

2

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

Original Application No. 834 of 20 17 DISTRICT
Mrs. R. T. Kale Applicant/s
(Advocate Mr. S. S. Dere)

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

action:-
origin:- 58
legible:- 27 to 29
Black shadings:- 16 to 19,
21 to 25, 56
56

objections not removed
~~7.9.17~~
7.9.17.

Removed from with liberty
to circulate after removal of
office objections. If objections are
not removed within one week,
OA shall stand admitted without
further reference to the bench.
In case objections are removed,
applicant should secure order from
Registry as to not e, ^{and} serve the
respondents, ~~and~~

DATE: 8/9/2017

CORAM:

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

APPEARANCE:

Shri/Smt. Mrs. Kadam holding for
S.S. Dere
Advocate for the Applicant
Shri/Smt. S. Suryananshi
C.P.O./P.O. for the Respondent/s

Adj. To: Removed from with
liberty to circulate after
removal of office objections.

ATC

Sd/-

AT Joshi
8/9/2017

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.610 OF 2017

DISTRICT: MUMBAI

N.J. Bharmale

.. Applicant

Versus

The State of Maharashtra & Ors.

.. Respondents

Shri L.S. Deshmukh, the learned Advocate holding for Shri P.N. Patil, the learned Advocate for the Applicant.

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

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 08.09.2017

ORDER

1. Heard Shri L.S. Deshmukh, the learned Advocate holding for Shri P.N. Patil, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Shri L.S. Deshmukh, the learned Advocate prays for leave to amend and add Secretary, School Education and Sports Department as Respondent No.1-A.

3. Leave to amend as prayed is granted. Amended copy be served upon the Respondents forthwith.

4. It has transpired that Applicant is denied the appointment for an omission or failure which is not attributable to him, relying on Rule 4(v) of Government Resolution dated 01.07.2016 issued by Respondent and which is impugned. Thus reads as follows:-

“(v) खेळाडू उमेदवारांनी अर्ज करण्यापूर्वीच सुधारीत तरतुदीनुसार विभागीय उपसंचालक यांचेकडून खेळाच्या प्रमाणपत्राची पडताळणी करून घेणे आवश्यक आहे. त्यामूळे खेळाडू उमेदवाराने अर्जासोबत विभागीय उपसंचालक यांनी क्रीडा प्रमाणपत्र योग्य असल्याबाबत व खेळाडू कोणत्या संवर्गासाठी पात्र ठरतो याबाबत प्रमाणित केलेले प्रमाणपत्र जोडणे आवश्यक राहिल.”

(Quoted from page 47 of O.A. paper book)

5. Applicant's submission is, prima facie, rather ex-facie eloquent and exhibits either non-application of mind or arbitrariness while framing said Rule 4(v). Therefore, the Respondent No.1 and Respondent No.1-A are called to file their own affidavit-in-reply i.e. not of any subordinate officer, to state as to whether condition contained in Rule 4(v) of Government Resolution dated 01.07.2016 issued by Respondent No.1-A stands to the reason, on the ground that it tends to deprive a candidate who is duly selected for an appointment on account of act of omission or lapse which is accountable to the Officers of Government and in particular the Respondent Nos.4 and 5, and not is attributable to the candidate.

6. Affidavits need not be filed, if paragraph 4(v) supra is rescinded or is suitable modified for neutralizing the hazardous and arbitrary dictate contained therein.

7. Affidavits be filed on or before 15.09.2017.

8. Steno copy and Hamdast is allowed to learned P.O..

9. Learned P.O. is directed to communicate this order to the Respondents.

10. S.O. to 15.09.2017.



Sd/-

(A.H. Joshi, )

Chairman

prk

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

Tribunal's orders

O.A. No.568 of 2017

Shri A.B. Bhagwat ... Applicant

V/s.

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

Heard Shri S.S. Deokar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. for the Respondents.

Issue notice returnable on 06.10.2017.

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

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

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

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

S.O. to 06.10.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 8/11/17
Vice-Chairman
08.09.2017

DATE: 8/9/17

CORAM:

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

Hon'ble Shri R. B. MALIK (Member)
(Vice-Chairman)

APPEARANCE:

Shri/Smt. S.S. Deokar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adj. To: S.O. to 6/10/17

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./H.A./C.A. No.

