The State of Maharashtra and others

... Respondent/s

(Presenting Officer..... Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Tribunal's orders directions and Registrar's orders Date : 12.12.2017. M.A.No.534 of 2017 in O.A.No.1140 of 2017 S.A. Desai & Ors.Applicants. Versus The State of Maharashtra & Ors.Respondents. 1. Heard Shri S.D. Patil, the learned Advocate for the Applicants and Ms. S.P. Manchekar, 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 DATE : 12/12/2017 CORAM : Applicants is common, concurrent and usual, the cases are not Hon'ble Justice Shri A. H. Joshi (Chairman) required to be decided separately. APPEARANCE: 4. In this view of the matter, the present Miscellaneous Shillson S. D. Pati Application is allowed subject to Applicants paying requisite Lq. Advocate for the Applicant court fees, if not already paid. STOPO. for the Respondent/s 5. M.A. is allowed. is allowed Adj / S.O. to M.A. Sd/-HE. (A.H. Joshi J.) Chairman prk 10 . بور No Hand & Resp No. By Pust on :-

[*P.T.O.*

(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: 12.12.2017.

O.A.No.1140 of 2017 with O.A.No.1035 of 2017

S.A. Desai & Ors. (O.A.No.1140/2017)

S.D. Kumbhare & Ors. (O.A.No.1035/2017)Applicants. Versus

The State of Maharashtra & Ors.

.....Respondents.

DATE : 12/12/17 CORAM :

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

APPEARANCE:

Shrism S. D. Patil

Ld. Advosate for the Applicant CO.A. 1140/17) Dr. Gunratan Schwarte Ld Alu DrA <041.1035/17 She and S. P. Manchar C.P.O. for the Respondent/s

Adj./3.0, 12 22/11 2018.

On Jan # .: 12/12 ...icated v. No. 1 to Hend & Resp No. By Post on :-11

1. Heard Shri S.D. Patil, the learned Advocate for the Applicants in O.A.No.1140/2017, Dr. G. Sadavarte, the learned Advocate for the Applicants in O.A.No.1035/2017 and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. S.O. to 22.01.2018, with liberty to mention before due date is occasion arises.

> (A.H. Joshi).) Chairman

Sd/-

prk

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[PTO]

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI ORIGINAL APPLICATION NO.1125 OF 2016

Shri Rajendra Murlidhar Mohite...ApplicantVersus...Respondents

Shri Sandeep Dere – Advocate for the Applicant Shri N.K. Rajpurohit – Presenting Officer for Respondents No.1 to 4 Shri Suhas S. Deokar – Advocate for Respondent No.5

CORAM:Shri Justice A.H. Joshi, ChairmanDATE:12th December, 2017

ORDER

1. Shri Suhas S. Deokar, learned Advocate for Respondent No.5 has given a note dated 6.12.2017 for speaking to minutes of the order dated 24.11.2017 passed in the above OA No.1125 of 2016.

2. Heard Shri Sandeep Dere, learned Advocate for the Applicant, Shri N.K. Rajpurohit, learned Presenting Officer for Respondents No.1 to 4 and Shri Suhas S. Deokar, learned Advocate for Respondent No.5.

3. It is seen that errors have crept in transcription of the order pronounced on 24.11.2016. Hence, the following order is passed.

4. Order dated 24.11.2016 be corrected as follows:

O.A. No.1125 of 2016

(a) In clause (i) of para 2 word 'was' be substituted by word 'is'.

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(b) clause (ii) of para 2 be substituted as follows:

"(ii) By virtue of transfer of certain functions of the Government to Zilla Parishad, services of Respondent No.5, who was appointed in relation to these functions, were allocated to Zilla Parishad, Thane."

(c) At six places in the order at paras 2(iii), 3, 5 to 8 word 'Applicant' be substituted by words 'Respondent No.5'.

