IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.699 OF 2016

Shri Indrajeet A. Bhise ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Shri Sandeep Dere – Advocate for the Applicant

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

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 9th August, 2016

O R D E R

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

2. Ld. PO states that instructions are received from respondent no.3 and instructions from respondents no.1 and 2 are still awaited.

3. The impugned order is issued by respondent no.1 however said order is based on instructions of respondent no.2. The basic contest has to be done by respondent no.2.

4. Respondent No.2 is directed to file reply on the following points:

(a) The date of receipt of notice of this Tribunal and/or letter/letters from the office of PO.

(b) The date when the notice/letter/letters were brought to his notice.

(c) Reasons as to why PO is not instructed, due cognizance was not taken and affidavit is not punctually filed.

(d) In case the matter had not come to his notice, what modalities he would adopt to direct the office to bring to his personal notice any case before Tribunal.

(e) Show cause as to why the incumbent holding the position of respondent no.2 should not be saddled with personal costs in failing to attend the matter in spite of notice is served and take cognizance and give instructions to the learned PO.

5. Affidavit be filed on or before 23.8.2016.

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

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

Dictation taken by: S.G. Jawalkar.

D:\JAWALKAR\Judgements\2016\8 August 2016\OA.699.16.J.8.2016-IABhise-SO.23.8.16.doc

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

Shri S.S. Padave ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. This case is listed on today's board for reporting day to day progress of the matter.

3. S.O. to 10.8.2016.

sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

O.As. No.167, 168, 170 & 236 of 2016

Shri A.B. Dalvi & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Ld. PO prays for adjournment.

3. S.O. to 24.8.2016.

sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

C.A. No.127 of 2015 in O.A. No.1066 of 2013

Shri S.D. Sarjerao ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Ld. PO states that the order passed in OA is carried before the Hon'ble High Court and the Hon'ble High Court has stayed the effect and operation of the order passed in OA until further orders.

3. In view of the statement of Ld. PO adjourned to 5.12.2016 with liberty to circulate before due date if occasion arises.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

O.A. No.598 of 2016

Shri R.D. Pawar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO prays for time for enabling the respondents to examine their stance and thereafter to decide to file affidavit in reply.

3. S.O. to 4.10.2016.

Sd/-
(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

C.A. No.35 of 2016 in O.A. No.571 of 2015

Shri S.T. Shinde ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri V. Sherkhane, Ld. Advocate holding for Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO states on instructions from Shri C.Y. Pingale, District Special Auditor, Class-I, Nashik that the writ petition filed by the Govt. against the order passed by this Tribunal is listed on today's board for admission hearing and prays for adjournment for informing the progress.

3. S.O. to 20.10.2016 with liberty to circulate before due date if occasion arises.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

C.A. No.156 of 2014 in O.A. No.818 of 2011

Shri A.V. Ghume ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

None for the applicant. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO prays for time to study and address.

3. S.O. to 16.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

C.A. No.63 of 2015 in O.A. No.511 of 2012

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. Shri Kolge, Ld. Advocate for the applicants states that the Government has complied part of the order. The applicants want to wait till total compliance of the order.

3. Shri Kolge, Ld. Advocate states that hearing may be adjourned.

4. S.O. to 16.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

O.A. No.120 of 2016

Smt. P.M. Jamadar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Sandeep Dere, learned Advocatc for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This matter is mentioned by consent.

3. Ld. PO states that for requisite compliance a week's time may be granted.

4. S.O. to 19.8.2016.

Sd/-
(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

MA.520/15 in CA.82/15 in OA.10/09

Shri Swadheen Kshatriya,
Chief Secretary, ..Applicant

Vs.

Shri A.K. Pusegaonkar & Ors. ..Respondents

Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicant-original Respondent and Shri B.A. Bandiwadekar, learned Advocate for the Respondent-original Applicant.

2. Ld. PO states that yesterday she was indisposed and therefore she seeks adjournment till tomorrow.

3. S.O. to 24.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

O.A. No.535 of 2016

Shri R.C. Barhe ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO, on instructions from Smt. Manju Ghatge, Tahsildar (Establishment), Nashik, states that reply will be filed within two days and proper statement as to time frame within which the committee would decide the proposal as regards revocation of applicant's suspension would be made on Monday.

