

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO. 688 OF 2016**

**Shri R.J. Ingawale**

**...Applicant**

**Vs.**

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

**...Respondents**

Smt. Punam Mahajan, the learned Advocate for the Applicant.

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondent Nos. 1 & 2.

Shri M.D. Lonkar, the learned Advocate for the Respondent No.3.

**CORAM : Shri J. A.H. Joshi, Chairman.**

**DATE : 10.08.2016**

**ORDER**

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant, Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents No.1 and 2 and Shri M.D. Lonkar, the learned Advocate for the Respondent No.3.

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

Coy of the reply filed by the State is received. However, Applicant wants time.

3. Parties were called to address to ascertain on the question involved in this O.A.

4. Heard. It has transpired during the hearing that the Applicant has averred *inter-alia* various pleadings in the O.A., in paragraph no.6.8 questions of law, and certain facts.

5. In initial part of para no. 6.8, Applicant has quoted the text of Section 22 N of the Maharashtra Police (Amendment) Act and made some averments about facts and law.

6. In later part of para 6.8, the Applicant has averred following text:-

“16.8 ..... ”

*The Petitioner submits that as per the proviso, to Section 22N(1) of the Maharashtra Police (Amendment) Act, 2015, the State Government is the competent authority to transfer any police personnel, prior to the completion of his normal tenure, in the circumstances laid down under this proviso. The Petitioner submits that the Petitioner is not covered under any of the circumstances laid down in clauses (a) to (e). The Petitioner submits that the transfer of the Petitioner cannot be considered as an exceptional case, in public interest and an account of administrative exigency. No administrative reasons have been given for the transfer of the Petitioner, on the contrary, the Respondent No.3 who is also not due for transfer, has been transferred in place of the Petitioner, by the order dated 21.7.2015, even without issuing the transfer order of the Petitioner. This clearly shows that the impugned transfer order is issued in colourable exercise of the power by the Respondent No.2. This is a malafide transfer, issued only at the behest of the Respondent No.3. .... ”*

*(quoted from page no.5 of the O.A. paper book).*

7. In order to verify the manner in which the text quoted in the foregoing paragraph has been dealt with/contested, it became necessary to peruse the reply, and it was done.

8. Reply of relevant para (para 16.8) is at page no.19 in paragraph no.9.

9. On perusal of para 9 replying para no.16.8 of O.A., it is clear that the Respondent No.2- the affiant has either avoided or omitted the answer to crucial averment. Such omission could be due to lack of knowledge or lack of basic understanding as to how to reply the cases before the Court or Tribunal, or deliberate too.

10. The same type of vague and incomplete reply is also relating to the averment contained in para no.6.9.11, where the Applicant has pleaded discriminatory treatment.

11. An affidavit of this type of evasive reply is viewed as highly objectionable, and deplorable.

12. The State and its officers have to keep the path of truth and openness. Non disclosure and evasive reply leads to creation of an impression that the Respondent No.2 has something to suppress or not to disclosure. Government and officers ought not and should not possess attitude of evasive towards judicial Review. They are entitled to contest the judicial Review but ought not evade it. Such conduct becomes un-democratic and un-constitutional as well.

13. It is seen that affidavit is filed by Dr. Jay Vasantao Jadhav, Superintendent of Police, Pune.

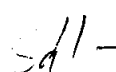
14. The attitude with which pleadings/ reply is drafted by the Respondent No.2, it would be very appropriate if the officer who has filed affidavit personally appears and explains the consentment /lapse omission.

However, if impugned action is withdrawn any clarification or if corrective measures are taken and proper affidavit is filed or explanation comes forward explanation by personal attendance may be dispensed with.

15. Learned P.O. is directed to communicate this order to the officer concerned.

16. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

17. S.O. to 16.08.2016.

  
(A.H. Joshi, J.)  
Chairman

**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> 10.8.2016</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramoshkumar (Member) A</p> <p><u>APPEARANCES:</u> Shri/Smt. <u>B.A. Bandiwadekar</u> Advocate for the Applicant Shri/Smt. <u>Archana B.K.</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>S.O to 1.9.2016</u></p> <p style="text-align: center;">(R)</p>	<p style="text-align: center;"><u>O.A. No.112 of 2016</u></p> <p>Shri S.S. Munj &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..respondent.</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO, on instructions from Shri S.V. Potare, Under Secretary, Home Department, states that:-</p> <p>(a) The matter will be resubmitted to the Finance Department for reconsideration of the applicants' claim.</p> <p>(b) In view of the judgment of this Tribunal and Hon'ble High Court and statement as regards outcome will be made on the next date and prays for two weeks time.</p> <p>3. S.O. to 1.9.2016.</p> <p style="text-align: right;">h Sd/- (A.H. Joshi, J.) Chairman 10.8.2016</p> <p>(sg)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.695 OF 2016**

**DISTRICT : MUMBAI**

Shri P.R. Borse & Ors.

)...**Applicants**

**Versus**

1. The State of Maharashtra & Ors.

)...**Respondents**

**Shri A.V. Bandiwadekar, Advocate for Applicants.**

**Shri N.K. Rajpurohit, Presenting Officer for Respondents.**

**P.C. : R.B. MALIK (MEMBER-JUDICIAL)**

**DATE : 10.08.2016**

**ORDER**

1. This matter was extensively heard for interim relief. I have perused the record and proceedings and heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.



