

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI****ORIGINAL APPLICATION NO.390 OF 2017**

**G.B. Tambat** .....Applicant.

**Versus**

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

Shri R.M. Kolge, the learned Advocate for the Applicant.

Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman  
Shri Rajiv Agarwal, Vice-Chairman

DATE : 10.07.2017.

PER : Justice Shri A.H. Joshi, Chairman

**ORDER**

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
2. This Tribunal had passed order of issue of notice on 17.05.2017 returnable on 21.06.2017. The notices were served on the Respondent No.1 on 06.06.2017 and on Respondents No.2 and 3 on 31.05.2017.
3. This case was listed on board on 21.06.2017. It was noticed that though Respondents were served they had failed to instruct learned P.O. and / or file the affidavit-in-reply etc.
4. The case relates to action under Article 311(2)(b) of the Constitution of India.
5. Though the Respondent No.2, Superintendent of Police, Kolhapur, had passed the order, the Respondents No.1 and 3 i.e. Additional Chief Secretary, Home Department and Special Inspector General of Police, Kolhapur respectively, who are higher in hierarchy, were formal parties, yet they are / were under obligation to attend to the case punctually. It has transpired that the Respondent No.1 or 3 had not instructed the learned P.O. in whatever manner and extent. Despite, the learned P.O. for the Respondents prayed for time representing that instructions were still awaited from Respondents No.1 and 3.



6. It has to be noted that on 21.06.2017, while passing the order, this Tribunal initially recorded as follows:-

- “3. Learned Advocate for the Applicant Shri R.M. Kolge was called to state as to when Respondents were served the notice.
4. Learned Advocate for the Applicant answered as follows:-  
The Respondent No.1 was served on 6.6.2017 and the Respondents No.2 and 3 were served on 31.05.2017.
8. In the present case the issue is of very stern action of summary dismissal under Article 311(2) (b) of the Constitution of India, therefore approaching learned P.O. on the day of hearing is wholly inappropriate.
9. The negligent and reckless attitude shown to the Tribunal's notice, by the Respondents is grave so also it is serious as far as the Respondents No.1 and 3 are concerned.
10. The Superintendent of Police, Kolhapur is called to show cause as to why he should not be directed to pay costs of Rs. 25,000/- personally towards his failure to respond to the notice before due date and towards his failure to furnish affidavit before due date.
11. Through Respondents No. and 3 are formal parties yet their attention to the case is imperative. Therefore, Respondent No.1 and 3 shall furnish report as to what steps they would take to avoid failure to contact learned P.O. and cause appearance in the O.A.”

(Quoted from the order dated 21.06.2017.)

7. Today, Ms. N.G. Gohad, the learned Presenting Officer for the Respondents has states that:-

- (a) Two affidavits affirmed by Shri Sanjay Mohite, Superintendent of Police, Kolhapur, the Respondent No.2 one on merits and another answering notice of costs, are received. Shri Sanjay V. Mohite, Superintendent of Police, Kolhapur is also present. Both affidavits brought by Superintendent of Police, Kolhapur are found to be incomplete and unsatisfactory and therefore, time to file proper affidavit-in-reply is required.
- (b) Instructions are still awaited from Respondent No.1, Additional Chief Secretary, Home Department, Mantralaya.
- (c) As far as Respondent No.3, Special Inspector General of Police, Kolhapur is concerned instructions are received in the form of a letter, but those are not adequate and she would like to speak to the concerned officer to secure appropriate instructions.

8. Learned P.O. was called to furnish instructions / letter received from the Respondent No.3, Special Inspector General of Police, Kolhapur. Learned P.O. has tendered copy of letter received from Respondent No.3. Relevant paragraph of the letter reads as follows:-

"At the outset, we request to pray apology of the Chairman and members of MAT Mumbai Branch for not filing appearance in O. A. on 21/06/2017 i.e. date of first appearance in the matter. I submit that it was not intentional omission on our part, nor due to negligence. However, it was only because this office is made a formal party to the O. A. We undertake not to commit such mistake in future & assure to take prompt and immediate action, take appropriate steps by communicating P.O. to do the needful/ as per direction of the Hon'ble Tribunal as well as of your office. I have filed appearance as respondent no.3, which may kindly be filed in the matter."