3. S.O. to 18.8.2016.

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

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

O.A. No.796 of 2016

Dr. S.G. Badhe ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Sandeep Dere, learned Advocate for the Applicant and Smt. Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. Shri Dere, Ld. Advocate for the applicant prays for time to examine various aspects and decide the policy in this case.

3. Adjourned to 26.8.2016 with liberty to circulate before due date if needed.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

O.A. No.157 of 2016

Shri P.N. Patil ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. A.J. Patil, Ld. Advocate holding for Shri P.S. Bhavake, learned Advocate for the Applicant. Smt. Archana B.K., learned Presenting Officer for Respondents No.1 to 3 and Shri Paras D. Yadav, learned Advocate for Respondent No.4.

2. Ld. PO has tendered reply. It is taken on record.

3. Shri Yadav, Ld. Advocate for respondent no.4 files reply. It is taken on record.

4. S.O. to 19.9.2016 for hearing.

Sd/-
(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

C.A. No.133 of 2015 in O.A. No.1051 of 2012

Smt. M.C. Jadhav ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Shri Bandiwadekar, Ld. Advocate for the Applicant states that by virtue of the modified order issued by the respondents on 7.7.2016 the applicant's claim is fully satisfied and the order passed by the Tribunal is complied with though belatedly.

3. Considering the compliance and apology it is considered that no further action is necessary. Hence, proceedings are dropped.

4. CA is disposed off accordingly.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

C.A. No.155 of 2014 in O.A. No.107 of 2014

Shri P.R. Phulpagar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

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

3. Ld. PO states on instructions from Shri Prakash C. Sangle, District Superintending Agriculture Officer, Dhule that suitable corrigendum would be issued thereby modifying the order dated 1.3.2016 Exhibit R-1 at page 25 for giving due and proper effect to the order passed by this Tribunal in OA No.107 of 2014 and a statement to that effect would be made on the next date.

4. S.O. to 16.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

MA.306/16 in CA.8/15 in OA.1038/13

Shri D.R. Bhamre ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Shri Potbhare, Ld. Advocate for the Applicant prays for permission to withdraw this MA for enabling the applicant to give appropriate notice to the proposed respondents and if despite notice, the cause persists in that event move for appropriate application.

3. MA is disposed off with liberty as sought.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

CA.8/15 in OA.1038/13

Shri D.R. Bhamre ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. To come up on board on due date.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

Date : 09.08.2016.

O.A.No.592 of 2016 with O.A.No.593 of 2016

Shri N.G. Phadtare (in O.A.No.592 of 2016)
Shri V.B. Barge (in O.A.No.593 of 2016) ...Applicants

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

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Smt. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant Shri B.A. Bandiwadekar prays for leave to amend substitute memo of O.A.

3. Leave to amend by way of substitution is granted.

4. Learned Advocate for the Applicant undertakes to carry out substitution within one week.

5. S.O. to 29.08.2016.

sd/-
(A.H. Joshi, J.)
Chairman

sba

Date : 09.08.2016.

O.A.No.154 of 2016

Smt. F. M.Y Patel **...Applicant**

Vs.

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

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

2. Learned P.O. for the Respondents has tendered reply on behalf of the Respondent Nos. 1 and 2. It is taken on record. Copy is given to the Advocate for the Applicant.

3. Learned Advocate for the Applicant Shri B.A. Bandiwadekar prays for time to consider the reply and file rejoinder if necessary.

4. S.O. to 3.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

Date : 09.08.2016.

O.A.No.84 of 2016

Smt. S.D. Muluk **...Applicants**

Vs.

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

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

2. Learned P.O. for the Respondents has tendered affidavit affirmed by Shri Pradeep Gauru Mane, Assistant Commissioner of Police in the office of Commissioner of Police, Navi Mumbai. It is taken on record.

3. Learned P.O. for the Respondents states on instructions received from Shri Naresh S. Ingale, Assistant, Home Department as follows:-

(a) That certain information is called by the Home Department from the office of Director General of Police.

