

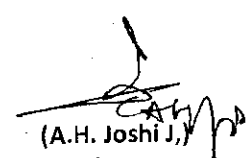
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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
<p>DATE: <u>9/2/16</u> <u>DIB</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri <u>B.A. Bandiwadkar</u> Advocate for the Applicant Shri <u>N.G. Gohad</u> CFO/ P.O. for the Respondent/s</p> <p>Adj. To <u>8/3/2016</u></p> <p style="text-align: right;"><i>BTE</i></p>	<p>Date : 09.02. 2016.</p> <p>C.A. No.60 of 2006 In O.A. No.1083 of 2003</p> <p>1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Shri B.A. Bandiwadkar, learned Advocate for the applicant prays for time for tracing the brief, collecting the copies and for taking instructions from the client as to policy to proceed with this application.</p> <p>3. In view of the request, adjourned to 08.03.2016.</p> <div style="text-align: right;">  (A.H. Joshi J.), Chairman </div> <p>Vso</p>

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<p>DATE: <u>9/2/16</u> DLB</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A.</p> <p>APPEARANCE: Shri/Cont. : <u>C.T. Chandratre</u> Advocate for the Applicant Shri/Smt. : <u>N.G. Gohad holding As</u> C.P.O./P.O. for the Respondent/s <u>D.B. Khaire Counsel for R/s</u></p> <p>Adj. To: <u>11/3/16</u></p> <p style="text-align: right;"><u>BE</u></p>	<p>Date : 09.02. 2016.</p> <p style="text-align: center;">C.A. No.85 of 2013 In O.A. No.788 of 2012</p> <ol style="list-style-type: none"> 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms N.G. Gohad, learned P.O. holding for Shri D.B. Khaire, Special Counsel for the Respondents. 2. Learned P.O. prays for time to make a specific statement about the stage of compliance and time required for that purpose. 3. Shri C.T. Chandratre, learned Advocate for the applicant prays for leave to amend and time to serve the notice on the added respondents. 4. Leave and time as prayed for is granted. 5. Issue notice ^{to added respondents} returnable on 01.03.2016. 6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 7. 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 C.A.. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing. 8. 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. 9. 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 two weeks. Applicant is directed to file Affidavit of compliance and notice. 10. Compliance be done on or before 01.03.2016. 11. S.O. to 01.03.2016. <p style="text-align: right;"><u>A.H. Joshi J.</u> (A.H. Joshi J.) Chairman</p>

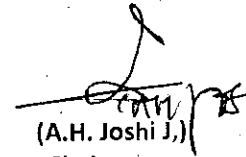
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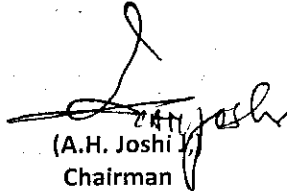
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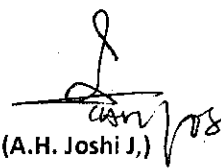
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<p>DATE: <u>9/2/16</u> <u>DLB</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri <u>V.V. Joshi</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p><u>Adv. To 8/3/16 by way of last chance for reporting compliance.</u></p> <p style="text-align: right;"><u>JE</u></p>	<p>Date : 09.02. 2016.</p> <p>C.A. No.113 of 2015 In O.A. No.154 of 2015 with C.A. No.114 of 2015 in O.A.1105 of 2015</p> <ol style="list-style-type: none"> 1. Heard Shri V.V. Joshi, the learned Advocate for the Applicants and Smt Kranti Gaikwad, the learned Presenting Officer for the Respondents. 2. Learned P.O. states as follows:- <ol style="list-style-type: none"> a) That the decision to pay scale according to designation is taken by the Government and permission to make the payment is also accorded. b) By Government letter dated 04.02.2016, Shri Ramesh K.N. Kharge, Desk Officer, Irrigation Dept. states that reminder of the compliance would be done within three weeks. 3. By way of last chance for reporting compliance, time is granted till 08.03.2016. <p style="text-align: right;">  (A.H. Joshi J.) Chairman </p> <p>vso</p>

**ADMINISTRATIVE TRIBUNAL
MUMBAI**

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CONTINUATION SHEET NO.

