

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
MA No.538/2018 in MA No.472/2018 in OA No.394/2018**

D.S. Kamble & Ors. ..Applicants
And
S.B. Rathod & Ors. ..Original
Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Shri Gunratan Sadavarte – Advocate for the Applicants in MA No.538/18
Shri K.R. Jagdale – Advocate for Original Applicants in MA No.472/18 & OA
No.394 of 2018
Miss Savita Suryawanshi – Presenting Officer holding for Miss S.P. Manchekar,
learned CPO for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman
DATE : 12th October, 2018

ORDER

Heard Shri Gunratan Sadavarte, learned Advocate for the Applicants in
MA No.538/18, Shri K.R. Jagdale, learned Advocate for Original Applicants in
MA No.472/18 & OA No.394 of 2018 and Miss Savita Suryawanshi, learned
Presenting Officer holding for Miss S.P. Manchekar, learned CPO for the
Respondents.

2. This MA is opposed by original applicants in OA by filing affidavit in reply.
It is taken on record.
3. This MA was heard for quite long time yesterday.



4. At the end of hearing the Ld. Advocate for the applicants in MA Shri Gunratan Sadavarte had stated that he shall be satisfied if in the order passed by this Tribunal on 4.10.2018 in MA No.472 of 2018, one rider narrated by him is added.

5. The text proposed by learned Advocate Shri Sadavarte for addition in the order dated 4.10.2018 in MA No.472 of 2018 is as follows:

"The State shall abide by judgment of Hon'ble Supreme Court in Jarnail Singh's judgment qua constitutional reservations are concerned."

6. The request made by Ld. Advocate for the applicants is legitimate and worth acceptance.

7. Hence, following order is passed:

8. In the order passed by this Tribunal on 4.10.2018 in MA No.472/18, following clause be added after para 27 (c):

"(c-1) "The State shall abide by judgment of Hon'ble Supreme Court in Jarnail Singh's judgment qua constitutional reservations are concerned."

9. Necessary corrected order be issued.

10. Steno copy and hamdast is granted. Ld. PO is directed to communicate this order to the respondents.

11. MA disposed off accordingly.

Sd/-

(A.H. Joshi, J.)
Chairman
12.10.2018

Dictation taken by: S.G. Jawalkar.

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

Tribunal's orders

O.A.189/2018

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

1. Heard Shri K.T. Pawar, learned Advocate for the Applicant and Ms. S.T. Suryawanshi, learned Presenting Officer for Respondents 1 to 3. None for Respondent No.4.
2. On perusal of the record, it reveals that the notice is not duly served on the Respondent No.4.
3. Learned Advocate for the Applicant has prayed to issue fresh notice to Respondent No.4.
4. Issue notice to Respondent No.4 returnable on 6th November, 2018.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
8. The service may be done by Hand Delivery / Speed Post / Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
9. 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.
10. S.O. to 6th November, 2018.

DATE 12/10/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) & J.
B.P. Patil

APPEARANCE:

Shri K.T. Pawar

Advocate for the Applicant

Shri Ms. S. Suryawanshi
C.P.O. for the Respondents No. 1 to 3.
None for Respondent No. 4.

Adj./S.O. to 6/11/18

Sd/-

(B.P. Patil)

Member-J

12.10.2018

**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>DATE <u>12/10/18</u></p> <p><u>CCRAM</u></p> <p>Hon'ble Shri P.N. DIXIT (Member) A</p> <p>APPEARANCE:</p> <p>Shri Smt. <u>Prashant Suryawanshi</u></p> <p>Advocate for the Applicant</p> <p>Shri Smt. <u>A.J. Chougale</u></p> <p>G.P.O.P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>22/10/18</u></p> <p><i>(Signature)</i></p>	<p><u>O.A. No.687 of 2017</u></p> <p>R.P. Doiphode & Ors. ..Applicants</p> <p>Vs.</p> <p>The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Prashant Suryawanshi, learned Advocate holding for Shri G.M. Savagave, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file reply.</p> <p>3. S.O. to 22.10.2018.</p> <p>Sd/-</p> <p>(P.N. Dixit)</p> <p>Member (A)</p> <p>12.10.2018</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 90

