

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
ORIGINAL APPLICATION NO.1053 OF 2016

DISTRICT : MUMBAI

K.A. Shinde

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

Shri K.A. Shinde – Applicant in person.

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

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN

DATE : 08.11.2016.

ORDER

1. Heard Shri K.A. Shinde – Applicant in person and Shri K.B. Bhise, learned Presenting Officer for the Respondents.
2. The case of the Applicant is that he had gone to England on Study Leave for two years. During that period, he suffered from T.B. and he sent an application by Fax on 03.04.2014 to the Senior Police Inspector, Local Arined-II, Mumbai for grant of two years Medical Leave. Applicant returned to India on 14.11.2014 and immediately reported to authorities. Applicant states that the applicant was not referred to the medical authorities for obtaining Medical Certificate which would have enabled him to get Medical Leave on account of his suffering from T.B.
3. The Applicant claims that the Commissioner of Police, Mumbai had given instructions to the Deputy Commissioner of Police (LA-II), Tardeo on 25.08.2015 to grant Medical Leave to the applicant. It was on the instructions he received from the Additional Chief Secretary (Home). However, no leave was granted to him. The Applicant is not being paid his Salary as well as medical bills by reimbursement.

RB

4. Learned P.O. on instructions stated that no proposal has been received from Home Department of the State Government to grant leave as claimed by the Applicant. In fact, T.B. Leave can be granted after following procedure in Appendix-3 of the Maharashtra Civil Service (Leave) Rules, 1981. Neither any specific instructions have been received from the Government nor any leave applications have been received from the Applicant. Leave applications were made to the Deputy Commissioner of Police, LA-II, Tardeo, Mumbai ~~that~~^{but} he is not party to the O.A. and he has appeared on behalf of Respondent No.2. SH

5. Learned P.O. for the Respondents has shown me a copy of Medical Certificate issued by the Police Surgeon, Police Hospital, Nagpada, Mumbai dated 03.03.2016 who has examined the Applicant and given a certificate that the Applicant does not appear to be suffering from T.B. The Memo is also been given to the Applicant on 12.02.2016 to appear before Dean, J.J. Group of Hospitals, Mumbai to get himself examined medically with a view to ascertain whether he is suffering from T.B. Learned P.O. therefore sought some time to file a short affidavit in this matter regarding why applicant is not been paid his monthly salary and why his medical bills have not been paid so far.

6. This short affidavit should be filed on the next date. Issue of interim relief is kept upon. On the next date, all the files regarding sanction of leave to the Applicant, leave applications, if any, made by the Applicant requesting to allow him to join and his medical examination papers etc. should be produced in this Tribunal for inspection. S.O. to 15.11.2016. Hamdast.


(Rajiv Agarwal)
Vice-Chairman

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

Tribunal's orders

Date : 09.11.2016

O.A.No.965 of 2016

B.A Puri

.... Applicant.

Versus

The State of Maharashtra & Ors. Respondents.

1. Heard Shri Sonkawade, learned Counsel holding for Shri D.B. Khaire, learned Counsel for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.
2. Issue notice returnable on 05.12.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. S.O. to 05.12.2016.

DATE: 9/12/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. Mr. Sonkawade
holding for D.B. Khaire
Advocate for the Applicant

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

Adj. To S.O. to 5/12/16.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk .

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
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Date : 09.11.2016

O.A.No.1052 of 2015

B.A. Dhande Applicant.

Versus

The State of Maharashtra & Ors. Respondents.

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

2. Learned P.O. for the Respondents files affidavit-in-reply. The same is taken on record. O.A. is admitted, with liberty to the Applicant to file rejoinder, if necessary. For Final hearing after two weeks.

3. S.O. to 23.11.2016.

Sd/-

(Rajiv Aggarwal)
Vice-Chairman

prk

DATE: 9/11/16

CORAM:

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

Hon'ble Shri R. K. MALIK (Member)

APPEARANCE:

Shri/ Smt. J. N. Kamble

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

O.A. is admitted.

Adj. to S.O. to 23/11/16.

Reply filed by
D.No. 2.

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

M.A.359/2016 in O.A.914/2016

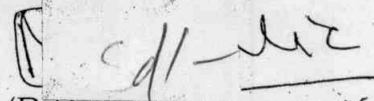
The State of Mah. ... Applicant
(Ori. Respondent No.2)
Vs.
Shri A.A. Desale & Ors....Respondents

The 2nd Respondent which is a Corporation has made this application in effect for getting itself relieved from the array of Respondents on the ground that the Applicant has made no claim against them.

