

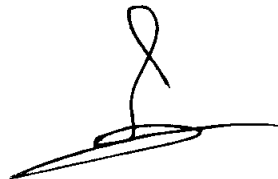
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO. 503 OF 2017**

**DISTRICT : MUMBAI**

- 1) Shri Santosh Pandurang Arabatti )
- 2) Shri Manohar Bhaurao Suryawanshi, )
- 3) Shri Abhijit Ramakant Kambli, )
- 4) Shri Arun Dnyanu Kharat, )
- 5) Shri Manoj Dattaram Rane, )
- 6) Shri Pandharinath Narayan Jadhav, )
- 7) Smt. Prerana Raju Gadekar, )
- 8) Smt. Sharayu Rajaram Lad, )
- 9) Smt. Vidya Kashinath Nanavare, )
- 10) Smt. Manshree Rajendra Tambe, )
- 11) Smt. Anil Prabhakar Kasbe, )
- 12) Smt. Manisha Madhukar Salvi, )
- 13) Smt. Arati Chandrashekar Wadekar, )
- 14) Shri Dnyaneshwar Rajaram Gaikwad, )
- 15) Sudhakar Lahu Waghmare )
- 16) Smt. Archana Dattaram Valanju, )..**Applicant**

C/o. Dr. Gunratan Sadavarte, 109/18, Esplanade Mansion,  
M.G. Road, Fort, Mumbai-400 001.




**VERSUS**

1. The District Collector, Mumbai, )  
 Having Office at Old Custom House, )  
 Mumbai-1. )
2. The State of Maharashtra, )  
 Through, Principal Secretary, )  
 General Administration Department, )  
 Having Office at Mantralaya, )  
 Mumbai- 400 032. )
3. The State of Maharashtra, )  
 Through, Principal Secretary (Revenue), )  
 Revenue and Forest Department, )  
 Having Office at Mantralaya, )  
 Mumbai- 400 032. ) **Respondents**

Dr. Gunratan Sadavarte, learned Advocate for the Applicant.  
 Shri N.K. Rajpurohit, learned Chief Presenting Officer for the  
 Respondents.

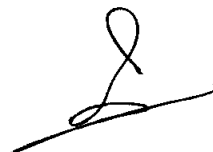
**CORAM : Shri Justice A.H. Joshi, Chairman**  
**Shri Rajiv Agarwal, Vice-Chairman**

**DATE : 13.06.2017**



**ORDER**

1. Shri G. Sadavarte, learned Advocate for the Applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.
2. The respondents/State Government is present by caveat and with record needed for hearing.
3. Heard. Admit.
4. Learned Advocate for the Applicant prays for permission to argue on the point of interim relief in the background that termination orders are issued to four amongst applicants and for the rest, those must be in the pipeline.
5. Heard both sides on the point of interim relief.
6. Learned P.O. is ready with record and has furnished photocopies. The list of record produced before us is as follows:-
  - (a) Office Note of Mantralaya along with orders there on and data relating each individual Applicants.
  - (b) Copy of Rules regarding amalgamation cadre dated 20<sup>th</sup> December 2015.



- (c) Statement showing services tenure, breaks in service of all Applicants.
- (d) Office note of Mantralaya complying service details of Applicants.
- (e) Copies of joining report of six candidates selected by M.P.S.C..

7. This O.A. has been filed, seeking declaration that the Applicants are entitled to regularization of their services as Jr. Clerk/Enumerators in view of the judgement of this Tribunal dated 08.10.2015 in O.A. No. 292 of 2014, wherein this Tribunal directed the Respondents to consider the case of the Applicants for regularization of their services in the light of observation made in that judgement of Hon'ble Supreme Court in case **State of Karnataka V/s. M.L. Kesari (2010) 9 SCC 247**.

8. Learned Advocate for the Applicants argued that:-

- (a) While deciding the O.A. No. 292 of 2014, this Tribunal had relied upon the judgement of Hon'ble Supreme Court in the case of **State of Karnataka & Others V/s. M.L. Kesari & Others: (2010) 9 SCC 247** and held that the services of the present Applicants were liable to be regularized as they were appointed before



the judgement of Hon'ble Supreme Court in the case of **State of Karnataka and others Vs. Umadevi & Others: 2006 AIR SCW 1991** and they had completed service of 10 years or more as on 10.04.2006.

- (b) As such, even if it is argued by the state that applicants' initial appointment were not in accordance with relevant recruitment rules, their appointments were to be treated at the most as irregular.
- (c) In case applicants passed the qualifications prescribed by the Collector & Electrician officer for the concerned post and they were eligible for regularization. In the present case all the Applicants held the qualifications for the post of Jr. Clerk / enumerator.
- (d) Recruitment rules for the post of '**Jr. Clerk cum Enumerator**' are not framed so far and it has to be presumed that the Respondent No.1 must have satisfied himself about their eligibility for the post of Jr. Clerk/ enumerator at the time of initial appointment of applicants and thereafter



whenever their services were continued each time, for long periods.

(e) The Applicants are, therefore, fully covered by the judgement of Hon'ble Supreme Court in **Kesari's case (Supra)**.

(f) Learned Counsel for the Applicants prayed that the interim relief of not discontinuing the and for continuing applicants in employment till the decision of this O.A. may be granted and status quo ante may be ordered to be maintained, in so far as services of five Applicants are terminated.

9. Learned Chief Presenting Officer (C.P.O.) argued on behalf of the Respondents that the case of each of the Applicant has been examined and considered in the light of judgement of Hon'ble Supreme Court in Kesari's case. It is found that the Applicants are not eligible for regularization of their services. The reasons and conclusions are on record in the office notes, copies whereof are placed on record. Those reasons are namely:-

(a) The Applicants do not fulfill the qualifications for the post of Jr. Clerk/typist, especially the requirement of proficiency in English/ Marathi typing;



- (b) Some of the Applicants are overage and therefore cannot be considered for regularization;
- (c) The Applicants were not appointed after following due procedure after the posts were advertised widely.
- (d) The Applicants had not completed continuous service of 10 years on 10.04.2006, as there were repeated breaks in their services.