(Quoted paragraph from letter dated 07.7.2017)

9. The letter does not disclose or accompany copy of office order etc. by which Respondent No.3, Special Inspector General of Police, Kolhapur has issued directions laying down the procedure to deal with the Court / Tribunal matters to ensure that the matters are brought to his notice preferably on the same day and the manner in which the matter should be followed up thereafter etc.

10. We find that Respondent No.1, Additional Chief Secretary, Home Department has not come forward with any response whatsoever. Therefore, learned P.O. was called to state as to whether the office of Respondent No.1 was informed / communicated about the Tribunal's order.

11. Learned P.O. states that letter dated 28.06.2017 was sent to the office of Respondent No.1, Additional Chief Secretary (Home Department), and, instructions are still awaited and learned P.O. for the Respondents requests for four week's time.

12. Requesting four week's time in the background that the Respondent No.1 has totally neglected to the proceedings is highly inappropriate.

13. In the aforesaid background we wish to observe as follows:-

- (a) We record our grave dis-satisfaction towards the failure of all Respondents, to attend to the O.A. and by the Respondent No.2 with due diligence.
- (b) Respondents No.1 and 3 were expected to be alive and conscious to the position as to what this Tribunal had recorded in the order dated 21.06.2017. Fact that the Respondents No.1 and 3 are formal parties, did not meant to create license in favour of the Respondents to ignore /



disregard the notices or orders of Court or Tribunal and be indifferent or to neglect in attending to the proceedings.

- (c) Whenever action by way of defence or follow up is liable to be taken by subordinate officer, higher officer cannot and ought never take a stance that the said higher office or officer is formal party. Such attitude and approach is derogatory to the public interest and is in grave departure from duty as a superior office/ officer or the Department.
- (d) Every higher officer has to bear in mind that, whenever any subordinate officer does not defend the case with proper spirit and diligence, ultimately the Government suffers.
- (e) These Respondents are / were expected to read the O.A. / Application / Petition, whatever, exert to understand the case, and decide to take suitable stance, than to choose to remain indifferent and supine with a belief or notion that subordinate officer shall defend the case.

14. In the premises discussed in foregoing paragraphs, we pass the following order:-

- (I) Respondents No.1 to 3, Additional Chief Secretary, Superintendent of Police, Kolhapur and Special Inspector General of Police, Kolhapur respectively, are directed to file their own affidavit apart from affidavit-in-reply as may be necessary to defend the case, on following points :-
  - (a) Dates when notices / various orders of this Tribunal and letters were received / inwards in the office.
  - (b) Who is the Officer who has attended to notice of O.A. and related papers first in sequence?
  - (c) The date when the notice of O.A. and subsequent correspondence was attended to by any officer prior to the Respondents concerned.
  - (d) The date on which various papers/ letters/ notice / orders were brought to the notices of Respondents concerned.
  - (e) Date on which Respondents gave instructions / directions to learned P.O., along with copy of endorsement in office files and when were letter / letters send to learned P.O..
  - (f) What steps / procedure would be laid down to cause quickest attendance and response to orders / notices / letters relating to Court / Tribunal.
- (II) Affidavit answering points narrated in foregoing clause be filed on or before 11.08.2017.

15. Learned P.O. is called to state as to whether it would be possible to communicate this order.

16. Learned P.O. undertakes to communicate this order to the concerned officers.
17. In view of the foregoing, S.O. to 07.08.2017.
18. Steno copy and Hamdast is allowed to learned P.O..

