[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 211 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 18 JAN 2016

C.A. No. 115/2015 IN O.A. Nos. 128 & 129 OF 2012. (D.B.)

1. Shri Mahadev V. Tambe, O.A. No. 128/2012.
   R/at. Malshiras, Tal. Purandar, Dist. Pune.
2. Shri Kishore K. Vedpathak, O.A. No. 129/2012.
   R/at. Irrigation Colony, A/P. Yewat, Tal. Daund, Dist. Pune-412 214.

....**APPLICANT/S.**

VERSUS

1. Shri Shivaji M. Upase, The Secretary (CAD), Water Resource Department, Mantralaya, Mumbai-400 032.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri V.V. Joshi, Advocate for the Applicants.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : 1. Heard Shri V.V. Joshi, learned Advocate for the applicants and Smt. Kranti Gaikwad, learned P.O. for the respondents.

2. Smt. Kranti Gaikwad, learned P.O. for the respondents has tendered the copy of G.R. dated 11.01.2016. It is taken on record.

3. Shri V.V. Joshi, learned Advocate for the applicant states as follows:-
"that the order passed by this Tribunal in Original Application Nos. 128 & 129/2012 is complied with and Contempt Application can be disposed."

4. In view of this statement, Contempt Application is disposed of.

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

18/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/200 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 18 JAN 2016

ORIGINAL APPLICATION NO. 390 OF 2015.

1 Shri. Sunil V. Mane,
Add. Gahini Prasad Soc., Near Vakilnagar, Erandawana, Pune- 411 004.

....**APPLICANT/S.**

VERSUS

1. Commissioner, Women & Child Welfare, M.S., 28, Queens Garden, Near Old Circuit House, Pune-411 001.

.....**RESPONDENT**/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** *day of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Smt. P. Mahajan, Advocate for the Applicant.
Ms. N.G. Gohad, P.O. for the Respondent.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **12.01.2016.**

ORDER : Heard Smt. Punam Mahajan, learned advocate for the applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.

Adjourned to 28.1.2016. Interim relief to continue till then.

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

16/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 180 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 15 JAN 2016

M.A. No. 530/2015 IN O.A. Nos. 310 & 311 OF 2014.

1 The Special Inspector General of Police, Kolhapur Range, Kolhapur.
2 The Superintendent of Police, Satara.
3 The State of Maharashtra, Through Addl. Chief Secretary, Home Dept., Mantralaya, Mumbai.
4 The D.G.P., M.S., Mumbai.

....**APPLICANT/S.(Ori.Resp.)**

VERSUS

1. Shri Baburao K. Shelar, Police Head Constable, Satara District Police Force.

...RESPONDENT/S(Ori. Appli.)

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Smt. K.S. Gaikwad, P.O. for the Applicants(Ori. Resp.)
Smt. P. Mahajan, Advocate for the Respondents.(Ori. Appli.)

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : Order Copy Enclosed/ Order Copy Over Leaf.

15/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

(5)

[Spl.- MAT-F-2 E.

LA ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20

of 20

NTINUATION SHEET NO.

	Tribunal's orders

Date : 12.01.2016.

M.A.No.530 of 2015 in O.A.No.310 and 311 of 2014

1. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Applicants (Org. Respondents) and Smt. Punam Mahajan, the learned Advocate for the Respondent (Org. Applicant).

2. M.A. is filed by four Applicants.

3. There is no positive commitment coming from the Statement Government, as to grounds and reasons necessiciating and justifying enlargement of time and a commitment as to time within which compliance would be done.

4. Therefore, this M.A. is devoid of substance and is dismissed.

5. It would be open to the Government to file application afresh by doing necessary compliance as indicated for foregoing paragraph no.3.

(A.H. Joshi, J.)
Chairman

prk

TRUE COPY

15/1/2016

Asstt. Registrar / Research Officers
Mumbai Bench, Administrative Tribunal

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 181 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 15 JAN 2016

M.A. No. 21/2016 IN O.A. No. 34/2016.

1. Dr. Pradeep D. Myakalwar & 02 Ors.,
C/o. Shri A.A. Desai, Advocate for the Applicants.
Add. O/at. 204, "Bake House", MCC Lane, Kalaghoda, Fort, Mumbai-23.

