IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

C.A.NO.54 OF 2017 IN

ORIGINAL APPLICATION NO.173 OF 2017

K.S. Bauskar ....**Applicant.**

Versus

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

Shri K.R. Jagdale, the learned Advocate for the Applicant.

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

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 12.10.2017

ORDER

1. Shri K.R. Jagdale, the learned Advocate for the Applicant states on instructions from Applicant that Applicant states that the names of Respondents No.3 and 4 be deleted from the array of Respondents.

2. Leave for deletion as prayed is granted.

3. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

4. Learned Advocate for Applicant has argued that :-

   (a) The order passed by this Tribunal in O.A.No.173 of 2017 was liable to be complied on or before 15.4.2017 which has not been done.

   (b) The personal notices sent to Contemnors No.1 and 2 by the Applicant on various dates prior to filing of present C.A. are not replied.

5. Learned P.O. for the Respondents states after referring to the papers in the file of the office of the Respondent No.1 that the order passed by this Tribunal was received in the office of the Respondent No.1 on 30.03.2017, and the decision required to be taken pursuant to the order passed by this Tribunal was taken on 05.06.2017. A communication that the decision is taken was sent to the Applicant through the Respondent No.2 and further states that after securing instructions that said decision is still not communicated to the Applicant.

6. In the aforesaid premises it is evident that compliance of this Tribunal's direction which was mandatory in nature and to be done within fixed time schedule was consciously neglected and deliberately delayed, and even belatedly taken decision is not communication to the Applicant.

7. In above premises Contempt to the extent that the decision is not taken in terms of order very well subsists.

8. In the aforesaid background and premises, it is necessary to identify the officers who are responsible for the delay and negligence. Therefore, learned P.O. is directed to furnish the names of Desk Officer, Under Secretary and Deputy Secretary or Officer with any other designation from the office of Home Department, Mantralaya, as well as officers under the control of the Respondent No.2 who were expected to attend as per the business distributed to them, but have failed to attend.

9. Learned P.O has taken instructions and has furnished the following names :-

(a) (i) Shri Prabhakar Sankhe, Section Officer (Desk Officer), Home Department (Prison), Mantralaya.

(ii) Shri Jaising Pawara, Joint Secretary, Home Department (Prison), Mantralaya.

(iii) Shri Pravin Deopurkar, Assistant Section Officer, Home Department.

(b) (i) Dr. Bhushan Kumar Upadhyay (Respondent No.2), Inspector General of Prison (A.D.G.), Maharashtra State, Pune.

(ii) Shri Nandkumar Inamdar, Administrative Officer, Pune Prison.

(iii) Smt. Kalpana Zinjurde, Office Superintendent, Pune Prison.

(iv) Shri Hemantkumar Ghadge, Senior Clerk, Pune Prison.

10. Therefore, Respondent No.1 and the Officers names in foregoing paragraph no.9 are called to show cause as to why cognizance of willful contempt be not taken against them, and alternatively show cause and state reasons as to why each amongst them should not be personally saddled with costs which may extend of Rs.10,000/-.

11. Show cause notice shall be returnable on 16.11.2017.

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

13. S.O. to 16.11.2017.

14. 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.)
Chairman

prk

D:\PRK\2017\10 OCT\12.10\C.A.54-17 IN O.A.173-17.doc

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. [illegible] of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 12/10/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : ~~Shri~~/Smt. : Punam Mahajan Advocate for the Applicant ~~Shri~~/Smt. : K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To : 16/10/2017. Byte	**Date : 12.10.2017.** **O.A.No.831 of 2017** **V.A. Talkute ....Applicant.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents states that she wants to examine the situation in which statement was made by learned P.O. on instructions on 25.09.2017, that the Applicant would be posted at Pune as Deputy Education Officer and come with proper stance on 16.10.2017. 3. S.O. to 16.10.2017. Sd/- **(A.H. Joshi J.)** **Chairman** prk

[P.T.O.

(G.C.P.) J 2200(B) (50,000 -4-2015) (Spl.- MAT-F-2 E.

