

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.**

ORIGINAL APPLICATION NO.870 OF 2017

DISTRICT : THANE

Smt. R. R. Agnihotri,)
R/o.C/o. Vinayak A. Hardikar,)
Flat No.D-3, Ground floor, Vittal)
Park, Samantwadi, Gangapur Rd.,)
Nasik.).....**Applicant**

VERSUS

1. State of Maharashtra, through)
The Secretary, Revenue Dept.,)
Mantralaya, Mumbai - 400 032.)
2. Dy. Supdt. Of Land Records,)
Shahapur Mahasul Colony, Laxman)
Nagar, Gothehar, Tl.Shahapur,)
Dist. Thane 421601.)
3. The District Supdt. Of Land Records,)
In the premises of District Collector)
Office, Thane.).....**Respondents**

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

Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri B.P. Patil, Member (J)

DATE : 10.11.2017

ORDER

1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

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2. The applicant has prayed to issue direction to respondent no.2 to delete the condition in the order dated 31.05.2017 issued by the respondent no.2, to produce Legal Heir Certificate to get the benefits like gratuity, insurance deposits and other financial benefits payable to her on account of death of her husband.
3. Learned P.O. has produced the communication dated 02.11.2017 addressed to Deputy Director, Land Records, Kokan Region, Mumbai from the Deputy Superintendent of Land Records, Shahapur complying the objection raised by the AG and forwarding necessary documents of granting financial benefits to the applicant. The same are taken on record. Learned P.O. has submitted that the Deputy Director, Land Records, Konkan Region, Mumbai will be forwarding the said papers to A.G. within a one or two days and thereafter the respondents will pursue the matter with A.G. to sanction the proposal sent by them. She further submits that the condition to produce Legal Heir Certificate for receiving the benefits to be granted to the applicant had been withdrawn by the respondent no.2 and the respondent no.2 will not insist the applicant to produce the said document. She has submitted that since the relief claimed by the applicant is satisfied, it is just to dispose of the O.A.
6. Learned Advocate for the applicant has submitted that since the respondent no.2 has withdrawn the condition to produce the Legal Heir Certificate, the purpose of filing of

this O.A. is satisfied. Therefore, he has no objection to dispose of the O.A. with a direction to respondent no.2, to pursue the proposal sent him to the A.G. through Deputy Director, Land Records, Kokan Division, Mumbai in stipulated time.

7. Considering the above said submissions and documents on record, it reveals that the relief claimed by the applicant has been satisfied as the respondent no.2 has withdrawn the condition to produce Legal Heir Certificate for granting financial benefits available to the applicant on account of death of her husband. The relief claimed by the applicant has been satisfied and nothing survives in the O.A.

8. Hence, the Original Application is disposed of with a direction to the respondent no.2 to pursue the matter with the A.G. for sanctioning the proposal sent by him within three months from the date of the order.



(B.P. PATIL)
MEMBER (J)
10.11.2017

Date : 10.11.2017

Place : Mumbai

Dictation taken by : VSM

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO. 04 OF 2017****DISTRICT: Nashik****Smt. Meerabal T. Kasve****...Applicant.****Versus****The State of Maharashtra & Ors.****.....Respondents.**

Shri M. Harit, the learned Advocate for the Applicant.

Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

CORAM : Shri B.P. Patil, Member-J**DATE : 10.11.2017.****ORDER**

1. Heard Shri M. Harit, the learned Advocate for the Applicant, and Shri A.J. Chougule, the learned Presenting Officer for the Respondent.

2. Applicant has filed the application claiming appointment on Compassionate ground challenging impugned order dated 14.02.2014 passed by Dist. Superintendent Agriculture Officer, Dist. Nashik, rejecting claim on the ground that she crossed age of 45 years. On perusal of the record it reveals that Applicant was born on 12.05.1968. Her husband Mr. Devram Kasve was serving as Peon with the Respondent. He died on 06.10.2011 while in service. After his death she Applicant applied for getting employment on compassionate ground. The application was received in the office of the Respondent on 16.12.2011. Her name was included in the list of the candidates eligible for the appointment on



compassionate ground prepared by, The Collector Nashik on 08.05.2013. Respondent No.4 Dist. Superintendent Agriculture Officer, Dist. Nashik, issued appointment letter on 08.05.2013 appointing her as peon in Group D. In the said order he has directed the applicant to produce a Caste verification certificate as per G.R. 05.11.2009. Respondent No. 4 has relied on G.R. dtd. 05.11.2009 which has been canceled by Government by G.R. dated 12.12.2011.