....**APPLICANT/S.**

VERSUS

1 State of Maharashtra, Through its Secretary, Public Health Dept., Mantralaya, Mumbai-32.

2 M.P.S.C., Through its Chairman, Having its office address at M.G.Rd Fort, Mumbai.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri A.A. Desai, Advocate for the Applicants.
Shri A.J. Chougule, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **12.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

15/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

(6)

Spl.- MAT-F-2 E.

A ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20

of 20

NTINUATION SHEET NO.

	Tribunal's orders

M.A.21/16 in O.A.34/16

Heard Shri A.A. Desai, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned 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/- 12.01.16

(R.B. Malik)
Member (J)
12.01.2016

(skw)

TRUE COPY

15/1/2016

Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 182 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 15 JAN 2016

M.A. No. 20/2016 IN O.A. No. 33/2016.

1. Dr. Sandip P. Gophane & 07 Ors.,
C/o. Shri A.A. Desai, Advocate for the Applicants.
Add. O/at. 204, "Bake House", MCC Lane, Kalaghoda, Fort, Mumbai-23.
....**APPLICANT/S.**

VERSUS

1 State of Maharashtra, Through its Secretary, Public Health Dept., Mantralaya, Mumbai-32.

2 M.P.S.C., Through its Chairman, Having its office address at M.G.Rd Fort, Mumbai.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri A.A. Desai, Advocate for the Applicants.
Shri A.J. Chougule, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **12.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

15/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

(6)

[Spl.- MAT-F-2 E.

ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20

of 20

TINUATION SHEET NO.

	Tribunal's orders

M.A.20/16 in O.A.33/16

Heard Shri A.A. Desai, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned 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/- 12.01.16

(R.B. Malik)
Member (J)
12.01.2016

(skw)

/TRUE COPY

15/1/2016

~~Asst. Register~~ / Research Officers
Mumbai Administrative Tribunal

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 183 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 15 JAN 2016

ORIGINAL APPLICATION Nos. 28 & 29 OF 2016 With
ORIGINAL APPLICATION Nos. 32 TO 35 OF 2016.

1. Dr. Archana N. Bhingare & 03 Ors., O.A. No.28/2016
2. Dr. Prashant m. Deshmukh, O.A. No.29/2016
3. Dr. Sandip D. Ahire, O.A. No.32/2016
4. Dr. Sandip P. Gophane & 07 Ors., O.A. No.33/2016
5. Dr. Pradeep D. Myakalwar & 02 Ors., O.A. No.34/2016
6. Dr. Roopchand Bhendarkar, O.A. No.35/2016

C/o. Shri A.A. Desai, Advocate for the Applicants.
Add. O/at. 204, "Bake House", MCC Lane, Kalaghoda, Fort, Mumbai-23.

....**APPLICANT/S.**

VERSUS

1 State of Maharashtra, Through its Secretary, Public Health Dept., Mantralaya, Mumbai-32.

2 M.P.S.C., Through its Chairman, Having its office address at M.G.Rd Fort, Mumbai.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri A.A. Desai, Advocate for the Applicants.
Shri N.K. Rajpurohit, C.P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **12.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

15/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

(5)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLICATION NOS.28 & 29 OF 2016
WITH
ORIGINAL APPLICATION NOS.32 TO 35 OF 2016

****

ORIGINAL APPLICATION NO.28 OF 2016

Dr. Archana N. Bhingare.)...**Applicant**

Versus

1. The State of Maharashtra & 3 Ors.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.29 OF 2016

Dr. Prashant M. Deshmukh.)...**Applicant**

Versus

1. The State of Maharashtra & Anr.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.32 OF 2016

Dr. Sandip Dagadu Ahire.)...**Applicant**

Versus

1. The State of Maharashtra & Anr.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.33 OF 2016

Dr. Sandip P. Gophane & 7 Ors.)...**Applicants**

Versus

1. The State of Maharashtra & Anr.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.34 OF 2016

Dr. Pradeep D. Myakalwar & 2 others.)...**Applicants**

Versus

1. The State of Maharashtra & Anr.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.35 OF 2016

Dr. Roopchand Bhendarkar.)...**Applicant**

Versus

1. The State of Maharashtra & Anr.)...**Respondents**

Shri A.A. Desai, Advocate for Applicants.

