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(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

M.A.440/2016 in R.A.30/2016 in O.A.674/2016 with M.A.441/2016 in R.A.31/2016 in O.A.675/2016 and M.A.442/2016 in R.A.32/2016 in O.A.1114/2015

The Secretary, MPSC ... Applicants
Vs.
Shri L.K. Nirmal & ors. ... Respondents

Heard Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Shri A.A. Gharte & Shri M.D. Lonkar, the learned Advocates for the Respondents (Ori. Applicants).

These applications for condonation of delay in making the applications for review are made on the ground that the delay is neither intentional not deliberate in so far as the MPSC is concerned. The delay is of 12 days and in the set of these circumstances, although the other side objects to the allowing of these Applicatinos, we are of the opinion that the interest of justice demands that the RAs are heard and decided on merit. There is no material to suggest that the conduct of the Applicants hereof is so contumacious as to disentitle them from the benefit of the judicial indulgence. The delay is, therefore, condoned. The MAs are allowed and the RAs shall be heard and decided in accordance with the law. No order as to costs.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
11.11.2016 11.11.2016

(skw)

DATE: 11/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairma)
Hon'ble Shri R. B. MALIK (Memb r)
APPEARANCE:
~~Shri/Smt. t~~ N.K. Rajpurohit
CPO
~~Advocate~~ for the Appl nt
~~Shri/Smt. t~~ M.D. Lonkar
~~C.P.O / P.O.~~ for the Respondents
Adv.
~~Adj. To~~ M.As are allowed

[P.T.O.

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

R.A.30/2016 in O.A.674/2016 with
R.A.31/2016 in O.A.675/2016 and
R.A.32/2016 in O.A.1114/2015

The Secretary, MPSC ... Applicants
Vs.
Shri L.K. Nirmal & ors. ... Respondents

Heard Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Shri A.A. Gharte & Shri M.D. Lonkar, the learned Advocates for the Respondents (Ori. Applicants).

Heard Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Shri A.A. Gharte & Shri M.D. Lonkar, the learned Advocates for the Respondents (Ori. Applicants).

As the Review Application is being argued, it appears that in the opening Paragraph itself, the deponent of the Affidavit Shri Maruti P. Jadhav, Under Secretary in the Office of the MPSC has made an averment, "there was no opportunity given to the original Respondents and the aforesaid RA was decided on the very same day.

It is quite clear that the said averments are serious in nature and they have a tendency to insinuate that the opportunity was not given to the MPSC in that RA. A copy of the order of 16.9.2016 would, however, show that the learned CPO was heard at that time and there does not appear to be any request for adjournment, etc. for reply because had it been so, it could have been reflected in our order and most shockingly, to a Court query, the answer elicitated is that the deponent of the Affidavit Shri M.P. Jadhav above referred to was not present in the Court on 16.9.2016. In our opinion, it is a serious matter where even suo-motu contempt action can also be taken, and therefore, we direct the deponent of this Affidavit Shri M.P. Jadhav to submit his explanation in writing and explain as to why an appropriate action should not be initiated against him. The compliance be made on 21st November, 2016 regardless of whether these RAs remain pending or not because very obviously, depending upon the reply, the proceedings would be separate inrrespective of whatever way these RAs will have been decided.

S.O. to 21st November, 2016.

Sd/- Sd/-

(R.B. Malik)
Member (J)
11.11.2016

(Rajiv Agarwal)
Vice-Chairman
11.11.2016

(skw)

DATE: 11/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt. ... N.K. Rajpurohit CPO
Advocate for the Applicant
Shri /Smt. ... M.D. Lonkar & A.A. Gharte.
C.P.O / P.O. for the Respondents
Adv.
Adj. To... S.O. to 21/11/16.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 11/11/16

CORAM :

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

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

APPEARANCE :

Shri/Smt. N.K. Rajpurohit CPO

Advocate for the Applicant

Shri /Smt. M.D. Lonkar & A.A. Gharte Adv.