(b) For reporting compliance a week's time is required.

4. In view of the statement of learned P.O. for the Respondents, S.O. to 6.09.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

Date : 09.08.2016.

O.A.No.567 of 2016

Shri P.B. Dandekar **...Applicant**

Vs.

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

1. Heard Shri R.S. Kavle, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant States as follows:-

(a) He wants leave to amend to delete individual name of the Secretary in personal capacity, however would retain the name of the Secretary in the office capacity.

(b) He wants to examine as to whether steps are taken to challenge the decision to keep the process of up-gradation of Applicant's ACRs pending, until decision of Departmental Enquiry (D.E.)

3. Learned Advocate for the Applicant prays for one week's time for amendment.

4. Leave to amend and one week's time for compliance is granted.

5. S.O. to 26.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

Date : 09.08.2016.

O.A.No.187 of 2016

Shri V.S. Nawale ...Applicant

Vs.

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

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant, Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondent No.1 and Shri K.B. Bhise, the learned Presenting Officer for the Respondent No. 3 and 4.

2. Learned Advocate for the Applicant has tendered affidavit-in-rejoinder. It is taken on record.

3. Learned P.O. for the Respondents has tendered additional rejoinder on behalf of the Respondent No.1. It is taken on record. Copy is given to the Advocate for the Applicant.

4. Admit. Liberty to move for early hearing is granted.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

Date : 09.08.2016.

O.A.No.328 of 2016

Shri P.T. Sonkamble ...Applicant

Vs.

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

1. Heard Shri J.N. Kamble, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states as follows:-

(a) Though on the last date a statement was made that an appeal would be decided within four weeks, however Hon'ble Minister concerned could not consider the matter due to the intervening Assembly Session.

(b) Four weeks time may be granted for reporting compliance as may be done.

3. S.O. to 23.09.2016.

(A.H. Joshi, J.)
Chairman

sba

Date : 09.08.2016.

O.A.No.683 of 2016

Ms. A.S. Bhosale ...Applicant

Vs.

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

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant, Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondent No.1 and Shri M.D. Lonkar, the learned Advocate for the Respondent No.2.

2. Learned P.O. for the Respondents Smt. K.S. Gaikwad has tendered affidavit-in-reply for and on behalf of the Respondent No.1. It is taken on record.

3. Learned Advocate Shri Lonkar appearing for the Respondent No.2 prays for time to consider the reply.

4. S.O. to 7.09.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

Date : 09.08.2016.

O.A.No.814 of 2016

Shri S.G. Bhil **...Applicant**

Vs.

The Supt.Central Jail, Nasik Road & Ors. **...Respondents**

1. Heard Shri V.R. Patil, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 22.09.2016.

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 Respondent 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 22.09.2016.

Sd/-.

(A.H. Joshi, J.)
Chairman

sba

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

.....)

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
1-8-2016. Shri R.B. Malik M(J) Smt. P. Mahajan for the Applicant. Chougule PO for Respondents. Case in tribunal Limit 25-8-2016 R.H	Date : 09.08.2016. O.A.No.599 of 2016 Shri Sanjay G. Raut ...Applicant Vs. The State of Mah. & Ors. ...Respondents Heard Smt. P. Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. Mr. A.J. Chougule prays for adiournment for filing Affidavit-in-Reply. Already last chance was granted. O.A. will proceed without Affidavit-in-Reply making it clear, however that on the next date when the matter is taken up for hearing if the reply is filed it will be taken on record but no adiournment will be given further. It will be heard on the next date. therefore, O.A. is formally admitted on said ground for hearing before 2nd Division Bench on 25.08.2016. Liberty to mention is granted. Sd/- (R.B.Malik) Member-J nmn

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

(IN SHRI .....)

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 : 09.08.2016.

O.A.No.584 of 2016

Shri Nitin D. Deore & Ors. ...Applicants

Vs.

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

Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Mr. A.J. Chougule prays for adjournment for filing Affidavit-in-Reply. Already last chance was granted. O.A. will proceed without Affidavit-in-Reply making it clear, however, that on the next date when the matter is taken up for hearing if the reply is filed it will be taken on record but no adjournment will be given further. It will be heard on the next date. therefore, O.A. is formally admitted on said ground for hearing before 2nd Division Bench on 24.08.2016.