10. Learned C.P.O. has further argued that:-

Applicants have not made out case for granting interim relief. Learned C.P.O. stated that many new candidates have been selected through Maharashtra Public Service Commission (M.P.S.C.) and they have joined or are about to join. Therefore, it is not possible to continue the Applicants in the posts they are/were working.

11. We have considered submissions of both sides and perused the record. It is seen that this Tribunal had recorded certain finding in the judgement delivered on 08.10.2015 in O.A. 292/2014 and has held that:-



“10. It is quite clear that the Applicants’ case have to be considered in the light of aforesaid decision of Hon’ble Supreme Court in M.L.KESARI’S case. It is held that the Applicants were appointed against sanctioned and vacant posts and if they possessed necessary qualifications and are covered by the aforesaid judgement of Hon’ble Supreme Court, the Respondent No.3 is legally bound to consider their cases for regularization, as the Respondents No.2 has clearly stated that this is a matter to be decided by the Respondent No.3.

11. Having regard to the aforesaid facts and circumstances of the case, the Respondent No.3 is directed to consider the cases of the Applicants for regularization in the light of above observations, within a period of 3 months from the date of this order. These Original Applicants are disposed of accordingly with no order as to costs. As the Original Applicants have been disposed of, nothing survives in the Misc Applications, which are also disposed of.”

12. We are informed by learned C.P.O. at bar that the judgement and order passed by this Tribunal in O.A. 292/2014 is not challenged and further actions are taken by the Government in compliance or rather in furtherance thereto. Once State chooses to acquiesce with the judgement and order passed by this Tribunal, it follows that the findings and conclusions recorded in the judgement and order have to





be honoured in totality and in particular the findings recorded in para Nos. 10 & 11 there of which we have quoted in foregoing para (No. 10).

13. In the aforesaid premises where the findings and conclusions recorded by this Tribunal are binding, the State has acted as if it is sitting in appeal over the judgement and order passed by this Tribunal in O.A. 292/2014.

14. Learned C.P.O. has made available the copy of the relevant Mantralaya file for our perusal. The following reasons are given by the respondents for refusing to regularize the services of the Applicants:

- १) ज्या कर्मचा-यांच्या सेवा नियमित करावयाच्या आहेत त्यांनी विधी व न्याय विभागान नमूद केल्यानुसार दिनांक १०.०४.२००६ रोजी १० वर्षांपेक्षा जास्त काळ मंजूर रिक्त पदांवर काम केले पाहिजे, असे नमूद केले आहे. तथापी या प्रकरणातील कर्मचा-यांच्या सेवा ह्या हंगामी असून त्यांच्या सेवा दिनांक १०.०४.२००६ पर्यंत सलग १० वर्षे होत नाहीत.
- २) सदर कर्मचा-यांना नियुक्ता विहित मागाने रिक्त पदांची जाहिरात सर्व प्रसार माध्यमातून वर्तमानपत्र, दूरदर्शन, रेडिओ, नोटीस बोर्ड अर्ज परीक्षा याद्वारे प्रसिद्धी देऊन अर्ज मागविण्यात यावेत. अशा प्रकारे प्राप्त झालेज्सर अर्जांमधून पात्र उमेदवारांची विहित पतीनुसार निवड करण्यात यावी, अशा सूचानार सामान्य प्रशासन विभाग शासन निर्णय दिनांक १९.११.२००३ अन्वये करण्यात आलेली आहे. प्रस्तुत प्रकरणी या उमेदवारांची निवड जाहिरात/विहित पद्धतीनुसार झाल्याचे दिसून येत नाही.
- ३) सेवा प्रवेश निसमानुसार व दिनांक १०.०४.२००६ नुसार प्रस्तुत कर्मचारी संबंधित पदासाठीची विहित शैक्षणिक अर्हता पूर्ण करित नाहीत.



- ४) सदर कर्मचारी यांची सेवा विभागाने वेळोवेळी खंडीत केल्याचे दिसून येते.
- ५) सदर कर्मचा-यांना ३ महिन्यांसाठी नियुक्ती दिली होती.
- ६) प्रस्तुतची पदे हंगामी स्वरूपाची असल्यामुळे ती कायम करता येत नाहीत.

15. These grounds and reasons recorded by the State need to be scrutinized even at this stage as to what prima facie appears, and our prima facie observations are as follows:-

- (a) It is stated in the note that the Applicants have not worked for 10 years continuously and there were breaks in their services, and therefore it cannot be said to that the applicants have completed 10 years of service as on 10.04.2016. Service details of all the Applicants as given by the Respondent No. 1 are placed on record.
- (b) To give one example, Shri Sudhakar Lahu Waghmare was appointed as Enumerator on 24.08.1992. He continued to work for 6 years 1 month and 7 days till 31.03.1998. He was then given appointment from 01.09.1999 and worked for more than four years till 07.10.2003. Thereafter he worked till 05.02.2014 for 02 months 29 days, almost 03 months at a time, and his services were continued with 1 or 2 days technical breaks. It is quite clear that for



all practical purposes, he had continuously worked from 01.09.1999 to 05.02.2014 and thereafter. Technical breaks of one/two days can be easily condoned by granting appropriate leave.

- (c) It is an admitted fact that the Applicants were not appointed by following due procedure. If that was the case, there would not have been any reason for them to apply for regularization. However, as per Hon'ble Supreme Court judgement in Kesari's case (Supra) after 10 years, their appointment can be said to be irregular though initial appointment might have been made in violation of due procedure and they had become eligible for being considered for regularization.
- (d) The Applicants hold the qualification of SCC or above, which is the requisite, educational qualification for the post of Jr. Clerk/typist as per relevant recruitment rules.
- (e) The Respondents themselves claim that post of Jr. Clerk/Enumerator was subsequently merged with the post of Jr. Clerk/typist.