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

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

DATE : 12.01.2016

O R D E R

1. These Original Applications (OAs) are moved for urgent relief by the Dental Suregons who in various permutations and combinations have made these six OAs. In OAs 29/16, 32/16 and 35/16, there is only one Applicant each while in other OAs, more than one Applicants are there and Misc. Applications moved for permission to sue jointly have been allowed.

2. It must be clearly understood that none of my observations made in this common order today shall finally conclude either of the parties. They are being made only for the purposes of interim orders, if any, and that too, as of today.

3. There is in the manner of speaking, a recent history so to say. A few candidates so similarly placed as the present Applicants moved this Tribunal presided over by either me and in one matter, by the Hon'ble Chairman. The first orders came to be made by me on 21st December, 2015. A very detailed statement of facts will really not be necessary as of now. There are a few facts which may be

noted and that would suffice. The Applicants as Dental Surgeons were employed on contractual basis for more than three years and in one OA, lesser than that. Therefore, as a matter of fact, stung by the refusal to be interviewed for the post of Dental Surgeon published by the MPSC, they in the first place seek regularization mainly relying upon the rule of **Writ Petition No.2046/2010 (Sachin A. Dawale and 90 others Vs. State of Maharashtra and one another, dated 19.10.2013)** confirmed by the Hon'ble Supreme Court in **Special Leave to Appeal (C) No.39014/2013 (State of Maharashtra and another Vs. Sachin A. Dawale, dated 6.1.2015)** followed by another division bench of the Hon'ble Bombay High Court in **Writ Petition No.10145/2014 (Ujwale G. Sadhu and others Vs. State of Maharashtra and one another, dated 27.1.2015).** Thereafter, this Tribunal in O.A.126/2014 and others (Shri Milind Surdikar and others Vs. The State of Maharashtra and one another, dated 11.3.2015) granted relief to the Applicants. I was a Member of that Bench. That is one aspect of the matter which will befall this Tribunal's consideration when this group of OAs along with the others will be heard finally and as I can visualize, there is a fair degree of possibility and justification for expediting the hearing hereof for obvious reasons because otherwise the fate of a large

number of candidates before this Tribunal and even those who are not before this Tribunal would hang in balance.

4. As far as the other aspects of the matter are concerned, claim for interim relief arises out of what can be described as a short listing criteria adopted by the MPSC which put in simple terms made it impossible for those Doctors who did not hold the degree of MDS to vie for the post of Dental Surgeon. For all practical purposes, a complete, "ouster" from contention was there for the post of Dental Surgeon for those holding the degree of BDS and in that connection, the validity of such short-listing criteria will fall for this Tribunal's consideration, but in actual terms, the result that it has produced is that those who hold BDS degree were not allowed to appear for the interviews.

5. It was in that background that in a future, earlier orders made either by me or by the Hon'ble Chairman, the directions were given to let those Applicants be interviewed. In all fairness, Mr. Desai has annexed to the OA now filed (at Page 90 in OA 28/2016) MPSC's notification appointing 28th and 29th January, 2016 as the dates for interviewing those Applicants. The earlier appointed last date was 30th December, 2015. I am now

informed at the Bar that as per the orders of the Hon'ble Chairman, the Applicants who reported to the MPSC till 5th January, 2016 have been included in the list of candidates to be interviewed on 28th and 29th January, 2016. Therefore, it boils down to this, that till then, whoever amongst the frustrated candidates moved the OAs have now been accommodated for the interviews.

6. Now, normally on the theory of similarly placed and parity of reasoning, there should be no difficulty in granting the same relief to the present Applicants as well which their colleagues were the beneficiaries of. Mr. N.K. Rajpurohit, the learned C.P.O. while strongly objecting to grant any relief, specifically invited my attention to the fact as he perceived it to be of there being a contradiction in the case of the Applicants who on one side challenge the advertisement and on the other hand seek relief thereunder only. As to this submission of the learned C.P.O, I find that in the first place as indicated at the very outset, I am not finally deciding any issue in making this order and to the extent warranted by the facts and law, this submission will have to be considered, when this group of OAs is heard finally. As of today, the scope is so limited as to take care of the immediate concerns of these Applicants. If that be so, then in my opinion, on the basis

of the parity of reasoning and similarly placed doctrine, the Applicants will be entitled to the same interim relief. I make it clear that the same interim relief is going to be granted to them.