5. Certified copies supplied to parties, be called back and corrected copies be supplied.

(A.H. Joshi, J.) Chairman 12.12.2017

Dictation taken by: S.G. Jawalkar. D:\JAWALKAR\Judgements\2017\12 December 2017\Speaking to minutes in OA.1125.16.J.12.2017-RMMohite.doc

(G.C.P.) J 2	260 (A)	(50,000-	2-2015)

12/12

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

Advocate for the Applicant (03. 89)

Let the O.A. come up for hearing on 18/12/2017.

Shirsmi PUNAM Mcharn H. now.

allowed

GROWPO, for the Respondent/s Cong-App),

DATE :

CORAM :

APPEARANCE:

Adj./S.O. to MA

Shri/Smt: K.S. GEJKU

[Spl.- MAT-F-2 E.

..... Applicant/s

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

Original Application No. of 20

(Advocate

DISTRICT

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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 Tribunal's orders directions and Registrar's orders

12.12.2017

M.A 458/2017 in O.A No 831/2017

The State of Maharashtra & Ors ... Applicants (Ori Respondents) Vs.

Smt Vijaya A. Talkute

... Respondent (Ori Applicant)

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

is granted for facto leave 2.Post substitution.

Heard both sides. Perused the application 3. and the affidavit of the Desk officer.

It is not disputed that the Desk Officer 4. had made the statement/gave instructions on his own and the authority to make such statement/give such instructions did not vest him.

Hence by accepting the reasons and 5. circumstances narrated in M.A, it is allowed.

Let the Original Application come up for 6. hearing on 18.12.2017.

(A.H Josh

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(G.C.P.) J 2260 (A) (50,000-2-2015)		(Spl MAT-F-2 E.
IN THE MAHARASHTRA	ADMINISTRATIVE	TRIBUNAL
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Original Application No. of 20

DISTRICT

..... Applicant/s

..... Respondent/s

(Advocate)

versus

The State of Maharashtra and others

(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	
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	Date: 12	.12.2017.		•
		O.A.No.6	58 of 2017	
	S.M. Bade	2		Applicant.
	Versus	e i		
	The State	of Maharashtra & Or	5.	Respondents.
	1. H	eard Shri M.D. Lonka	r. the learned	Advocate for th
DATE :12+12+12				
CORAM :		and Smt. Archana B.K	., the learned	Presenting Office
Hon'ble Justice Shri A. H. Joshi (Chairman)	IOT THE KE	spondents.	3 	
APPEARANCE:	2. S.(D. to 15.01.2018. Inte	rim relief to co	ntinue.
Shri/Smt: M.D. Lacker			. · · · · · · · · · · · · · · · · · · ·	
Advocate for the Applicant			C	d1-
Shri/Smi: Archana B.K.)	6/1
*C.P.O/P.O. for the Respondent/s			(A.H. J	
Adj. S.O. 10 15/1/2018. Therein	prk		Chair	nan \
relief to continue.				
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(G.C.P.) J 2260 (A) (50,000-2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20

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..... Applicant/s

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

12/12

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

DATE :

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APPEARANCE:

Shrilsmt M.D. I

Advocate for the Applicant

Tribunal's orders

12.12.2017

O.A No 1133/2017

Dr V.R Kamat Vs. ... Applicant

The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

2. It shall suffice, and hence affidavit of State be filed answering para 7.2 to 7.5 only.

3. While replying special attention be given to the judgments referred to in para no. 7(2)(a) and 7(2)(b).

4. In case Government decides to withdraw the impugned communication, affidavit in reply need not be filed.

5. S.O to 15.1.2018.

6. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.

(A.H Joshi, 9 Chairman

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Original Appli	cation No.	of 20		and the factor of the Arabic Arabic Bre District	
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versus

The State of Maharashtra and others

(Presenting Officer.....)

(G.C.P.) J 2260 (A) (50,000-2-2015)

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

Tribunal's orders

12.12.2017

O.A No 1121/2017

... Applicant Shri Pravin P. Pardeshi Vs. The State of Maharashtra & Ors... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

Disposed as withdrawn with liberty as 2. available in law.

(Spl.- MAT-F-2 E.