- (f) Recruitment rules for the post of Jr. Clerk/Enumerator were furnished nor it is claimed that those exist. In fact, it appears that recruitment rules for the aforesaid posts have not been framed at all.
- (g) We may have more to say about this issue of merger of these cadres at later stage. However, the claim of the Respondents that the Applicant's do not have requisite education qualification is without any basis. During the arguments learned C.P.O. argued that the Applicants do not fulfill the requirement of having passed the typing examination.
- (h) Coming to the claim of the Respondents that that post of Jr. Clerk/Enumerator is merged with that of Jr. Clerk/Typist, the Respondents are relying on the "Amalgamation of the Election Branch, the Bombay Entertainment Duty Act Branch and the Main Collectorate Branch of the Bombay City Collectorate for preparation of a combined seniority list of the staff members of those three units for regulating their promotion to the post in those three Units Rules, 1985."



- (i) We have carefully perused these rules. We do not find any rule which could be said to make the Recruitment Rules for the Posts of Jr. Clerk/Typist applicable for the post of Jr. Clerk/Enumerator. It is seen that, those two cadres do not appear to have been merged. They remain separate and distinct. This is evident and is confirmed from the following recent appointment by the Respondents on the recommendation of M.P.S.C. are to the post of **'Jr. Clerk/Enumerator'**. In the absence of any provision in rules, it cannot be held that a **'Jr. Clerk/Enumerator'** is required to pass the typewriting examination.
- (j) The ground that there were breaks in the service of the Applicants' is already covered in the discussion contained in foregoing clause (a) & (b).
- (k) Similarly, the contention that Applicants were appointed for three months at a time is covered in the discussion contained in foregoing clause (a) & (b).



(l) It is claimed that these posts were temporary in nature, This contention is not sustainable in the face of clear finding of this Tribunal in judgment dated 08.10.2015 in O.A. No. 292 of 2014, wherein this Tribunal in para 10 has observed, that:-

“It is held that the Applicants were appointed against sanctioned and vacant posts.....”

(m) Judgements of Hon'ble Supreme Court in Umadevi's & Kesari's case nowhere mention about continuous service, of 10 years, without even one days break. This argument, if accepted, will make the mockery of the aforesaid judgments. The Applicants appear, prima facie, to have completed 10 years of services as on 10.04.2006 based on the service details of the Applicants furnished by the Respondents.

(n) Prima facie, it emerges that the reasons given by the Respondents for not regularizing services of the Applicants are without any basis and in fact, contrary to facts and material on record, even to the findings recorded by this Tribunal (quoted



in foregoing paragraph No. 10) contrary to precedents cited at bar.

- (o) On what appears prima facie, we are convinced that the respondents have abused the liberty given to them to scrutinize merit of each/individual case. The phraseology employed in operative order passed in O.A. 292/2014, wherein this Tribunal directed/permitted the respondents to **"consider"** cases of Applicant within the parameters of findings which were recorded in para No. 10 & 11 of said/same judgement and in the light of Kesari's case supra. Upon said direction, task to be performed by the Government was that of ministerial exercise and no discretion of executive power was left for exercise by the State.

16. After considering various aspects which have revealed, prima facie and in terms of foregoing discussion, the grounds on which the Applicants are held not eligible for regularization of their services by the Respondents are flimsy and not convincing at all.

17. Now the Respondents have claimed that some candidates selected by M.P.S.C. have joined and there will be



no posts to accommodate the present Applicants, as there are no vacancies, as many vacant posts have since lapsed. We are unable to accept this argument as the Respondents have, prima-facie, not implemented the judgement of this Tribunal dated 08.10.2015 in O.A. No. 292/2014.

18. Hence we pass ad interim order with notice to Show Cause why ad interim order as is being passed should not be made absolute, is passed as follows:-

- (A) Interim relief of continuing the Applicants in the posts, they are occupying till the disposal of this O.A. is granted for those Applicants, who services have not been discounted.
- (B) Status-quo ante is granted in respect of those Applicants whose services have been discontinued.
- (C) The Respondents No. 1 shall reappoint them as Jr. Clerk/ Enumerator within 03 days from the date of this order and their services will be treated as if no order discontinuing their services was passed.





(D) Steno Copy and Hamdast granted.

19. We make it clear that all observations continued in the discussion contained in this order shall be on what appears prima facie and shall not affect merit of the case at the final hearing.

Sd/-

**(RAJIV AGARWAL)**  
**VICE-CHAIRMAN**  
**13.06.2017**

Sd/-

**(A.H. JOSHI, (J.))**  
**(CHAIRMAN)**  
**13.06.2017**

Date : 13.06.2017

Place : Mumbai

Dictation by : NMN

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**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><u>DATE:</u> 13/6/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajiv Agarwal (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. A.S. Deshpande holding A.G. Ambekar (O.A. 309/17) Advocate for the Applicant Shri/Smt. S.S. Gaikwad App. in person. C.P.O./P.O. for the Respondents (O.A. 369/17) Ms. N.G. Gohad P.O. for Rpts Ad. To. 9/7/2017.</p> <p style="text-align: right;">BTE</p>	<p>Date : 13.06.2017.</p> <p>O.A.No.309 of 2017 with O.A.No.369 of 2017</p> <p>P.B. Wankhede (O.A.No.309/2017) S.S. Gaikwad (O.A.No.369/2017) ....Applicants. Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri A.S. Deshpande, the learned Advocate holding for Shri A.G. Ambekar, the learned Advocate for the Applicant in O.A.No.309/2017, Shri S.S. Gaikwad, Applicant in person in O.A.No.369/2017 and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Ms. N.G. Gohad, the learned Presenting Officer for the Respondents prays for two week's time for filing affidavit-in-reply.</p> <p>3. Time as prayed for is granted.</p> <p>4. S.O. to 03.07.2017.</p> <p style="text-align: center;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p style="text-align: right;">Sd/- (A.H. Joshi) Chairman</p> <p>prk</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.**

