THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI ORIGINAL APPLICATION NO.827 OF 2016

DISTRICT: PUNE

V.S. Kokane.

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

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

Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE: 12.09.2016.

ORDER

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.
- Heard both sides.
- 3. Learned Advocate Smt. Punam Mahajan for the Applicant has pointed out as follows:-
 - (a) After the decision of P.E.B. in the office of Commissioner of Police, Pune dated 26.05.2016 in all 74 Officers/ employees were transferred.
 - (b) This Tribunal had passed the order on 08.07.2016 in O.A.No.663/2016 and issued to the Commissioner of Police, Pune certain directions. Thereafter 36 . transfer orders have been withdrawn by the Commissioner of Police, Pune, while applicant's transfer is not cancelled.
 - (c) Applicant's case could have been dealt with by the Commissioner of Police, Pune in the same or similar way, which has not been done.
- 4. In the aforesaid premises, the Respondent No.2, Commissioner of Police, Pune is directed to apply mind to the present case and decide as to whether any distinguishing fact and feature exists in the present case in comparison to the transfers orders which are cancelled after this Tribunal's order dated 08.07.2016 passed in O.A.No.663 of 2016.

- 5. If the Commissioner of Police, Pune wants to follow the same course as directed in the order dated 08.07.2016 referred to in foregoing paragraphs, the Commissioner of Police, Pune shall be free to adopt same course.
- 6. In the event, the Commissioner of Police, Pune is desirous of contesting the O.A. in that event, he shall adopt the following course :-
 - (a) Find out as to whether all members of P.E.B. concerned have read Section 22N of Bombay Police Act before taking decision as recorded in the minutes dated 26.05.2016.
 - (b) Find out as to within which of the clause or clauses of Section 22N, the impugned transfer fits and is permissible.
 - (c) Ascertain and identify the facts which do constitute the grounds and circumstances leading to the decision to transfer the Applicant and do fit in any condition or circumstances prescribed by Section 22N of the said Act, enabling the Transfer.
 - 7. Commissioner of Police, Puns shall file own affidavit-in-reply, answering each point, paragraph and averment contained in O.A., if O.A. is to be contested.
 - 8. Hamdast and steno copy is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.
 - 9. S.O. to 22.09.2016.

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(A.H. Joshi, J

The State of Maharashtra and others

.... Respondent/s

(Presenting Officer.....

12/9/16

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

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Tribunal's orders

Date: 12.09.2016.

O.A.No.756 of 2016

S.D. Mane

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- Heard Shri N.K. Rajpurohit, the learned Chief
 Presenting Officer for the Respondents.
- 2. Applicant in person is absent.
- 3. Shri P.S. Pathak, the learned Advocate is appointed as amicus curiae to assist the Tribunal. Office is directed to furnish the copy to learned Advocate Shri P.S. Pathak.
- 4. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents states that it could not be necessary to send the notices, in view that issue involved is very limited and would secure instructions for filing reply.
- 5. S.O. to 08.11.2016.

Sd/-

(A.H. Joshi, JL) Chairman

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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: 12.09.2016.

C.A.No.110 of 2015 in O.A.No.255 of 2013

V.N. Zalte

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
- 2. Shri H.M. Inamdar, the learned Advocate for the Applicant and Shri N.P. Dalvi, the learned Advocate for Respondent No.2 are absent.
- 3. Learned P.O. Smt. K.S. Gaikwad for the Respondents states as follows:-

Writ Petition filed by the M.P.S.C. challenging the order passed by this Tribunal in O.A.No.255/2013 is expected to come up on board on 21.11.2016 as per the system generated data.

4. In view that non appears for the applicant adjourned to 06.02.2017, with liberty to request for circulation before due date, if occasion arises.

X Sd/-

(A.H. Joshì, J)) **
Chairman

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Date: 12.09.2016.

O.A.No.350 of 2016

M.D. Ingole

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Shri V.S. Panpatte, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
- 2. Issue notice returnable on 27.10.2016.
- 3. 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.
 - 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
 - 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
 - 7. What this Tribunal is expecting from the Respondents is that Respondents to make a statement in due course of time that due attention would be paid to applicant's request for transfer.
 - 8. S.O. to 27.10.2016.

Sd/-

(A.H. Joshi, J.) Chairman

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

Tribunal's orders

Date: 12.09.2016.

O.A.No.809 of 2016

M.V. Kumbharde

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Shri P.S. Pathak, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.
- 2. Learned Advocate Shri P.S. Pathak for the Applicant states that affidavit of service would be filed in the office during the course of day.
- 3. Learned P.O. Ms. S. Suryawanshi for the Respondents states that para-wise comments are received and two weeks time is required for filing affidavit-in-reply.
- 3. Though two weeks time is prayed longer time is granted with the hope that no further adjourned should be necessary.
- 4. S.O. to 05.10.2016 for reply.