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

Adj. To. Order passed in the Tribunals cadeemn.

R.A.30/2016 in O.A.674/2016 with
R.A.31/2016 in O.A.675/2016 and
R.A.32/2016 in O.A.1114/2015

The Secretary, MPSC ... Applicants
Vs.
Shri L.K. Nirmal & ors. ... Respondents

Heard Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Shri A.A. Gharte & Shri M.D. Lonkar, the learned Advocates for the Respondents (Ori. Applicants).

The delay having been condoned, the RAs taken up for consideration. Mr. M.D. Lonkar and Mr. A.A. Gharte, the learned Advocates for the Respondents hereto submit that they do not want to file reply to the Review Applications. Therefore, arguments in the RAs to proceed.

Sd/- Sd/-

(R.B. Malik) Member (J) 11.11.2016

(Rajiv Agarwal) Vice-Chairman 11.11.2016

(skw)

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 11/11/16

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

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

~~Hon'ble Shri M. Ramesh kumar (Member) A~~

APPEARANCE :

~~Shri/~~Smt. : Punam Mahajan

Advocate for the Applicant

~~Shri/~~Smt. : Ks. Gaikwad

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

Adj. To 2/12/16.

O.A.1047/2016

Shri P.P. Birajdar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Reserving the right of the Applicant to seek interim relief on the next date, issue notice made returnable on 24.11.2016.

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 24 NOV ~~2nd December~~, 2016.

Sd/-

(R.B. Malik)
Member (J)
11.11.2016

(skw)

[P.T.O.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1061 OF 2016

DISTRICT : SANGLI

J.A.T. Pirjade **.... Applicant.**

Versus

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

Smt. Punam Mahajan, learned Counsel for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN

DATE : 11.11.2016.

O R D E R

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant who was transferred by order dated 04.10.2016 from Narsinhawadi in Kolhapur to Mhaisal in Sangli. Though the order has been passed more one than month back, learned Advocate for the Applicant states that the till date the order has not yet been implemented. She is seeking interim relief that the Respondents be directed to follow the order and the Applicant may be relieved forthwith.

3. Learned P.O. for the Respondents, on instructions from Shri P.G. Tande, Under Secretary, Water Resources Department, states that the orders will be issued by the Respondent No.2 to the concerned Chief Engineer who is Respondent No.3 to immediately relieve the applicant and allow him to join in the place where he is transferred.

4. Issue notice returnable on 22.11.2016.

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

6. 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.

7. 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.

8. 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.

9. S.O. to 22.11.2016. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders **Date : 11.11.2016.**

O.A.No. 884 of 2016

M.V. Gurav **.... Applicant.**

Versus

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

1. Heard Shri G.A. Bandiwadekar, learned Counsel for the Applicant and Ms. S. Suryawanshi, learned Presenting Officer for the Respondents.

2. This Tribunal on 08.09.2016 has given following order :-

> "7. The respondents are further directed as follows:
>
> (a) Both the respondents should examine the applicant's claim.
>
> (b) Upon examination, form an opinion as to whether applicant is entitled to the relief sought by him and if there is no legal impediment in granted the same, take appropriate steps in that regard.
>
> (c) If it is necessary to oppose the OA, in that case only the affidavit be filed."

3. Today, Shri S.A. Kalake, Sectional Engineer, Bhogawati Irrigation, Sub-Division, Radhanagari is present on behalf of the Respondent No.2. He states that he has instructions only to seek adjournment in this matter. The purpose for which the said person was send by the Respondent to attend the matter in this Tribunal is not understood. He states that he has come all the way from Kolhapur. Not only has he wasted public time, which he should have utilized for discharging his official duties, but the amount spent on his T.A. and D.A. also is a total waste. The order of this Tribunal has not been complied with.