3. The applicant then approached concerned authority to collect Caste Verification Certificate. Therefore, she could not able to produce the certificate before the respondent before completion of age of 45 years. But she collected it within 90 days as mentioned in the letter dated 08.05.2013 and produced it before the Respondents. But her claim for appointment has been rejected by impugned order dated 14.02.2011 on the ground that she crossed her age of 45 years. In fact on the date of appointment i.e. 08.05.2013. She had not crossed her age of 45 years. The Dist. Superintendent, Agriculture Officer, Dist. Nashik ought to have considered the said fact, but he had relied on the provision cancelled G.R. of 05.11.2009 & thereby passed the impugned order. Therefore issue Show Cause Notice to Dist. Superintendent Agriculture Officer, Dist. Nashik as to why necessary action shall not be taken against him for depriving the applicant from her right to employment on compassionate ground by mentioning the provision of G.R. dated 05.11.2009 which was cancelled by G.R. dated 12.12.2011.

4. Respondent are further directed to file Affidavit stating whether there are taking corrective measures for correcting the mistake occurred while rejecting the claim of the applicant.

5. Learned Advocate for the Applicant had approached the Hon'ble High Court by filing Writ Petition 9867 of 2016 which has been disposed of on 24.10.2016 with a liberty to the applicant to approach this Tribunal. While disposing of the Writ Petition 9867 of 2016. The Hon'ble High Court has also mentioned that Tribunal may consider the case of the applicant sympathetically on condonation of delay, if any. Learned Advocate for the Applicant prays to grant time for filing an application for condonation of delay. Time granted to Applicant for filing M.A. for condonation of delay.

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

7. S.O. to 24.11.2017.



(B.P. Patil)
Member-J

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____ Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 10.11.2017.

O.A.No.1007 of 2017

Smt. A. N. Kale ...Applicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Madhavi, learned Advocate i/b M/s. Talekar & Associates for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. The learned P.O. for the respondents seeks time to file Affidavit-in-Reply to the amended O.A.. She has submitted that the interviews of the candidates for the post of PSI are scheduled upto 24.11.2017 and, therefore, she requested for grant of short time for filing reply.

3. Learned Advocate for the applicant has submitted that in case if the applicant is allowed to appear for the oral interview, no prejudice will be caused to the respondents. Therefore, she prays for grant of interim relief.

4. The respondents want time to file reply to the amended O.A., therefore, it is just to grant short time to file reply.

5. S.O. to 14.11.2017.

Sd/-

(B. P. PATIL)
MEMBER (J)

vsm

[P.T.O.]

DATE: 10/11/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. Ms. Madhavi holding
for S. Talekar
Advocate for the Applicant

Shri/Smt. K.S. Gaikwad
P.O. for the Respondents

S.O. to 14/11/17

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

Tribunal's orders

Date: 10.11.2017.

O.A. 1051 of 2016

Prashant G. Kadam

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Smt. Shabnam Hussain, the learned Advocate holding for Shri P.S. Pathak, the learned Advocate for the Applicant and Shri K.S. Gaikwad, the learned Presenting Officer for the Respondents 1 to 3. None for Respondent No. 4 & 5.

2. Issue notice before admission returnable on 30.11.2017 to Respondent No.5.

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

4. Applicant are authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent 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. In case notice is not collected within three days, and if service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 30.11.2017.

Sd/-

(B.P. Patil)
Member (J)

nmn

DATE: 10/11/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. Shabnam Hussain
holding for P.S. Pathak,
Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

P.O. for the Respondents No. 1 to 3.
None for R.No. 4 & 5.

S.O. to 30/11/17.

[Signature]

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

Tribunal's orders

Date: 10.11.2017.

O.A. 164 of 2016

Shri Vinayak V. Londhe

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. This Tribunal has passed detailed order on 17.07.2017 directing the Respondents to pass detailed and elaborate order explaining the reason for why according to them the said G.R. makes not possible to accept the case of the applicant. Today Respondent filed Affidavit of Shri Satish Shivabal Bhartiya working as Under Secretary, in the office of Industry, Energy and Labour Department, Mantralaya, Mumbai, instead of passing detailed order as directed Respondent.

3. Learned P.O. submits that no such detailed and elaborate order explaining reason by Respondents has not been till today. She has submitted that the Respondents will pass such order within Eight days and same will be produced before Tribunal on the next date. Therefore she prays for Short time.

4. In view of the submission of learned P.O. last chance granted to Respondents for passing order in view of the directions given by this Tribunal on 17.07.2017 .

5. S.O. to 16.11.2017.

6. Hamdast.

Sd/-

(B.P. Patil)
Member (J)

nmn

DATE: 10/11/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. G.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Ag. S.O. to 16/11/17.
Hamdast.