I have perused the record and proceedings and heard Shri N.K. Rajpurohit, the Advocate for the Applicant (Respondent No.2), Ms. N.G. Gohad, the learned P.O. for the State (Respondent No.1) and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent (Ori. Applicant).

Be it noted right at the outset that the learned P.O. Ms. Gohad seeks further time to file Affidavit-in-reply, but regard being had to the scope of this MA, I did not allow her request and the MA was heard.

It is conceded ^{by} for all sides that in the OA, no relief is claimed against the Applicant hereof (ori. Resp. No.2). My attention was pointedly invited to the prayer clauses which exemplify the same facts. However, the facts are such where the time during which the original Applicant served the present Misc. Applicants during 15.12.1995 to 19.5.2011 in the context of whether that period can be counted for the purposes of his present service with the State has got great relevance. In that sense, therefore, although the Misc. Applicants are undoubtedly not necessary parties but they are surely proper parties and their presence on record is bound to facilitate a fair determination of the cause. Therefore, I do not agree with the Misc. Applicants that they should be allowed to be dropped at this stage itself and their MA Application is accordingly dismissed with no order as to costs.


(R.B. MALIK)
Member (J)
09.11.2016

(skw)

DATE: 9/11/2016

CORAM: Shri R.B. Malik (M/J)

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

Hon'ble Shri M. Ramchb Kumar (Member) A

APPEARANCE:

Shri/Smt. N.K. Rajpurohit, C.P.O. for
App. (R.No.2)
Advocate for the Applicant

Shri/Smt. N.G. Gohad, P.O. for the
C.P.O./P.O. for the Respondent/s Shri (R.143)

Adj. To..... M.A. is dismissed.

[P.T.O.]

O.A.1044/2016

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

The matter is heard for interim relief today. My order dated 7.11.2016 needs to be perused. I have heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

The learned CPO informs that the file recommending the promotion of an Officer as well as rejection of the case of the Applicant have both been submitted to the Hon'ble Minister and they are pending there.

Shri Bandiwadekar, the learned Advocate submits that the immediate stay needs to be granted because the Applicant had already given an undertaking to undergo minor punishment even on promotional post. But even before the necessary information could be provided to the Applicant, the DPC was informed about the minor punishment on 19.9.2016 on which date the DPC was in fact convened. According to the learned Advocate, therefore, in order to avoid complications, the immediate stay needs to be granted. The learned CPO counters these submissions and submits that in view of the events that have happened, an adjournment ~~been~~ given for him to file an Affidavit-in-reply. 02

In the first place, I make it clear that the interim order exactly in the manner sought by Mr. Bandiwadekar, the learned Advocate is not being granted today. However, if it is found that the Respondents were dragging their feet along, then that option is still not foreclosed. As of today, I direct that even if in the interregnum promotion is given to any person other than the Applicant, it must be made clear to him that it will be subject to any other order passed by this Tribunal in this OA during the pendency hereof at interim stage or finally. In that event, that order will become operational forthwith. As I mentioned above, this fact must be made clear to the incumbent if he is given the promotional post in the interregnum. The Respondents in their Affidavit-in-reply must deal with the points raised in the OA, but in any case, they must deal with the fact of the manner in which they dealt with the undertaking of the Applicant to undergo the minor punishment even on promotional post and at the same time, must also ~~exemplify~~ ^{amplify} the facts as to the reasons that underwent denial of promotion to the Applicant and this must be done in the Affidavit-in-reply for which a short date is being given.

Adjourned to 24th November, 2016. Hamdast.

DATE: 9/11/2016

CORAM: Shri R.B. Malik (M)
 Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt: A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt: N.K. Rajpurohit

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

Adj. To: 24/11/16. Hamdast

Sdl- 42
11-16
 (R.B. Malik)
 Member (I)

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
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M.A.351/2016 in O.A.908/2016

Shri A.B. Pagare ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

The learned CPO seeks an adjournment for reply. Last chance was already granted. The MA now appointed for hearing making it clear that if on that day the reply is filed, it will be taken on record, but no adjournment will be given.

S.O. to 16th November, 2016.