of 20

IN

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 <u>O.A. 827/2017</u>
<p>DATE: 8/9/17</p> <p>CORAM: Hon. Mr. Shri. RAJIV AGARWAL <i>(Vice-Chairman)</i> Hon. Mr. Shri R. B. MALIK (Member) <i>(Vice-Chairman)</i></p> <p>APPEARANCE: Shri. M. D. Lonkar Advocate for the Applicant Shri. A. B. Kololgi CAO/PO for the Respondents No. 1 & 4. Swati Sagvekar A. NO. 2. B. A. Bandiwadekar With Milind Deshpande A. NO. 3. Reply filed by A. NO. 3. S.O. to 11/9/17 at 3.00 PM.</p>	<p>Mr. P.N. Wadgaye ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>This OA is placed before me for consideration of interim relief.</p> <p>I have perused the record and heard Mr. M.D. Lonkar, the learned Advocate for the Applicant, Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents 1 & 4, Ms. Swati Sagvekar, the learned Advocate for Respondent No.2 and Mr. B.A. Bandiwadekar with Mr. Deshpande, the learned Advocates for Respondent No.3.</p> <p>The Applicant was sent on deputation to the post of Chief Accounts and Finance Officer at Vasai-Virar Municipal Corporation. It seems that the 3rd Respondent was to be posted there last year, but some issue with regard to his eligibility, etc. was raised which has now apparently been sorted out. I express absolutely no opinion thereabout and I proceed on the assumption that the 3rd Respondent is eligible to hold the said post. Now, by the order dated 9th August, 2017, the 3rd Respondent has been posted to the said post and the applicant effectively has been ousted. In the context of the present facts, the word, "ousted" is quite appropriate <i>inter-alia</i> because even till date, no posting at all has been given to him. There is an issue of jurisdiction and several other points raised even by the 3rd Respondent by way of a sufficiently detailed Affidavit-in-reply. But at the interim stage and in the set of these facts, I am very clearly of the view that the Applicant cannot be left unprotected. However, the learned PO made several requests for grant of time. She initially sought two weeks' time and then reduced it to one week. I am not so disposed as to grant any length of time but still, instead of making any interim order today, the OA is stand over to Monday i.e. on 11.09.2017 at 3.00 p.m. and by then, if a proper course of action is adopted by the 4th Respondent, that will be taken into consideration in making interim order depending upon the sincerity and seriousness reflected thereby. The OA stands adjourned to 11th September, 2017 at 3.00 p.m. Hamdast.</p> <p style="text-align: right;">Sd/- <u>(R.B. Malik)</u> 8/9/17 Vice-Chairman 08.09.2017</p>

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

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Original Application No.

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FARAD CONTINUATION SHEET NO.

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Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.768 of 2017

Shri A.N. Gaikwad

... Applicant

V/s.

The State of Mah. & ors.

... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. holding for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

With the assistance of the learned Advocate Shri K.R. Jagdale, I have gone through the record and proceedings. The facts are such that the O.A. can be worked out early. It is made clear to the Respondents that on the next date the reply must be filed and even if the reply is not filed, the Tribunal may proceed to the next stage.

S.O. to 15.09.2017.

Sd/-

(R.B. Malik) 81 1111
Vice-Chairman
08.09.2017

DATE: 8/9/17

CORAM:

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

Hon'ble Shri R. B. MALIK (Member)
(Vice-Chairman)

APPEARANCE:

Shri ~~Smt.~~ K.R. Jagdale

Advocate for the Applicant

Shri/Smt. K.B. Bhise

C.P.O./P.O. for the Respondents
holding for N.K. Rajpurohit

Adj. To 15/9/17

@/

(vsm)

(G.C.P.) J 2260(B) (50,000—2-2015)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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Original Application No.

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FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 8/9/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) (Vice-Chairman)</p> <p><u>APPEARANCE:</u> Shri. <u>P.R. Jagdale</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To <u>22/9/17</u></p> <p>PH </p>	<p><u>O.A.1109/2016</u></p> <p>Mr. D.B. Sangle ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>The submissions of Mr. Jagdale remained inconclusive. As the matter was debated, it came to fore that the issue of constitution of the Civil Services Board and consequently its legality will arise. Closely connected therewith will be the issue of delegation of powers inter-alia in the context of Section 6 of the Transfer Act. A bunch of documents was initially presented by the learned PO and some further documents are also presented later on by the learned PO. Both the sides are directed to furnish on record the complete documentary evidence to arrive at a proper conclusion, so that on this vital aspect of the matter, the issue does not hang in air. With this direction, the OA stands adjourned to 22nd September, 2017.</p>

Sd/-

(R.B. Malik) 8/9/17
Vice-Chairman
08.09.2017

(skw)

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

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
<p>DATE: <u>8/9/17</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) (Vice-Chairman)</p> <p>APPEARANCE: Shri <u>Anand Gugale</u> holding for <u>S.S. Dere.</u> Advocate for the Applicant Shri <u>A.J. Chougale</u> P.O. for the Respondents Reply filed by Respondent. Adj. To <u>D.A. as admitted.</u> <u>S.O. to 9/10/17.</u></p> <p style="text-align: right;"><i>FH</i> <i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.689 of 2017</u></p> <p>Shri S.D. Khade ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri Gugale holding for Shri S.S. Dere, the learned Advocate for the Applicant and Shri A.J. Chougale, the learned P.O. for the Respondents.</p> <p>The learned P.O. makes a statement that the Affidavit-in-Reply will be filed during the course of the day. The learned Advocate for the Applicant submits that he does not want to file Rejoinder.</p> <p>On the above referred statement of the learned P.O., the Original Application is admitted and appointed for final hearing on 09.10.2017.</p> <p style="text-align: right;">Sd/- <u>8/9/17</u> (R.B. Malik) Vice-Chairman 08.09.2017</p> <p style="text-align: center;">(vsm)</p>

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

Case No. / Date

OA 342/17.