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
DATE : 12/10/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE : Shri/Smt. ~~...~~ S.B. Gaikwad Advocate for the Applicant Shri /Smt. ~~...~~ K.B. Bhise ~~C.P.O~~ P.O. for the Respondent/s ~~Adj. To~~ 16/11/17. Order	**Date : 12.10.2017.** **O.A.No.704 of 2017 with M.A.No.393 of 2017** **S.D. Hiwase & Ors. ....Applicants.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Shri S.B. Gaikwad, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. By way of last chance, time is granted for filing reply till next date. 3. S.O. to 16.11.2017. Sd/- **(A.H. Joshi J)** **Chairman** prk

(G.C.P.) 4 2200(B) (50,000)-4-2015) (Spl.- MAT-F-2 E.

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

DATE : 12/10/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/~~Smt.~~ A.V. Bandiwadekar
Advocate for the Applicant
Shri /~~Smt.~~ K.B. Bhise
C.P.O / P.O. for the Respondent/s
~~Adj. To~~ M.A. is disposed.

Date : 12.10.2017.

M.A.No.393 of 2017 in O.A.No.704 of 2017

P.R. Dharmadhikari & 2 Ors. ....Applicants.

Versus

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Shri K.B. Bhise, the learned Presenting Officer for the Respondents prays for time for filing reply to O.A..

3. Shri A.V. Bandiwadekar, the learned Advocate for the Applicants prays for modification of interim order passed at the time of issue of notice.

4. Considering that case requires detailed hearing and interest of the Applicants in original can be safeguarded by directions that the candidates may be eventually informed that the appointment shall be subject to outcome of O.A..

5. Therefore, let the appointments be effected subject to the rider described in foregoing paragraph No.4.

6. M.A. is disposed.

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

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.961 OF 2017

Shri Pradeep S. Vhatkar ..Applicant

Versus

The State of Maharashtra & Anr. ..Respondents

Shri M.D. Lonkar – Advocate for the Applicant

Shri K.B. Bhise – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 12th October, 2017

ORDER

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 30.11.2017.

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

4. 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. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. Ld. Advocate for the Applicant insisted for hearing on exparte ad-interim relief.

9. Ld. PO prays for time for filing reply. Time for filing affidavit can be granted, however the OA can be heard for consideration of the aspect of exparte ad-interim relief.

10. Ld. PO was directed to produce record for hearing on the interim relief. Original record was produced and inspection was given to applicant's advocate. Copies of minutes of Civil Services Board and copy of office noting, on which the decision to transfer applicant, which is impugned is taken, were produced.

11. Heard both sides and perused the record produced by Ld. PO.

12. The matter is required to be considered on the basis of grounds of challenge and facts as may emerge and surface from record for the purpose of grant or rejection of the prayer of exparte ad-interim relief.

13. It is seen that the transfer order dated 9.10.2017 is challenged on the grounds namely:

(i) It is mid-term.

(ii) It is effected though applicant's tenure of service at his last/present posting is only of 18 months i.e. less than statutory tenure.

(iii) Though the transfer is mid-term it has been ordered in violation of Section 4(4) and 4(5) of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the 'Transfer Act') i.e. without recording factual reasons which could suit to the definition of the term 'special case or exceptional circumstances'.

14. What prima facie reveals after perusal of the record is the following:

(i) The Civil Services Board considered transfer and posting of respondent no.2 and seven others.

(ii) The applicant's case was not a part of consideration of transfer by the Civil Services Board.

(iii) When the minutes of the Civil Services Board were put up for approval of Hon'ble Minister, the Hon'ble Minister has made an endorsement which reads as follows:

> "श्री.व्हटकर E.E. सिंधुदुर्ग यांची बदली पतन अभियंता सिंधुदुर्ग या रिक्त पदी करावी. श्री. मुळे यांना श्री.व्हटकर यांचे जागी दयावे. अनुक्रमांक ५ मधील प्रस्ताव वगळुन इतर प्रस्ताव मान्य."

(iv) The decision recorded by the Hon'ble Minister is not preceded by the expression or recording of reasons which have led to the transfer of applicant from present posting to new posting.

15. The shape in which the facts have transpired, prima facie, present is a case where the transfer is ordered without placing on record special reasons or exceptional circumstances which have propelled impugned transfer order.

16. What shocks further is that Hon'ble Minister may have certain reasons which have impelled the impugned transfer in the mind of Hon'ble Minister, when the Hon'ble Minister made the endorsement or order. It is evident from record that the Secretary of the Department has signed the note/order of Hon'ble Minister. It is but natural that the Secretary has noted that reasons have not been brought on record or that those are not recorded by Hon'ble Minister.