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

Sd/-

(A.H. Joshi)  
Chairman

Prk

**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.614 of 2017**

**Shri P.H. Sawakhande** ... Applicant  
V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri D.B. Khaire, Spl. Counsel for the Respondents.

The learned Spl. Counsel is instructed by Shri Anish Parshurame, Deputy Secretary, Urban Devlp. Dept., Mantralaya, Mumbai 32.

The interim relief herein sought is in relation to the transfer of the Applicant from Rahimpur, Dist. Satara. His present posting has not been given so far. Its successor has been appointed and I am informed that the successor has taken over as such. I, however, make it clear that in as much as the Tribunal has got the power to make mandatory orders even at interlocutory stage the fact that the Successor has taken over will not by itself will be sufficient to at all. If the fact and facts at issue demand an appropriate order even of mandatory nature could be made at the appropriate time. Original file has been furnished for my perusal. I have perused it. It is also signed by the Hon'ble CM. An inspection thereof was afforded to the learned Advocate Shri Bandiwadekar as well.

I have also perused the Affidavit-in-Reply which is for the purpose of opposing grant of interim relief. I do not think it to be a complete Affidavit-in-Reply.

The learned Advocate in insisting for grant of interim relief invites reference to the fact that from the file, it would appear that Civil Services Board was not constituted. In other word, there was no recommendation in the matter of transfer of the Applicant. He further told me that on 03.07.2017, the Applicant himself was given an inspection of the file and in fact it was not that

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: 10/7/17</p> <p>CORAM:</p> <p><del>Hon'ble Shri. RAJIV AGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>A. B. Bandiwadekar</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>D. B. Khaire</u></p> <p>C.P./P.O. for the Respondents</p> <p>Spl. Counsel</p> <p>Adj. To: <u>24/7/17</u></p> <p>Reply Filed by R. No. 1</p>	<p>File which is before the Tribunal now. The learned Spl. Counsel retorts that the file in question was never shown to the Applicant viz. the file which is now before the Court, I make it quite clear to both the sides that at present I am faced with instance of word against word. What does happened is that the file is now before the Tribunal. A copy thereof be furnished to the Applicant and as far as the learned Advocate's contention is that the officer who had given inspection is present in the Court and his name is Shri Milind Kulkarni. Now, all these facts have come on record and I made it clear that in the face of insistence on urgent relief the required affidavits must be filed on the next date and arguments of both the sides are left open.</p> <p>Learned Advocate Shri Bandiwadekar refers me to the judgment in the matter of OA No.518/2015 (Dr. Ajit Gawali V/s. State of Maharashtra) dated 07.10.2015 (Hon'ble the Chairman). He also mentions to me that in the matter of constitution of Civil Services Board, there are few other judgments of this Tribunal and the Government Circular dated 11.02.2015 also. I make it clear that all these aspects of the matter as well as submission of the Shri D.B. Khaire, the Spl. Counsel that the transfer has become necessary on account of the conduct of the Applicant which he described as unbecoming of Government servant are all left open and will be dealt with subsequently but today there is scanty material and therefore, I made it clear that necessary facts must be adduced by both the sides so that a appropriate view in the matter could be taken. The Respondents must also make sure that in the Affidavit that they may file on the next occasion they deal with, the points raised in the Original Application keeping the issue of interim relief open the Original Application stands adjourned to 24.07.2017.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(R.B. Malik) 10-7-17 Member (J) 10.07.2017</p> <p>(vsm)</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

IN

Original Application No. \_\_\_\_\_ of 20

## FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>10/7/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>Rajiv Agarwal</u> (Member)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>S.P. Manchekar</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>10/8/2017</u></p>	<p align="center"><u>O.A. No.623 of 2017</u></p> <p>Shri S.G. Shinde ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Miss S.P. Manchekar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice returnable on 10.8.2017.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. S.O. to 10.8.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 10.7.2017</p> <p align="center">Sd/- (A.H. Joshi, J.) Chairman 10.7.2017</p>



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Date : 10.07.2017.