Heard.
Admit.
To come up for hearing
in due course, with liberty to
apply for early hearing.

DATE: 8/9/2017

CORAM:

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

APPEARANCE:

Shri C.T. Chandrare

Advocate for the Applicant

Shri/Smt. T. S. Gohad

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

Admit.

Adj. To To come up for
Final hearing in due course

[Signature]

[Signature]
Sd/-

[Signature]
8/9/2017


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

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
<p><u>DATE:</u> 8/9/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)-A</p> <p><u>APPEARANCE:</u> Shri/Smt: <u>G. A. Bandiwadkar</u> Advocate for the Applicant Shri/Smt: <u>K. B. Bhise</u> C.F.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>11/12/2017</u></p> <p><i>BE</i></p>	<p><u>08.09.2017</u></p> <p><u>O.A No 40/2017</u></p> <p>Shri T.P Rathod ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>1. Shri G.A Bandiwadkar, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.</p> <p>2. It is clarified that there is no stay to the Departmental Enquiry.</p> <p>3. S.O to 11.12.2017.</p> <p>4. Steno copy and Hamdast is allowed. Learned Presenting Officer is directed to communicate this order to the Respondents.</p> <p style="text-align: right;"> Sd/- (A.H Joshi, JP) <i>vm</i> Chairman</p> <p>Akn</p>

**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
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08.09.2017

C.A 61/2015 in O.A No 640/2012

Shri K.R Bakare ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri M.B Kadam, holding for Shri S.S. Dere, learned advocate for the applicant and Smt Kranti S.Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that the direction contained in the order passed in Original Application is complied.

3. Hence Contempt Application is disposed of.

DATE: 8/9/2017

CORAM:

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

Hon'ble Shri M. Ramachandrar (Member) A

APPEARANCE:

Shri M.B. Kadam holding

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To Hence C.A. is

disposed of.

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Sd/-

(A.H Joshi, J.)
Chairman

Akn

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

08.09.2017

M.A 288/17 in O.A No 417/2016

Dr P.S Awate ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Shri D.B Khaire, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

2. Appointment of junior most candidate shall be subject to outcome of present O.A and he shall be informed accordingly.

3. S.O to 10.10.2017.

DATE: 8/9/2017

CORAM:

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

Hon'ble Shri S. Rameshkumar (Member) A

APPEARANCE:

Shri D.B. Khaire

Advocate for the Applicant

Shri/Smt Archana B.K.

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

Adj. To 10/10/2017.

BYE

Akn

Sd/-

(A.H. Joshi, J.)
Chairman

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

Tribunal's orders

DATE: 22/1/2017

CORAM:

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

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

APPEARANCE:

Shri/Smt: M.D. Lokker

Advocate for the Applicant

Shri/Smt: K.B. Bhise, Ld. P.O. with

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

Shri D.B. Khaire spl. counsel

Adj. To: For Resp.

Md) to 8/9/17 at the
request of Md. D.B. Khaire
spl counsel for Resps

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O A NO 570/17

DATE: 8/9/2017

CORAM:

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

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

APPEARANCE:

Shri/Smt: M.D. Lokker

Advocate for the Applicant

Shri/Smt: D.B. Khaire spl. counsel

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

with K.B. Bhise, P.O. for Resps

Adj. To: 22/9/2017

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Learned special counsel shri Khaire states
that affidavit in reply is ready and some
time may be granted to check the
contents. He prays for time.

So to 22/9/2017.

[Handwritten signature]
Sd/-
M.D. Lokker
8/9/2017

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. **834** of 20 **17**

DISTRICT

Mr. R. T. Kale Applicant/s

(Advocate **Mr. S.S. Dere**.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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Tribunal's orders

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3) Black shadings:- 16 to 19,
21 to 25, 55
56

objections not removed.
~~7.9.17~~
7.9.17.

DATE: 8/9/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. M.B. Kadam holding for

Advocate for the Applicant

Shri/Smt. S. Suryavanshi

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

Adj. To Removed from with
liberty to circulate after
removal of office objections.

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Sd/-
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8/9/2017