

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION 552 OF 2015**

**DISTRICT : MUMBAI**

Shri Eknath J. Barshinge

)...**Applicant**

**Versus**

The Charity Commissioner

)...**Respondent**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Ms Archana B.K learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**DATE : 12.07.2016**

**ORDER**

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Archana B.K learned Presenting Officer for the Respondents.
2. This matter was heard last time on 5.7.2016 for sometime as there were some apparent discrepancies in the A.C.R mentioned in the minutes of the D.P.C meeting held on 29.9.2014 & 30.9.2014. The Respondents were directed to produce the original A.C.Rs of the Applicant. Today, however, nobody from the office of the Respondent is present.
3. Learned Advocate Shri Bandiwadekar stated that there are many contradictory statements made in the affidavit in reply

filed by the Respondent no. 1. In para 5 of the reply it is mentioned that the bench mark for giving ACP benefits is 'B'. In para 24.2 it is mentioned that the Petitioner and another employee Smt Tendulkar did ~~have met~~<sup>meet</sup> the bench mark 'B'. In that case why the benefits of the A.C.P scheme was denied to the Applicant is not clear. There are contradiction in averments made in para 11 & 12. In para 11 it is mentioned that ACR of 1994-95 was not communicated to the Applicant, while in para 12 it is mentioned that A.C.R was communicated to the Applicant. There are few more contradictions. RD

4. While going through the minutes of the D.P.C, whether A.C.R of 1992-93 were actually communicated to the Applicant is not clear. To ascertain the correct position, it is necessary that the Respondents produce the A.C.R file of the Applicant including correspondence made to him communicating the adverse remarks and any representation made by him against such adverse remarks and decision taken thereon.

5. On the request of the learned Presenting Officer, one weeks time is granted for production of documents. If the record is not produced adverse inference will be drawn and the matter will be decided on the basis of record available in the Original Application.

6. S.O to 19.7.2016.

  
(Rajiv Agarwal)  
Vice-Chairman

**Place : Mumbai**  
**Date : 12.07.2016**  
**Dictation taken by : A.K. Nair.**

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

DISTRICT \_\_\_\_\_

Advocate, .....

versus

The State of Maharashtra and others

..... Respondent

Representing Officer, .....

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<b><u>O.As.469 to 471/2015</u></b>
	<b>Shri P.K. Khandale &amp; Ors. ... Applicants</b> <b>Vs.</b> <b>The State of Mah. &amp; ors. ... Respondents</b>
	<p>Not on Board. Taken on Board. Shri R.M. Kolge, the learned Advocate for the Applicants.</p>
	<p>Heard. Time to comply extended till 25th July, 2016.</p>
	<p>Sd/-</p>
	<p>(R.B. Malhotra) Member for 12.07.2016.</p>
<p>DATE: <u>12/7/16</u></p>	<p>(skw)</p>
<p><del>Member for the Applicant</del> <del>Member for the Respondent</del></p>	
<p>Member for the Applicant <u>R.M. Kolge</u></p>	
<p>Member for the Respondent <u>A.B. Kaldaji</u></p>	
<p>Adj. to heard. Time to comply extended till 25th July, 2016.</p> <p><i>[Signature]</i></p>	

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_

of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

(Advocate) \_\_\_\_\_

*versus*

The State of Maharashtra and others

(Presenting Officer) \_\_\_\_\_

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <b><u>C.A.18/2016 in O.A.877/2011</u></b>
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**Shri G.K. Mayekar** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Shri A.B. Kololgi, the learned Presenting Officer for the Respondents.

The learned P.O. is being instructed by Shri V.G. Vichare, A.O, DIG Office, Mumbai.

Some kind of a communication to the effect of the CPO is tendered and the same is returned to the learned P.O. A proper Affidavit should show the compliance with the order and no further step in the matter of contempt should be taken.

S.O. to 26<sup>th</sup> July, 2016.

Sd/-

(R.B. Malik)  
 Member (A)  
 12.07.2016

(skw)

DATE: 12/7/16

CORAM:

Hon'ble Justice Smt. A. H. Jeebi (Chairman)  
 Hon'ble Shri R.B. Malik (Member) **A**

APPEARANCE:

Shri/Smt. B.A. Bandiwadkar

Advocate for the Applicant

Shri/Smt. A.B. Kololgi

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

Adj. To: 26/7/16

*skw*

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

Tribunal's orders

O.A.397/2016

**Shri S.N. Pawar** ... Applicant  
Vs.  
**The State of Mah. & ors.** ... Respondents

Heard Ms. S.P. Manekar, the learned Advocate for the Applicant and Shri Chougule, the learned Presenting Officer for the Respondents.