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<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri A. Rajiv Agarwal (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>B.A. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O / P.O. for the Respondents</p> <p><b>Ad. To:</b> <u>20/6/2017.</u></p> <p align="right"><i>MF</i></p>	<p><b>Date : 13.06.2017.</b></p> <p align="center"><b>O.A.No.499 of 2017</b></p> <p><b>P.Y. Bhurke</b> ....Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Shri Pradeep Kumar, Secretary, Maharashtra Public Service Commission, Mumbai is present.</p> <p>3. The matter was heard for some time. Shri Pradeep Kumar, Secretary states that he would like to re-examine the matter.</p> <p>4. In view of the foregoing, adjourned to 20.06.2017.</p> <p>5. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.</p> <p align="center">Sd/- <i>e</i> (Rajiv Agarwal) Vice-Chairman</p> <p align="center">Sd/- <i>f</i> (A.H. Joshi J.) Chairman</p> <p align="left">prk</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>13/6/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K.</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To..... <u>Hicord</u></p> <p><u>order passed by</u> <u>Tribunal Column</u> <u>5020 28/7/17 -</u></p> <p><u>l</u></p>	<p align="center"><b><u>O.A. No.509 of 2017</u></b></p> <p><b>Smt. N.N. Phadke</b> ... Applicant <b>V/s.</b></p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.</p> <p>The learned P.O. is being instructed by Smt. Vijayshri Kale, Law Officer, Commissioner Office, Mumbai. I have perused the Minutes of the Meeting of the Establishment Committee and the extract of the alleged allegations. As of today, no interim relief.</p> <p>Liberty is reserved for the Applicant to seek interim relief on any future date.</p> <p>Issue notice returnable on 28.07.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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 four weeks. Applicant is directed to file Affidavit of compliance and notice.</p> <p>S.O. to 28.07.2017. Learned P.O. do waive service.</p> <p align="right">Sd/-</p> <p align="right">(R.B. Malik) 13-0-17 Member (J) 13.06.2017</p> <p>(vsm)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.357 of 2017**

**Shri M.S. Shinde ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri M.B. Kadam, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.

Issue notice returnable on 11.07.2017.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 11.07.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 13-06-17  
Member (J)  
13.06.2017

(vsm)

DATE: 13/6/17  
 CORAM:  
 Hon'ble Shri. RAJIV AGARWAL  
 (Vice-Chairman)  
 Hon'ble Shri R. B. MALIK (Member) J  
 APPEARANCE:  
 Shri M.S. Shinde  
 Advocate for the Applicant  
 Smt. Kranti Gaikwad  
 C.P.O. for the Respondents

Adj. To: Heard  
 order passed in  
 Tribunal Column  
 SO to 11/2/17.


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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**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>13/6/17</u></p> <p>CORAM:  <del>Hon'ble Shri RAVI AGARWAL</del>  <small>(Vice-Chairman)</small>  Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE:  Shri <u>Akash Kotecha holding for B. Deshmukh</u>  Advocate for the Applicant  Shri <u>A.J. Chougule</u>  C.R.O./ D.O. for the Respondents</p> <p>Adj. To..... <u>heard</u> .....  <u>admit</u>  <u>order passed in</u>  <u>Tribunal column</u>  <u>50 to 4/7/17</u></p> <p style="text-align: right;"></p>	<p style="text-align: center;"><b><u>O.A. No.1208 of 2016</u></b></p> <p><b>Shri Dr. P.R. Pandit</b> ... Applicant</p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Shri Akash Kotecha holding for Shri B. Deshmukh, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.</p> <p>The learned Advocate for the Applicant undertakes to file Affidavit-in-Rejoinder during the course of the day.</p> <p>On this statement, the Original Application is admitted and appointed for final hearing on 04.07.2017.</p> <p style="text-align: right;">Sd/- <u>Nik</u></p> <p style="text-align: right;">(R.B. Malik) <u>13.6.17</u>  Member (J)  13.06.2017</p> <p>(vsm)</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><b>DATE:</b> <u>13/6/17</u></p> <p><b>CORAM:</b>  <del>Hon. Mr. S. C. RAHIV AGARWAL</del>  <del>(Vice-Chairman)</del>  <del>Hon. Mr. R. B. MALIK (Member)</del></p> <p><b>APPEARANCE:</b>  Shri Smt. Punam Mahajan  Advocate for the Applicant  Shri Smt. A. J. Chougule  C.P.O. / P.O. for the Respondents</p> <p><b>Adj. To:</b> <u>Heard</u>  order passed in  Tribunal Column 4.  Admit  So to 4/7/17.</p>	<p style="text-align: center;"><b><u>O.A. No.1210 of 2017</u></b></p> <p><b>Smt. S. C. Desai</b> ... Applicant</p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.</p> <p>The request for further time to file reply is rejected because last chance was already granted. It is, however, made clear that on the next date when the matter is called out for hearing, if the reply is tendered, it will be taken on record but no adjournment shall be given for that purpose.</p> <p>Original Application is admitted and appointed for final hearing on 04.07.2017.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(R.B. Malik) <u>13.6.17</u>  Member (J)  13.06.2017</p> <p>(vsm)</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.
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**O.A. No.147 of 2017**

**Shri S.D. Deore ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.

The learned P.O. undertakes to file Affidavit-in-Reply during the course of the day. Shri A.V. Bandiwadekar, the learned Advocate has already been served with an un-affirmed copy thereof. He undertakes to file Affidavit-in-Rejoinder during the course of the day.

On these statements, the Original Application is admitted and appointed for final hearing on 03.07.2017.

Sd/-

(R.B. Malik) 13.06.17  
Member (J)  
13.06.2017

DATE: 13/6/17  
CORAM:  
Hon. Mr. R.B. MALIK (Chairman)  
Hon. Smt. R. B. Malik (Member)  
APPEARANCE:  
Shri. A.V. Bandiwadekar  
Adv. for the Applicant  
Smt. Archana B.K.  
P.O. for the Respondents  
Adj. To: 317/17  
orders passed in  
Tribunal Column  
So on 317/17 F.H.  
Admit

(vsm)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.339 of 2017**

**Shri V.N. Sonawane** ... Applicant  
**V/s.**  
**The State of Mah. & ors.** ... Respondents

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.

Issue notice returnable on 11.07.2017.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 11.07.2017. Learned P.O. do waive service.