Sd/- 8.16

(R.B.Malik)
Member-J

nmn

8-8-2016
Coram : Hon'ble Shri R.B. Malik (MCJ)
Ms. S.P. Manchekar for Applicant
A.J. Chougule PO for the Respondents
Documents exchanged in tribunal
Admit
24-8-2016
S.H.
Sarkate

Notes, Office Memoranda of Coram, ... Appearance, Tribunal's orders or ... ions an Registrar's orders	Tribunal's orders

Date : 09.08.2016.

O.A.No. 813 of 2016

Shri Uday B. Sankpal ...Applicant

Vs.

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

1. Heard Smt. P. Mahajan, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2 Issue notice returnable on 25.08.2016.

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 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.

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. Learned C.P.O. do waives service.

8. S.O. to 25.08.2016.

Sd/-

(R.B.Malik)
Member-J

nmn

-8-2016
Shri R.B. Malik (MCJ)
Mahajan for the appl.
Rajpurohit for respondents.
Issue in tribunal column returnable 25-8-2016.
25/8/2016
For Reply

ce Notes. Office Memoranda of Coram, Appearance. Tribunal's orders or rections and Registrar's orders	Tribunal's orders

Date : 09.08.2016.

O.A.No. 803 of 2016

Shri Pravin R. Chavanke ...Applicant

Vs.

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

2. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2 Issue notice returnable on 23.08.2016.

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 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.

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. Learned Advocate waives service.

8. S.O. to 23.08.2016.

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

nmn

-8- 2016
...on Shri R.B. Malik
m(J)
... Jagdale for the
... Rajpurohit for
...pondents.
...ed in tribunal

23-8-2016
Served

(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

09.08.2016

M.A 313/2016 in O.A No 553/2016

Shri K.C Sharma ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondent

Heard Shri D.B Khaire learned advocate for the applicant and Smt Kranti S. Gaikwad. learned Presenting Officer for the Respondents.

This Misc Application has been filed seeking the relief that the Respondents may be directed to ensure that the body which has sought the services of the Applicant on deputation is made to pay his salary. It appears that the Applicant has been posted with Pune District Urban Cooperative Banks Association, Pune on deputation. He was transferred from that post to some other post which he has challenged in the Original Application, and interim relief has been granted to him. However, the said Association has not paid the salary of the Applicant. In such cases, in my opinion, the Respondents should take very serious view of the matter and decide not to post any Government officer to such Association. It is also moral and legal responsibility of the Respondents to ensure that as long as the Applicant is working on that post, the Association is made to pay his salary.

On instructions from Shri Nitin Gaikwad, Under Secretary, Cooperation, Textile & Marketing Department, learned Presenting Officer states that efforts will be made to ensure that all the back wages of the Applicant will be paid within a period of two weeks.

Misc Application stands disposed of accordingly with no order as to costs.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 9/8/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri D.B.Khaire
Advocate for the Applicant
Smt. K.S. Gaikwad
P.O. for the Respondents
M.A. is disposed of

Akn

(P.T.O.

(C.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

09.08.2016

O.A No 553/2016

Shri K.C Sharma ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondent

Heard Shri D.B Khaire learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

Last chance is given to the Respondents to file affidavit in reply. If reply is not filed, it will be presumed that Respondents have nothing to say in the matter and the matter will be decided on the basis of record.

S.O to 22.8.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 9/8/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. : D.B. Khaire
Advocate for the Applicant
~~Shri~~/Smt. : K.S. Gaikwad
~~C.P.O.~~/P.O. for the Respondents
~~Adj. to~~ S.O. to 22/8/16.

