

7. Steno copy to learned Special Counsel be allowed, if he requests.

Sd/-

(A.H. Joshi, J)
Chairman
.8.2016

Date : August, 2016

Dictation taken by: S.G. Jawalkar.

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

CONTEMPT APPLICATION NO.41 OF 2016

IN

ORIGINAL APPLICATION NO.1225 OF 2010

Dr. Suresh C. Gupta ..Applicant

Versus

Smt. Sujata Saunik, Principal Secretary,
Public Health Department ..Respondents

Miss S.P. Manchekar – Advocate for the Applicant

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

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 8th August, 2016

O R D E R

1. Heard Miss S.P. Manchekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. This case was heard on 3.8.2016. Ld. PO had tendered affidavit of Mrs. Sujata Manoj Saunik, Principal Secretary, Public Health Department, Mantralava, Mumbai. It is taken on record.

3. Miss Manchekar, Ld. Advocate for the applicant has sought time to consider whether the Applicant is satisfied with the compliance and as to

whether the applicant would like to pursue the application for action for contempt.

4 Miss Manchekar, Ld. Advocate for the applicant states that:-

(a) The grant of deemed date was not sheerly a ministerial act but was act of adjudication of applicant's claim and while doing so the explanation of facts and rules if any should have been disclosed in suitable manner and a communication containing narration in that regard ought to have sent to the applicant. Moreover such disclosure could also contain in the affidavit in reply. In absence of such eloquent communication and disclosure in the affidavit, the contempt does not get purged.

(b) The language employed in para 4 and 5 of the affidavit does not contain:

(i) Day to day explanation as to why the delay in compliance of order passed in OA was caused:

(ii) What are the reasons due to which it was impossible to comply within time frame;

(iii) Eloquent apology for the delay in compliance;

(iv) Statement that disobedience is not willful.

(v) The language of apology exhibits that it has not come from heart but looks like a 'cut & paste' ritual.

5 Learned PO was called to respond to the deficiencies noticed by learned Advocate for the Applicant.

6 Ld. PO states that:-

(a) The affidavit in reply filed by the contemnor was not drafted in consultation with the learned Chief Presenting Officer's office or any of the PO.

(b) It has been drafted by contemnor herself.

(c) The Ld. PO shall render suitable advise to the contemnor.

(d) Hearing be adjourned to wait for the response of the contemnor.

7 It is noticed that this particular contemnor had in many cases adopted attitude of slip shod reply. This continued conduct prima facie, may, aggravate the contempt and hence it is hoped that the wisdom would bestow upon the contemnor.

8 Considering the request of the Ld. PO adjourned to 10.8.2016.

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

Sd/-
(A.H. Joshi, J.)
Chairman
8.8.2016

Dictation taken by: S.G. Jawalkar.

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