

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

Date: 13.05.2019

O. A. No. 467 of 2019

Dr. M.S. RewadkarApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwader, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents
2. Issue notice before admission returnable on 04.06.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 Original Application. 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 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. Let Applicant join at transferred post. In case Applicant succeeds, his position can be restored.
9. S.O. to 04.06.2019.
10. Steno Copy and Hamdast is allowed.

DATE: 13/5/19

CORAM:

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

APPEARANCE:

Shri/Smt. A.V. Bandiwader

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj./S.O. to Head

order passed by

Tribunal column 4.

S.O. to 4/6/19

Steno copy and

Hamdast is

allowed.

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Sd/-

(A.H. Joshi,)

Chairman

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

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Date: 13.05.2019

O. A. No. 466 of 2019

Dr. R.D. Katke

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri A.V. Bandiwader, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 04.06.2019.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 Original Application. 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 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. Let Applicant join at transferred post. In case Applicant succeeds, her position can be restored.

9. S.O. to 04.06.2019.

10. Steno Copy and Hamdast is allowed.

DATE: 13/5/19

CORAM:

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

APPEARANCE:-

Shri/Smt. A.V. Bandiwader

Advocate for the Applicant:

Shri/Smt. S.P. Manchekar

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

Adj./S.O. to Head

order passed in

Tribunal column

SO No 416/19.

Steno copy allowed.

Hamdast is allowed.



Sd/-

(A.H. Joshi)

Chairman

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

ORIGINAL APPLICATION NO 474 OF 2019

Narendra R. Thakur)...Applicant
Versus)...Respondents
The State of Maharashtra & Others

Shri H.A. Joshi, learned Advocate for the Applicant.

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Justice A.H Joshi (Chairman)

DATE : 13.05.2019

ORDER

1. Heard Shri H.A. Joshi, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents
2. Issue notice before admission returnable on 03.06.2019.
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 on 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 three 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 the point of interim relief.
9. Learned Advocate Shri H.A. Joshi for the Applicant has argued that :-
 - (a) Though the impugned decision sounds that 636 of PSI posts are to be filled-in as and when vacancies arise/ occur, the decision has been issued during currency of Code of Conduct of General Parliamentary Elections.
 - (b) Therefore, there exists apprehension that the Government may hasten to fill-in the vacancies / posts.
 - (c) Though there does not exist urgency of filling in the posts for which now 636 open merit candidates having 230 marks are selected are most likely they may be appointed.
 - (d) It is seen from impugned Government decision that the aspect of Roaster point is not addressed.
 - (e) Impugned Government decision does not disclose that particular number of posts are reserved / marked for various candidates belonging to different classes who are entitled for reservation of seats.
 - (f) As per stance of the Government as disclosed from page 90 and 93 of record i.e. the affidavit of the State Government filed in O.A.No.394 of 2018, posts of PSI to be filled though Limited Departmental Examination (LDE) is not promotional.
 - (g) Hence, 33% reservation is mandatory, yet no reservation is provided while issuing the impugned Government decision.
10. In view that today notice is issued, response of the Government needs to be awaited.
11. Hence, the learned C.P.O. is directed to take instructions from the Respondents No.1 to 5 on following points mentioned below in the form of affidavit, namely :-

- (a) Whether the Roaster is required to be followed while filling in the posts of PSI through Limited Departmental Examination from amongst orders lower than PSI.
- (b) Whether all the Roaster points as applicable, falling due to be filled in taking into account number of vacancies now proposed to be filled in (636 posts), are already filled in.

12. In case answer to the 11(b) is negative how do they propose to avoid / overcome violation of the prohibition under Section 4(1) of the Maharashtra State Public Services Reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes, (Vimukta Jatis), Nomadic Tribes, Special Backward Category and other Backward Classes Act, 2001.

13. In case the answer to 11(b) is affirmative personal affidavit of Respondent No.2 to that effect be filed.

14. In view of the foregoing summation of submission, as done in paragraphs 9, the Applicant has made out strong case for grant of ex-parte ad-interim relief.

15. Therefore, ex-parte ad-interim order, this Tribunal directs that until questions framed in paragraph 11 are answered and / or affidavit as directed in foregoing paragraphs No.11 and 13 is filed, State Government, including Respondent No.5 are restrained by an injunction from acting upon the impugned Government decision dated 22.04.2019.

16. Liberty to apply, after filing the affidavit is granted.

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

18. S.O. to 03.06.2019.

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

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