IN

Original Application No. of 90

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearances, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>12/10/18</u></p> <p>CORAM Honble Shri P.N. DIXIT (Member) A</p> <p>APPEARANCE: Shri <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.J. Chougule</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>19/11/18</u></p>	<p><u>O.A. No.94 of 2017</u></p> <p>A.S. Jakkanawar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO produces a copy of communication dated 9.10.2018 mentioning that certain benefits have been provided to the applicant. Ld. Advocate for the Applicant produces a list of items which are yet to be received.</p> <p>3. The respondents are directed to examine the same and provide their response by 19.11.2018 in the form of affidavit.</p> <p>4. S.O. to 19.11.2018.</p> <p style="text-align: right;">Sd/- <u>(P.N. Dixit)</u> Member (A) 12.10.2018</p> <p>(sg)</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
<p>DATE <u>12/10/18</u></p> <p>By <u>Shri P.N. DIXIT (Member) A</u></p> <p>APPEARANCE: <u>V.P. Potbhare</u> Advocate for the Applicant</p> <p><u>A.J. Chougule</u> Counsel for the Respondent/s</p> <p>Adj. S.O. to <u>19/11/18</u></p> <p><i>[Signature]</i></p>	<p>O.A. No. 659 of 2017</p> <p>V. Kallur ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO mentions that the benefits have been provided but the applicant is not in agreement with the same.</p> <p>3. Ld. PO seeks time to file detailed reply.</p> <p>4. S.O. to 19.11.2018.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.10.2018</p> <p>(sgj)</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 O.A. No. 309 of 2018
<p>DATE <u>12/10/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member) A</p> <p>APPEARANCE: Shri Smt. Ms. S.N. Saroj holding for D.B. Khair, Advocate for the Applicant</p> <p>Shri Smt. K.S. Gaikwad O.P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>22/10/18</u></p> <p style="text-align: right;"><i>@/ad</i></p>	<p>J.R. Pawar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.N. Saroj, learned Advocate holding for Shri D.B. Khaire, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks time to file reply.</p> <p>3. S.O. to 22.10.2018.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.10.2018</p> <p>(sgl)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./O.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>DATE <u>12/10/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member) A</p> <p>APPEARANCE: Shri <u>K.B. Rajan</u> Advocate for the Applicant</p> <p>Shri <u>Archana B.K.</u> Advocate for the Respondent's</p> <p><u>To come up in due course with liberty to mention.</u></p> <p><i>(Signature)</i></p>	<p><u>O.A. No.170 of 2018</u></p> <p>K.A. Yadav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.B. Rajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO has filed a communication from respondent no.2 stating that the matter is being agitated before the Hon'ble Supreme Court and hence respondent no.2 is not in a position to execute the promotions at this stage.</p> <p>3. Ld. Advocate for the applicant requests that respondents may be directed to file affidavit to that effect and proposes to adjourn the matter till decision from the Hon'ble Supreme Court.</p> <p>4. To come up in due course with liberty to mention.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.10.2018</p> <p>(sgj)</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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>12/10/18</u></p> <p><u>CORAM</u> Hon'ble Shri P.N. DIXIT (Member) A</p> <p><u>APPEARANCE:</u> <u>Shri. Ms. Annie Nadar,</u> <u>holding Acce. S.P. Saxena</u> <u>Advocate for the Applicant</u></p> <p><u>Shri. A.J. Chougule</u> <u>Ch. P.O. for the Respondent/A</u></p> <p>App. S.O. to <u>22/11/18.</u></p> 	<p><u>O.A. No. 90 of 2018</u></p> <p>Dr. P.W. Mahindre ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Annie Nadar, learned Advocate holding for Shri S.P. Saxena, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO produced a communication and mentions that certain benefits have been extended to the applicant. A copy of communication is taken on record and marked 'X' for identification and also provided to the Ld. Advocate for the Applicant. Ld. PO proposes to clarify regarding remaining issues before the next date.</p> <p>3. By consent S.O. to 22.11.2018.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.10.2018</p> <p>(sgj)</p>

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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>12/10/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member) A</p> <p><u>APPEARANCE:</u> Shri Somane Applicant in person</p> <p>for the Applicant</p> <p>Smt. Archana B.K. Learned P.O. for the Respondents</p> <p>Admit. To come up for final hearing in due course.</p> <p><i>(Signature)</i></p>	<p><u>O.A. No. 651 of 2018</u></p> <p>R.V. Somane Applicant Vs. The State of Maharashtra & Ors. Respondents</p> <p>Heard Applicant in person and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO undertakes to file reply during the course of the day and provide a copy to the applicant.</p> <p>3. Admit. To come up for final hearing in due course. Applicant is at liberty to file rejoinder, if any.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.10.2018</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

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Original Application No. _____ of 20 _____