Shri Chougule, the learned P.O. is instructed by Shri Mangesh Hemade, Assistant Home Department. This fact is required to be mentioned because by design or by accident different personnel apparently have been appearing on different dates which by design or by accident or by design must result in confusion and discontinuity. The perusal of the orders made by this Tribunal presided over by the Hon'ble Chairman clearly show the disgust of this Tribunal towards the conduct and lack of urgency exhibited by the concerned authorities. Ultimately, an Affidavit was directed to be filed on 1<sup>st</sup> July, 2016 but the learned P.O. seeks further time to do so. It appears that the appointment to the Applicant has been given in the month of June this year. However, the matter is still ~~like~~ <sup>live</sup> and quite meaningful because apparently the majesty of law and legal institution is involved. Last chance is given for the said Affidavit.

Adjourned to 26<sup>th</sup> July, 2016. Handwritten signature

Sd/-

(R.B. Mankar  
Member for  
12.07.2016

DATE: 12/7/16

CORAM:

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

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

APPEARANCES:

Shri Smt. S.P. Manekar

Advocate for the Applicant

Shri A.J. Chougule

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

Adj. To: 26/7/16. Handwritten

(skw)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A.314/2016**

**Shri R.S. Patil** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri N. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

The order dated 26.4.2016 made by the Tribunal presided over by the Honble Chairman directed inter-qua that in as much as the Government was a formal party, the Affidavit-in-reply must be filed by the 2<sup>nd</sup> respondent who is Additional Principal Chief Conservator of Forests, M.S, Nagpur. The time of one week was given as last chance. The Affidavit-in-reply which has not been filed is pointedly invited as some kind of joint Affidavit-in-reply on behalf of respondents 1 to 3 filed by an Assistant Conservator of Forest. The 2<sup>nd</sup> Respondent has obviously not cared to comply with the order of the Tribunal.

Issue notice to the 2<sup>nd</sup> respondent, Additional Principal Chief Conservator of Forests, M.S, Nagpur to show cause as to why appropriate action in contempt should not be initiated against him. There has to be a personal Affidavit of the said authority and it should not be filed through someone else.

Adjourned to 4<sup>th</sup> August, 2016. H.M.

Sd/-

(R.B. Mank) 1.  
 Member (J)  
 12.07.2016

(SKW)

DATE: 12/7/16

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)  
 Hon'ble Shri R.B. Mank (Member) A J

APPEARANCE:

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. N.V. Rajpurohit  
 C.F.O./P.O. for the Respondent/s

Adj. To 4/8/16. Hamdast

SKW

# 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><b>DATE:</b> <u>12/7/16</u></p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><b>APPEARANCE:</b> <del>Advocate</del> <u>Ms. S.P. Manchekar</u> <u>2. H.A. Joshi</u> Advocate for the Applicant <u>Shri/Smt. A.B. Kololgi</u> C.P.O. for the Respondents <u>K.R. Jagdale holding</u> <u>for D.B. Khaire for No.4</u> <u>Adv. To S.S. Pawar for No.4</u> <u>S.O. to 22/7/16</u></p> <p style="text-align: right;">PH @ced</p>	<p style="text-align: center;"><b><u>O.A.198 &amp; 238/15</u></b></p> <p><b>Shri S.M. Bakre &amp; Anr. ... Applicants</b> <b>V/s.</b> <b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Ms. S.P. Manchekar and Shri A.R. Joshi, the learned Advocates for the Applicants, Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents Shri K.R. Jagdale holding for Shri Khaire, the learned Advocate for Respondent No.4 in O.A.238/15 and Shri Sachin Pawar, the learned Advocate for Respondent No.4 in OA 198/15.</p> <p>An adjournment is sought on behalf of Mr. Khaire which is strongly opposed by the learned Advocates for the Applicants as well as Shri Sachin Pawar. Objections considered. The matter is now finally adjourned making it clear that if the arguments are not advanced on behalf of the said Respondents, the OA shall be closed for final orders.</p> <p>Adjourned to 22<sup>nd</sup> July, 2016 as last chance.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><u>RB</u> (R.B. Malik) Member (J) 12.07.2016 (skw)</p> </div> <div style="text-align: center;"> <p><u>RAJ</u> (Rajiv Agarwal) Vice-Chairman 12.07.2016</p> </div> </div>