Sd/-

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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: 12.09.2016.

O.A.No.189 of 2014 with O.A.No.190 of 2014

M.V. Kulkarni (O.A.No.189/2014) A.R. Jadhav (O.A.No.190/2014)

.... Applicants.

Versus

The State of Maharashtra & Ors.

....Respondents.

- Heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
- 2. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents on instructions from Shri Upasani, Law Officer, D.G. office, Mumbai states as follows:-
 - (a) The case of the applicants were considered for retransfer / appropriate transfer.
 - (b) It has been decided not to transfer them for the present in view that the cases of these two persons are being considered for promotion.
- 3. Learned Advocate Smt. Punam Mahajan for the Applicants states that it would be appropriate for the action on the part of the Government.
- 4. In view of this statement adjourned to 07.11.2016.
- 5. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.

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(A.H. Voshi, Y.)' V

Chairman

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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: 12.09.2016.
	C.A.No.73 of 2016 in O.A.No.633 of 2015
	D.G. Pore Applicant.
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Shri A.V. Bandiwadekar, the learned
	Advocate for the Applicant and Ms. S. Suryawanshi, the
	learned Presenting Officer for the Respondents.
Jallb Hon Justice duri D. H.	2. Learned P.O. Ms. S. Suryawanshi for the
Jasky C	Respondents states as follows:-
Jallo Jashi Chavinnan) Shoi D. V. Dardiwalekan An for the prolicant Snot S. surposablu P. O. For the proposablu P. O.	19.09.2016.
Headd Liu,	3. For reporting 55 /
order passed iy: Pribyral Colymn	adjourned to 24.10.2016.
50ho 24/10/16.	Sd/-
	(A.H. Joshi, J.) Chairman

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(Advoca	te	 	•••••	•

versus

	and others
The State of	Maharashtra and others Respondent/s
(Presenting Officer)
Office Notes Of it e Memoranda of Coram, Appearance Tribunal's orders or direct ons and Registrar's orders	Tribunal's orders
	Date: 12.09.2016.
· •	O.A.No.37 of 2016
	M.P. Prabhukhanolkar Applicant.
	Versus
	The State of Maharashtra & OrsRespondents.
12/9/16 12 A HA TURIC	1. Heard Shri A.R. Joshi, the learned Advocate for the
Coracy Han short porty	Applicant and Smt. Archana B.K., the learned Presenting
(chinan)	Officer for the Respondents.
a de Resolui on to the	2. Learned Advocate Shri A.R. Joshi for the Applicant
Shi Did John	prays for leave to amend.
Shri D. R. Dashi Denton 200 orchana B. K. p-offer the Respondents	3. Leave to amend as prayed for is granted.
order passed in Hibure Glumn Son 2019/16.	4. Amendment be carried out within one week.
Glymh,	5. S.O. to 20.09.2016.
50h 2019116.	
	Sd/-
	(A.H. Joshi (J.) Chairman
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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	20 DISTRICT
Oligina Production	Applicant/s
(Advocate)
(Advocate	
	versus
The State o	f Maharashtra and others
	Respondent/s
(Presenting Officer	
(Fresenting Officer	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 12.09.2016.
	M.A.No.353 of 2016 in O.A.No.785 of 2016
	V.V. Wadekar Applicant.
	Versus
	The State of Maharashtra & OrsRespondents.
	Heard Shri K.R. Jagdale, the learned Advocate for
19/16_	the Applicant and Shri N.K. Rajpurohit, the learned chief
Consult - Hon July'le stall	Presenting Officer for the Respondents.
(chairman)	2. Learned Advocate Shri K.R. Jagdale for the
a la ani	Applicant states as follows :-
Shri K. R. Jogdale and An He applicate.	(a) The service was already effected by collecting notices, however, report was no
RayPudohit	filed.
cho for the besportent	(b) He prays for restoration of O.A. with request to grant time for furnishing the compliance.
i parced 14	3. O.A. is restored on the said ground.
ante pass	4. In view of the foregoing, M.A. is disposed of.
Tai bund	
mais disposed of	Sd/- 1
4	(A.H. Joshi, J.) (Chairman
	prk