DATE: 9/11/16

CORAM: Shri R.B. Malik (m/j)
Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt: G.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt: N.K. Rajpurohit
C.P.O./ P.O. for the Respondent/s

Adj. To: 16/11/2016

[Handwritten signature]

[Handwritten signature: Sd/- ME]
09-11-16

(R.B. Malik)
Member (J)
09.11.2016

(skw)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>9/11/2016</u></p> <p>CORAM: <u>Shri R.B. Malik (M/J)</u> Hon'ble Justice <u>Shri. G. J. Joshi (Chairman)</u> Hon'ble <u>Shri. S. K. Kumar (Member)</u></p> <p>APPEARANCE: <u>Kalpalata Patil</u> Advocate for the Applicant Shri/Smt. <u>N.K. Rajpurohit</u> C.P.O./P.O. for the Respondent/s <u>Admit.</u> Adj. To: <u>10/12/2016</u></p>	<p style="text-align: center;"><u>O.A.610/2016</u></p> <p style="text-align: center;">Shri A.N. Kolhe ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Smt. Kalpalata Patil, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.</p> <p>Affidavit-in-Rejoinder is taken on record. Heard the learned Advocate for the Applicant. The OA is admitted and appointed for final hearing before the 2nd Bench on 16th December, 2016. Sur-Rejoinder, if any, must be filed on that day and not thereafter.</p> <p>S.O. to 16th December, 2016.</p> <p style="text-align: right;">sd/- (R.B. Malik) Member (J) 09.11.2016.</p> <p>(skw)</p>

(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
<p>DATE: <u>9/11/16</u></p> <p>CORAM: <u>Shri R.B. Malik (mlj)</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE:</p> <p>Shri/Smt: <u>R.M. Kolge</u> Advocate for the Applicant</p> <p>Shri/Smt: <u>K.B. Bhise</u> C.P.O / P.O. for the Respondent/s</p> <p><u>Admit.</u> Adj. To: <u>Liberty to mentioned granted.</u></p> <p><i>B.E</i></p>	<p><u>O.A.432/2016</u></p> <p>Shri P.P. Lokhande ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>Shri Kolge, the learned Advocate for the Applicant informs that the Applicant does not want to file Rejoinder. Admit. Liberty to mention granted.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p><i>SKW</i></p> <p><i>Sd/-</i> (K.B. Malik) Member (J) 09.11.2016</p>

(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
<p>DATE : <u>9/11/16</u></p> <p>CORAM : <u>Shri R.B. Malik CMJ</u> Hon'ble Justice <u>Smt. A. H. Joshi (Chairman)</u> Hon'ble <u>Shri M. Ramakumar (Member) A</u></p> <p>APPEARANCE :</p> <p>Shri/Smt. : <u>Applicant's father is present</u></p> <p>Advocate for the Applicant Shri/Smt. : <u>S. Suryawanshi</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. <u>23/11/16</u></p> <p style="text-align: right;"><u>B.E</u></p>	<p style="text-align: center;"><u>O.A.112/2016</u></p> <p>Ms. V.S. Jalke ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Applicant's father is present. Smt. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>Applicant's father submits that the learned Advocate Shri Dere is met with an accident and is therefore unable to attend the Court.</p> <p>The learned PO tenders sealed envelope containing the result of the Applicant. I have perused my order dated 10.10.2016. The sealed cover is handed back to the learned PO with directions to present it again on the next date. Adjourned for hearing to 23rd November, 2016.</p> <p>S.O. to 23rd November, 2016.</p> <div style="text-align: right;"> <p><u>Sd/-</u> <u>07.11.16</u> (R.B. Malik) Member (J) 09.11.2016</p> </div> <p>(skw)</p>

(Presenting Officer.....)

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

Tribunal's orders

O.A.1057/2016

Dr. K.B. Batte ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 07.12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 7th December, 2016.

DATE: 9/11/16
 COB: Shri R.B. Malik (MB)
 Hon'ble: ~~Shri A. H. Joshi (Chairman)~~
 Hon'ble: ~~Rameshkumar (Member) A~~
 APPEARANCE:
 Shri: G.A. Bandiwadekar
 Advocate for the Applicant
 Shri/Smt: A.B. Kololgi
 C.P.O./P.O. for the Respondent/s

Adj. To: Issue notice returnable
on 7/12/16.