7. However, it has now become necessary to put a Caveat as far as the future actions, if any, in this regard. One aspect of the matter is that by the orders of this Tribunal, how long can the interview process be stretched by the MPSC. It is undoubtedly true that the convenience of MPSC cannot be the sole governing criteria and it cannot be subordinated to the larger interest of justice. However, at the same time, it will have to be ensured that the said process of interviews does not become an endless one because as alluded to above, there are candidates who answer the requirements set down by MPSC. Even they will have to wait the outcome hereof though they are unconcerned herewith. Mr. Desai told me that the move of the MPSC to practically oust the degree holders because of the short listing criteria takes some time to tricle down to the Districts and more particularly mofussils and tribal areas, and therefore, as and when the information is received, the concerned persons take steps to seek redresssal for their grievance. To a certain extent, this submission holds water, but there has to be a degree even

there. Further, with the current technological advance, I do not think that there is total blackout kind of a situation. The educated populace that the Dental Surgeons undoubtedly are, quite surely should move with due dispatch, and therefore, I make it clear that after today, if any, such OA is presented, it will surely be entertained. But at the interim stage, it will only be clarified that if as a result of the final disposal of the OAs, it was found by the Tribunal that there was merit in their OAs, then a direction will be given to the MPSC to make provision for their interviews, even thereafter and at that time, neither the MPSC nor the Government nor even, "successful candidates" would be allowed to advance a plea the net result whereof would be to force those Applicants who might bring their OAs after today to a state of "*fait acompli*". Therefore, the apprehension expressed by Mr. Desai can surely be effectively addressed because hereby I have neither barred anybody from bringing fresh OAs nor even from asking for an interim relief. Only result is that from now on, the number of candidates to be interviewed would not be added or multiplied. But of course, the Applicants in group of OAs, as of today, will have to be interviewed.

8. The Respondent No.2 – MPSC is directed to interview the Applicants in OAs 28/16, 29/16, 32/16, 33/16, 34/16 and 35/16 on a date specified by them for which the Applicants in the above referred OAs shall visit the office of the Respondent No.2 on 14th January, 2016 on which date, further process will be worked out and the Respondent No.2 – MPSC shall communicate to the Applicants the dates fixed for the interviews of these Applicants. The MPSC shall also display a list of these Applicants along with the dates fixed for their interviews. Be it recorded that Mr. Desai's request for any other interim order on the next date is kept open. The parties shall act on a steno-copy hereof. This group of OAs stands adjourned to 20th January, 2016 along with the sister OAs.

sd/-
(R.B. Malik) 12.01.16
Member-J
12.01.2016

Mumbai
Date : 12.01.2016
Dictation taken by :
S.K. Wamanse.
E:\SANJAY WAMANSE\JUDGMENTS\2016\O.A.28.16 group.w.1.2016.doc

TRUE COPY
15/1/2016
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

No. MAT/MUM/JUD/ 179 /2015
Maharashtra Administrative Tribunal,
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 15 JAN 2016

ORIGINAL APPLICATION NO. 991 OF 2015

1 Shri Sanjay Vilas Shintre,
R/at. Quarter No.5 European Police Officers Quarters, Seth Motishaha Lane, Opp.-Jain Temple, Byculla East, Mumbai-400 027.

...APPLICANT/S.

V/s.

1 The State of Maharashtra,
Though Addl. Chief Secretary,
Home Dept., Mantralaya,
Mumbai-400 032.

2 The Director General of Police
State of Maharashtra, having
office at Old Council Hall,
Maharashtra State Police
Headquaters, Shahid Bhagat
Singh Marg, Colaba, Mumbai.

.. ..RESPONDENTS

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **12th** day of **January, 2016** has made the following order:-*

APPEARANCE : . Shri R.G.Panchal, Advocate for the Applicant.
Shri N.K.Rajpurohit, C.P.O. for the Respondents.