O.A.No.524 of 2017

R.D. Pawar & Ors. ....Applicants.

Versus

The State of Maharashtra & Ors. ....Respondents.

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants, Shri K.B. Bhise, the learned Presenting Officer for the Respondents and Shri J.N. Kamble, the learned Advocate holding for Shri N.P. Dalvi, the learned Advocate for the Respondent No.1.

2. At the request of learned Advocate Shri J.N. Kamble appearing for M.P.S.C. prays for time.

3. Time granted as prayed.

4. S.O. to 12.07.2017.

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

prk

Sd/-

(A.H. Joshi Y.A.)  
Chairman

DATE : 10/7/2017

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri Rajiv Agarwal (Vice-Chairman)  
Hon'ble Shri Kamlesh Kumar (Member)

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adv. N.P. Dalvi for R.A. (absent)

Adj. To 12/7/2017

*[Handwritten signature]*

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

O.A. No.606 of 2017

Shri P.P. Ramteke & Ors. .... Applicants

Vs.

The State of Maharashtra & Ors. .... Respondents

Heard Dr. Shri Gunratan Sadavarte, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Issue notice returnable on 9.8.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicants are 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. Applicants are directed to file affidavit of compliance and notice.
7. According to the applicants issue involved in this case is governed by law and principles as laid down by the Hon'ble High Court in Writ Petition No.3396 of 1999 decided on 28.6.2000, which shall suffice if the respondents are called to explain at the first stage as to whether there exists any legal impediment in deciding the present OA, in keeping with and on the lines referred in the writ petition referred to above and Exhibit 'I' page 129 of the OA.
8. The Secretary, Public Health Department is directed to look in the matter and file his own affidavit.

9. S.O. to 9.8.2017.

Sd/-

(Rajiv Agarwal)  
Vice-Chairman  
10.7.2017

(sgj)

Sd/-

(A.H. Joshi, J.)  
Chairman  
10.7.2017

DATE : 10/7/2017

CORAM :

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

APPEARANCE :

Shri/Smt. : DR. G. Sadavarte

Advocate for the Applicant

Shri/Smt. : Archana B. K.

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

Adj. To. 9.8.2017

*BJT*

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p><u>DATE:</u> 10/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>Rajiv Agarwal</u> (Member) <u>V/C</u></p> <p><u>APPEARANCE:</u> Shri/Smt. <u>Dr. G. Sadavarte</u> Advocate for the Applicant Shri/Smt. <u>Archana B.K.</u> C.P.O./B.O. for the Respondent/s</p> <p><u>MA is disposed off accordingly.</u></p> <p style="text-align: right;"><u>BT</u></p>	<p><u>M.A. No.274 of 2017 in O.A. No.606 of 2017</u></p> <p>Shri P.P. Ramteke &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Dr. Shri Gunratan Sadavarte, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. By this MA, the Applicants are seeking leave to sue jointly. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p>Sd/- _____ Sd/- _____ (<u>Rajiv Agarwal</u>) (A.H. Joshi) Vice-Chairman Chairman 10.7.2017 10.7.2017</p> <p>(sgl)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p><u>DATE:</u> 10/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A.H. Joshi (Chairman) Hon'ble Shri M. Khandochkar (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt: P.H. Patil Advocate for the Applicant Shri/Smt: K.B. Bhise C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: 11/8/2017</p>	<p align="center"><u>O.A. No.610 of 2017</u></p> <p>Shri N.J. Bharmale ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri P.N. Patil, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice returnable on 11.8.2017.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. S.O. to 11.8.2017.</p> <p align="center">Sd/- (Vijay Agarwal) Vice-Chairman 10.7.2017</p> <p align="center">Sd/- (A.H. Joshi, J.) Chairman 10.7.2017</p>