4. The cost of Rs.5,000/- be imposed on the Respondent No.2 which should be deposited in the Registry of this Tribunal before the next date. S.O. to 25.11.2016. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

11/11/16

Coram- Hon'ble Shri Rajiv Agarwal (Vice-Chairman)

Shri G.A. Bandiwadekar Adv for the Applicant.
Miss. S. Suryawanshi P.O. for the Respondents
Heard
order passed in Tribunal Column.
S.O. to 25/11/16.
Hamdast.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 11/11/2016

CORAM : Shri R.B. Malik (m/j)

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

~~Hon'ble Shri M. Ramesh Kumar (Member) A.~~

APPEARANCE :

Shri/Smt. C.T. Chandratre

Advocate for the Applicant

~~Shri/Smt.~~ N.G. Gohad

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

~~Adj. To~~ Admit.

O.A.270/2016

Shri A.J. More ... Applicant

Vs.

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

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Shri Chandratre, the learned Advocate for the Applicant informs that the Applicant does not want to file Rejoinder. Admit. Liberty to mention granted.

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.

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

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.

Sd/-

(R.B. Malik)
Member (J)
11.11.2016

(skw)

[P.T.O.

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

O.A.1062/2016

Shri C.C. Darade & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Mrs. Punam Mahajan, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

The learned CPO is being instructed by Shri S.S. Nikam, Desk Officer, GAD. I have heard the rival submissions on the issue of interim relief. As of today, although I am not granting the interim relief in precise manner which it is sought but I make it clear that in the first place, the liberty is reserved for the Applicant to renew the said request on the next occasion or even thereafter, if need be. Further, it is made clear that henceforth whatever move is taken with regard to the transfer will be subject to the orders made either at interim stage or finally on this OA and this must be made clear to all concerned Officers affected by the impugned order.

Issue notice returnable on 18.11.2016.

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 18th November, 2016.

Sd/-
(R.B. Malik)
Member (J)
11.11.2016

(skw)

DATE : 11/11/16
CORAM :
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri R.B. Malik (M/J)
~~Hon'ble Shri M. Ramachandran (Member) A~~
APPEARANCE :
Shri/Smt. : Punam Mahajan
Advocate for the Applicant
Shri/~~Smt.~~ : N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s

Adj. To 18/11/16

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

M.A.451/2016 in O.A.1062/2016

Shri C.C. Darade & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Mrs. Punam Mahajan, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-

(R.B. Malik)
Member (J)
11.11.2016

(skw)

DATE : 11/11/16
CORAM :
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri R.B. Malik (Member) A
APPEARANCE :
~~Shri/Smt.~~ : Punam Mahajan
Advocate for the Applicant
Shri /~~Smt.~~ : N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s
~~Adj. To~~ MA is allowed.

[PTO

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

R.A.33/2016 with M.A.448/2016 in O.A.1253/2009

Smt. A.A. Tikar and 2 Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 02.12.2016.

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

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

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

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

S.O. to 2nd December, 2016.

Sd/-

(R.B. Malik)
Member (J)
11.11.2016

(skw)

DATE: 11/11/2016
CORAM: Shri R.B. Malik (M(J))
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE:
~~Shri/Smt.~~ : S.P. Manchekar
Advocate for the Applicant
Shri ~~(Smt.)~~ : N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s
Adj. To 2/12/16

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.354/2016

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

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The learned PO is being instructed by Smt. Savita Ramaj, Law Officer, Collector Office, Thane.

The Respondent Nos. 3 & 4 are hereby directed to file proper Affidavit in which apart from the other aspects of the matter, it must also be explained as to what is the hurdle in implementing the GR dated 19th August, 2016.

S.O. to 2nd December, 2016. Hamdast.

Sd/-

(R.B. Malik) 11-11-16
Member (J)
11.11.2016

(skw)

DATE : 11/11/2016
CORAM : Shri R.B. Malik (M/J)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
~~Shri/Smt. :~~ C.T. Chandratre
Advocate for the Applicant
Shri/Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s
Adj. To 2/12/16. Hamdast.
B.E.

[P.T.O.