Sd/-  
 (R.B. Malik) 13.06.17  
 Member (J)  
 13.06.2017

(vsm)

DATE: 12/6/17  
CORAM:  
 Hon. Jc Shri. RAJIV AGARWAL  
 (Vice Chairman)  
 Hon. Jc Shri R. B. MALIK (Member) J  
APPEARANCE:  
 Shri Shri: C.T. Chandratre  
 Advocate for the Applicant  
 Smt. Archana B.K.  
 C.O. P.O. for the Respondents  
 Adj. To: H.C. Chandratre  
 order passed by  
 Tribunal Column  
 solo 11/7/17.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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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: 13/6/17</p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri. A.V. Bandiwadkar Attorney for the Applicant</p> <p>Ms. Suryawanshi C.A.O. for the Respondents</p> <p>AG: order passed in Tribunal Column. 50 to 20/6/17.</p>	<p><u>O.A.213/2017</u></p> <p><b>Mr. A.S. Gitay</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; Ors.</b> ... Respondents</p> <p>Heard Mr. A.V. Bandiwadkar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>Affidavit-in-reply of Respondent No.2 has been filed. The OA proceeds further for Rejoinder thereto. If the Respondent No.1 wants to file the reply, it must be filed on the next date and not thereafter.</p> <p>Sd/-  (R.B. Malik) 13.6.17 Member (J) 13.06.2017</p> <p>(skw)</p>

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

Tribunal's orders  
Date : 13.06.2017.

O.A.No.244 of 2017

V.R. Koli ...Applicant.

Versus

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

1. Heard Shri V.R. Koli, Applicant in person and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Shri K.B. Bhise, the learned Presenting Officer for the Respondents states as follows :-

(a) On instructions from Shri Jalindar K. Mahadik, Superintendent, Sangli Irrigation Circle, Sangli states that now the matter of effecting promotions is awaiting clearance from the B.C. Cell at the level of office of Divisional Commissioner, Pune.

(b) The matter will be followed up on day to day basis and further progress will be stated on the next date.

(c) Three week's time is required for reporting action at the level of B.C. Cell.

3. Time as prayed for is granted.

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

5. S.O. to 03.07.2017.

DATE : 13/6/2017

CORAM :

Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Ramchandra Kumar (Member)

APPEARANCE :

Shri/Smt : V.R. Koli Appl. in person.

Advocate for the Applicant

Shri/Smt : K.B. Bhise  
C.P.O / P.O. for the Respondent/s

Ad. To : 3/7/2017.

*prk*

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

prk

Sd/-

(A.H. Joshi J.)  
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramchandra (Member)</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>R. G. Panchal</u> Advocate for the Applicant Shri/Smt. : <u>H. G. Gohad</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. <u>20/7/2017</u></p> <p align="right"><i>offte</i></p>	<p align="center"><u>O.A. No.513 of 2017</u></p> <p>Shri H.B. Sonawane &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri R.G. Panchal, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Shri Panchal, Ld. Advocate for the applicants prays for leave to amend and substitute entire paper book of OA.</p> <p>3. S.O. to 26.7.2017 with liberty to circulate before due date.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017 (sgj)</p> <p align="center">Sd/- (A.H. Joshi) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice M. Rajesh Kumar (Member)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>B.A. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p><b>Adj. To:</b> <u>4/7/2017</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>O.A. No.430 of 2017</u></p> <p>Shri B.D. Kshirsagar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Shri Bandiwadkar, Ld. Advocate prays for one week's time for filing affidavit in service.</p> <p>3. Time granted.</p> <p>4. S.O. to 4.7.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017</p> <p align="center">(sgl)</p> <p align="right">Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakumar (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>Punam Mahajan</u> Advocate for the Applicant Shri/Smt. : <u>Archana B.K.</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>20/6/2017.</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>C.A. No.30 of 2017 in O.A. No.864 of 2015</u></p> <p>Smt. A.V. Lanke ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO prays for one week's time to verify as to whether entire amount payable under the order passed in OA is paid to the applicant and make a suitable statement on the next date.</p> <p>3. S.O. to 20.6.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017 (sgj)</p> <p align="center">Sd/- (A.H. Joshi, JP) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 13/6/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p><u>APPEARANCE:</u> Sd/- B.A. Bandiwadkar Sd/- for the Applicant Sd/- K.S. Gaikwad Sd/- P.O. for the Respondent/s</p> <p><u>Ad. To:</u> 28/6/2017.</p> <p style="text-align: right;"><i>Bte</i></p>	<p style="text-align: center;"><u>O.A. No.232 of 2017</u></p> <p>Shri L.V. Paskanti ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply on behalf of respondents no.1 and 2. It is taken on record.</p> <p>3. Shri Bandiwadkar, Ld. Advocate for applicant prays for time.</p> <p>4. S.O. to 28.6.2017.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017</p> <p>(sgj)</p> </div> <div style="text-align: center;"> <p>Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p> </div> </div>



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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> <u>Rajiv Aggarwal (V/C)</u> Hon'ble <u>Shri M. Rameshkumar (Member) A</u></p> <p><b>APPEARANCE:</b> <u>Shri/mt. K.R. Jagdale</u> Advocate for the Applicant <u>Shri/mt. Archana B.K.</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>6/7/2017.</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>C.A. No.1 of 2017 in O.A. No.591 of 2015</u></p> <p>Shri B.r. Sangle ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO prays for one week's time for filing reply.</p> <p>3. S.O. to 6.7.2017.</p> <p align="center">Sd/- (Rajiv Aggarwal) Vice-Chairman 13.6.2017 (sgj)</p> <p align="right">Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p><u>DATE</u> 13/6/2017</p> <p><u>CORAM</u></p> <p>Hon'ble <u>A.H. Joshi (Chairman)</u></p> <p>Hon'ble <u>Rajiv Agarwal (Member)</u></p> <p><u>APPLICANT</u></p> <p>Shri <u>A.A. Karande</u></p> <p>Ad. by <u>K.S. Gaikwad</u></p> <p>Shri <u>K.S. Gaikwad</u></p> <p>C.F.O./D.O for the Respondent/s</p> <p>Adj. To <u>21/7/2017</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>O.A. No.21 of 2017 with O.A. No.22 of 2017</u></p> <p>A.A. Pawar (OA.21/17) P.D. Sable (OA.22/17) ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri A.A. Karande, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply. It is taken on record.</p> <p>3. Ld. PO further prays for time for filing detailed reply since filing of such reply is necessary.</p> <p>4. S.O. to 21.7.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017 (sgj)</p> <p align="center">Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p>