O.A.195/15

**Shri H.S. Avhad & Ors. ... Applicants**  
**V/s.**  
**The State of Mah. & ors. ... Respondents**

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

This OA is appointed for final orders today. However, as we went through the record and proceedings to formulate our point of view to conclude the OA, it appears that deeper thought will have to be given to the issue of Horizontal Reservation which in this case happened to be for the women. The matter has been debated at some length at the Bar. It appears that there are a few other OAs also in which the same issue is involved. As far as Horizontal Reservation for women is concerned, that is directly involved herein, but S/S Bandiwadekar, M.R. Patil and M.D. Lonkar have with our permission interjected to say that the issue of Horizontal Reservation as a whole may require in-depth consideration and a final pronouncement, so as to have a clear view of the matter. We, therefore, request the learned members of the Bar to make sure that in whichever OAs such issues are involved, the same may be intimated, so that as a group, these matters can be heard and decided together with the assistance of all the members of the Bar. As of today, we post this matter and a few others which might be there before this Bench keeping the option of referring the matter to the Hon'ble Chairman for constitution of larger Bench open. As of today, no such direction is being given.

Adjourned to 23<sup>rd</sup> August, 2016.

DATE: 12/7/16

CORAM:

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

Hon'ble Shri. R. MALIK (Member)

APPEARANCE:

Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Sd/-  
(R.B. Malik)  
Member (J)  
12.07.2016

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman  
12.07.2016

(skw)

Adj. to 23/8/16

FH



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**12.07.2016**

**O.A Nos 519, 522, 526, 529, 530 & 532/2016**

Shri Vilas M. Toge & ors ... Applicants  
Vs.  
The State of Maharashtra & Ors... Respondents

Heard Smt Punam Mahajan, learned advocate for the Applicant and Shri K.B. Bhise learned Presenting Officer holding for Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Learned Advocate Mrs Mahajan stated that though interim relief has been granted in these cases, the Applicants have not been posted back to the post on which they were working before the transfer order was issued. She prayed that the Respondent may be directed to produce copy of the order by which the interim relief granted by this Tribunal has been complied with:

Learned P.O Shri Bhise stated that the copies of the order will be produced on the next date.

S.O to 14.7.2016.

DATE: 12/7/16

CORAM:

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

~~Hon'ble Shri. R. S. MALIK (Member)~~

APPEARANCE:

Shri/Smt. Punam Mahajan

Advocate for the Applicant - K.B. Bhise

Shri/Smt. Neelima Gohad

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

Adj. To: S.O. to 14/7/16.

(Group)

*[Signature]*

*[Signature]*  
**(Rajiv Agarwal)**  
**Vice-Chairman**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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>12/7/16</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) <del>Hon'ble Shri. K.B. Bhisre (Member)</del></p> <p>APPEARANCE: <del>Shri/Smt. A.V. Bandiwadkar</del> Advocate for the Applicant Shri/Smt. <u>K.B. Bhisre</u> C.P.O./P.O. for the Respondents <u>Rejoinder filed by Appli.</u> <u>O.A. is admitted.</u> Adj. To <u>S.O. to 18/7/16.</u></p> <p>with (MA 27/16)</p> <p style="text-align: right;">FH <u>[Signature]</u></p>	<p><u>12.07.2016</u></p> <p style="text-align: center;"><u>O.A No 487/2016</u></p> <p>Shri A.J Chavan ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>Heard Shri A.V Bandiwadkar, learned advocate for the Applicant and Shri K.B. Bhisre learned Presenting Officer holding for Smt K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>Learned Advocate files affidavit in rejoinder. <del>is filed.</del> O.A is admitted. Respondents are at liberty to file sur-rejoinder if need be.</p> <p>Place for final hearing on 18.7.2016. M.A No 271/2016 to be heard along with O.A 487/2016.</p> <p style="text-align: right;"><u>[Signature]</u> (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

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

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**12.07.2016**

**O.A No 364/2015**

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

Affidavit in rejoinder is filed. O.A is admitted. Respondents are at liberty to file sur-rejoinder if need be.