2. The five Applicants of whom three are the Police Naiks and two Police Constables are vying to take the limited departmental examination for being promoted as Police Sub-Inspector (PSI). It is not seriously disputed that going by the age limit such as it is in accordance with the Rules, they are age barred. However, they seek to take the benefit of a certain Circular issued by the General Administration Department (GAD) of the Government of Maharashtra on 25<sup>th</sup> April, 2016, which if accepted would give them additional advantage in the matter of the outer age limit. The Applicants are the competitors from the source of limited competitive examination for the post of PSI. In accordance with the Rules, 50% of the vacancies are filled up by direct recruitment called nomination and 25% each by the limited departmental examination and promotion from the cadre of Constabulary, Police Naik, Head Constable, etc. As already mentioned above, in this matter, I am only concerned with the limited departmental examination for the said promotion. As per the information furnished to me when the matter was debated at the Bar, 828 posts are up for grabs from out of 25407 applicants.

3. The sum and substance of the case of the Respondents who are State of Maharashtra through

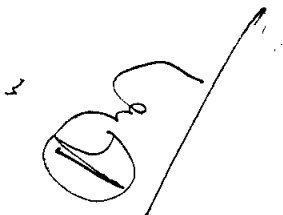


Principal Secretary, GAD, M.P.S.C, Director General and Inspector General of Police and State of Maharashtra in Home Department is that the candidates like the Applicants would not be able to take advantage of the Circular of the GAD above referred to because that is only available for being taken benefit of by direct recruits or nominees as they are called.

4. Mr. A.V. Bandiwadekar, the learned Advocate for the Applicants told me that in the teeth of a clear position that the Limited Departmental Examination must be held every year, no such examination was held in the years 2014 and 2015 for had the examinations been held at that point in time, the Applicants would not have become age barred and they would have been in the contention straightaway in their own right. In fact, the Respondents have annexed a copy of a Judgment of a Division Bench of the Hon'ble Bombay High Court in a fasciculus of Writ Petitions, the leading one being **Writ Petition No.8624/2006 (Sanjay B. Dhamal Vs. The State of Maharashtra and others, dated 26<sup>th</sup> October, 2007)**. Even as the Writ Petitioners failed before the Hon'ble High Court. but still the observations in the penultimate Paragraph (18), Their Lordships were pleased to note *inter-alia* that during 1998 and 2004, only three examinations



were held for the post of PSI through Limited Departmental Examination. The dates were mentioned on which the MPSC recommendations were received. The learned Associate Advocate General on behalf of the State made a statement before Their Lordships that the State would send the necessary requisition to the MPSC every year. The learned Counsel for MPSC submitted before Their Lordships that if such requisitions were sent yearly, the MPSC would hold the examination annually. It was categorically mentioned before Their Lordships by both the sides above referred to, that the Limited Departmental Examinations for promotion to the post of PSI would be a yearly feature. That would obviate future dispute. In fact. Their Lordships were furnished with a time table for conducting the annual examination and the details were made out as to how the vacancies would be ear-marked and the cut-off dates for the various stages. Those details are to be found in the second half of the said Paragraph. I have taken note of this authority to emphasize that the need to have annual examination has not only been felt outside the judicial fora, but also the highest Court of the State was told all about it by the State as well as MPSC. Now, here, in this case, as already mentioned above. though the requisition was sent on 4.4.2015, the Limited Departmental Examination was not held in 2014 and





2015. It is no doubt true that only a right for being considered for promotion is a fundamental right of the concerned candidate and not the promotion itself. However, this principle does not give a free hand to the State to totally ignore the legitimate expectations not only in the strict legal sense, but generally also, to make necessary facilities for trying to compete for promotion and if found fit, to get it. Therefore, if the examinations themselves are not held regularly then undoubtedly, the State defaults upon a fundamental duty that they owe to their own employees. It is certainly open to the Applicants to rue that had the examinations been held as per the statement made before the Hon'ble High Court by the Associate Advocate General and on behalf of the MPSC, then they would have been in a position to have hassle free attempt to make in their own right.

5. Mr. Bandiwadekar in this connection relied upon **Anil M. Nimbhore Vs. The State of Maharashtra, 2008 (4) MLJ 824 (C)**. Now, in the matter of age relaxation for the departmental candidates, Their Lordships were pleased to hold in effect that the legitimate aspirations of the departmental candidates to seek promotions by this channel should always be taken care of. The said authority lays down that normally, the issue of raising the



upper age limit should be considered in the background of the fast developing and changing social scenario. This is in my opinion, the gist of the authority and it must inform the judicial minds that are called upon to adjudge the causes like the present one.

6. As of now, the Applicants are not out of race so to say. From the submissions at the Bar, it appeared that after the initial hiccups in the matter of on-line submission of forms, as of now, the 5 applications have been accepted. However, according to the Applicants, there is a threat about which they have quoted some instances that their application forms would be rejected on age ground, and therefore, may be by way of abundant caution, they have decided to come to this Tribunal with this OA.

7. The Advertisement at Exh. 'E' (Page 39 of the paper book (P.B)) prescribes the maximum age limit for Open candidates as 35 years, for Backward category candidates 40 years but very pertinently, Clause 3.3.4 clearly lays down as follows in Marathi.

“३.३.४ : एखाद्या वर्षी परीक्षा न झाल्यामुळे कमाल वयोमर्यादा पूर्ण होण्यापूर्वी परीक्षेच्या सलग तीन संधी मिळाल्या नसतील , अशा उमेदवारांना कमाल वयोमर्यादेनंतर सलग होणा-या परीक्षेस बसण्याच्या उर्वरित संधी देण्यात येतील. तथापी कोणत्याही परिस्थितीत या सलग संधी तीन पेक्षा जास्त असणार नाहीत.”