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of	20 Distr	ıcı Applicant/s
		, Applications
(Advocate		
	versus	
The State o	f 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 ord	ers
	Date : 12.09.2016.	•
	O.A.No.785 of	2016
	V.V. Wadekar	Applicant.
	Versus	
	The State of Maharashtra & Ors.	Respondents.
	1. Heard Shri K.R. Jagdale, t	he learned Advocate for
29116	the Applicant and Shri N.K. Rajp	urohit, the learned chief
(oran - Hon Junice stor)	Presenting Officer for the Respon	dents.
Skrik R. Joshice Skri Skrik R. Joshice Dov. The policant.	2. O.A. is taken up for hearin	g today.
Shrik. R. = 188 hicant.	3. Learned Advocate Shri	K.R. Jagdale for the
for reconstitutes,	Applicant has pointed out tha	t the service is already
Shi or ic pajour hit CPO.	effected and undertakes to file	the service report during
	the course of day.	
the read		
ander person	4. Learned C.P.O. Shri N	į.
- Hi by had Colder	Respondents prays for time	to find out whether
5020 1919/16.	instructions are received.	
Santi	5. S.O. to 19.09.2016.	•
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		Sd/- 1
		(A.H. Joshi, J.) \Chairman
	prk	Chammo.

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

Tribunal's orders

Date: 12.09.2016.

C.A.No.70 of 2016 in O.A.No.42 of 2015

N.K. Morè

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
- 2. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents on instructions from Shri P.M. Bolkavde, Section Officer, Home Department states as follows:-
 - 1 % month time is required for completing the process.
- 3. Learned C.P.O. Shri N.K. Rajpurohit was asked to state as to what steps required / remained to complete the process.
- 4. On instructions from learned C.P.O. and on the basis of letter received by the office of Respondent approval of the Hon'ble Chief Minister is the only step which is remained before issuance of order.
- Tribunal and acceptance thereof is done by the Government, grant of any further and longer time would mean to condone the disobedience of the order passed by this Tribunal. Therefore what is expected as that the Secretary concerned should personally take the Applicant's file to the Hon'ble Chief Minister and secure orders.
- 6. For reporting of the orders, S.O. to 21.09.2016.
- 7. Steno copy and Hamdast is allowed to learned C.P.O.. Learned C.P.O. is directed to communicate this order to the Respondents.

Sd/-

(A.H. Joshi, J.)

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Shrip k. R. Jogdale AM

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 2	
Oliginal 1.pp.	Applicant/s
(Advocate)
	versus
	cas I where and others
The State of	f Maharashtra and others
	Respondent/s
(Presenting Officer)
(Fresenting Officer	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 12.09.2016.
	O.A.No.161 of 2014 with O.A.No.968 of 2014
	J.H. Kadam (O.A.No.161/2014) S.P. Bhosale (O.A.No.968/2014) Applicants
	Versus
	The State of Maharashtra & OrsRespondents.
1219/16	and the trained Advocato
Charle Hon Talkic Stroi	1. Heard Smt. Punam Mahajan, the learned Advocate
(hairman)	for the Applicants and Shri N.K. Rajpurohit, the learned
Codaun- Hon Jashic Stroi B. H. Jashi Chainman Sont Puram malajan DAN for the politicula. Shri alth. Paiputolish CPO	Chief Presenting Officer for the Respondents.
niologan DW	
Smt furam 112	2. Ms. S.P. Manchekar, learned Advocate for
for the Addition CAO	Respondent No.5 is absent.
Shri att. Perputous	
for the Respondents.	2. In view of subsequent orders passed by the
Head o	Government no further orders are necessary, hence, these
In passed in	Original Applications are disposed of.
order passed in	
- Hibaral Column.	
opare disposed of.	Sd/-
opare as	(A.H. Joshi,(].)
(win 02968/14)	Chairman

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

Tribunal's orders

Date: 12.09.2016.

O.A.No.84 of 2016

S.D. Muluk

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- Heard Shri K.R. Jagdale, the learned Advocate for the Applicant.
- Shri N.K. Rajpurohit, the learned Chief Presenting 2. Officer states that Shri K.B. Bhise, the learned Presenting Officer who is incharge of the brief is absent today and hence time may be granted.
- Learned C.P.O. Shri N.K. Rajpurohit is directed to 3. secure instructions on following points:-
 - Whether Applicant's request for grant of (a) T.B. leave is pending.
 - If it is pending, reasons and stage thereof. (b)
 - If its pendency is on account of some other (c) office, furnish the name of the officer reminders, concerned along with communications if any done to the officer concerned.
- Today learned C.P.O. is instructed by Shri N.V. Gosavi, Senior Clerk, Office of C.P. Navi Mumbai.
- Affidavit should be filed by any officer who is not below the rank of Deputy Commissioner of Police.
- Learned C.P.O. Shri N.K. Rajpurohit for the Respondents prays for two weeks time.
- Time as prayed for is granted. 7.
- S.O. to 19.10.2016. 8.
- Steno copy and Hamdast is allowed to learned C.P.O.. Learned C.P.O. is directed to communicate this order to the Respondents.