Tribunal's orders

Date : 09.02.2016.

O.A.No.517 of 2015

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
2. Learned Advocate for the Applicant prays for leave to amend for incorporating certain annexures and averments.
3. Leave as prayed for is granted.
4. Amended copy be served on the Respondents.
5. Learned Advocate for the Applicant undertakes to carry out amendment by 11.02.2016.
6. S.O. to 11.02.2016.


(A.H. Joshi, J.)
Chairman

sba

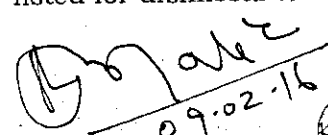
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. of 20

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Original Application No. of 20

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<p><u>DATE:</u> 9/2/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. Applicant and Advocate for the Applicant Advocate absent. Shri/Smt. R. B. Bhise P.P.O. for the Respondents</p> <p><u>As to</u> 8/3/16 <u>for dismissal.</u></p>	<p><u>O.A.843/2015</u></p> <p>Applicant and Advocate absent. Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>The earlier orders would show that the Applicant and Advocate were absent on 21.11.2015 when the matter was called out though the learned Advocate appeared later on. Again on 14.12.2015 and 13.1.2016, the Applicant and Advocate were absent. The OA is now listed for dismissal to 8th March, 2016.</p> <p style="text-align: center;">  09.02.16 </p> <table border="0"> <tr> <td>(R.B. Malik) Member (J) 09.02.2016</td> <td>(Rajiv Agarwal) Vice-Chairman 09.02.2016</td> </tr> </table> <p>(skw)</p>	(R.B. Malik) Member (J) 09.02.2016	(Rajiv Agarwal) Vice-Chairman 09.02.2016
(R.B. Malik) Member (J) 09.02.2016	(Rajiv Agarwal) Vice-Chairman 09.02.2016		

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<p><u>DATE:</u> 9/2/16 DIB</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. S.S. Dere Advocate for the Applicant Shri/Smt. A.J. Chougule C.P.O./P.O. for the Respondent/s</p> <p>Adj. To 23/3/16</p> <p style="text-align: right;">BTE</p>	<p>Date : 09.02.2016.</p> <p style="text-align: center;">O.A.No.120 of 2016</p> <ol style="list-style-type: none"> 1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Issue notice to the Respondents returnable on 23.03.2016. 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 authorised and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced alongwith Affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice. 7. S.O. 23.03.2016 <p style="text-align: right;">  (A.H. Joshi, J) Chairman </p> <p>sb</p>

Tribunal's orders

Date : 09.02.2016.

O.A.No.141 of 2016

1. Heard Shri R.G. Panchal, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
2. In view of the request of learned Advocate for the Applicant issue notice returnable on 1.03.2016.
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 authorised and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced alongwith Affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.
7. S.O. 1.03.2016

(A.H. Joshi, J.)
Chairman

Date : 09.02.2016.

O.A.No.147 of 2016

1. Heard Ms. Lata Patne, the learned Advocate as instructed by learned Advocate Shri Vinod Joshi, for the Applicant and Shri K.B. Bhise, the Presenting Officer for the Respondents.

2. Heard both sides.

3. Initially present O.A. was heard Yesterday. This Tribunal made following observations:-

"4.

5. It has transpired during the hearing that:-

(a) Paragraph No.7.8A pertains to justiciability of settlement of bench mark, and those facts will have to be scrutinized after affidavit answering paragraph no.7.8A is filed.

(b) In so far as paragraph No.7.9 is concerned, it relates to action of M.P.S.C. in selecting 4 candidates against each post that totals 8 persons for calling them for oral interview.

6. According to the Applicant, though 2 posts are notified, each one amongst those two posts, will have to be considered independent because a candidate called for un-reserved vacancy can not offer his candidature for reserved vacancy, though a candidate who has applied for a reserved post may be able to offer the candidature for an unreserved vacancy.