17. It has to be recorded that the Secretary of the Department, who enjoys the status of the administrative head of the department though the executive powers do continue to vest with the Minister. Therefore, as a guardian of observance of provision of law, the Secretary ought to have brought to the notice of the Hon'ble Minister that Sections 4(4) & 4(5) of ROT Act, 2005 require that the special reasons and exceptional circumstances has to be brought on record.

18. It was the duty of Secretary to bring to the notice of Hon'ble Minister that due to absence of reasons the decision of Hon'ble Minister was vulnerable and difficult to stand to the acid test of norms and mandatory conditions prescribed by the law, whenever those would be tested before any court or forum.

19. In these circumstances it is considered necessary to protect the applicant and at the same time call the Secretary of P.W Department to file affidavit as to what precluded from bringing to the notice of the

Hon'ble Minister, the provisions of law ROT Act 2005 even after Hon'ble Minister had endorsed his order and before actual issuance of orders. The Secretary, Public Works Department, who has proposed/endorsed and signed the note after Hon'ble Minister's signature, is called upon to file his own affidavit on the aforesaid point apart from answer to OA if he chooses to file for opposing the OA.

20. In the premises discussed in the foregoing paras, or what appears prima facie is that the applicant has made out a case of substantiating the grounds of challenge raised by him. Therefore, applicant has made out a case for grant of interim relief.

21. Hence, interim relief is granted by way of say in terms of prayer clause 15(b), which reads as follows:

> "(b) Pending the hearing and final disposal of the present OA, this Hon'ble Tribunal be pleased to pass an order staying the order impugned dated 9.10.2017 issued by the Respondent No.1 with direction to the Respondent to allow the petitioner to continue to work as Executive Engineer, P.W.D. Kudal, Kankavli, District Sindhudurg on such terms and conditions as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case."

22. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

Sd/-

(A.H. Joshi,J.)
Chairman
12.10.2017

Dictation taken by: S.G. Jawalkar.

D:\JAWALKAR\Judgements\2017\10 October 2017\OA.961.17.J.10.2017-PSVhatkar-Transfer SO.30.11.17.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.956 OF 2017

DISTRICT: SOLAPUR

S.D. Jadhav & Ors. ....**Applicants.**

Versus

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

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

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

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 12.10.2017

O R D E R

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

2. Issue notice before admission returnable on 30.11.2017.

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

4. Applicants are 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. Applicants are directed to file Affidavit of compliance and notice.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record

8. S.O. to 30.11.2017.

9. In case there be no legal impediment whatever steps as may be needed for deciding applicant's claim be taken before next date.

10. If there be any legal impediment the O.A. can be contested by filing reply. In view that longer returnable date is given further time for filing reply would not be granted.

11. 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.)
Chairman

prk

D:\PRK\2017\10 OCT\12.10\O.A.956-17.doc

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

Date : 12.10.2017.

M.A.No.425 of 2017 in O.A.No.695 of 2017

H.R. Mamlekar & Ors. **....Applicants.**

Versus

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 30.11.2017.

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

4. Applicants are authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.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. Applicants are directed to file Affidavit of compliance and notice.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, M.A. shall stand dismissed without reference to Tribunal and papers be consigned to record

8. Respondents should come with specific stand as to whether they wish to acquiesce with the order passed in O.A.No.1134/2016 annexed to present M.A..

9. If the said order is not acquiesced, the Respondent should show cause as to why present O.A. be not allowed in terms of O.A.No.1134/2016.

10. S.O. to 30.11.2017.

Sd/-

(A.H. Joshi J.)
Chairman

prk

DATE : 12/10/2017
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh kumar (Member)~~ A
APPEARANCE :
~~Shri/Smt.~~ : A.V. Bandiwadekar
Advocate for the Applicant
~~Shri~~/Smt. : S. Suryawanshi
~~P.O.~~/P.O. for the Respondent/s
A. O. : 30/11/2017.

10

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

Date : 12.10.2017.

O.A.No.807 of 2017 to O.A.No.811 of 2017

N.M. Tile & 5 Ors. (O.A.No.807/2017)

R.S. Khot (O.A.No.808/2017)

V.A. Pathore (O.A.No.809/2017)

V.D. Kasture (O.A.No.810/2017)

D.B. Kshirsagar (O.A.No.811/2017) ....Applicants.