CORAM : HON'BLE SHRI. R.B.MALIK, MEMBER (J).

DATE : 12.01.2016.

ORDER : Order Copy Enclosed/Order Copy Over Leaf

14/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

12.1.2016

O.A No 991/2015

Heard Shri R.G Panchal, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

Affidavit in reply has been taken on record. Mr Panchal, learned advocate makes a statement that the Applicant does not want to file affidavit in rejoinder. Mr Panchal seeks urgent relief.

Upon perusal of record, however, I find that now that the pleadings are complete, it will be in the interest of all concernd in the background of facts such as they are that the O.A is heard finally, and therefore, instead of the usual order permitting the Applicant to mention the matter before the D.B, I am so disposed as to appoint a fixed date for final hearing before the D.B so that unnecessary time is not lost especially regard being had to the sensitivity of the matter.

O.A is admitted. It is expedited and as an expedited O.A, it should be shown high on Board on the Division Bench on 20.1.2016. It is, however, made clear that the mere pendency of this O.A would not come in the way of the Respondents revisiting the matter to make sure that their action was proper or not and in case they find it not to be so, necessary corrective steps may even be taken before the next date.

S.O. 20.1.2016. Hamdast.

sd/-

12.1.2016 (R.B. Malik)
Member (J)

Akn

TRUE COPY

14/1/2016

Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

DATE: 12/1/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. R. G. Panchal

Advocate for the Applicant

Shri/Smt. N. K. Rajpurohit

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

Order passed in the Tribunal's cocleum.

Adj. to

O.A is admitted.

S.O. to 20/1/16.

Hamdast

Reply filed by FH/HOB

R.No. 1.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 185 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 15 JAN 2016

ORIGINAL APPLICATION NO. 661 OF 2015.

1. Shri Pradeep Sadashiv More,
R/at. Indira Nagar, Block No.C-134, Vijapur Road, Solapur-4.

....**APPLICANT/S.**

VERSUS

1 The State Of Maharashtra, Through The Secretary, School Education Department, Mantralaya, Mumbai-32.

2 The Commissioner, School Education Department, Central Building, Main Building, 1st floor, Near Camp Area Close to Pune Railway Station, Pune-411001.

3 The Director, Directorate of Education, Secondary & Higher Education, Central Building, Main Building, 1st floor, Near Camp Area Close to Pune Railway Station, Pune-411001.

4 The Director of Education Primary Education Department, Central Building, Main Building, 1st floor, Near Camp Area Close to Pune Railway Station, Pune-411001.

5 The Director of Education, Maharashtra State, Educational Research and training Centre, Sadashiv Peth, Kumthekar Marg, Pune-30.

...**RESPONDENT**/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri V.S. Deokar, Advocate for the Applicant.
Smt. K.S. Gaikwad, P.O. For the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : 1. Heard Shri V.S. Deokar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. In the midst of hearing, learned Advocate for the Applicant Shri V.S. Deokar prays for permission to withdraw the O.A. with liberty to agitate all issues including challenge to very initiation of Departmental Enquiry and for whatever reliefs as permissible in law.

3. O.A. is allowed to be withdrawn, with above liberty.

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

14/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 184 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 15 JAN 2016

M.A. No. 19/2016 IN O.A. No. 28/2016.

1. Dr. Archana N. Bhingare & 03 Ors.,
C/o. Shri A.A. Desai, Advocate for the Applicants.
Add. O/at. 204, "Bake House", MCC Lane, Kalaghoda, Fort, Mumbai-23.
....**APPLICANT/S.**

VERSUS

1 State of Maharashtra, Through its Secretary, Public Health Dept., Mantralaya, Mumbai-32.

2 M.P.S.C., Through its Chairman, Having its office address at M.G.Rd Fort, Mumbai.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri A.A. Desai, Advocate for the Applicants.
Shri A.J. Chougule, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **12.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

15/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

(6)

[Spl.- MAT-F-2 E.

ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20

of 20

TINUATION SHEET NO.