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<p><u>DATE:</u> 10/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramashankar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. S.P. Khot app. in person. Advocate for the Applicant Shri/Smt. K.B. Bhise (sgj) C.P.O / P.O. for the Respondent/s</p> <p>Adj. To OA is disposed off as withdrawn.</p> <p style="text-align: right;">10/7 Ote</p>	<p style="text-align: center;"><u>O.A. No.617 of 2017</u></p> <p>Shri S.P. Khot ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri S.P. Khot, Applicant in person and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2 After hearing for some time, applicant states that he would like to collect some more documents and thereafter file fresh OA with proper reliefs.</p> <p>3 OA is disposed off as withdrawn with liberty to file fresh OA and as advised.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- (Rajiv Agarwal) Vice-Chairman 10.7.2017</p> </div> <div style="text-align: center;"> <p>Sd/- (A.H. Joshi, J.) Chairman 10.7.2017</p> </div> </div>

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<p>DATE: <u>10/7/2017</u></p> <p>FORAM:</p> <p>Judge Justice Shri A.H. Joshi (Chairman)          Justice Shri M. Rajiv Agarwal (Member)</p> <p>APPEARANCE:</p> <p>Advocate for the Applicant: <u>L.S. Deshmukh</u></p> <p>Advocate for the Respondent/s: <u>K.B. Bhise</u></p> <p>Adj. To: <u>21/7/2017</u></p> <p style="text-align: right;"><i>prk</i></p>	<p>Date : 10.07.2017.</p> <p>O.A.No.15 of 2017</p> <p>N.G. Bhoite .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri L.S. Deshmukh, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Shri K.B. Bhise, the learned Presenting Officer for the Respondents prays for 10 days time for filing affidavit-in-reply, pursuance to the order passed by this Tribunal dated 27.06.2017.</p> <p>3. Time granted as prayed.</p> <p>4. S.O. to 21.07.2017.</p> <p style="text-align: center;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p style="text-align: right;">Sd/- (A.H. Joshi) Chairman</p> <p style="text-align: left;">prk</p>

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Tribunal's orders

Date : 10.07.2017.

O.A.No.292 of 2017

I.A. Shaikh & Ors. ....Applicants.

Versus

The State of Maharashtra & Ors. ....Respondents.

1. Heard Shri A.V. Bandiwadékar, the learned Advocate for the Applicants, Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents and Shri C.T. Chandratre, the learned Advocate for added Respondent.

2. Shri A.V. Bandiwadékar, the learned Advocate for the Applicants states as follows :-

(a) Enlargement of time for carrying out the amendment to implead the added Respondent in the array of Respondents be granted.

(b) Permission file rejoinder be granted.

3. Enlargement of time by one week is granted. Permission to file rejoinder is also granted.

4. Shri C.T. Chandratre, the learned Advocate for added Respondent prays for four week's time filing affidavit-in-reply.

5. Time granted as prayed.

6. Added Respondent Shri C.T. Chandratre, the learned Advocate to waive service.

7. S.O. to 22.08.2017.

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

prk

Sd/-

(A.H. Joshi)  
Chairman

DATE : 10/7/2017

CORAM:

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

APPEARANCE :

Shri/Adv. A.V. Bandiwadékar

Advocate for the Applicant

Shri/Adv. N.K. Rajpurohit

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

Shri C.T. Chandratre Id. Adv. for

Adv. To added Resp.

24/8/17.



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

Tribunal's orders

Date : 10.07.2017.

O.A.No.358 of 2016

S.B. Hargugade & Ors.

....Applicants.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Smt. V.K. Jagdale, the learned Advocate holding for Shri K.R. Jagdale, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents prays for time for filing affidavit-in-reply.

3. Learned P.O. for the Respondents states that she would find out whether it is necessary to file affidavit-in-reply and if necessary the same will be filed within four week's.