Versus

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer with Shri D.B. Khaire, the learned Special Counsel for the Respondents.

2. Shri D.B. Khaire, the learned Special Counsel for the Respondents states as follows :-

> The challenge being to the matter of policy of State, time may be granted for filing affidavit-in-reply.

3. It is hoped that the State is guided by discretion and it be kept in mind that State ought not take the matter of contest of present case as an adversarial litigation.

4. The State should also keep in mind the policy of litigation adopted by the Government.

5. In view of the request of Shri D.B. Khaire, the learned Special Counsel for the Respondents adjourned to 01.11.2017.

6. This O.A. be heard along with O.A.No.610 of 2017.

7. 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)
Chairman

nrk

DATE : 12/10/2017
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesukumar (Member) A~~
APPEARANCE :
Shri A.V. Bandiwadekar
Advocate for the Applicant
Shri K.B. Bhise Ld. P.O.
C.P.O / P.O. for the Respondent/s with
Shri D.B. Khaire spl. Counsel for
~~Adj. To~~ Regls
S.O. to 1/11/2017 with
O.A. 610/2017.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. [illegible] of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Corum, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 12/10/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)(A) APPEARANCE : Shri/Smt. Punam Mahajan Advocate for the Applicant Shri/Smt. K.S. Gaikwad C.P.O / P.O. for the Respondent/s A.T. To 16/10/2017. B/C	**Date : 12.10.2017.** **O.A.No.831 of 2017** **V.A. Talkute ....Applicant.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents states that she wants to examine the situation in which statement was made by learned P.O. on instructions on 25.09.2017, that the Applicant would be posted at Pune as Deputy Education Officer and come with proper stance on 16.10.2017. 3. S.O. to 16.10.2017. Sd/- **(A.H. Joshi J.)** **Chairman** prk

[P.T.O.

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

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

DATE : 12/10/17

CORAM :

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

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

APPEARANCE :

~~Shri~~/Smt. : Punam Mahajan

Advocate for the Applicant

Shri /~~Smt.~~ : N.K. Rajpurohit

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

Adj. To 4/12/2017.

Date : 12.10.2017.

O.A.No.859 of 2017

V.G. Mekale ....Applicant.

Versus

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

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

2. Smt. Punam Mahajan, the learned Advocate for the Applicant prays for leave to amend.

3. Leave to amend as prayed is granted.

4. It is hoped that Respondents shall decide as required in the light of prayer (bb) unless there be any legal impediment and report the outcome on 04.12.2017.

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

6. S.O. to 04.12.2017.

Sd/-

(A.H. Joshi J.)
Chairman

prk

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

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

Date : 12.10.2017.

M.A.No.445 of 2017 in O.A.No.956 of 2017

S.D. Jadhav & Ors. ....Applicants.

Versus

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

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

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/-
(A.H. Joshi)
Chairman

prk

(C.C.P.) J 2260(B) (50,000-2-2015) (Spl.- MAT-F-2 E.

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

DATE : 12/10/17

CORAM :

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

~~Hon'ble Shri M. Kanoolkumar (Member) A~~

APPEARANCE :

~~Shri/Smt.~~ : Punam Mahajan

Advocate for the Applicant

Shri ~~Smt.~~ : K.B. Bhise

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

~~Adj. To~~ : O.A. is dismissed.

Date : 12.10.2017.

O.A.No.955 of 2017
(Subject : Promotion)

Dr. S.S. Deshpande & Ors. ....Applicants.

Versus

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

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. O.A. is dismissed as premature. Applicants can approach this Tribunal in case their candidature is eventually rejected.

Sd/-
(A.H. Joshi)
Chairman

prk

(G.C.P.) J 2200(B) (50,000-2-2015) [Spl.- MAT-F-2 E.

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
DATE : 12/10/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh Kumar (Member) A~~ APPEARANCE : ~~Shri/Smt.~~ : Punam Mahajan Advocate for the Applicant Shri ~~Smt.~~ K. B. Bhise ~~C.P.O / P.O.~~ for the Respondent/s ~~Adj. To~~ M.A. is dismissed.	**Date : 12.10.2017.** **M.A.No.444 of 2017 in O.A.No.955 of 2017** **Dr. S.S. Deshpande & Ors. ....Applicants.** **Versus** **The State of Maharashtra & Ors. .....Respondents.** 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. In view of the order passed in O.A., M.A. does not survive. Sd/- **(A.H. Joshi J.)** **Chairman** prk

(C.C.P.) J 22500(1) (50,000) (2-2015) (Spl. MAT-F-2 E.