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**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramchandra Kumar (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>K.S. Gaikwad</u> <u>Meena Chaudhary</u> Advocate for the Applicant <u>Corg. RMP</u> Shri/Smt. <u>Meena Chaudhary</u> C.P.O / P.O. for the Respondent/s <u>Corg. RMP</u></p> <p>Adj. To <u>4/7/2017</u></p> <p align="right"><i>13/6</i></p>	<p align="center"><u>M.A. No.46 of 2017 in O.A. No.302 of 2016</u></p> <p>The State of Maharashtra &amp; Ors. ..Applicants Vs. Shri S.R.S. Munir ..Respondent</p> <p>Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicants-original Respondents and Smt. Meera Choudhari, learned Advocate for the Respondent-original Applicant.</p> <p>2. Ld. Advocate for the Respondent-original applicant prays for time for filing reply.</p> <p>3. S.O. to 4.7.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017 (sgj)</p> <p align="right">Sd/- (A.H. Joshi, J) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>J.V. Joshi</u> Advocate for the Applicant Shri/Smt. <u>S. Suryawanshi</u> C.P.O./P.O. for the Respondent/s</p> <p><b>Adj. To</b> <u>27/6/2017</u></p> <p align="right"><i>sgj</i></p>	<p align="center"><u>C.A. No.4 of 2017 in O.A. No.850 of 2015</u></p> <p>Shri S.B. Wagh ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri V.V. Joshi, learned Advocate for the Applicant and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO undertakes to furnish to the Applicant/Ld. Advocate for the Applicant the details as to the manner in which the pension of the applicant is calculated and fixed and the statement of calculation of arrears within 10 days from today.</p> <p>3. For further orders S.O. to 27.6.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017</p> <p align="center">Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p> <p align="center">(sgj)</p>

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Office Notes, Office Memoranda of Coram, Apperance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajiv Agarkar (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>V.V. Joshi</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O./ P.O. for the Respondent/s</p> <p><b>Adj. To:</b> <u>27/6/2017</u></p> <p style="text-align: right;"><i>prk</i></p>	<p><b>Date : 13.06.2017.</b></p> <p><b>C.A.No.44 of 2014 in O.A.No.364 of 2011</b></p> <p><b>V.Y. Mokashi</b> ....Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri V.V. Joshi, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Shri K.B. Bhise, the learned Presenting Officer for the Respondents prays for time for reporting compliance as regards revision of pension of the applicant.</p> <p>3. At the request of learned P.O. adjourned to 27.06.2017.</p> <p style="text-align: center;">Sd/- (Rajiv Agarkar) Vice-Chairman</p> <p style="text-align: right;">Sd/- (A.H. Joshi) Chairman</p> <p style="text-align: left;">prk</p>

**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
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajiv Agarwal (Member-A)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>Punam Mahajan</u> Advocate for the Applicant Shri/Smt. <u>N. S. Gohad</u> C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To. <u>12/7/2017</u></p>	<p align="center"><u>C.A. No.80 of 2016 in O.A. No.517 of 2015</u></p> <p>Shri R.B. More .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO has tendered affidavit furnishing all details on the basis of which, according to Ld. PO, the order has been complied with.</p> <p>3. Smt. Mahajan, Ld. Advocate states that one week's time may be granted for making a statement as to whether the applicant is satisfied.</p> <p>4. In view of the request of Smt. Mahajan, Ld. Advocate, adjourned to 12.7.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017</p> <p align="center">Sd/- A.H. Joshi, JP Chairman 13.6.2017</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> <u>Rajiv Agarwal (Vice-Chairman)</u> Hon'ble <u>Shri M. Rameshkumar (Member)</u></p> <p><b>APPEARANCE:</b> Shri/Smt. <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>ad. To <u>place before S/B,</u> <u>when circulated.</u></p> <p align="right"><u>14/6</u></p>	<p align="center"><u>O.A. No.970 of 2016</u></p> <p>Shri B.L. Kandekar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Place the above matter before Single Bench, when circulated.</p> <p align="center">Sd/- (<u>Rajiv Agarwal</u>) Vice-Chairman 13.6.2017 (sgj)</p> <p align="center">Sd/- (<u>A.H. Joshi</u>) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Smt. A. H. Joshi (Chairman) Hon'ble Justice <u>Rajiv Agarwal</u> (Vice-Chairman) Hon'ble Justice <u>Shankumar</u> (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>None for app.</u></p> <p>Advocate for Applicant Shri/Smt. <u>K.S. Gaikwad</u></p> <p>C.P.O / For the Respondent/s</p> <p>Adj. To. <u>12/7/2017</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.206 of 2017</u></p> <p>Shri N.R. Gajbhiye ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>None for the Applicant. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO has tendered affidavits in reply on behalf of respondents no.1 and 2. Both are taken on record.</p> <p>3. S.O. to 12.7.2017.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017 (sgj)</p> </div> <div style="text-align: center;"> <p><i>[Signature]</i> Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p> </div> </div>



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**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> Hon'ble <u>Shri M. Rameshkumar (Member) A</u></p> <p><b>APPEARANCE:</b> Shri/Smt. <u>B.A. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>Archana B.K.</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>12/7/2017</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>O.A. No.229 of 2017</u></p> <p>Smt. S.A. Upadhye ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO, adjourned to 12.7.2017.</p> <p align="center">Sd/- (<u>Rajiv Agarwal</u>) Vice-Chairman 13.6.2017 (sg)</p> <p align="center">Sd/- (<u>A.H. Joshi, J.</u>) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No.