4. S.O. to 22.08.2017.

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

prk

Sd/-

(A.H. Joshi J)  
Chairman

DATE: 10/7/2017

CORAM:

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

Hon'ble Shri M. Rajiv Agarwal (Member)

APPEARANCE:

Shri/Smt. V.K. Jagdale U. Adv.

holding for Adv. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To: 22/8/2017

HT

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 10/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajiv Agarwal (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. V.R. Koli App in person Advocate for the Applicant Shri/Smt. K.B. Bhise C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... 28/7/2017</p> <p style="text-align: right;">B.K.T.</p>	<p>Date : 10.07.2017.</p> <p style="text-align: center;">O.A.No.244 of 2017</p> <p>V.R. Koli .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri V.R. Koli, Applicant in person and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Shri K.B. Bhise, the learned Presenting Officer for the Respondents states the B.C. Cell is expected to certify the vacancies on or before 21.07.2017.</p> <p>3. In view of the foregoing adjourned to 28.07.2017.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(Rajiv Agarwal) Vice-Chairman</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(A.H. Joshi (J.)) Chairman</p> </div> </div> <p style="text-align: left; margin-top: 10px;">prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 10/7/17</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A <i>Rev. Agawale</i></p> <p><u>APPEARANCE:</u> Shri/Smt. P.B. Wankhede Appl in person. Advocate for the Applicant Shri/Smt. S. Suryawanshi C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... 31/7/2017..... <i>prk</i></p>	<p>Date : 10.07.2017.</p> <p>O.A.No.309 of 2017</p> <p>P.B. Wankhede ...Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri P.B. Wankhede, Applicant in person and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>2. Applicant is present and he states that his lawyer is not available and prays for adjournment.</p> <p>3. Adjourned to 31.07.2017.</p> <p>Sd/- (Rajiv Agawale) Vice-Chairman prk</p> <p>Sd/- (A.H. Joshi (J.) Chairman</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 10/7/17</p> <p><u>CORAM:</u> Hon'ble Justice Shri. A. H. Joshi (Chairman) Hon'ble Shri. M. Rajiv Agarwal (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. S.S. Gaikwad Appl. in person Advocate for the Applicant Shri/Smt. S. Suryawanshi C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. 31/7/17</p> <p style="text-align: right;">H/T</p>	<p>Date : 10.07.2017.</p> <p>O.A.No.369 of 2017</p> <p>S.S. Gaikwad .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri S.S. Gaikwad, Applicant in person and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>2. Adjourned to 31.07.2017.</p> <p style="text-align: center;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p style="text-align: right;">Sd/- (A.H. Joshi J.) Chairman</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>10/7/17</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>K.S. Gaiwad U.P.O.</u> Advocate for the Applicant (Org. Resp.)</p> <p>Shri/Smt. <u>D.B. Khaire Ld. Adv.</u> C/O / P.O. for the Respondent/s (Org. Appl.)</p> <p>Adj. To <u>4/9/2017</u></p> <p><i>prk</i></p>	<p>Date : 10.07.2017.</p> <p>M.A.No.73 of 2017 in R.A.No.04 of 2017 in O.A.No.275 of 2010 with R.A.No.04 of 2017 in O.A.No.275 of 2010</p> <p>The State of Maharashtra &amp; Ors. ....Applicants (Org. Respondents).</p> <p>Versus Dr. B.B. Birajdar &amp; Ors. .....Respondents (Org. Applicants).</p> <p>1. Heard Smt. K.S. Gaiwad, the learned Presenting Officer for the Applicants (Org. Respondents) and Shri D.B. Khaire, the learned Special Counsel for the Respondents (Org. Applicants).</p> <p>2. Smt. K.S. Gaiwad, the learned Presenting Officer for the Applicants (Org. Respondents) prays for adjournment of six week's.</p> <p>3. Time granted.</p> <p>4. Adjourned to 04.09.2017.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Sd/- (A.H. Joshi J.) Chairman</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: 10/7/2017</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p>APPEARANCE: Shri/Smt. M.B. Kadam Ld. Adv. Holding for Shri S.S. Dere Ld. Adv. Advocate for the Applicant Shri/Smt. Archana B.K. C.P.O./P.O. for the Respondent/s</p> <p>Obj. To: O.A. is admitted. To come up for hearing in due course</p> <p>prk</p>	<p>Date : 10.07.2017.</p> <p>O.A.No.362 of 2016</p> <p>B.R. Patil .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri M.B. Kadam, the learned Advocate holding for Shri S.S. Dere, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri M.B. Kadam states as follows :-</p> <p>Though he had made a request to amend the O.A. by way of substitution, now he does not want to carry out the amendment, as he is happy with the averments already made.</p> <p>3. By order dated 23.01.2017 we had granted leave to amend the O.A. by way of substitution. In view of the statement of learned Advocate in foregoing paragraph 2, the order of amendment by way of substitution is now recalled.</p> <p>4. Since Applicant pleads and bangs upon the ground of observance of principles of natural justice in the process of enquiry, O.A. is <u>admitted</u>. To come up for hearing in due course.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Sd/- (A.H. Joshi J.) Chairman</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./O.A. No. \_\_\_\_\_ of 20\_\_\_\_