Tribunal's orders

M.A.19/16 in O.A.28/16

Heard Shri A.A. Desai, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned 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/- 12.1.16

(R.B. Malik)
Member (J)
12.01.2016

(skw)

TRUE COPY
15/1/2016
Asstt. Registrar/Research Officers
Maharashtra Administrative Tribunal
Mumbai

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/235 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 19 JAN 2016

C.A. No. 90/2015 IN O.A. No. 05 OF 2012. (D.B.)

1. Mr. Rajendra B. Kshirsagar,
R/at. Survey No. 927,928,929 P.V. Park Society, Near Bank of Maharashtra, Yerwada, Pune-411006.

....**APPLICANT/S.**

VERSUS

1 Smt. Sujata Saunik,The Principal Secretary, Public Health Dept., G.T. Hospital, Mumbai.

2 Mr. Vithal N. More, The Chairman/ Secretary, M.P.S.C., 3rd Floor, Bk. Of India Bldg., M.G. Road, Fort, Mumbai-1.

3 Mr. Ravindra M. Shinde,
Chemical Asst., District Public Health Laboratory, Kolhapur.

...**RESPONDENT**/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri K.R. Jagdale, Advocate for the Applicant.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : 1. Heard Shri K.R. Jagdale, learned Advocate for the applicant and Smt Kranti Gaikwad, learned P.O. for the respondents.

2. Shri K.R. Jagdale, learned Advocate for the applicant states as follows:-
"That the order passed in Original Application No.05/2012 is complied with . Applicant is satisfied.

3. In view of this statement, Contempt Application is disposed of.

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

18/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/233 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date :- 19 JAN 2016

C.A. No. 104/2015 IN O.A. No. 180/2013. (D.B.)

1 Shri Anant G. Bhosale,
Add. W/as. Wireman, Central Hospital, Ulhasnagar-3, Dist. Thane.

....**APPLICANT/S.**

VERSUS

1. Smt. Sujata Sounik, Addl. Chief Secretary, Public Health Dept., The State of Maharashtra, Having Office at Mantralaya, Mumbai-32.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri. A.V. Bandiwadekar, Advocate for the Applicant.
Smt. K.S. Gaikwad, P.O. for the Respondent.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the applicant and Smt Kranti Gaikwad, learned P.O. for the respondents.

2. Smt. Krati Gaikwad, learned P.O. for the respondents states that the decision is taken by the Government to regularize the services of the applicant.

3. Shri A.V. Bandiwadekar, learned Advocate for the applicant states that the applicant is satisfied with the decision taken by the Government.

4. In view of the compliance, Contempt Application is disposed of.

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

18/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/232 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 19 JAN 2016

M.A. NO. 15/2016 IN O.A. NO. 558/2013 (D.B.)

1 Shri. Sudhir Srivastav,
Additional Chief Secretary, Finance Dept., Mantralaya, Mumbai-400 032.

.....**APPLICANT/S. (Ori. Resp.)**

VERSUS

1 Shri. Sopan T. Marakwad,
R/o. 11, Samarth Nagar, Near
Ambekar Nagar, Shobh Nagar Road
Nanded-431 605.

...RESPONDENT/S(Ori.Appli.)

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **12th** day of **January, 2016** has made the following order:-

APPEARANCE : Smt. K.S. Gaikwad, P.O. for the Applicant (Ori. Resp.)
Shri M.D. Lonkar, Advocate for the Respondent (Ori. Appli.)

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : 1. Heard Smt Kranti Gaikwad, learned P.O. for the Applicants (Ori. Respondents) and Shri M.D. Lonkar, learned Advocate for the Respondent (Ori. Applicant).

2. By consent of both sides, time to comply the order in O.A. No. 558/2013 is enlarged to 02.05.2016.

3. Misc. Application is disposed of.

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

18/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 231 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 19 JAN 2016

C.A. NO. 25/2013 IN O.A. NO. 558/2013 (D.B.)