8. Turning now to the Circular of the GAD above referred to. It is at Exh. 'B' (Page 30 of the P.B). It is in Marathi. The preface thereto sets out the fact that the age limit for the candidates of Open category and Backward category was 30 and 35 years respectively. There was a G.R. of 17.8.2004 whereby this age limit was extended to 33 and 38 years respectively. Thereafter also, the representations were received for a further concession from various quarters detailed therein. It was, therefore, decided that in the matter of selection through MPSC as well as other agencies, the age limit for Open and Backward category candidates came to be increased to 38 years and 43 years respectively. However, to the posts where the upper age limit was already 43 years, there will be no further enhancement in that behalf. In case, Advertisements were already issued on the day this G.R. came into effect, then the benefit thereof would not be available. At this stage itself, two points need to be made. In the first place, none of the Applicants stand to suffer on account of the last mentioned aspect of the said G.R. and secondly, on the face of it, if the benefit of this G.R. is extended, then all the five Applicants become eligible to run for the said promotional posts. Further, Clause 5 of the said G.R. provides that the various Departments of the Mantralaya should move in the direction of effecting

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changes in their Rules to incorporate the requirement of the said G.R. and till such time as they did that, they should so conduct their affairs as to give the additional benefit to the candidates accruing as per this G.R.

9. As already mentioned above, the case of the Respondents is that the benefit of the last discussed G.R. would be available only to the direct recruits and not the candidates like the Applicants who compete from the category of Limited Departmental Examination. Now, in that G.R. itself, there is no such stipulation. I am at an interim stage and it goes without saying that this OA will have to be finally heard and decided considering threadbare all the various facets of the matter. But, in my opinion, if there was nothing to limit, the operation of this G.R. *ex-facie* the G.R. itself, then by an artificial approach, no such limitation could be countenanced.

10. There is an unreported Judgment of a Division Bench of the Hon'ble Bombay High Court at Aurangabad at Exh. 'J' (Page 81 of the P.B.). In a batch of Writ Petitions, leading one being **Writ Petition No.6212/2011 (State of Maharashtra Vs. Ananda and Anr. and 3 other Writ Petitions, dated 9<sup>th</sup> November, 2011)**. In Para 3, Their Lordships have clearly held that the decision of the GAD



would be binding on all other Departments of the State and the Department concerned in that matter was PWD. Now, the counter-part of the PWD in this OA is the Home Department and I can quite plainly see nothing to hold that the mandate of the Hon'ble High Court with regard to the primacy of the GAD could not be made applicable hereto. In fact, it can very well be made applicable. It may not be necessary for me at this stage to go in depth into the niceties of the interpretation of the Recruitment Rules, but it is quite clear that a somewhat piquant situation has been created by adopting this stand by the Respondents themselves. In fact, they have come to such a pass where they are found denouncing their own Circular of the GAD and trying to limit its effect, operation and sweep. Because it quite clearly appears that even as the Respondents want to draw a distinction between the direct recruits and those like the Applicants, it does not appear to be so. Mr. Bandiwadekar told me with support of some material that in actual practice, there is no difference at all between these two sources and in fact, even in the Affidavits-in-reply, there are recitals to the effect that the source of Limited Departmental Examination is also more or less like nomination.

A handwritten signature in black ink, consisting of a stylized 'B' followed by a flourish, with a horizontal line underneath.

11. The foregoing, therefore, would make it very clear that it cannot be held just for the asking that the case of the Applicants is liable to be thrown out in *limini*. There are on one plain arguable points and on the more practical side of it, the examinations having been already scheduled for 21<sup>st</sup> or 22<sup>nd</sup> of August, 2016, it is not possible to keep the whole thing pending and let the OA itself be decided. There are more than 25000 applicants for about 800 posts and naturally, an elaborate arrangement is required to be made. This is not a matter where a solitary post is there with considerably fewer candidates vying with each other. The applicability of GAD's own Circular and its benefits to the Applicants on one hand cannot be finally decided here and now at this stage and at the same time, it cannot be denied to the Applicant straightaway. The arguments in extenso and deep consideration of every aspect of the matter would be necessary. That being the state of affairs, I am very clearly of the opinion that a case is made out for interim relief to the Applicants. I must mention that the other alternative was to postpone the examination itself till the final decision of the OA. However, for the reasons just mentioned that would cause prejudice to about 25000 candidates and those charged with the responsibility of holding the examinations would also be put to great hardship. Therefore, if another course of action which I

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propose to adopt is indeed adopted that would take care of all concerned. It would give Applicants a right not to be thrown out of the race summarily with their arguable points still remaining in the judicial crucible for being tested and at the same time by an appropriate moulding of the relief, the concerns of the Respondents also can be suitably addressed.

12. In such cases, one argument which is advanced on behalf of the party like the present Respondents, especially the MPSC is that the others who may not have applied in view of the nature of the Advertisement would be deprived of their right to do so. Now, this indeed is one very likely as well as plausible argument. However, in my view, if a necessary functional liberty is reserved for the MPSC, then even this aspect of the matter can be taken care of. I make it clear that for the reasons set out hereinabove including the possible hardship to the MPSC themselves, a course of action is being adopted as must have become clear. The MPSC will be free subject only to the condition to let the Applicants compete, to appropriately mould their programmes and modalities. If they are so minded, they can also make sure that the doors of the examinations are thrown open even to the contenders, so similarly placed as the Applicants. In that


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behalf, it will be open to them to exercise their rights and duties, subject only to the condition that the present Applicants are not denied an opportunity at least to compete at this stage. If it is not possible now for MPSC to take the applications on-line, the MPSC can adopt any other course of action.