IN

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 10/7/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAHV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><u>APPEARANCE:</u> Shri. A.V. Bandiwadekar Advocate for the Applicant. A.J. Chougale holding for Ms N.G. Gohad. Shri/Smt. _____ C.P.O./P.O. for the Respondents Rejoinder filed by Applicant. Adj. To _____ S.O. to 2/8/17. O.A. is admitted. FH (vsm)</p>	<p style="text-align: center;"><u>O.A. No.312 of 2017</u></p> <p><b>Shri V.D. Pitrubhakta &amp; Ors. ... Applicants</b> V/s. <b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri A.J. Chougule holding for Ms N.G. Gohad, the learned P.O. for the Respondents.</p> <p>Shri A.V. Bandiwadekar, the learned Advocate for the Applicants undertakes to file Affidavit-in-Rejoinder during the course of the day. On this statement, the Original Application is admitted and appointed for final hearing on 02.08.2017.</p> <p>The Sur-Rejoinder, if any, must be filed on that day and not thereafter.</p> <p>S.O. to 02.08.2017.</p> <p style="text-align: right;">Sd/- <i>uk</i> 10-7-17 (R.B. Malik) Member (J) 10.07.2017</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.615 of 2017**

**Smt. S.M. Pawar** ... Applicant  
**V/s.**  
**The State of Mah. & ors.** ... Respondents

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

Issue notice returnable on 24.07.2017.

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

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

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

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

S.O. to 24.07.2017. Learned P.O. do waive service.

DATE: 10/7/17  
CORAM:  
~~Shri. R.B. BAIWAGARWAL~~  
(Vice-Chairman)  
Hon. Mr. E. B. MALIK (Member) J  
APPEARANCE:  
Sd/- G. Sadavarte  
Advocate for the Applicant  
Shri/Smt. Ms. N.G. Gohad  
P.O. for the Respondents  
Adj. To: S.O. to 24/7/17.

*[Handwritten signature]*

Sd/-

(R.B. Malik) 10-7-17  
Member (J)  
10.07.2017



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

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

Tribunal's orders

**O.A.333/2016**

**Mr. M.A.M.U. Qureshi ... Applicant**  
**Vs.**  
**The State of Mah. & Ors. ... Respondents**

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

The learned PO is being instructed by Mr. P.M. Balkande, Section Officer, Home Department.

The Applicant is as retired Police Inspector. He retired on 31<sup>st</sup> July, 2014. He brought this OA for the relief of deemed date of promotion / Pay and allowances, etc. Recently, some orders have been issued by the Government and both the sides are *ad-idem* that in so far as the post of PI is concerned, the issue of deemed date and pay & Allowances, etc. has worked itself out although it appears that the actual payment is still to be made. Now, as far as the post of ACP is concerned, the deemed date has been granted and that issue has worked itself out. However, the learned CPO informs that the Finance Department has rejected the claim of the Applicant and that is the only that remains at large. The OA shall be heard to that extent on the next date.