7. Therefore according to the Applicant each vacancy will have to be treated singular vacancy and the ratio of 1:5 shall have to be applied than the ratio of 1:4.

8. In this background it may be prudent for M.P.S.C. that it should elect to err on safer side. Therefore M.P.S.C. ought to examine the point of view of reasonableness and fairness in selecting 5 candidates for interview from both categories i.e. reserved as well as unreserved. In case this course is observed by M.P.S.C. it may not prejudice any one, rather would result in advancing cause of fairness and justice by adopting the rule of harmonious interpretation/construction of rules."

(quoted from order dated 08.02.2016 of this O.A.)



4. This Tribunal therefore passed an order directing the M.P.S.C. to file reply and also examine possibility of adopting the ratio 1:5.

5. Today, learned P.O. for the Respondents has reported as follows:-

M.P.S.C. has taken decision to adhere to the ratio of candidate to be called for each vacancy, and eight in total, and has prayed for time to file reply to the averments contained in paragraph no.7.8(a).

6. M.P.S.C. has during oral arguments, submitted that the commission has decided to adhere to the ratio of selecting only 4 candidates per vacancy and hence in total 8 candidates on the ground that it is bound by the Rules and has to call number of candidates accordingly. M.P.S.C. has sought time to file reply to the averments even as regards this aspect.

7. It is an admitted position that the interviews are scheduled on 10.02.2016, and learned Advocate for the Applicant has argued the O.A. for interim relief.

8. Heard both sides. During the course of hearing, this Tribunal had called upon the learned P.O. for the Respondents to ascertain and make a statement as on following aspect namely:-

Whether the Applicant stands a chance for inclusion in the list of eligible candidates for being called for interview in case the ratio to be adopted would have been 1:5.

9. Learned P.O. for the Respondents has taken instructions from Shri Vivek S. Deshmkh, Under Secretary of M.P.S.C. and based on record learned P.O. states as follows:-

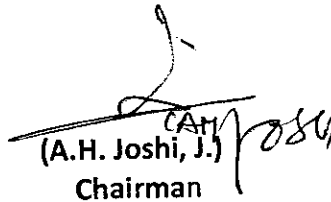
(a) The Applicant does not stand a chance for selection for interview in the Open category even if 5 candidates had to be called, because he stands far below in rank i.e. below rank no.6 amongst candidates who have been arranged as per higher length of experience based on the bench mark fixed by M.P.S.C.

(b) It was decided that the case of Applicant be examined to see if he stands a chance if it is decided to call him as an alternate candidate because eligible female candidates are only 3 in number. In this scrutiny it has transpired that the Applicant stands at serial/rank no.5 i.e. two steps below two female candidates. Since only four candidates are to be called, even as an alternate candidate, the Applicant does not stand a chance for being called for interview.

10. In view of the foregoing factual position represented by M.P.S.C. which are based on record which was also shown to this Tribunal, it has revealed that the Applicant has failed to make out a case for grant of interim relief.

11. In view of the foregoing observations, following order is passed:-

- (a) O.A. is admitted, notice is made returnable on 26.4.2016.
- (b) Interim relief is refused.
- (c) The selection process shall proceed. Its out come shall be governed by final order as may be passed in this O.A.
- (d) Candidate who may be selected / appointed from the male category may be notified the fact of pendency of O.A.
- (e) Liberty is granted to the Applicant to move for early hearing after reply is filed, and if the case does not come on board on returnable date.
- (f) Reply be filed within 8 weeks from today.


(A.H. Joshi, J.)
Chairman

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

Tribunal's orders

O.A.137/2016

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Smt. Gaikwad, P.O. on instructions from Mr. N.V. Patil, Office Superintendent seeks four weeks time to file Affidavit-in-reply. This is a matter where Jailor Group-II came to be terminated for his failure to clear the departmental examination in accordance with Rules. It seems that according to the Applicant, he stood exempted from that requirement after having crossed the age of 45 before the impugned order was issued. Mrs. Mahajan, the learned Advocate submits that this aspect of the matter is now fully governed by a number of decisions of this Tribunal itself. Be it as it may, it is very clear that the representation/appeal apparently was made by the Applicant against the impugned order ~~hardly~~ ^{only} more than two years and still a decision has not been taken thereon. The ultimate outcome of this OA is still in the realm of future, but I think the Applicant is fully entitled to know his fate early for obvious reasons. There does appear to be an element of ~~adamance~~ ^{inadequacy} in the matter of conduct of this departmental matter by one or the other Respondents. I, therefore, direct that, on the next date, the Affidavit-in-reply must be filed and regardless of whether it is filed or not, the OA shall proceed to the next stage. Adjourned for reply to 23rd February, 2016.