Place for final hearing on 9.8.2016.

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

**DATE:** 12/7/16

**CORAM:**

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

Hon. JUDGE Shri K. B. MALIK (Member)

**APPEARANCE:**

Shri/Smt. A.V. Bandiwadekar Akn

Advocate for the Applicant N.K. Rajpurohit  
holding for Smt. K.S. Gaikwad

~~C.P.O. for the Respondents~~

~~Adj. To~~ DA is Admitted.

S.O. to 9/8/16.

*FH*  
*[Signature]*

**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	<p><b>12.07.2016</b> Tribunal's orders <b><u>O.A No 580/2016</u></b></p> <p>Shri Vilas M. Toge &amp; ors ... Applicants Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>None for the Applicant, Ms Archana B.K learned Presenting Officer for the Respondent no. 1 and Shri Raikar, learned advocate for Respondent nos 2 to 5.</p> <p>Learned Advocate Shri Raikrar stated that the applicant has filed this Original Application challenging her grievance about her posting. He has produced copy of order dated 8.5.2015 issued by Zilla Parishad, Pune, Respondent no. 2, which shows that she was employee of Zilla Parishad, Ahmednagar initially and by this order she was transferred to Zilla Parishad, Pune as per the relevant rules.</p> <p>Prima facie, it appears that the Applicant is a Zilla Parishad employee and this Tribunal has no jurisdiction to entertain any grievance in the service matter of Zilla Parishad employees.</p> <p>In view thereof, interim relief granted by this Tribunal by order dated 28.6.2016 is vacated. The matter is posted for further hearing on 26.7.2016.</p> <p style="text-align: right;"><i>Sd/-</i> <b>(Rajiv Agarwal)</b> Vice-Chairman</p>
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DATE: 12/7/16

CORAM:

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

~~Hon'ble Shri. G. MALIK (Member)~~

APPEARANCE:

~~Shri/Smt. None for the applicant~~  
Advocate for the Applicant

Shri/Smt. Archana B.K.

~~C.P.O. for the Respondents No. 1  
S.T. Raikar for  
R.No. 2 to 5.~~

~~Adv. for~~  
Repy filed by R.No. 425.  
S.O. to 26/7/16.

**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> 12/7/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) <del>Hon'ble Shri. B. K. Chik (Member)</del></p> <p><u>APPEARANCE:</u> <del>Shri. N.G. Kondhalkar</del> Applicant in person.</p> <p>Advocate for the Applicant Shri. N.K. Rajpurohit</p> <p>C.P.O. for the Respondents</p> <p><u>Adj. to:</u> S.O. to 20/7/16.</p>	<p><u>12.07.2016</u></p> <p><u>O.A No 901/2015</u></p> <p>Shri. N.G Kondhalkar ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>Heard Applicant in person and Shri N.K. Rajpurohit learned Chief Presenting for the Respondents. Though almost 2 ½ montns nave lapsed when the matter was heard last on 26.4.2016, the Respondents have not filed affidavit in reply.</p> <p>Learned C.P.O stated that he will file affidavit in reply without fail <sup>on next date;</sup> Granted as a last chance.</p> <p>S.O to 20.7.2016.</p> <p style="text-align: right;">Rg Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

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

Tribunal's orders

12.07.2016

O.A No 278/2016

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

1. Heard Shri Gunratan Sadavarte, learned advocate for the Applicant and Shri K.B. Bhise learned Presenting Officer for the Respondents.

2. On instructions Learned P.O states that the Pension Payment Order of the applicant has been received from the office of the A.G, Maharashtra. Copy of PPO dated 28.4.2016 is placed for my perusal. It is also stated that on-line pension case has been forwarded to the Treasury Office for making payment to the Applicant and it is expected that within a week the regular pension will be paid to the Applicant.

3. Learned P.O may file an affidavit on the next date bringing the latest position on record.

4. Issue notice before admission made returnable on 19.7.2016.

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

6. 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. Respondent is 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 26.7.2016. Learned C.P.O waives service of notice

DATE: 12/7/16

CORAM:

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

~~Hon'ble Shri E. B. Mahalik (Member)~~

APPEARANCE:

Shri/Shri Gunratan Sadavarte

Advocate for the Applicant

Shri/Shri K. B. Bhise

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

~~Adj. To~~ S.O to 26/7/16.