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
DATE : 12/10/17 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh kumar (Member) A~~ APPEARANCE : Shri/~~Smt.~~ A.V. Bandiwadekar Advocate for the Applicant Shri/~~Smt.~~ N.K. Rajpurohit C.P.O / ~~P.O.~~ for the Respondent/s Reply filed by R. No. 1. ~~Adj. To~~ S.O. to 13/10/17.	**Date : 12.10.2017.** **C.A.No.50 of 2017 in O.A.No.836 of 2014** **P.B. Pawar** **....Applicant.** **Versus** **The State of Maharashtra & Ors.** **.....Respondents.** 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents. 2. Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents has tendered the affidavit-in-reply on behalf of Respondent No.1. The said affidavit is affirmed by Shri Aseem S. Gupta, Secretary, Rural Development Department, Bandhkam Bhavan, Marzban Road, Mumbai. It is taken on record. 3. S.O. to 13.10.2017. Sd/- **(A.H. Joshi J.)** **Chairman** prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 12.10.2017.

O.A.No.964 of 2017

Dr. S.R. Abhau & Ors. **....Applicants.**

Versus

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

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

2. Issue notice before admission returnable on 01.11.2017.

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

4. Applicants are 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. Applicants are directed to file Affidavit of compliance and notice.

7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record

8. 5.O. to 01.11.2017.

Sd/-
(A.H. Joshi)
Chairman

prk

DATE : 12/10/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh kumar (Member) A~~
APPEARANCE :
~~Shri/Smt.~~ : Punam Mahajan
Advocate for the Applicant
Shri /~~Smt.~~ : N.K. Rajpurohit
C.P.O ~~/P.O.~~ for the Respondent/s
~~Adj. To~~ S.O. to 1/11/17

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

DATE : 12/10/17

CORAM :

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

~~Hon'ble Shri M. Ramakrishnan (Member) A~~

APPEARANCE :

~~Shri/Smt.~~ : Punam Mahajan

Advocate for the Applicant

Shri ~~Smt.~~ : N.K. Rajpurohit

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

~~Adj. To~~ M.A. is allowed

Order

Date : 12.10.2017.

M.A.No.450 of 2017 in O.A.No.964 of 2017

Dr. S.R. Abhau & Ors. ....Applicants.

Versus

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

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

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/-

(A.H. Joshi J.)
Chairman

prk

(CCP) - J 2500(B) -50,000 -2-2015)

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

DATE : 12/10/17

CORAM :

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

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

APPEARANCE :

Shri/~~Smt.~~ K.R. Jagdale

Advocate for the Applicant

Shri ~~Smt.~~ K.B. Bhise

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

with Ms. S.P. Manchekar, Spl. counsel

~~Adj. To.....~~

S.O. to 13/10/17

Reply Filed by R.No.2

Date : 12.10.2017.

C.A.No.49 of 2017 in O.A.No.1138 of 2010

V.M. Nawale **....Applicant.**

Versus

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

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer with Ms. S.P. Manchekar, the learned Special Counsel for the Respondents.

2. Ms. S.P. Manchekar, the learned Special Counsel for the Respondents - Contemnor has tendered the affidavit-in-reply on behalf of Respondent No.2. The said affidavit is affirmed by Shri Sudhir Shrivastava, Additional Chief Secretary, Home Department, Mantralaya. It is taken on record.

3. Shri K.R. Jagdale, the learned Advocate for the Applicant prays for further time to file additional affidavit.

4. S.O. to 13.10.2017.

Sd/-

(A.H. Joshi J.)
Chairman

prk

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

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

~~O.A. No.1090 of 2016 with MA No.412 of 2017~~

Shri B.B. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. PO states that applicant's case would be put up before Hon'ble Minister within four weeks and compliance till that step would be reported on the next date.

3. S.O. to 8.11.2017.

Sd/-
(A.H. Joshi, J.)
Chairman
12.10.2017

(sgj)

DATE : 12/10/17

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : Punam Mahajan

Advocate for the Applicant

Shri /~~Smt.~~ : A.J. chougule

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

~~Adj. To~~ S.O. to 8/11/17