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>12/10/18</u></p> <p>CORAM Hon'ble Shri <u>B.N. DIXIT (Member) A.J.</u> <u>B.P. Patil</u></p> <p>APPEARANCE: <u>Shri A.A. Desai</u> <u>Advocate for the Applicant.</u></p> <p><u>Shri A.B. Kololgi</u> <u>Advocate for the Respondents</u></p> <p>Ad/S.O. to <u>26/10/18</u></p> <p align="right"><i>(Signature)</i></p>	<p align="center"><u>O.A.474/2018</u></p> <p>Shri M.V. Solase ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri A.A. Desai, learned Advocate for the Applicant and Mrs. A.B. Kololgi, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. seeks time to file Sur-rejoinder. Time granted.</p> <p>3. S.O. to 26th October, 2018.</p> <p align="right">Sd/- <u>(B.P. Patil)</u> Member-J 12.10.2018</p> <p>(skw)</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
<p>DATE <u>12/10/18</u></p> <p>CORAM Hon'ble Shri <u>P.N. DIXIT (Member) & J.</u> <u>B.P. Patil</u></p> <p>APPEARANCE: <u>Shri Smt. S.N. Saroj</u> <u>holding for D.B. Khare</u> Advocate for the Applicant</p> <p><u>Shri. Ms. S. Suryawanshi</u> <u>P.O. for the Respondent/s</u></p> <p>Adj. S.O. to <u>15/10/18</u> Hamdast and steno. copy allowed.</p>	<p style="text-align: center;"><u>O.A.338/2018</u></p> <p>Dr. A.B. Band ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Ms. S.N. Saroj holding for Shri D.B. Khare, learned Advocate for the Applicant and Ms. S.T. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. requests time to file reply on behalf of Respondents. Time granted.</p> <p>3. If the Respondents failed to file their reply on the next date, cost of Rs.5000/- will be imposed upon them.</p> <p>4. S.O. to 15th October, 2018. Hamdast and Steno-copy allowed.</p> <p style="text-align: right;">Sd/- (B.P. Patil) Member-J 12.10.2018</p> <p>(skw)</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
<p>DATE <u>12/10/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member) & J. <u>B.P. Patil</u></p> <p>APPEARANCE: <u>V.P. Potbhare</u> Advocate for the Applicant</p> <p><u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. S.O. to <u>order passed in the Tribunal's column.</u> <i>@caj</i></p>	<p><u>O.A.737/2018</u></p> <p>Shri B.G. Malche ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Mrs. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Since the matter pertains to refixation of pension and the said subject is assigned to Division Bench, the Applicant is directed to move the matter before Division Bench.</p> <p>Sd/- (B.P. Patil) Member-J 12.10.2018</p> <p>(skw)</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
<p>DATE <u>12/10/18</u></p> <p>CORAM Hon'ble Shri <u>P.N. DIXIT (Member) & J.</u> <u>B.P. Patil</u></p> <p>APPEARANCE: Shri Smt. Ms. S.N. Saroj, holding for D.B. Khair. Advocate for the Applicant</p> <p>Shri A.J. Chougule C.P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>2/11/18</u> as a last chance. <i>(Signature)</i></p>	<p align="center"><u>O.A.207/2018</u></p> <p>Smt.V.P. Londhe ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Ms. S.N. Saroj holding for Shri D.B. Khaire, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant seeks time. Time granted.</p> <p>3. S.O. to 2nd November, 2018 as last chance.</p> <p align="right">Sd/- (B.P. Patil) Member-J 12.10.2018</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

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<p>DATE <u>12/10/18</u></p> <p>CORAM Hon'ble Shri <u>P.N. DIXIT</u> (Member) <u>A.J.</u> <u>B.P. Patil</u></p> <p>APPEARANCE: Shri/Smt. <u>K.R. Jagdale</u>, holding for <u>A.V. Bandiwadekar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Ms. S. Suryawanshi</u> C.P.O./P.O. for the Respondents</p> <p><u>Ad. S.O. to O.A. is admitted</u> <u>and kept for final</u> <u>hearing.</u></p> <p style="text-align: right;"><u>[Signature]</u></p>	<p style="text-align: center;"><u>O.A.555/2018</u></p> <p>Shri N.P. Shendkar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri K.R. Jagdale holding for Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.T. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. Since the pleadings are complete, the O.A. is admitted and kept for final hearing in due course.</p> <p style="text-align: right;">Sd/- <u>(B.P. Patil)</u> Member-J 12.10.2018</p> <p style="text-align: center;">(skw)</p>

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

Tribunal's orders

O.A.49/2018

Shri B.R. Sangle

... Applicant

Vs.

The State of Mah. & ors.

... Respondents

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Mrs. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. has produced a communication dated 11.10.2018 received from Additional Commissioner of Police (Admn.), Pune City. The same is taken on record.

3. Learned P.O. on instructions from D.B. Kumbare, ACP Operation (Control), Pune City who is present states that the Respondents are going to withdraw the impugned order dated 20.07.2017 and going to issue the arrears of the salary as claimed by the Applicant in view of the provision of Section 70(2) of Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 and disburse the amount to the Applicant within one month. Therefore, she prayed to dispose of the O.A.

4. The learned Advocate for the Applicant on instruction from the Applicant has submitted that since the Respondents are going to recall the impugned order and going to disburse the amount claimed by the Applicant, he prayed to dispose of the O.A. by granting reasonable time to the Respondents.

5. In view of the submission made by both the parties and the statement made by the Respondents, the O.A. disposed of with no order as to costs.

DATE 12/10/18

CORAM

BY SHRI P.N. DIXIT (Member) & J.

B.P. Patil

BY SHRI

K.R. Jagdale

Presenting Officer for the Applicant

K.S. Gaikwad

Presenting Officer for the Respondents

O.A. is disposed
of.

[Signature]

Sd/-

(B.P. Patil)
Member-J
12.10.2018