..... Respondent/s

A.H Joshi J.) Chairma

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HE

DATE: 12/12/17

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

APPEARANCE: Shri/Smt R.M. Shri/Sent

Advocate for the Applicant

Shri/Cirt : SWalt Manunck C.P.C.H.C. for the Respondent/s Adj. 15. O. To DISPOREd as withdrawn with liberty as a

in law,

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH

ORIGINAL APPLICATION NO. 1143 OF 2017

DISTRICT : NASIK

Dr Ashok Chintaman Sasane,)Applicant	
Versus		
Government of Maharashtra & Ors)Respondents	

Shri M.D Lonkar, learned advocate for the Applicant.

Shri K.B Bhise, learned Presenting Officer for the Respondents.

CORAM : Shri Justice A.H Joshi (Chairman)

DATE : 12.12.2017

<u>O R D E R</u>

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 22.1.2018.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 7 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. Heard on interim relief.

9. It is seen that pursuant to the powers conferred by G.R dated 30.11.2016, to effect transfers of Medical Officers, Group 'A'. Respondent no. 2 taking into consideration the request made on behalf of the applicant, issued an order dated 15.5.2017 by which the applicant came to be transferred from Primary Health Centre, Bolthan, Tal-Nandgaon, Dist-Nasik to the post of Taluka Health Officer, Panchayat Saminti, Nandgaon, Dist-Nasik.

10. Pursuant to the aforesaid order of transfer dated 15.5.2017, the petitioner joined duties by submitting his joining report dated 19.5.2017. Thus the applicant was not due for transfer.

11. The impugned order dated 7.12.2017 was issued by Respondent no. 1 by which the applicant is sought to be transferred from the post of Taluka Health Officer, Panchayat Samiti, Nandgoan, Dist-Nasik without giving him a posting whatsoever, and Respondent no. 4 is sought to be posted in the post held by the present applicant.

12. Thus applicant's ouster ordered before completion of statutory tenure at his last place of posting at Nandgaon, Dist-Nasik.

13. Hence, applicant is entitled for interim relief, which is accordingly granted in terms of prayer 15(b).

14. S.O to 22.1.2018.

15. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.

Place : Mumbai Date : 12.12.2017 Dictation taken by : A.K. Nair.

H: \Anil Nair Judgments 2017
\Dec 2017 \O.A 1143.17 Transfer order challenged, SB. Int order 12.12.17.
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	directions and Registrar's orders		
		Date : 1	2.12.2017.
			M.A.No.534 of 2017 in O.A.No.1140 of 2017
			14.A.NO.334 01 2017 11 O.A.NO.1140 01 2017
		S.A. Des	ai & Ors,Applicants.
		Versus	
		The Stat	e of Maharashtra & OrsRespondents.
		1. 1	loard Shri S.D. Datil the learned Advised for the
		1	eard Shri S.D. Patil, the learned Advocate for the
			ts and Ms. S.P. Manchekar, the learned Chief Presenting
		Officer fo	r the Respondents.
		2 1	his is an application for leave to sue jointly.
		2.	ins is an application for leave to sue jointly.
	DATE : 12/12/2017	· 3. C	onsidering the cause of action pursued by the
	CORAM :	· ·	ts is common, concurrent and usual, the cases are not
	Hon'ble Justice Shri A. H. Joshi (Chairman)		to be decided separately.
		1040.00	
	APPEARANCE:	4. li	this view of the matter, the present Miscellaneous
	Star Sent S. D. Patt	Applicati	on is allowed subject to Applicants paying requisite
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	C / O/P.O. for the Respondent/s	5. N	A. is allowed.
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	The State of Mahara	ashtra and others
		Respondent/
(Presenting Officer		

directions and Registrar's orders

12.12.2017

O.A No 1037/2017

... Applicant Shri R V Tambe Vs. The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate 1. for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

Learned C.P.O states on instructions that 2. P.P.O is issued and payment of pension would begin within two weeks.

Hence Original Application is disposed 3. accordingly.