Sd/-(A.H. Joshi, 4.)

Coram - Hon Justice Stri B. H. Joselu' (Chairmann) chai K. R. Joydale DAV for He BOBLICENE Shoi of K. tajgudo hit cpo states

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 2	20	District	Applicant/s
			Applicanus
(Advocate)		•
· · · · · · · · · · · · · · · · · · ·	versus		
The State of	Maharashtr	a 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 : 12.09	9.2016.	
	M.A.No.	549 of 2014 in O.A.No.66 ivil Application No.361/2	53 of 2012 (Nagpur) 2014 Nagpur)
	J.M. Manka	ar .	Applicant.
	Versus		
9116	The State o	of Maharashtra & Ors.	Respondents.
Contam- Hon Tushice Shai BiH.		rd Shri N.K. Rajpurohi	
Josephi Chuirman)	Presenting	Officer for the Responder	nts.
Shri N. K. Paj problik CPO for the Respondents. Shri I's - Challeway Alv for	Applicant i		rned Advocate for the
the Application is about	3. Adj	ourned to 20.09.2016.	24/
edj 20 19 116.	prk	· · · · · · · · · · · · · · · · · · ·	Sd/- H. Joshi, J. J

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

Tribunal's orders

Date: 12.09.2016.

O.A.No.834 of 2015

K.A. Gani

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Shri G. Sadavarte, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
- 2. Learned P.O. Shri K.B. Bhise for the Respondents on instructions from Shri P.M. Balkavde, Section Officer, Home Department states as follows:-
 - (a) Proposal for giving to the applicant the benefits as has emerged is submitted to the Tribal Department.
 - (b) It is not possible to commit time frame within which the Tribal Department would process the matter.
- 3. It is hoped that Home Department would pursue the matter with Tribal Department and complete the entire process forthwith.
- 4. For reporting the time frame required and compliance done till date, adjourned to 26.09.2016.
- 5. Steno copy and Hamdast is allowed to learned P.O. Learned P.O. is directed to communicate this order to the Respondents.

Sd/-

(A.H. Joshi, J.)

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of	20 DISTRICT Applicant/s
	Applicanus
(Advocate)
	versus
The State o	f Maharashtra and others
	Respondent/s
	Respondends
(Presenting Officer)
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 12.09.2016.
	O.A.No.998 of 2016
	K.A. Kedar Applicant.
	Versus
	The State of Maharashtra & OrsRespondents.
	Heard Shri K.R. Jagdale, the learned Advocate for
129/16	the Applicant and Ms. N.G. Gohad, the learned Presenting
Coday - Hon Jah ce Stri	Officer for the Respondents.
Shi K. R. Jagdale.	2. Learned Advocate Shri K.R. Jagdale for the
C.	Applicant prays for time to study and address.
Shi h	3. Time as prayed for is granted.
11(-100)	4. S.O. to 04.10.2016.
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The State of Maharashtra and others

The State of	,	
		Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's order	's
	Date : 12.09,2016.	
•	O.A.No.183 of	2016
	B.B. Patil	Applicant.
	Versus	
	The State of Maharashtra & Ors.	Respondents.
Ja 116	1. Heard Smt. Punam Mahaja	an, the learned Advocate
1 Jan Tushile Shi	for the Applicant and Shri N.K.	Rajpurohit, the learned
Gram - Hon Jushie stai D. H. Joslei (Chairman) Smr gyram makajah Ayfor the 1008 hicanz.	Chief Presenting Officer for the Re	spondents.
a a pruham makajah	2. Learned C.P.O. Shri N.	K. Rajpurohit for the
and the populary	Respondents states as follows :-	4
she; at k, pajputohit CPO	Review Committee meetin	g is scheduled to be held
sur; a loule	on 20.09.2016.	P 12 201/20 01/20 02 02 02 01
the keybrand		harring is adjourned to
Header,	3. In view of the foregoing,	learing is aujourned to
the respudents. Heard.	27.09.2016.	\mathcal{N}
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Chairman

(Advagato	***************************************	
Auvocate	· · · · · · · · · · · · · · · · · · ·	

versus

The State of Maharashtra and others

	Respondent/s	

(Presenting Officer)
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders

> Smt puhan mahajan Alv for the 2004 cunt. Smt pichana B. K p-0. for the gree portouts

At 1020/01/16.

129/16

Tribunal's orders

Date: 12.09.2016.

O.A.No.837 of 2016

The Assoc. of the Subordinate service Of Engineers Maharashtra State & Ors.

.... Applicants.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
- 2. Learned Advocate Smt. Punam Mahajan for the Applicant prays for time.
- 3. Time as prayed for is granted.

4. S.O. to 20.09.2016.

J

(A.H. Joshi, J.)