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

Akn

**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 align="center"><b><u>O.A.235 &amp; 313/14</u></b></p> <p><b>Shri S.R. Bagde &amp; Anr. ... Applicant</b> <b>V/s.</b> <b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants, Ms. N.G. Gohad, the learned Presenting Officer for the Respondents and Shri M.R. Patil, the learned Advocate for the Respondent No.2.</p> <p>Shri M.D. Lonkar, the learned Advocate undertakes to file Vakalatnama on behalf of the Respondent No.3 on the next date in the sister OA as well.</p> <p>Shri Lonkar prays for an adjournment for three weeks because according to him, he has been briefed yesterday only and he requires time to prepare himself. It is not necessary for us to detail out the submissions in that behalf and it will suffice to mention that the complexity involved in the matter in one of the points urged in seeking the adjournment. Shri Bandiwadekar, the learned Advocate for the Applicants strongly objected to the grant of any adjournment at all and according to him, if the Respondent No. 3 was not vigilant enough to engage his new Advocate, he must be left to suffer consequences of his indolence.</p> <p>On 23<sup>rd</sup> June, 2016 for the reasons set out by us in the order on that day, Mr. Khaire, the learned Advocate who was at that time appearing for the Respondent No.3 withdrew appearance because he had occasion to file the Affidavit-in-reply on behalf of the State. We did make it clear that, today the arguments must be advanced on behalf of Respondent No.3.</p> <p>As far as the request of Mr. Lonkar is concerned, we are so minded as to grant it</p>

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

Tribunal's orders

although the learned Advocate for the Applicant has very strongly objected as already mentioned above. Both the sides had their respective say in the matter as far as expeditious hearing of the matter is concerned. But then, the Respondent No.3 cannot be said to be not vitally interested to the outcome hereof, and therefore, in the interest of justice and as a final and last chance, we allow the request of Mr. Lonkar and adjourn the matter to 2<sup>nd</sup> August, 2016.

DATE: 12/7/16

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. A.V. Pandey ✓

Advocate for the Applicant

Shri/Smt. N.G. Gohad

C.P.O. for the Respondents No. 1 & 2

M. R. Patil No. 2

M. D. Lonkar No. 3

Adj. To

2/8/16

sdl  
(R.B. Malik)  
Member (J)  
12.07.2016

(skw)

sdl  
(Rajiv Agarwal)  
Vice-Chairman  
12.07.2016

PH  
[Signature]



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

MA/RA/CA No. \_\_\_\_\_ of 20\_\_\_\_

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

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**12.07.2016**

**O.A No 681/2016**

Shri Mohamad I.A. Mujiawar ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Smt Punam Mahajan, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. It appears that the Applicant in this case is a Constable who was posted to North Akkalkot Police Station by order dated 31.5.2015. Due to personal difficulties, during the annual inspection of Spl. I.G of Police, Kolhapur to Solapur the Applicant apparently made some representation which was approved by the Spl. I.G of Police, Kolhapur and by order dated 15.2.2016 the Applicant was posted to Local Crime Branch, Solapur and he joined there accordingly. This order clearly mentions that the Applicant is "transferred" from Akkalkot North Police Station to L.C.B., Solapur. By order dated 4.7.2016, the Applicant has been "relieved" from L.C.B., Solapur to join his so-called original post at Akkalkot North Police Station. Learned Advocate Mrs Mahajan stated that the Applicant has not completed even five months and the order relieving the Applicant does not mention whether the approval from the Police Establishment Board was taken, though the earlier order issued in February, 2016 clearly mentions that he was transferred to L.C.B., Solapur. Learned Advocate Mrs Mahajan stated that this order has been issued in clear violation of section 22N of the Maharashtra Police Act. She, therefore, sought interim relief to stay the order of relieving the Applicant from post of L.C.B. Solapur.

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

Tribunal's orders

3. Learned C.P.O strongly opposed grant of interim relief at this stage. He stated that he has not received any instruction in the matter. However, I find that a prima facie case has been made out for grant of interim relief as the Applicant has been transferred barely within four-five months after he was posted to L.C.E. Solapur.

4. In view of the above, the order dated 4.7.2016 is stayed till the next date.

5. Issue notice before admission made returnable on 19.7.2016.

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

7. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. 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.

9. 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.