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**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice <u>Rajiv Agatwal</u> (Member) A</p> <p><b>APPEARANCE:</b> Shri <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt. <u>Archana B.K.</u> C.P.O./P.G. for the Respondent/s</p> <p><b>Adj. To:</b> <u>12/7/2017</u></p> <p align="right"><i>RFE</i></p>	<p align="center"><u>O.A. No.1188 of 2016</u></p> <p>Shri V.R. Tak ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO has tendered reply. It is taken on record.</p> <p>3. Ld. Advocate for the applicant prays for time.</p> <p>4. S.O. to 12.7.2017.</p> <p align="center">Sd/- (Rajiv Agatwal) Vice-Chairman 13.6.2017 (sgi)</p> <p align="center">Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b></p> <p>Hon'ble Justice: <u>Shri A. H. Joshi (Chairman)</u></p> <p>Hon'ble Justice: <u>Rajiv Agarwal (Vice-Chairman)</u></p> <p>Hon'ble Justice: <u>Shri. S. B. Deshpande (Member) A</u></p> <p><b>APPEARANCE:</b></p> <p>For Applicant: <u>S. B. Deshpande</u></p> <p>Advocate for the Applicant: <u>A. G. Gohad</u></p> <p>Shri. Name: <u>A. G. Gohad</u></p> <p>C.P.O./P.O. for the Respondent/s: _____</p> <p>Adj. To: <u>place before S/B when circulated</u></p>	<p align="center"><u>O.A. No.324 of 2017</u></p> <p>Shri K.T. Kharat ..Applicant</p> <p align="center">Vs.</p> <p>The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri S.B. Deshpande, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Place the above matter before Single Bench when circulated.</p> <p align="center">Sd/-</p> <p>(Rajiv Agarwal) Vice-Chairman 13.6.2017</p> <p align="center">(sg)</p> <p align="center">Sd/-</p> <p>(A.H. Joshi, Chairman) 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman), <u>Rajiv Agarwal (VJ)</u> Hon'ble Justice M. Ramesh Kumar (Member) A</p> <p><b>APPEARANCE:</b> <u>B.A. Bandiwadkar</u> Advocate for the Applicant Shri/Smt.: <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p><b>Adj. To:</b> <u>28/6/2017</u></p> <p align="right"><i>RJE</i></p>	<p align="center"><u>O.A. No.222 of 2017</u></p> <p>Miss N.G. Pawaskar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO prays for two week's time for filing reply.</p> <p>3. S.O. to 28.6.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman 13.6.2017 (sgj)</p> <p align="center">Sd/- (A.H. Joshi, J.) Chairman 13.6.2017</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p><b>DATE:</b> <u>13/6/2017</u></p> <p><b>CORAM:</b> Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> <u>Rajiv Agarwal (Member)</u></p> <p><b>APPEARANCE:</b> For Applicant: <u>R.G. Panchal</u> Advocate for the Applicant For Respondents: <u>S. Suryawanshi</u> Sd/- C.P.O./P.O. for the Respondent/s</p> <p><b>Adj. To:</b> <u>14/6/2017</u></p> <p style="text-align: right;"><i>prk</i></p>	<p><b>Date : 13.06.2017.</b></p> <p style="text-align: center;"><b>O.A.No.1196 of 2016</b></p> <p><b>R.V. Sonkamble</b> .....Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri R.G. Panchal, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents adjourned to 14.06.2017.</p> <p style="text-align: center;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p style="text-align: right;">Sd/- (A.H. Joshi) Chairman</p> <p style="text-align: left;">prk</p>

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI****ORIGINAL APPLICATION NO.409 OF 2017 with  
M.A.NO.226 OF 2017****D.H. Kale & 06 Ors. (O.A.No.409/2017)****J.S. Tadvi & Ors. (M.A.No.226/2017)****....Applicants.****Versus****The State of Maharashtra & Ors.****.....Respondents.**

Shri A.S. Deshpande, the learned Advocate for the Applicants in O.A.No.409/2017.

Shri C.T. Chandratre, the learned Advocate for the Applicants in M.A.No.226/2017.

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

CORAM : Justice Shri A.H. Joshi, Chairman  
Shri Rajiv Agarwal, Vice-Chairman

DATE : 13.06.2017.

PER : Justice Shri A.H. Joshi, Chairman

**ORDER**

1. Heard Shri A.S. Deshpande, the learned Advocate for the Applicants in O.A.No.409/2017, Shri C.T. Chandratre, the learned Advocate for the Applicants in M.A.No.226/2017 and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents is called to furnish the name of the officer holding the post of Principal Secretary, Public Works Department, Mantralaya, Mumbai.

3. Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents has furnished the following name :-

Shri Ashish Kumar Singh, Principal Secretary, Public Works Department,  
Mantralaya, Mumbai.

4. Shri Ashish Kumar Singh, Principal Secretary, is directed to file his own affidavit-in-reply on the following points :-

- (a) Whether the posts which are now being filled-in pertain to the category of Graduate Engineers.
- (b) Whether persons being considered belong to the category of Diploma holders.
- (c) In case the vacancies pertain to the class of Graduate Engineers, reasons, as to why Diploma holders, if being considered, are being considered against vacancy meant for Graduate Engineers.

5. Learned P.O. was called to state as to how much time would be required to file affidavit-in-reply. In case Government decision is likely to take longer time, suitable time can be granted for filing affidavit-in-reply.

6. Learned P.O. has taken instructions and states that the decision to promote is not likely to be taken within two weeks.

7. In this situation, a week's time is granted to file affidavit.

8. In case any promotions are to be ordered those should not be ordered without express leave of this Tribunal.

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

10. S.O. to 20.06.2017.

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

Sd/-

(A.H. Joshi JJ)  
Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p><u>DATE:</u> 13/6/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. : A.V. Bandiwadkar Advocate for the Applicant Shri/Smt. : A.J. Chougule C.P.O./P.O. for the Respondents</p> <p>Adj. To..... <u>Heard</u></p> <p><u>order passed in</u> <u>Tribunal column</u> <u>marked place before</u> <u>the Division Bench</u> <u>on 27/6/17</u></p> <p style="text-align: center;"><u>2</u></p>	<p style="text-align: center;"><u>O.A.297/2015</u></p> <p><b>Mr. U.N. Yadav &amp; Ors.      ... Applicants</b> <b>Vs.</b> <b>The State of Mah. &amp; Ors.      ... Respondents</b></p> <p>Heard Mr. B.A. Bandiwadkar, the learned Advocate for the Applicants and and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>It is very clear from Prayer Clause (A) and in fact, the alternative Prayer Clause also that the matter pertains to the revision of pay scale, and therefore, it has to be heard by a Division Bench. The Office to do the needful in the matter and place the matter before the Division Bench on 27<sup>th</sup> June, 2017. Removed from the Board.</p> <p style="text-align: center;"><u>GO</u></p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 13.6.17 13.06.2017</p> <p>(skw)</p>