BE

sd/- Malik
9.11.16
 (R.B. Malik)
 Member (J)
 09.11.2016

(skw)

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>9/11/16</u></p> <p>CORAM: <u>Shri R.B. Malik (M/J)</u> Hon'ble Shri A. H. Joshi (Chairman) Hon'ble Shri Rameshkumar (Member) A</p> <p>APPEARANCE:</p> <p>Sent/Ser: <u>time for call.</u> (skw)</p> <p>Advocate for the Applicant Shri/Ser: <u>A.B. Kololgi</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>15/11/16.</u></p> <p style="text-align: right;"><i>JK</i></p>	<p style="text-align: center;"><u>O.A.419/2016</u></p> <p>Shri V.G. Lohkare ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Applicant and Advocate absent. Heard Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>The Applicant has not been remaining present for which the orders dated 20.9.2016 and 18.10.2016 have been ^{may} perused. The OA proceeds without Rejoinder and is formally admitted to be placed for hearing, failing which for dismissal on 15th November, 2016.</p> <p style="text-align: right;"><i>Sdl - 11/16</i> (R.B. Malik) Member (J) 09.11.2016</p>

(Presenting Officer.....)

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

Tribunal's orders

O.As.59, 61 & 90 of 2016

Shri A.A. Potnis & Ors. ... Applicants

Vs.

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

Heard Ms. S.P. Manchekar, the Advocate for the Applicant and Ms. N.G. Gohad, the learned P.O. for the Respondents.

The learned Advocate for the Applicant informs that the Applicant do not want to file Rejoinder. She requests for a final date of hearing because according to her, the controversy is fully governed by another decided case. The OAs are admitted and appointed for final hearing on 17th November, 2016.

(Handwritten signature)

(R.B. Malik)
Member (J)
09.11.2016

DATE: 9/11/16
CORAM: Shri R.B. Malik (M/J)
Hon'ble Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:
S.P. Manchekar

Advocate for the Applicant
N.G. Gohad
C.P.O./P.O. for the Respondent/s

Admit

Adj. To: 17/11/16

(skw)

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

Tribunal's orders

O.A. No.987 of 2015

Shri K.B. Waghela ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondent

Heard Shri R.A. Nimbalkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Advocate for the Respondents for some time.

2. Shri Nimbalkar, Ld. Advocate relied on certificate dated 9.9.2011 Exhibit R-7 which is at page 110.
3. The manner in which the certificate is issued prima facie gives an impression that it is given in a very casual manner. It does not show as to whether entire case papers were seen and also whether the patient i.e. applicant's father was treated. In this background it is necessary to know the names of the President and Members of the Medical Board who had signed the certificate.
4. Ld. PO is directed to furnish the names of President and Members of the Medical Board and also see whether case papers placed before Medical Board are available.
5. S.O. to 10.11.2016.
6. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

DATE: 9/11/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri R. A. Nimbalkar

Advocate for the Applicant

Shri /Smt. A. J. Chougule

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

Adj. To 10/11/16 steno copy
& Hamdast is allowed.

Sd/-

(A.H. Joshi, Chairman
8.11.2016

(sgj)

MA.142/16 in C.A.33 of 2016 in O.A.796 of 2012 with
C.A.33 of 2016 in O.A.796 of 2012

Shri R.P. Bansod & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO states as follows:

(a) In so far as Shri S.B. Pansare, applicant no.30
is concerned, any grievance would not survive
since he has been granted the benefit of Time
Bound Promotion. However, the matter will
be reexamined and suitable communication
would be issued to him and if any action is
required it would be taken.

(b) In so far as Shri V.K. Gautam, applicant no.2
is concerned, his matter requires favourable
consideration and certain official procedure
will have to be followed.

3. Be it as may, this may be done and failure would
amount to contempt.

4. Since the applicant has not given personal notice to
the contemnor, Shri Bandiwadekar, Ld. Advocate states that
MA and CA be disposed off with liberty to file fresh CA and
he would give fresh personal notice to the contemnor bringing
to their notice their failure and consequences of contempt and
give them adequate time.