13. It is, therefore, directed that the Applicants be allowed to participate in the selection process for the post of PSIs from the source of Limited Departmental Examination currently in progress and in that behalf, the liberty as referred to in the preceding Paragraph is also left for the MPSC to take recourse to. In case, the entire process is over, then till further orders on this OA either final or interim, the results of the Applicants be kept in a sealed cover. The hearing of the OA is expedited and since the Affidavits have been filed, the OA is admitted and it be placed before the appropriate Bench on 6<sup>th</sup> September, 2016 for hearing.



**(R.B. Malik)**  
**Member-J**  
**10.08.2016**

Mumbai  
Date : 10.08.2016  
Dictation taken by :  
S.K. Wamanse.



**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
<p><u>DATE:</u> 10.8.2016</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>R.B. Malik</u> (Member) <input checked="" type="checkbox"/></p> <p><u>APPEARANCE:</u> Shri <u>Sd/- K.R. Jagdale</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> C.P.O./ P.O. for the Respondent/s</p> <p>Adt. To <u>7.09.2016</u> </p>	<p><u>O.A.413/2016</u></p> <p><b>Shri S.S. Ayare</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>Affidavit-in-rejoinder of Respondent No.3 has already been filed. As far as Respondent No.5 is concerned, his Affidavit-in-reply is there on record. But Mr. Jagdale makes a grievance that a copy has not been received either by him or as mentioned by the learned P.O. by the other Respondents also.</p> <p>Adjourned for Rejoinder to 7<sup>th</sup> September, 2016.</p> <p>Sd/- (R.B. Malik) Member (J) 10.08.2016</p> <p>(skw)</p> <p style="text-align: right;">16</p>

**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.
<p><u>DATE:</u> 10.8.2016</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri R.B. Malik (Member) AJ</p> <p><u>APPEARANCE:</u> Adv. Milind Ingole Advocate for the Applicant Shri/Smt. A.B. Kololgi P.O./P.O. for the Respondents</p> <p>Di. To 19.08.2016</p> <p style="text-align: right;">(R)</p>	<p style="text-align: center;"><u>O.A.596/2016</u></p> <p><b>Shri D.J. Bandgar</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Shri Milind Ingole, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Heard. This matter may be clubbed along with OA 387/2016 and be placed before the 2<sup>nd</sup> Division Bench on 19<sup>th</sup> August, 2016.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 10.8.16 Member (J) 10.08.2016</p> <p>(skw)</p>

**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
<p>DATE: <u>10/8/16</u></p> <p>Justice Shri A. H. Joshi (Chairman)</p> <p>Justice Shri M. D. Lonkar (Member)-A</p> <p><u>M.D. Lonkar</u> ..... for the Applicant</p> <p><u>A.J. Chougale</u> ..... for the Respondent/s</p> <p><u>2/9/16</u></p>	<p>Date : 10.08.2016.</p> <p>O.A.No.340 of 2016 with O.A.No.341 of 2016</p> <p>Shri K.V. Sawant ( in O.A.No.340 of 2016) Shri D.G. Pilankar ( in O.A.No.341 of 2016) ...Applicants</p> <p>Vs.</p> <p>The State of Mah. &amp; Ors. ...Respondents</p> <p>1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougale, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Shri A.J. Chougale has directed to take instructions as follows:-</p> <p>As to time frame within which the Departmental Enquiry (D.E.) against the Applicant would be actually commenced and time frame within which it would be concluded.</p> <p>3. Statement be made on the next date.</p> <p>4. S.O. to 7.09.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>sb</p>

10.08.2016

O.A No 586/2016

Dr S.S Chappalwar ... Applicant  
Vs.  
The State of Maharashtra & Ors... Respondents

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

Learned Advocate Shri Bandiwadekar stated that this Tribunal has passed interim order on 30.6.2016 directing the Respondents to allow the Applicant to join the course of Post Graduate Diploma in Gynecology at B.J Medical College, Pune. However, that order has not yet been complied with. Notices were issued to Respondents no 1 & 2 namely Smt Sujata Sounik, Principal Secretary, Public Health Department and Dr Mohan A. Jadhav, Director, Health Services, M.S, Mumbai to show cause as to why action under Contempt of Court should not be initiated against them. Their replies dated 26.7.2016 and 28.7.2016 are on record. The only reason for not implementing the interim order of this Tribunal, which is given by the Respondents is that they have filed a Writ Petition against the aforesaid interim order of this Tribunal before the Hon'ble High Court. At the request of the Respondents, this matter was postponed at least on eight occasions to enable the Respondents to obtain stay order from the Hon. High Court. However, no such stay order has yet been passed by the Hon. High Court and the Respondents have not implemented the order of this Tribunal also. This state of affairs cannot be allowed to continue.

Registrar is directed to register case against Respondents no 1 & 2 named above under Contempt of Courts Act read with section 17 of the Administrative Tribunals Act and fresh Suo Moto contempt Application be registered and matter be placed on 18.8.2016 before appropriate Bench.

The Respondents are directed to file reply in the Original Application within two weeks, given as a last chance.

O.A be placed on Board on 24.8.2016.

*Sd/-*  
(Rajiv Agarwal)  
Vice-Chairman

DATE: 10/8/16

CORAM:

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

APPEARANCE:

Shri. A. V. Bandiwadekar  
Advocate for the Applicant. K. B. Bhise  
holding for Ms. N. G. Gohad.  
Shri/Smt. \_\_\_\_\_  
for the Respondents

Wj. To 24/8/16  
or Reply.

Registrar is directed to register case against Res. No. 1 & 2 named above under contempt of Courts Act. and matter be placed on 18/8/16 before appropriate Bench.

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**O.A.918/2015 & 1094/2015**

**Shri S.B. Shingte & Ors. ... Applicants**  
**Vs.**  
**The State of Mah. & Ors. ... Respondents**

Appearance as before.