10. S.O. 19.7.2016. Learned C.P.O waives service of notice. *Handast.*

DATE: 12/7/16

CORAM:

for the Smt. RAJIV AGARWAL  
(Vice - Chairman)

~~for the Smt. B. A. K. (Member)~~

APPEARANCE:

~~Shri. P. S. Mahajan~~  
Advocate for the Applicant

Shri/Smt. N. K. Rajpurohit  
C.P.O./R.O. for the Respondents

Adj. to S.O. to 19/7/16.

Akn

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

FN

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

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>12.07.2016</u></b></p> <p><b><u>O.A No 679/2016</u></b></p> <p>Shri R.M Bhapkar ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant, Shri N.K. Rajpuronic, learned Chief Presenting Officer for the Respondents no 1, 2 &amp; 3 and Shri A.V. Bandiwadekar, learned advocate for Respondent no. 4.</p> <p>2. Learned Advocate for Respondent no. 4 stated that Respondent no. 4 has been posted in place of the Applicant by order dated 3.7.2016, which is made in the present O.A and he has already taken charge of the post on 4.7.2016. He, therefore, stated that there is no extreme urgency to consider request of the Applicant for grant of interim relief today itself. He sought one weeks time to file reply.</p> <p>3. Learned C.P.O stated that he will produce the record where the decision to transfer the Applicant mid-term and mid-tenure was taken. He also seeks one weeks time.</p> <p>4. Considering the fact that Res.no. 4 has already joined the post where the Applicant was working earlier, the request on behalf of the Respondent no.4 is granted. The matter will be heard on 19.7.2016. All the issues are kept open.</p> <p>5. Issue notice before admission made returnable on 19.7.2016.</p>

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

Tribunal's orders

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

7. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. 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.

9. 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.

10. S.O 19.7.2016. Learned C.P.O waives service of notice

DATE: 12/7/16

CORAM:

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

Hon'ble Shri. S. M. J. IR (Member)

APPEARANCE:

Shri. P. Anam Mahajan

Advocate for the Applicant

Shri/Smt. H. K. Rajpurohit

C.P.O. for the Respondents 1 to 3

A. N. Bhandari & Co.

Roa P. No. 4.

Adh. No. 19/7/16.

Reg. Adv.  
[Signature]

[Signature]  
(Rajiv Agarwal)  
Vice-Chairman

Akn

**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 align="center"><b><u>12.07.2016</u></b></p> <p align="center"><b><u>O.A No 680/2016</u></b></p> <p>Shri Milind R. Dixit ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>1. Heard Shri Pathak, learned advocate for the Applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Shri Pathak stated that the Applicant was transferred from the post of District Sports Officer, Sindhudurg by order dated 31.5.2016 to the post of District Sports Officer, Ratnagiri and he joined there on 21.6.2016. Now by the impugned order dated 7.7.2016 the Applicant has been transferred from the post of District Sports Officer, Ratnagiri to Yavatmal. Learned Advocate Shri Pathak stated that this order has been issued in violation of Rule 4(4)(ii) &amp; 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (the Transfer Act). Learned Advocate Shri Pathak further stated that the Applicant has not yet been relieved and he may be granted interim relief as per prayer clause 11(a) that the order dated 7.7.2016 be stayed.</p> <p>3. Learned Presenting Officer stated that she has not received any instructions in the matter and she seeks time to file reply and that she will produce the concerned file where decision to transfer the Applicant was taken within a period of two days. She therefore opposed grant of interim relief. Learned P.O further stated that copy of the O.A is not served on the Respondents.</p>

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

Tribunal's orders

4. It appears that copy has not yet been served on the Respondents hence the prayer for interim relief is not considered. *Notice may be served by the Applicant on the Respondents*

5. Issue notice before admission made returnable on 14.7.2016.

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

7. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. 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.

9. 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.

10. S.O 14.7.2016. ~~Learned C.P.O waives service of notice~~

DATE: 12/7/16

CORAM:

Hon'ble Shri RAJIV AGARWAL  
(Vice - Chairman)

Hon'ble Shri S. S. PATIL (Member)

APPEARANCE:

Shri/Smt. P. S. Pathak:

Advocate for the Applicant

Shri/Smt. Archana B.K.:

~~C.P.O.~~ for the Respondents

Adj. To S.O. to 14/7/16

RH

RH

Rajiv Agarwal  
(Rajiv Agarwal)  
Vice-Chairman

Akn