5. MA for condonation of delay and CA are disposed off
with above liberty.

DATE: 9/11/2016

CORAM:

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

Hon'ble Shri M. Ramakrishna (Member) A

APPEARANCE:

Shri/Smt: B. A. Bandiwadekar

Advocate for the Applicant

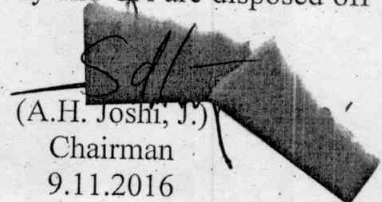
Shri/Smt: K. B. Bhise

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

To: MA for condonation
of delay & CA are disposed off
with above liberty.

B.A.

(sgj)


(A.H. Joshi, J.)
Chairman
9.11.2016

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
CONTEMPT APPLICATION NO.37 OF 2013
IN
ORIGINAL APPLICATION NO.632 OF 2011**

Dr. Anjali S. Warke

..Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Shri S.K. Warke – Advocate for the Applicant

Shri K.B. Bhise – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

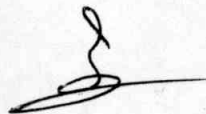
DATE : 9th November, 2016

ORDER

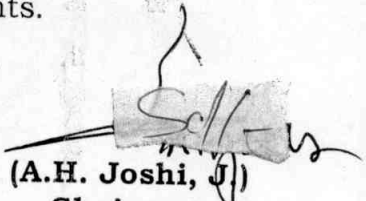
1. Heard Shri S.K. Warke, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Shri Sanjay Jadhav, Administrative Officer from the office of Commissioner, ESIS, Mumbai has filed affidavit and has expressed in para 2 as follows:

“2. I was handed over file on 5.11.2016 at 4 p.m. with instructions to attend the matter on 7.11.2016. I did not understand the seriousness of the matter. I have not read the papers before attending the Court. I accept my mistake. I may kindly be pardon. I will take proper care henceforth.”



3. The affidavit is taken on record. Apology is accepted and this being the first time this Tribunal excuses the negligence and declines to pass any order as regards costs.
4. Ld. PO has tendered a communication dated 8.11.2016 sent by Under Secretary, Public Health Department to Commissioner, ESIS, Mumbai sanctioning extension of benefit of ACP Scheme to the applicant w.e.f. 1.8.2001.
5. Ld. PO has also produced another letter dated 8.11.2016 issued by Director (Administration), ESIS according formal sanction for the benefit of ACP Scheme from 1.8.2001.
6. Shri S.B. Jadhav, Administrative Officer states that compliance required to be done at his level will be done during the course of the day. Thereafter the papers would be submitted to the Worli Office tomorrow. However, follow up would be made on day to day basis and outcome would be reported on 25.11.2016.
7. S.O. to 25.11.2016.
8. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.


(A.H. Joshi, J)
Chairman
9.11.2016

Dictation taken by: S.G. Jawalkar.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
ORIGINAL APPLICATION NO.1026 OF 2016

DISTRICT : SOLAPUR

R.B. Pandhare

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

Shri R.G. Panchal, learned Counsel for the Applicant.

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

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN

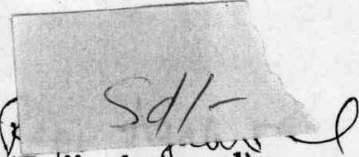
DATE : 09.11.2016.

ORDER

1. Heard Shri R.G. Panchal, learned Counsel for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.
2. This O.A. has been filed by the Applicant who is working as Sectional Engineer in P.W.D. Sub-Division, Sangola, District Solapur. He claims that two of his colleagues namely Shri S.L. Dhokate and Shri A.R. Deokar have been transferred. However, Respondent No.3 in violation of the orders issued by the Respondent No.2 has not relieved them and has allocated work which was initially assigned to the Applicant. This work is now being done by five Sectional Engineers. Learned Advocate for the Applicant is seeking interim relief that order dated 07.09.2016 passed by Respondent No.3 may be stayed so that the Applicant can discharge his duties which were initially allocated to him.
3. Learned P.O. for the Respondents stated that no interim relief may be granted at this stage. He may be given an opportunity to explain why this action has been taken by the Respondent No.3.

Handwritten signature/initials

4. Looking into the nature of relief sought by the Applicant i.e. work allocated to the Sectional Engineers, I am not inclined to grant any relief without hearing the Respondents.
5. Issue notice returnable on 23.11.2016.
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 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.
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 one week. Applicant is directed to file Affidavit of compliance and notice.
10. S.O. to 23.11.2016.


(Rajiv Agarwal)
Vice-Chairman