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<p><b>DATE:</b> <u>13/6/17</u></p> <p><b>CORAM:</b>            Hon'ble Shri. RAHV AGARWAL            (Vice-Chairman)            Hon'ble Shri R. B. MALIK (Member)</p> <p><b>APPEARANCE:</b>            Shri/Smt. <u>None for the Applicant</u>            Advocate for the Applicant            Shri/Smt. <u>Archana B.K. for Smt. Surywanshi</u>            C.P.O./ P.O. for the Respondents</p> <p>Adj. To. <u>14/6/17</u></p>	<p style="text-align: center;"><b><u>O.A. No.448 of 2017</u></b></p> <p><b>Shri K. A. Shinde</b> ... Applicant</p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Smt. Archana B.K. holding for Ms S. Surywanshi, the learned P.O. for the Respondents.</p> <p>Though the Applicant is not present but my order of 01.06.2017, I had given certain direction to the Respondents. Nobody is present from the office of the Respondents also. It could be a serious matter itself. Adjourned to 14.06.2017.</p> <p style="text-align: right;">Sd/-  (R.B. Malik) Member (J) 13.06.2017</p> <p>(vsm)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p><u>DATE:</u> 13/6/17</p> <p><u>CORAM:</u>  <del>Hon'ble Shri. RAJIV AGARWAL</del>  (Vice - Chairman)  Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><u>APPEARANCE:</u>  Shri/Smt. Applicant in person.  Advocate for the Applicant  Shri/Smt. S. Scareswami  C.P.O / P.O. for the Respondents ✓</p> <p>Adj. To. S.O. to 20/6/17</p> <p><i>[Signature]</i></p>	<p><u>O.A.448/2017</u></p> <p><b>Mr. K.A. Shinde ... Applicant</b>  <b>Vs.</b>  <b>The State of Mah. &amp; Ors. ... Respondents</b></p> <p>Heard Applicant in person and and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>The learned PO is being instructed by Rajesh Dhanawade, ACP, Tardeo.</p> <p>I have perused my order of 1.6.2017. Granting all latitude to the Respondents, even if a decision has been taken and communicated, it was not by the Respondent No.1 - Commissioner of Police but by the Deputy Commissioner of Police, and therefore, the directions have not been complied with. Keeping the option of taking necessary action including imposition of cost open, the OA stands adjourned to 20<sup>th</sup> June, 2017.</p> <p>Sd/-  (R.B. Malik) 13.6.17  Member (J)  13.06.2017</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> 18/6/17</p> <p><b>CORAM:</b></p> <p><del>Hon'ble Shri. RAJIVAGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><b>APPEARANCE:</b></p> <p>Shri <u>A.M. Kolge</u></p> <p>Advocate for the Applicant</p> <p>Shri/Shri. <u>A.B. Kololgi</u></p> <p>C.P.O./P.O. for the Respondents</p> <p><b>Adj. To</b></p> <p>M.A. is Allowed. Office and the applicant are directed to process the OA.</p> <p><i>(Signature)</i></p>	<p align="center"><b><u>M.A.55/2017 in O.A.88/2017</u></b></p> <p><b>Mr. S.S. Dhobale</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; Ors.</b> ... Respondents</p> <p>Heard Mr. R.M. Kolge, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>By this MA, the Applicant seeks condonation of delay. The order impugned is dated 28.7.2014 thereby two increments were stopped permanently. The learned PO emphasizes the fact that granting all latitude to the Applicant, the time would begin to run from that date, and therefore, there is a delay.</p> <p>Hearing the rival submissions, in my view, the application for condonation of delay cannot be defeated only by pointing out the delay itself. The issue as to whether the case for condonation is made out. In my view, Mr. Kolge rightly relied upon the Judgments in the matter of <b>Union of India Vs. Tarsem Singh : (2008) 8 SCC 648</b> and <b>Yog Raj Mittal Vs. State of Punjab : 2008 (4) SLR 169 (Punjab and Haryana)</b>. It is an incidence of continuing cause of action in so far as the nature of punishment is concerned because the pinch will be <del>failed</del> <i>felt</i> every month. In the first place, therefore, there does not appear to be the hitch of limitation, but even if it is held for the sake of argument that it was so, in my view, the delay will have to be condoned in the interest of justice. The delay is accordingly condoned. The Office and the Applicant are directed to process the OA and <del>get</del> placed before the appropriate Bench for decision according to law. The MA is allowed in these terms with no order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(R.B. Malik) 13.6.17 Member (J) 13.06.2017</p> <p align="center">(skw)</p>

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**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> 13/6/17</p> <p><b>CORAM:</b>  <del>Hon'ble Shri. RAJIV AGARWAL</del>  (Vice Chairman)  Hon'ble Shri R. B. MALIK (Member)</p> <p><b>APPEARANCE:</b>  Sd/- <del>A.V. Bandiwadkar</del>  Address for the Applicant  Sd/- <del>Ms. S. Suryawanshi</del>  C.P.O./P.O. for the Respondents</p> <p><del>S.O. to 19/6/17</del>  Adj. To</p>	<p><b><u>M.A.238/2017 in O.A.218/2017</u></b></p> <p><b>Mr. U.V. Deshmukh ... Applicant</b>  <b>Vs.</b>  <b>The State of Mah. &amp; Ors. ... Respondents</b></p> <p>Heard Mr. A.V. Bandiwadkar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>Issue notice returnable on 19.06.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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 four weeks. Applicant is directed to file Affidavit of compliance and notice.</p> <p>S.O. to 19<sup>th</sup> June, 2017.</p> <p>Sd/-  (R.B. Malik)  Member (J) 13.6.17  13.06.2017</p> <p>(skw)</p>