(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

(Advoca e .....)

versus

The State of Maharashtra and others

..... Respondent/s

Presenting (fficer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 9/8/16 Coram: Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) ~~Hon'ble Shri R. B. MALIK (Member)~~ APPEARANCE: Shri/Smt. N.D. Batule holding for S.V. Natu Advocate for the Applicant ~~Shri/Smt.~~ Ms. Savita Suryavanshi ~~P.O.~~ for the Respondents ~~Order to~~ M.A. is disposed of O.A. to be placed on 6/9/16. Order	**09.08.2016** **M.A 311/2016 in O.A No 195/2016** Shri P.D Budhanwar & ors ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri N.D Batule holding for Shri S.V Natu, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents. This Misc Application has been filed seeking restoration of O.A no 195/2016 which was dismissed in default. Learned Advocate Shri Batule stated that Hon'ble Chairman of the Tribunal before whom the matter was placed on 28.3.2016 has directed that it may be placed before some other Bench and he was under the impression that the matter will be taken up only when it is mentioned. However, he was not aware that the matter was kept for further hearing on 1.4.2016 when none was present for the Applicant on that date and on subsequent dates. Though the explanation does not appear to be satisfactory, in the interest of justice the M.A is allowed and Original Application is restored on payment of cost of Rs. 500/- each by the Applicant, which may be deposited in the office of M.A.T Bar Association, Mumbai. M.A disposed of accordingly. O.A to be placed on 6.9.2016. Sd/- (Rajiv Agarwal) Vice-Chairman

Akn

(P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

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

DATE : 9/8/16

CORAM :

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

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

APPEARANCE :

Shri/Smt. M.D.Lonkar

Advocate for the Applicant

Shri/Smt. A.J. chougule

C.P.O. for the Respondents

A.O. to S.O. to 30/8/16.

09.08.2016

O.A No 213/2016

Shri V.N Jagtap ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the Applicant and Shri A.J Chougule learned Presenting Officer for the Respondents.

The hearing in this Original Application resumes. However, the same may have to be deferred again. It appears that the Respondents are relying upon the judgment of the Hon. High Court in Writ Petition no. 1182/1999 dated 23.6.1999. However, they have not annexed copy thereof to the affidavit in reply nor is the copy otherwise available at the moment. It seems that there is some kind of a seniority list which the Respondents prefer to call the Marathi equivalent of 'Court list'. The Respondents are directed to present before us the said list and also furnish to us copy of the order of the Hon. High Court. A copy of the so-called policy decision whereby those who have been working in this manner for more than 10 years are being regularized should also be furnished to us. They should also furnish in the form of an affidavit the fact as to whether those whose names are not in the list are given work on 29 days basis or whatsoever. This affidavit must be filed on the next date on the pains of really prohibitive cost.

S.O to 30.8.2016.

Sd/- Sd/-

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

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

09.08.2016

M.A 226/2016 in O.A No 836/2014

Shri P.B Pawar ... Applicant

Vs.

The State of Maharashtra ... Respondent

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

Learned Advocate Shri Bandiwadekar stated that this Misc Application has been filed seeking condonation of delay, if any, by way of abundant caution. Though the Applicant has filed Original Application in time, but to ensure that there is no complication later on, on the ground of alleged delay, he is seeking a declaration in this M.A that there is no delay in filing the Original Application. He stated that the Applicant was promoted to the post of Child Development Project Officer in the Department of Women and Child Welfare by order dated 17.2.2012. The Applicant has been seeking deemed date of promotion to that post from the year 2003. However, before he was actually promoted to that post legally, his claim for deemed date would have been ~~taken~~ not considered. Therefore, only after he was promoted to that post, he made a representation for grant of deemed date of promotion on 23.3.2012. Admittedly the said representation was rejected by the Respondents on 25.10.2013. O.A is filed within one year of rejection and is, therefore, within limitation.

Learned P.O Shri Bhise stated that though the Applicant is challenging rejection of his representation by order dated 25.10.2013, the Applicant is actually seeking deemed date of promotion from 2003, and there is delay of almost 12 to 13 years in approaching this Tribunal. This contention of the Respondents cannot be accepted as the Applicant could not have sought deemed date of promotion before he was actually promoted to the post of Child Development Project Officer. The dates have been mentioned by the learned Advocate Shri Bandiwadekar and it appears that the O.A has been filed within limitation.

In view thereof, Misc Application is allowed and it is held that O.A has been filed within time. Misc Application is disposed of accordingly with no order as to costs.