DATE: 9/2/16

CORAM:

Hon'ble Justice Sri A. H. Joshi (Chairman) (1/3)
Hon'ble Shri R. B. Malik (Member) (1/3)

APPEARANCE:

Smt. Punam Mahajan


Advocate for the Applicant

Smt. K.S. Gaikwad

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

Adj. To: Head

order passed in
Tribunal Column
HJK 23/2/16


9.2.16
(R.B. Malik)
Member (J)
09.02.2016

(skw)


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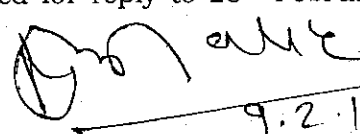
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<p>DATE: <u>9/2/16</u> (DIB)</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri R. B. Malik (Member-J)</p> <p>APPEARANCE: Shri/Smt. <u>Punam Mahajan</u> <u>D. B. Khaire S.P.L. Counsel</u> Advocate for the Applicant Shri/Smt. <u>R. B. Gaikwad</u> C.P.O./P.O. for the Respondent/s 1 to 3 <u>B. A. Bandiwadkar</u> 1 to 2, 38</p> <p>Adj. To..... Shri M.R. Patil Adv for the Respondent no. 19, 22, 32, 34 and 34</p> <p>Heard order passed in Tribunal Column so to 23/2/16.</p>	<p align="center"><u>O.A.912/2015</u></p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicants, Shri D.B. Khaire, Special Counsel with Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents 1 to 3, Shri B.A. Bandiwadkar, learned Advocate for Respondent No.38, Shri M.R. Patil, learned Advocate for Respondents 19, 22, 32, 34 and 44.</p> <p>The Applicants seek to drop Respondents 28, 36, 48 and 51 from the array of the Respondents. The other Respondents have got nothing to say. The application of the Applicants, is therefore, granted and Respondents 28, 36, 48 and 51 are allowed to be dropped from this OA and their names be deleted with appropriate and necessary corrections in the numbers of the Respondents.</p> <p>The Respondents 8, 17, 25 and 45 be served through the Respondent No.2 with a direction to the said Respondent to do the needful and serve the process on Respondents 8, 17, 25 and 45. The OA stands adjourned for reply to 23rd February, 2016.</p> <p align="right">  <u>9.2.16</u> (R.B. Malik) Member (J) 09.02.2016 </p> <p align="center">(skw)</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
	<u>MA No.445/15 in OA No.606/14</u>
	<p>Heard Shri Harish Adake, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for amendment to the OA in accordance with the schedule hereto annexed.</p> <p>3. We have perused the record and proceedings. The Ld. PO submitted that the applicant should be directed to substitute this application with a properly drawn up application because according to him it is difficult to deal with the amendments if allowed to be incorporated.</p> <p>4. In joining issues with the Ld. PO that the facts sought to be incorporated now by way of the schedule hereto annexed arise out of the pleas raised in the affidavit in reply and they amplify or seek to do so by the pleas sought to be raised. That is in so far as Part I of the application is concerned. By way of Part II prayer clause 8(c) to 8(j) are being sought to be incorporated mainly to substitute the date 15.11.1997 by 28.7.1998. As far as the year 2011 for the benefit of second ACP Scheme is concerned, no change is being sought.</p> <p>5. Having considered the rival submissions we are of the opinion that in this particular matter if the applicant wants to meet with the averments in the affidavit in reply he is legitimately entitled to do so by filing appropriate affidavit in rejoinder rather than amending the OA. As a matter of fact in spite of</p>