1 Shri. Sopan T. Marakwad,
R/o. 11, Samarth Nagar, Near Ambekar Nagar, Shobh Nagar Road
Nanded-431 605.

.....**APPLICANT/S.**

VERSUS

1 Shri. Sudhir Srivastav,
Additional Chief Secretary, Finance
Dept., Mantralaya, Mumbai-32.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **12th** day of **January, 2016** has made the following order:-

APPEARANCE : Shri M.D. Lonkar, Advocate for the Applicant.
Smt. K.S. Gaikwad, P.O. for the Respondent.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : 1. Heard Shri M.D. Lonkar, learned Advocate for the applicant and Smt Kranti Gaikwad, learned P.O. for the respondents.

2. Since the Misc. Application for enlargement of time is allowed and time is enlarged to 02.05.2016, Contempt Application is adjourned to 07.06.2016.

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

18/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/220 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 18 JAN 2016

ORIGINAL APPLICATION NOs. 25 to 27 OF 2016.

1. Shri Laxman D. Randhir & 03 Ors., O.A. No. 25/2016
2. Shri Popat K. Jadhav & 04 Ors., O.A. No. 26/2016
3. Shri Ramchandra S. Paigude & 05 Ors., O.A. No. 27/2016

C/o. Shri V.V. Joshi, Advocate for the Applicants.

....**APPLICANT/S.**

VERSUS

1 The Secretary, Water Resource Dept.,Mantralaya, Mumbai-32.

2 The Secretary, Finance Department Mantralaya, Mumbai-32.

3 The Superintending Engineer, Pune Irrigation Circle Sinchan Bhavan, Mangalwar Peth, Barne Road, Pune-11.

4 The Executive Engineer, Irrigation Divn., Sinchan Bhavan, Mangalwar Peth, Barne Road, Pune-11.

5 The Executive Engineer Irrigation Division, Khadakwasla, Dist. Pune.

6 The Superintending Engineer, Water Resource Dept.,Central Bldg.,Pune-1.

7 The Superintending Engineer, Division No.2, Mechanical Circle (U.S.), Tarabai Park, Kolhapur-3.

8 The Executive Engineer Irrigation Division, Division No.2, Swargate, Pune-37.

9 The Executive Engineer Irrigation Division, Division No.3, Swargate, Pune-37.

10 The Secretary, Irrigation Dept., Mantralaya, Mumbai-32.

...RESPONDENT/S

✓Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri V.V. Joshi, Advocate for the Applicants.
Ms. N.G. Gohad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **12.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

The said application has been admitted and the Tribunal has directed to issue notice for all the Respondents to file their replies. This notice is accordingly issued to you, you should file in duplicate, your duly verified reply along with copies of documents on which you intend to rely on or before – **02.02.2016** within 30 days from the date of receipt of this Notice. The said reply should be typed in double space and book form. You should, also simultaneously serve on the applicant or his Advocate a copy of the said reply along with the copies of the documents on which you intend to reply and file proof of such service in the registry. Also take notice that if you do not file the reply in the stipulated period the Tribunal will decide the case ex-prate.

Take notice that the above application has been fixed for ~~Admission~~ /Final Hearing on **02.02.2016.** at 11-00 a.m. You should appear for the said hearing in person or through your Advocate, ~~to show cause, why the application should not be admitted~~.

Take further notice that in case you do not appear in person or through you Advocate, your application is liable to be dismissed for default/the matter will be decided ex-prate.

Please acknowledge receipt of notice positively.

Dated this day of 2016.

15/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

Encl :
Note
-

1 *The Maharashtra Administrative Tribunal will not be able to deal with their correspondence, if they need some information.*
2 *They may seek it through their agents or their Lawyers, if any.*
3 *Their prayer for an early hearing of the case, cannot possibly be ordered on the basis of a letter since there is a provision of filing a Miscellaneous Application for the purpose.*
4 *Certified copy of the Judgment will be issued on the application of the concerned along with requisite copying fees.*

(12)

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

O.A.25 to 27/16

Heard Shri V.V. Joshi, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Mr. Rajesh P. Jadhav has filed an Affidavit-in-reply. I perused it and thereafter, I found it necessary to confirm from the said deponent Jadhav that he was aware of orders made by the Tribunal in its Aurangabad Bench and subsequent orders thereafter and even then he has made certain recitals in the reply which are serious in nature. I have explained to him that this may fraught with the consequence under the Contempt of Court Act. For the present, the matter rests there, but at an appropriate time, an appropriate decision may have to be taken.