O.A be placed on Board on 23.8.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 9/8/16

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. K.B. Bhise

~~P.O.~~ P.O. for the Respondents

~~Adv. to~~ M.A. is disposed of. O.A. be placed on Board on 23/8/16.

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

09.08.2016

O.A No 65/2015 & ors

Shri S.C Sonawane & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri A.V Bandiwadekar and Shri K. R Jagdale, learned advocate for the Applicant s and Shri A.J Chougule learned Presenting Officer for the Respondents.

Shri Bandiwadekar is just about to conclude his submission in O.A no 65/2015. As the matter was debated at the bar, it appears that there has to be categorical and clear picture to depict as to the cause why the Applicant was not given fresh contract appointment after 31.3.2013. We are not setting out the details of the matter, but the significance of the matter would ~~like~~ lie in the practice adopted by the Respondents and quite clearly the legal accuracy thereof. The Respondents shall state on affidavit in this matter as well as in the companion matters as to the aspect of the matter just now indicated and also as to whether the period of time after which the Applicant was not given the fresh contract appointment, the post were filled up by others and if so their details. This issue arises in the context of the fact that going by Exhibit-C in O.A 65/2015 (page 29 of the Paper Book), it would appear that appointment on contract basis of the Applicant was in accordance with the normal process, through the Selection Committee. By G.R 414 posts came to be regularized and it would be necessary for the Respondents to place on record the norms adopted as to in what manner some of them happened to work on contract basis on the date of the G.R and while others were not allowed to work and in that context, why the Applicants were not given fresh contract appointments.

S.O to 30.8.2016. Hamdast.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 9/8/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri A.V. Bandiwadekar
Adv. for the Applicant
Shri A.J. Chougule
P.O. for the Respondents
~~Addl. To~~ S.O. to 30/8/16
Hamdast.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.354 of 2016

Shri T.A. Jankar & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This matter is mentioned and taken out by consent.

3. Ld. PO states that affidavit affirmed by Collector, Thane is filed today. Ld. PO states that Collector, Raigad has expressed difficulty in filing affidavit. Affidavit whatsoever ought to have been filed by Collector, Raigad.

4. Ld. PO states that Collector, Thane is waiting for some directions from the Government and a statement would be made on the next date whether Government has taken decision or further time is required.

5. Compliance as may be done till next date be reported on the next date. S.O. to 8.9.2016.

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

Sd/-

(A.H. Joshi, J)
Chairman
9.8.2016

(sgj)

DATE : 9/8/16

(Chairman)

(Member) A

C.T. Chandratre

Shri A.J. Chougule
C.P.O.

Adj. To 8/9/16. Steno copy & hamdast is allowed.

(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.183 of 2016 in O.A. No.343 of 2016

Shri S.K. Gunjal ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO has tendered affidavit opposing the MA. The applicant has explained the time spent in filing appeal before higher forum. Delay caused in filing of OA is satisfactorily explained.

3. Facts pleaded by applicant are not disputed by the respondents. Hence, MA for condonation of delay is allowed.

4. No costs.

Sd/-
(A.H. Joshi, V.C.)
Chairman
9.8.2016

(sgj)

DATE: 9/8/16
CORAM:
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.~~ Archana B.K.
C.P.O / P.O. for the Respondent/s
Adj. To.... MA is allowed.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.546 of 2016

Shri A.L. Jadhav ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri R.G. Panchal, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO prays for time to file reply. Considering the complexity of the matter even longer time can be granted and is accordingly granted.

3. Reply to be filed on or before 24.10.2016.

4. In the event reply is filed before due date the respondents shall be free to circulate the OA for admission hearing.

5. In the event any steps for eviction are to be taken, the applicant shall be given 15 days time.

4. S.O. to 8.11.2016.

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

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

DATE : 9/8/16
CORAM :
(Chairman)
(Member) A

R. G. Panchal
K.S. Gaikwad

Adj. To 8/11/16. Steno copy & hamdast is allowed.