S.O. to 24<sup>th</sup> July, 2017.

DATE: 10/7/17

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. N.K. Rajpurohit

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

Adj. To S.O. to 24/7/17.

PH  
[Signature]

(skw)

Sd/-

(R.B. Malik) 10/7/17  
Member (J)  
10.07.2017

2

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

(Spl. MAT-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
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**O.A.284/2017**

**Dr. M.A. Waghmare ... Applicant**  
**Vs.**  
**The State of Mah. & Ors. ... Respondents**

Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Mr. Chougule informs that the Respondents will not file any more Affidavit-in-reply. The matter is adjourned to 12<sup>th</sup> Jjly, 2017.

**DATE:** 10/7/17

**CORAM:**

~~Hon'ble Shri. RAJY AGARWAL~~

~~(Vice-Chairman)~~

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

**APPEARANCE:**

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

Adj. To. 12/7/17

Sd/-

(R.B. Malik) 10  
Member (J)  
10.07.2017

(skw)

PH  
@10/7

**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
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**O.A. No.211 of 2017**

**Shri A.B. Nimbalkar ... Applicant**

**V/s.**

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

Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.

The learned Advocate for the Applicant submits that the Applicant does not want to file Affidavit-in-Rejoinder.

Original Application is admitted and appointed for final hearing on 01.08.2017.

DATE: 10/7/17

CORAM:

~~Hon'ble Shri. RAHV AGARWAL  
(Vice Chairman)~~

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. R.M. Kolge

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi

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

O.A. is admitted.

Adj. To S.O. to 1/8/17

FH  
(vsm)

Sd/-

(R.B. Malik) 10-7-17  
Member (J)  
10.07.2017

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> 10/7/17</p> <p><b>CORAM:</b></p> <p><del>Hon'ble Shri. RAJIV AGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><b>APPEARANCE:</b></p> <p>Shri/mt. <u>K.R. Jagdale</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Ms. S. Suryawanshi</u> C.P.O./P.O. for the Respondents</p> <p>O.A. is admitted.</p> <p>Adj. To. <u>S.O. to 1/8/17.</u></p> <p style="text-align: right;">FH @ad</p>	<p style="text-align: center;"><b><u>O.A. No.290 of 2017</u></b></p> <p><b>Shri D.R. Gujrathi ... Applicant</b></p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors. ... Respondents.</b></p> <p>Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.</p> <p>The learned Advocate for the Applicant submits that the Applicant does not want to file Affidavit-in-Rejoinder.</p> <p>Original Application is admitted and appointed for final hearing on 01.08.2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 10.7.17 10.07.2017</p> <p style="text-align: center;">Vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. \_\_\_\_\_ of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>10/7/17</u></p> <p><b>CORAM:</b>  Hon'ble Justice Shri A. H. Joshi (Chairman)  Hon'ble Shri <u>Rajiv Agarwal</u> (Vice-Chairman)  Hon'ble Shri <u>Ramesh Kumar</u> (Member)</p> <p><b>APPEARANCE:</b>  Shri/Smt. <u>M.D. Lonkar</u>  Advocate for the Applicant  Shri/Smt. <u>K.S. Gaikwad</u>  C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>11/7/2017</u></p> <p style="text-align: right;"><i>RL</i></p>	<p><b>Date : 10.07.2017.</b></p> <p><b>O.A.No.356 of 2017</b></p> <p><b>K.N. Naik</b> .....Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. At the request of Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents adjourned to 11.07.2017.</p> <p style="text-align: center;">Sd/- _____ Sd/- _____  (Rajiv Agarwal) (A.H. Joshi J.)  Vice-Chairman Chairman</p> <p>prk</p>