Shri V.V. Joshi, the learned Advocate informs that he does not want to file any Rejoinder. OA is admitted. By consent, a fix date for hearing is given 2nd February, 2016.

Later on Shri Jadhav through the learned P.O. Ms. Gohad expresses regrets for what he mentioned above and it appears to me that he did not properly grasp the legal significance of the statement made by him, and therefore, as far as the present Affidavit is concerned, the matter is treated as closed, although the said Affidavit shall be read.

S.O. to 2nd February, 2016.

(R.B. Malik) 12.01.16
Member (J)
12.01.2016

Date: 12/1/16
CORAM:
Hon'ble Shri RAJIV AGARWAL
(Vice-Chairman)
Hon'ble Shri R. B. MALIK (Member) ✓
APPEARANCE:
Shri/Smt. V.V. Joshi
Advocate for the Applicant
Shri/Smt. N.G. Gohad
C.P.O./P.O. for the Respondents
Order passed on the Telegram
Adj. To:
Order as:
S.O. to 2/2/16.
Affidavit-reply filed in OA 27/16.

(skw)

TRUE COPY
15/1/2016
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 217 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 18 JAN 2016

C.A. No. 122/2015 IN O.A. No. 597/2013. (D.B.)

1. Shri Shrikant A. Shinde,
R/at. Shrinivas Mahsool Karmachari C.H.S. Nagar Road, Daund,
Dist.Pune.

....**APPLICANT/S.**

VERSUS

1 Shri Deepak Kapoor, The Principal Secretary, Foods & Civil Supply Dept., Mantralaya, Mumbai-32.

2 Shri M. Chooklingam, The Divisional Commissioner, (Supply Branch) Pune Division, Vidhan Bhavan, Pune.

3 Shri Saurabh Rao, The District Collector, Pune (Supply Branch), Pune-01.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri V.V. Joshi, Advocate for the Applicants.
Ms. N.G. Gohad, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **12.01.2016.**

ORDER : 1. Heard Shri V.V. Joshi, learned Advocate for the applicant and Ms. N.G. Gohad, learned P.O. for the respondents.

2. It is notice that the contemnors have not been given a personal notice, without which willful disobedience cannot be shown.

3. At this stage, learned advocate for the applicant prays for leave to withdraw this application with liberty to issue personal notice to the contemnor then file fresh application, if need arises.

4. Application is disposed with liberty as indicated hereinbefore.

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

18/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/216 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 18 JAN 2016

ORIGINAL APPLICATION NO. 796 OF 2015.

1 Shri Anis Nijam Shaikh,
R/o. Aarey Milk Colony Unit No.31, Malinagar,
Goregaon (E) Mumbai-400 065.

....**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through The Principal Secretary, Co-operation, Marketing and Textiles Department, Mantralaya, Mumbai-400 032.

2 The Secretary, Finance Department, Mantralaya, Mumbai-400 032.

...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***12th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Ms. S.P. Manchekar, Advocate for the Applicant.
Ms. N.G. Gohad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **12.01.2016.**

ORDER : Order Copy Enclosed/Order Copy Over Leaf.

18.1.2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

Tribunal's orders

O.A.796/15

Heard Ms. S.P. Machekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Taken up for final disposal by consent. Ms. Gohad who is being instructed by Smt. Manjiri Joshi, Desk Officer.

This is a pay scale related matter. It is not necessary to set out the details thereof now, because by the G.R. of Finance Department dated 11.1.2016, the necessary orders almost in line with the prayer clause herein have been made. I retain on record the compilation of the said G.R. and its annexures. In so far as the issue of resultant arrears is concerned, the Applicant in prayer clause (b) has asked for the same within a period of three months which is the period that the Respondents have also indicated through the learned P.O. on instructions from Smt. Joshi, Desk Officer. Therefore, it is directed that having revised the pay scale in accordance with the G.R. above referred to, the resultant arrears be paid to the Applicant within a period of three months from today. Alternative prayer, therefore, does not survive. The OA is disposed of with no order as to costs.

Sd/- 12.01.16

(R.B. Malik)
Member (J)
12.01.2016

(skw)

18/1/2016