Sd/-

(A.H Joshi, (J.) Chairman

DATE : 12/12/17 CORAM :

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

APPEARANCE: Shrivsont M.D. Louke-

Advocate for the Applicant

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Strifsmi : SWC& Manchel C.P.O/P.O for the Respondent/s

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Original Application No.	. 10	District	
		Applica	nt
(Advocate)		
	versus	8	
The State of	f Maharas	ashtra and others	;
		Responde	nt
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	12.12	2.2017	
		<u>O.A No 1028/2017</u>	
	Shri P	P.S Sawant Applican Vs.	t
	The St	State of Maharashtra & Ors Respond	eı
	learne	Heard Shri M.D Lonkar, learned adv the Applicant and Ms Swati Manch ted Chief Presenting Officer for condents.	ne
	2. follow	Learned C.P.O states on instruction ws:-	ns
DATE 12/12/2 CC Hop And A. H. Joshi (Chairman)		Process for grant of pension to app would be commenced forthwith and be completed expeditiously.	
A Sin - M.D.Lowyer		Hence O.A is allowed in terms of pray ith change that the interest shall be a on P.F duly compounded.	
Add Swall Mancheller C.P.C. U.C. Rosponsionlys Adj./S.C. O.A. is allowed		The payments be made within 3 m today.	01
Ad 15 OA is allowed		The payment of retiral dues sha ect to D.E in contemplation in accor- law.	
DE		<u>}</u>	
		Sd/- (A.H Joshi, J.)	<u>\</u>
	Akn	Chairman	
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(G.C.P.) J 2260 (A) (50,0002-2015)	· · ·	Spl MAT-F-2 E.
IN THE MAHARASHTRA ADMIN	ISTRATIVE	TRIBUNAL
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Original Application No. of 20

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DISTRICT

(Advocate)

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..... Applicant/s

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 : 12.12,2017.
	O.A.No.956 of 2016 with M.A.No.500 of 2017
	S.S. Kate & OrsApplicants.
	Versus The State of Maharashtra & OrsRespondents.
	1. Heard Shri Harprit Singh, the learned Advocate holding
	for Shri D.H. Pawar, the learned Advocate for the Applicants and
	Smt. K.S. Gaikwad, the learned Presenting Officer for the
DATE: 12/12/12	Respondents. 2. Shri Harprit Singh, the learned Advocate states on instruction that Applicant No.9 has instructed the Advocate to withdraw the O.A., unconditionally, hence, the name of Applicant No.9 be deleted from the array of Applicants from both M.A. and O.A
<u>CORAM</u> : Hon'ble Justice Shri A. H. Joshi (Chairman) <u>APPEARANCE:</u> Shri/Smi: <u>Harprit</u> Singh LJ. AU Nolding for shri D.H. Paucr Ld. AU Advocate for the Applicant Shri/Smi: K.S. Gaikubd	3. S.O. to 22.01.2018. Sd/- (A.H. Josh(J))
C.P.O/P.O. for the Respondent/s Adj./S.O. to22{1}2018.	prk

(G.C.P.) J 2260 (A) (50,000–2-2015) IN THE MAHARASHTRA	ADMINIS MUMBAI	
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Original Application No.	f 20	DISTRICT Applicant/s
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orders
	Date : 12.12	2.2017.
	O.A.	No. 1140 of 2017 with O.A.No.1035 of 2017
	S.A. Desai &	Ors. (O.A.No.1140/2017)
		are & Ors. (O.A.No.1035/2017)Applicants.
	Versus	
	The State of	Maharashtra & OrsRespondents
	1. Hear	
		d Shri S.D. Patil, the learned Advocate for t O.A.No.1140/2017, Dr. G. Sadavarte, the learn
		r the Applicants in O.A.No.1035/2017 and Ms. S
		the learned Chief Presenting Officer for t
DATE : 12/12/12	Respondents	
CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)		
	2. S.O.	to 22.01.2018, with liberty to mention before d
APPEARANCE:	date is occasi	ion arises.
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4. Advocate for the Applicant <0.11.1140/17) Dr. Funzatan Saturaste LA Adu Drappi. Chin Drift S. P. Manch and Soft 1035/17)		(A.H. Joshi J.)
Cart UP Q for the Respondent/s	prk	
Adj. 13.0, to 22/11/2018.		
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