In accordance with our directions given in MA 230/2016 and M.A.247/2016, dated 13<sup>th</sup> June, 2016, the Press Advertisement came to be inserted in the Loksatta (all editions) on 30.6.2016. The Affidavit of compliance indicates that on 4.7.2016, the learned Advocate Shri Chandratre had sent the copy of the Notice to the DGP, M.S. and it was put up in the Police Web Site on 13<sup>th</sup> July, 2016.

However, when the matter is called out, Mr. Bandiwadekar informs that he has been instructed to appear for five private Respondents in OA 918/2015. A number of private Respondents are present although at this moment, it will not be possible to put the exact number. However, it will be the endeavour of the Office of this Bench to try and collect their names and place them on record.

The need and necessity to make sure that whoever is interested in contesting the matter must be furnished with the copies of the OA such as it exists as of today, has to be and is recognized. After some debate at the Bar and after having reflected on the issue, we direct that a Notice be put up in the Office Web Site of this Tribunal by the Registrar informing that those who are interested in contesting these OAs shall contact the learned Advocate Shri C.T. Chandratre and/or Shri D.B. Khaire on or before 20<sup>th</sup> August, 2016. It is made clear that this will be the last chance and no further grievance in that behalf will be entertained. The learned Advocates be contacted on their respective e-mails, the address whereof is already been mentioned in the Press Advertisement as well as in the Police Notice. The learned Advocates named above shall make sure that depending upon the individual cases either soft copy or hard copy shall be furnished to those that are interested in contesting these OAs. The learned Advocates named above shall make sure that they

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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comply with the requirement of furnishing the copies latest by 29<sup>th</sup> August, 2016 and then file regular Affidavit of Service.

S.O. to 29<sup>th</sup> August, 2016. Hamdast.

DATE: 10/8/16

CORAM:

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

APPEARANCE:

Shri/Smt. M. R. Patil with D. B. Khairi  
~~S. T. Chandrashekar~~  
Advocate for the Applicant  
Shri/Smt. K. B. Bhisre  
C.P.O. for the Respondents 1 to 3.  
M. O. Loukar for R. 4 to 6.  
K. R. Jagdale for R. No. 8A to 8E  
~~Adv. To~~

SO. to 29/8/16.

Hamdast.

Reply filed by P. No. 201094/15  
Affidavit of compliance  
filed by Appli. Cor 1094/15

HOB  
*[Signature]*

*[Signature]* sd/ 10/8/16  
(R. B. Malik)  
Member (J)  
10.08.2016  
(skw)

*[Signature]* sd/ 10/8/16  
(Rajiv Agarwal)  
Vice-Chairman  
10.08.2016

**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
<p>10/8/16</p> <p>Shri A. H. Joshi (Chairman)</p> <p>Shri N. K. Rajpurohit (Member) A</p> <p>A.R. Joshi</p> <p>The Applicant</p> <p>H.K. Rajpurohit</p> <p>The Respondent/s</p> <p>O.A. is disposed of.</p>	<p>Date : 10.08.2016.</p> <p>O.A.No.223 of 2015</p> <p>Shri S.S. Khatke ...Applicant</p> <p>Vs.</p> <p>The State of Mah. &amp; Ors. ...Respondents</p> <p>1. Heard Shri A.R. Joshi, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states as follows:-</p> <p>(a) By order dated 13.01.2016 Applicant has been promoted.</p> <p>(b) The issue of Deemed date is not decided by the Respondents.</p> <p>(c) Applicant would collect additional information and shall submit representation requesting for assigning a deemed date of promotional post.</p> <p>3. In view of aforesaid statement of the learned Advocate for the Applicant, it is clear that the Applicant is satisfied with his first prayer clause, O.A. is disposed of by keeping open the question of seniority.</p> <p>Sd/- (A.H. Joshi, JJ) Chairman</p> <p>sb</p>

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

Tribunal's orders

Date : 10.08.2016.

O.A.No.390 of 2016

Shri M.K. Survase

...Applicant

Vs.

The State of Mah. & Ors.

...Respondents

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Presenting Chief Officer for the Respondents.
2. Learned C.P.O. for the Respondents prays for time.
3. Already three and half months time was given to the Respondents. If at all, time is to be granted, it can be granted only if the Respondent No.2 will file his own affidavit giving the date wise details showing the reasons due to which case was not attended and affidavit is not kept ready though more than three months time was granted.
4. If affidavit assigning satisfactory reasons is filed, the question of grant of time conditionally to costs or without conditions would be decided.
5. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.
6. S.O. to 16.08.2016.

10/8/16

Justice Shri K.H. Joshi (Chairman)  
Shri M. Parvathikumar (Member) A

Punam Mahajan

for the Applicant;

N.K. Rajpurohit

for the Respondent/s

10/8/16

BE

Sd/-

(A.H. JOSHI, U.)  
Chairman

sba



**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, Attendance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>10/8/16</u></p> <p>Shri A. H. Joshi (Chairman)</p> <p>.....</p> <p><u>Punam Mahajan</u></p> <p>.....</p> <p><u>Archana B.K.</u></p> <p>.....</p> <p><u>O.A. is disposed of as withdrawn.</u></p> <p><u>BY</u></p>	<p>Date : 10.08.2016.</p> <p>O.A.No.686 of 2016</p> <p>Shri P.S. Lomate ...Applicant</p> <p>Vs.</p> <p>The State of Mah. &amp; Ors. ...Respondents</p> <p>1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. At the end of the hearing, the learned Advocate for the Applicant states that he wants to withdraw the O.A.</p> <p>3. Learned Advocate for the Applicant prays for permission to withdraw the O.A. with liberty as pressed.</p> <p>4. Liberty as prayed for is granted.</p> <p>5. O.A. is disposed of as withdrawn.</p> <p>Sd/- T.A.H. Joshi, J.Y. Chairman</p> <p>sb</p>