(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 : 9/8/16 CORAM : Hon'ble Shri A. H. Joshi (Chairman) Hon'ble Shri [illegible] (Member)(A) J.N. Kamble for the Applicant A.J. Chougule for the Respondent/s Adj. To... By Consent S.O. to 8/9/16.	O.A. No.91 of 2016 Shri P.A. Kamble ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri J.N. Kamble, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. This OA is mentioned by consent for adjournment to a longer date. 3. By consent S.O. to 8.9.2016. Sd/- (A.H. Joshi, J) Chairman 9.8.2016 (sgj)

(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.405 of 2016

Smt. P.H. Wig ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad. learned Presenting Officer for the Respondents.

2. Ld. PO states that the proposal for revocation of applicant's suspension inter alia other cases is expected to be placed before the committee. no sooner date for meeting will be fixed.

3. Ld. PO is directed to make a statement of the tentative date of meeting.

4. S.O. to 23.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

DATE : 9/8/16

CORAM :

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

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

ADDL. TO :

Shri/Smt. : M.D. Lonkar

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

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

Adj. To 23/8/16

versus

The State of Maharashtra and others

..... Respondent/s

senting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
TE: 10/8/16 ...man) B.A Bandiwadekar N.G. Gohad ..... 10. 11/8/16.	**Date : 10.08.2016.** **C.A.No.130 of 2015 in O.A.No.308 of 2012** **Shri S.S. Padave ...Applicant** **Vs.** **The State of Mah. & Ors. ...Respondents** 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. Shri Naresh S. Ingale, Assistant, Home Department is present and states that yesterday the matter is submitted to Additional Secretary, Finance Department. 3. Further compliance be made reported tomorrow. 4. S.O. to 11.08.2016. Sd/- **A.H. Joshi, J.J.** **Chairman** sba

P.T.O.

(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 : 9/8/16
CORAM :
Hon'ble Shri A.H. Joshi (Chairman)
Hon'ble Shri [illegible] (Member) A
APPEARANCE :
Shri/Smt. P.G. Kayande
Advocate for the Applicant
Shri/Smt. K.S. Gaikwad
C.P.O / P.O. for the Respondents

Adj. To... before Hon. Chairman.

M.A. No.111 of 2016 with O.A. No.541 of 2015

Shri Y.C. Korade ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri P.G. Kayande, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Shri Kayande, Ld. Advocate for the applicant states that:

(a) If prayer clause (ii) at page 12 and 13 of the OA is withdrawn the matter would lie before Single Bench.

(b) He would consider whether he would like to withdraw prayer clause (ii).

3. In the event applicant files a purshis thereby withdrawing prayer clause (ii), the matter be placed before me for admission hearing.

Sd/-
(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

(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.880 of 2015

Shri S.N. Gosavi ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Shri Bandiwadekar, Ld. Advocate for the applicant was directed to indicate specific averments in the pleadings which support the prayers contained in prayer clause (c).

3. Shri Bandiwadekar, Ld. Advocate states that he wants to scrutinize and make a statement and prays for one week's time.

4. S.O. to 19.9.2016.

Sd/-
(A.H. Joshi, J.)
Chairman
9.8.2016

(sgj)

DATE : 9/8/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri Id. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. Archana B.K
C.P.O / A.G. for the Respondent/s

Adj. To 19/9/16

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders C.A. No.44 of 2016 in O.A. No.134 of 2015

Shri B.C. Pardeshi ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

None for the Applicant. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. PO states that letter is received from respondent no.1 narrating time lost. He has tendered letter for perusal. Perusal discloses narration of time spent in taking various steps, however, it is not explained as to why any steps for making the application for enlargement of time were not filed.

3. Apparently the explanation furnished to Ld. PO is not only inadequate but it is exfacie grossly dissatisfactory.

4. At this stage Ld. PO states that he would speak to the Secretary and make a statement day after tomorrow.

5. S.O. to 11.8.2016.

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

Sd/-

(A.H. Joshi,(J)
Chairman
9.8.2016

(sgj)

DATE : 9/8/16
CORAM :
Hon'ble ... (Chairman)
Hon'ble ... (Member) A
AP :
Shri ... None for the appl.
Advocate for ...
Shri ... A.J. Chougule .....
C.P.O. ...

Adj. To 11/8/16. Steno copy & Hamdast is allowed