# 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
<p>10/8/16</p> <p>Justice Shri A. H. Joshi (Chairman)</p> <p>M. Ramasubramanian (Member) A</p> <p>None for the app.</p> <p>Applicant N.K. Rajpurohit</p> <p>Respondent/s</p> <p>28/9/16</p> <p>BK</p>	<p>Date : 10.08.2016.</p> <p>O.A.No.597 of 2016</p> <p>Shri P.D. Kokate ...Applicant</p> <p>Vs.</p> <p>The State of Mah. &amp; Ors. ...Respondents</p> <p>1. None for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned C.P.O. for the Respondents prays for two weeks time for filing reply.</p> <p>3. Though two weeks time is prayed, longer time is granted with a caution that no further adjourned will be granted.</p> <p>4. S.O. to 28.09.2016.</p> <p>Sd/- (A.H. Joshi/J.) Chairman</p> <p>sba</p>

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

Tribunal's orders

Date: 10.08.2016.

G.A.No.86 of 2013 in O.A.f o.1023 of 2012

Shri S.S. Kokitkar

...Applicant

Vs.

The State of Mah. & Ors.

...Respondents

1. Heard Shri B.A. Bandiwadekar, 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 states on instructions received from Shri Mahendra Keshaw Dawane, Assistant Director, Technical Education as follows:-

That order dated 19.7.2016 is issued and 8 candidates working on different posts have been granted the pay sales as to which those were found eligible.

3. Claim of one of the Applicant Smt. A.R. Ivachit is considered and is declined.

4. Copy of the relevant document is served on the Advocate for the Applicant.

5. Contempt Application is disposed of accordingly, with liberty to agitate or challenge if these be same grievance about any deficiency/shortcoming/ or illegality.

DATE: 10/8/16

Justice Shri A. H. Joshi (Chairman)

Shri B.A. Bandiwadekar (Member)

FOR APPLICANT:

B.A. Bandiwadekar

FOR RESPONDENTS:

K.B. Bhise

To:

CA is disposed of

B.K.

Sd/-

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

CA/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>10/8/16</p> <p>Justice Shri A. H. Joshi (Chairman) Shri M. Rameshkumar (Member) A</p> <p><u>Punam Mahajan</u> for the Applicant</p> <p><u>Archana B.K.</u> for the Respondent/s</p> <p><u>CA is disposed of</u></p> <p><i>ME</i></p>	<p><u>C.A. No.61 of 2016 in O.A. No.488 of 2016</u></p> <p>Shri M.K. Bahaddarpure ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Smt. Mahajan, Ld. Advocate for the applicant states that it would not be necessary to pursue this CA in the background that interim order passed by this Tribunal is impelmented.</p> <p>3. In view of the statement of the Ld. Advocate for the applicant, notice is discharged.</p> <p>4. CA is disposed off.</p> <p>Sd/- (A.H. Joshi, Chairman) 10.8.2016</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram,  
Appearances, Tribunal's orders or  
directions and Registrars' orders

Tribunal's orders

Date : 10.08.2016.

O.A.No.312 of 2016 with O.A.No.313 of 2016 with  
O.A.No.406 of 2016

Shri R.A. Kulkarni & Ors.

...Applicants

Vs.

The State of Mah. & Ors.

...Respondents

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

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

(a) The information on which learned P.O. was asked to take instructions, is received from the Government by letter dated 4.08.2016.

(b) The information is furnished to the Advocate appearing for the Applicant.

(c) A proposal is also submitted by the Transport Commissioner to the A.C.S Home (Transport) for calling additional names from M.P.S.C.

3. Learned P.O. for the Respondents is directed as follows:-

To secure information from Respondent No.2 as to when the proposal received from Transport Commissioner relating to sending requisition to the M.P.S.C. would be cleared.

4. It is hoped that the statement of affirmative action on the part of the Respondent No.2 would be made day after tomorrow.

5. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

6. S.O. to 12.08.2016.

10/8/16

Justice Shri. P. Joshi (Chairman)

Justice Shri. M. H. Chougule (Member)

Punam Mahajan

Applicant

A.J. Chougule

Presenting Officer

12.8.16. Steno copy &  
Hamdast allowed to L.P.O.

BTE

Sd/-

A.H. Joshi  
Chairman

is, Office Memoranda of Coram,  
 pence, Tribunal's orders or  
 ons and Registrar's orders

**Tribunal's orders**  
O.A. No.679 of 2016

Shri R.M. Bhapkar ..Applicant  
 Vs.  
 The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant, Shri N.K. Rajpurohit, learned Chief Presenting Officer for Respondents No.1 to 3 and Shri A.V. Bandiwadekar, learned Advocate for Respondent No.4.

2. Smt. Mahajan, Ld. Advocate for applicant and Shri Bandiwadekar, Ld. Advocate for respondent no.4 makes a grievance that copies of documents showing the special reasons etc. on the basis of which transfer order is issued have not been supplied to them.

3. Ld. CPO undertakes to supply copies as asked for by Ld. Advocate for Applicant and Ld. Advocate for Respondent No.4. Ld. CPO prays for time for filing reply.

4. S.O. to 30.8.2016. It is hoped that reply will be filed before due date.

8.2016


Shri A. H. Joshi (Chairman)  
~~Chameshkanar (Member) A~~

inam Mahajan

Applicant  
.K. Rajpurohit  
 the Respondent/s

to 30.8.2016

(5)

  
 (A.H. Joshi, Jy) ~~Yocm~~  
 Chairman  
 10.8.2016

(sgj)

**Tribunal's orders**  
O.A. No.179 of 2016

Dr. S.A. Mahajan & Ors. ..Applicants  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

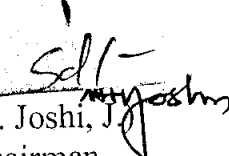
2. Ld. PO prays for time for filing reply on the ground that he has received communication from respondent no.3. It is seen that the possibility of Government's contesting the claim is not certain in view of applicants' demand appears to be reasonable.

3. Ld. PO is directed to take instructions as to whether the Government is likely to consider the demand and take a decision within a fixed time.

4. In the aforesaid background though four weeks time was sought, longer time is granted.

5. S.O. to 21.9.2016.

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

  
(A.H. Joshi, J)  
Chairman  
10.8.2016

(sgj)

**ADMINISTRATIVE TRIBUNAL  
MUMBAI**

of 20

of 20

**CONTINUATION SHEET NO.**

**Tribunal's orders**


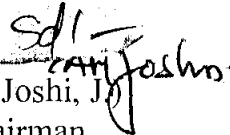
O.A. No.364 of 2015

Smt. N.P. Tamhankar ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

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

2. Shri Bandiwadekar, Ld. Advocate for the applicant prays for three weeks time.

3. S.O. to 22.9.2016.

  
  
(A.H. Joshi, J)  
Chairman  
10.8.2016

(sgj)



# THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
Applicants

vs. \_\_\_\_\_)

*versus*

The State of Maharashtra and others

Respondents

Presenting Officer.....)

<p>Notes, Office Memoranda of Coram, appearance, Tribunal's orders or objections and Registrar's orders</p>	<p>Tribunal's orders</p>
<p><u>10.8.2016</u></p> <p>Chairman: <del>Dr. A. S. Joshi</del> (Chairman) <b>R.B. Malik</b> Member: <del>Mr. Ramesh Kumar</del> (Member) ★ J</p> <p>Adv. A.J. Patil holding for S. Bhavake for the Applicant</p> <p>A.J. Chougule holding for MS. N.G. Gohad for the Respondent/s</p> <p>Admit</p> <p>(P)</p>	<p><u>O.A.444/2016</u></p> <p><b>Dr. R.V. Jadhav</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Smt. A.J. Patil holding for Shri P.S. Bhavake, the learned Advocate for the Applicant and Shri A.J. Chougule holding for Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>Affidavit-in-rejoinder is taken on record. Admit. Liberty to mention granted.</p> <p>If the Sur-rejoinder is to be filed, it must be filed on the day, it appears before the Bench and not thereafter.</p> <p><i>(Signature)</i> (R.B. Malik) 10.8.16 Member (J) 10.08.2016</p> <p>(skw)</p>

Notes, Office Memoranda of Coram,  
Clearance, Tribunal's orders or  
Applications and Registrar's orders

**Tribunal's orders**  
O.A. No.278 of 2016

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

Heard Shri Gunratan Sadavarte, learned Advocate  
for the Applicant and Smt. K.S. Gaikwad, learned  
Presenting Officer for the Respondents.

2. Shri Sadavarte, Ld. Advocate for the applicant  
states that payment of pension has commenced.  
However, there are certain deficiencies.

3. It would be better if applicant communicates the  
deficiencies to the respondents by submitting  
representations as well as orally communicating to the  
officer who is present.

4. Ld. PO states that matter will be looked into and  
response will be given within one month.

5. S.O. to 19.9.2016.

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

10/8/16

A. H. Joshi (Chairman)

Ramesh Kumar (Member) A

Gunratan Sadavarte

Presenting Officer

K.S. Gaikwad

for the Respondent/s

Sd/-  
A.H. Joshi  
Chairman  
10.8.2016

(sgl)

21/9/16. Steno copy  
it is allowed.

BTE

**ADMINISTRATIVE TRIBUNAL  
MUMBAI**

of 20

of 20

**CONTINUATION SHEET NO.**

**Tribunal's orders**

O.A. No.174 of 2016

Shri D.S. Patil

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri Shyamsundar Solanke, learned Advocate holding for Shri P.V. Patil, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Shri Solanke, Ld. Advocate prays for time on the ground that Shri Patil, Ld. Advocate for the applicant is in personal difficulty.

3. S.O. to 20.9.2016.

9  
Sd/-  
(A.H. Joshi, J.)  
Chairman  
10.8.2016

(sgj)

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

Tribunal's orders

Date : 10.08.2016.

M.A.No.316 of 2016 in O.A.No.662 of 2012 (N'Pur)  
Dr. N.V. Godbole & Ors. ...Applicants

Vs.

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

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

2. Issue notice returnable on 27.09.2016, and on that date this application would be heard by the Chairman at Nagpur Bench.

3. Tribunal may take the application for transfer 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 27.09.2016, at Nagpur.

8. Case papers of this T.A. be transmitted to Nagpur Bench one week before due date.

DATE: 10/8/16

CORAM:

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

Hon'ble Justice (Member) A

APPEARANCE:

Shri A. Mardikar

Advocate for the Applicant

Shri A. J. Chougule

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

Adj. To: 27/9/16 at Nagpur.

HT

(A.H. Joshi, J.)  
Chairman

# 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>16/8/16</u></p> <p>SEEN BY: Hon'ble Justice Shri A. H. Joshi (Chairman) <del>Hon'ble Justice Shri S. K. Kulkarni (Member) A</del></p> <p>SHRI <u>D.B. Khaire</u> Applicant's Advocate</p> <p>SHRI <u>A.K. Rajpurani</u> C/O/ P.O. for the Respondent/s</p> <p>Heard.</p> <p>Adj. To. <u>12/8/16</u></p> <p style="text-align: right;">P.H. <u>HTe</u></p>	<p style="text-align: center;"><u>O.A. No.901 of 2015</u></p> <p>Shri N.G. Kondhalkar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondent.</p> <p>Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri N.K. Rajpurani, learned C.O. Presenting Officer for the Respondents.</p> <p>2. Ld. CPO states that he would once again discuss the matter with the Secretary of the Home Department</p> <p>3. S.O. to 12.8.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, JJ) <i>amw</i> Chairman 10.8.2016</p> <p>(sg)</p>


**O.A.253/2015**

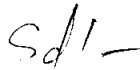
**Shri D.S. Pohnerkar** ... Applicant  
**Vs.**  
**The State of Mah. & Ors.** ... Respondents

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

The learned Advocate for the Applicant Shri Deshpande seeks a short adjournment for making an application for impleadment of other party Applicants. However, as far as the Respondents are concerned, it was by our order of 17.12.2015 that the Government of Maharashtra in R.D.D. and G.A.D. were made parties. But still GAD has not filed the Affidavit-in-reply. Further, on 28<sup>th</sup> /21<sup>st</sup> July, 2016, the Office of the Chief Presenting Officer (Shri K.B. Bhise, P.O.) had sent a communication to the Additional Chief Secretary, GAD to file the Affidavit-in-reply. But today, none is present on their behalf and no Affidavit has been filed. We are quite satisfied for a case for imposition of cost is made out and in addition, we make it clear that if the GAD were not to file the Affidavit in addition to payment of cost, we may have to presume that they have no answer to the claim in the OA. As far as the GAD is concerned, the matter is adjourned, subject to payment of cost of Rs.5000/- to be deposited in the Office of this Tribunal within two weeks from today.

S.O. to 24<sup>th</sup> August, 2016. Hamdast.

  
**(R.B. Malik)**  
**Member (J)**  
**10.08.2016**

  
**(Rajiv Agarwal)**  
**Vice-Chairman**  
**10.08.2016**

**O.A.822/2016**

**Shri V.S. Chaudhari**                      **... Applicant**  
**Vs.**  
**The State of Mah. & ors.**              **... Respondents**

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule holding for Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Issue notice returnable on 07.09.2016.

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 7<sup>th</sup> September, 2016. The learned P.O. do waive service.

*Sd/-*  
(R.B. Malik)  
Member (J)  
10.08.2016

(skw)





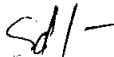
**O.A.201-A/2013**


**Shri A.T. Gunde** ... Applicant  
**Vs.**  
**The State of Mah. & Ors.** ... Respondents

Heard Shri A.S. Deshpande, the learned Advocate for the Applicant and Shri A.J. Chougule holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

It is not necessary to set out the facts in detail for the purpose of the order that we are going to make today. It would be suffice to mention that after some debate at the Bar, the learned P.O. Shri Chougule mentions that on the next date, the Finance Department shall file an appropriate Affidavit, especially with regard to the issue of discrimination between two sets of the employees in the matter of granting of arrears to one set and denying it to the others vide Exhs. 'C' and 'D'.

S.O. to 22<sup>nd</sup> August, 2016.

  
**(R.B. Malik)**  
**Member (J)**  
**10.08.2016**

  
**(Rajiv Agarwal)**  
**Vice-Chairman**  
**10.08.2016**

(skw)

**R.A.19/2015 in O.A.229/2013**

**Ms. L.V. Vhanmore** ... Applicant  
**Vs.**  
**The State of Mah. & Ors.** ... Respondents

Heard Shri M.R. Patil, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

The learned Advocate Shri M.R. Patil places on record the Office Order passed by the Chairman, Motor Accident Claims Tribunal, Mumbai dated 27.7.2016. The same is taken on record.

Heard. The request of the learned Advocate Shri Patil to which the learned P.O. has no objection. The R.A. is disposed of with no order as to costs. Further steps in the matter be taken within a period of three months from today and the Applicant be intimated within one week thereafter.

*sd/-*  
**(R.B. Malik)**  
**Member (J)**  
**10.08.2016**

(skw)

*sd/-*  
**(Rajiv Agarwal)**  
**Vice-Chairman**  
**10.08.2016**

**O.A.461/2015**

**Shri A.H. Khedkar** ... Applicant  
**Vs.**  
**The State of Mah. & Ors.** ... Respondents

Heard Applicant in person and Shri K.B. Bhise,  
the learned Presenting Officer for the Respondents.

As the matter is just about to be opened, the learned P.O. informs that certain advise has been given to the Office of the C.P.O. and the matter is now under consideration by GAD. Now, if that be so, then in our opinion, it will be proper, if the matter is adjourned by keeping this OA pending and laying down an outer time limit, so that depending upon the order passed, no hassle is caused to the Applicant who has already retired and the same time, the possibility of what can be described as agreeable settlement can also not be ruled out. The Respondent - State of Maharashtra in the Home Department, the Director General of Police being the Respondents 1 and 2 and the GAD are directed to take an appropriate decision within two months from today and inform the Applicant within one week thereafter.

S.O. to 27<sup>th</sup> October, 2016. Hamdast.

*Sd/-*  
**(R.B. Malik)**  
**Member (J)**  
**10.08.2016**

*Sd/-*  
**(Rajiv Agarwal)**  
**Vice-Chairman**  
**10.08.2016**