### IN THE

Original Application No. 200 Section 1997 DISTRICT .... Applicant/s (Advocate ..... versus The State of Maharashtra and others ..... Respondent/s (Presenting Officer..... Office Notes, Office Memoranda of Coram, Tribunal's orders Appearance, Tribunal's orders or directions and Registrar's orders Date: 13.12.2017. O.A.No.612 of 2017 (Subject : Suspension) ....Applicant. R.M. Patil Versus ....Respondents. The State of Maharashtra & Ors. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Presenting Officer for the Respondents. Shri M.D. Lonkar, the learned Advocate for the Applicant states as follows :-(a) During pendency of present O.A., Applicant had DATE : 18/12/15 preferred a statutory appeal and the decision therein is adverse to the Applicant. CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) (b) Applicant wants to challenge the order passed in appeal by filing separate O.A.. APPEARANCE: In view of statement of learned Advocate for the Shrisat M. D. Applicant, O.A. is disposed with liberty as indicated. Advocate for the Applicant

Sd/-

(A.H. Joshi 🕽 🌡 Chairman

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

DA is disposed

(G.C.P.) J 2260 (A) (50,000—2-	2015)	A		ATIVE	FRIBUNAL	· <b>2</b> 15.
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Original Application No.	Carry Code 1	of 20		rograma ( <b>D</b> Synanos (S)	ISTRICT Applic	ant/s
(Advocate		)	2 d 4			
			rsus			
	The S	tate of Mal	narashtra ai	nd others		
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(Presenting Officer	. * * * * * * * * * * * * * * * * * * *			.)		

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

Tribunal's orders

Date: 13.12.2017.

O.A.No.885 of 2017 (Subject : Suspension period)

P.H. Mhanvar

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

- Heard Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
- None appeared for the Applicant. 2.
- Shri K.B. Bhise, the learned Presenting Officer for the Respondents states as follows :-
  - (a) Orders are passed for treating the suspension as duty vide order dated 06.10.2017, and all arrears payable to the applicant are credited in applicant's account as on 12.12.2017.
  - (b) The benefit of time bound promotion is given to the applicant and arrears are paid by crediting in applicant's account on 12.12.2017.
- In view of statement of learned P.O. for the Respondents, O.A. is disposed.

Sd/-

(A.H. Joshi J

DATE: 13/2 CORAM:

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

Shrism L. B. BI

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

# IN THE MANA

PATRIE TRIBUNAL

Original Application No.	of 20	ac me bi	Distric	Applicant/s
(Advocate	)			
	versus			
		1		

The State of Maharashtra and others

... Respondent/s

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

(Presenting Officer.....)

Tribunal's orders

Date: 13.12.2017.

O.A.No.430 of 2017

**B.D.** Kshirsagar

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
- 2. Shri A.V. Bandiwadekar, the learned Advocate for the Applicant has filed a purshis requesting for extension of time to carry out the amendment.
- 3. Time for carrying out the amendment as prayed is enlarged. Amended copy be served upon the Respondents forthwith.
- 4. S.O. to 18.12.2017.

(A.H. Joshi J.)

prk

### ORIGINAL APPLICATION NO.1147 OF 2017

**DISTRICT: MUMBAI** 

A.G. Patil

.. Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant.

Shri K.B. Bhise, the learned P.O. for the Respondents.

CORAM:

Justice Shri A.H. Joshi, Chairman

DATE

13.12.2017

#### ORDER

- 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
- 2. Issue notice before admission made returnable on 05.02.2018.
- 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 Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.



- 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within fifteen days or service report on affidavit is not filed three days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. Heard on the point of interim relief.
- 9. Applicant fervent by record on Exhibit-J, page 58 by averments in O.A. as follows:-
  - "6.15] That according to the Respondent Nos.1 and 2, that the Petitioner was appointed in the vacancy meant for part time employee by way of horizontal reservation and therefore, the Petitioner was obliged to furnish at the time of appointment, the original certificate of experience of 3 years as part time graduate being issued by the Employment and Self Employment Centre as per the Government Circular dated 10.10.2013 issued by the General Administration Department.
  - 6.19] That in the circumstance stated above, the Respondents cannot legally apply retrospectively the provisions of the said Circular dated 10.10.2013 to the case of the Petitioner and thus to insist upon the production of such experience certificate by her else or to face the adverse consequence for such failure."

(Quoted paragraph 6.15, page 10 and paragraph 6.19, page 12 of O.A. paper book.)

10. Shri K.B. Bhise, the learned P.O. for the Respondents states that Circular dated 10.10.2013 refers to Government's decision dated 27.10.2009. By Circular dated 10.10.2013 earlier policy was reiterated, and hence the termination is ordered because of basic lack of eligibility and not because of Circular dated 10.10.2013. Hence, it shall be proper to grant time to learned P.O. to file reply. Let the reply be filed on or before 05.02.2018.

- 11. It is, prima facie, evident that applicant lacks in eligibility.
- 12. Hence, Applicant can be granted protection, but to a limited extent. Let the impugned order be stayed till admission, hearing, however, with a rider that the Applicant shall not be paid salary and allowances. Applicant shall be free to perform duty if she is so advised.
- 13. If the Applicant actually attends and works the question as to whether Applicant be paid the salary would be decided at the time of hearing of O.A..
- 14. Steno copy and Hamdast is allowed to both parties.
- 15. Learned P.O. is directed to communicate this order to the Respondents.
- 16. S.O. to 05.02.2018.

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(A.H. Joshi, J.) Chairman

prk

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

### Tribunal's orders

Date: 13.12.2017.

O.A.No.953 of 2017 with M.A.No.400 of 2017

M.L. Pendam

....Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
- Issue notice before admission made returnable on 20.01.2018.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- Applicant is authorized and directed to serve on 4. 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 5. 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 one week. Applicant is directed to file Affidavit of compliance and notice.
- n case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
- \$.O. to 20.01.2018. 8.

Sd/-

(A.H. Joshi J.) Chairman

13/12/2012 DATE :\_ **CORAM:** 

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

APPEARANCE: Shri/Sant: J.H. Kamble

Advocate for the Applicant

Shrillant : Archang B.K

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

Adj./S.O. to 2011208.

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Original Application No. Above Mound to of	20	District	and the second of the second o
			Applicant/s
	'.		
(Advocate	)		
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	versus		
The State of	f Maharag	htra and others	
The State of	i interrer cap		
			Respondent/s
(Presenting Officer	**************	, 1	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's orders	
unections and regional b			•
	Date	13.12.2017.	
	Date		
		M.A.No.531 of 2017 in O.A.No	o.953 of 2017
	M.L. Pe	ndam	Applicant.
	1		•
	Versus		
	The Sta	te of Maharashtra & Ors.	Respondents.
	1.	Heard \$hri J.N. Kamble, the lea	
	Applica	nt and Smt. Archana B.K., the lea	rned Presenting Officer
	for the	Respondents.	
	101 the		•
DATE: 13/12/2012	2.	Upon accepting grounds and	reasons disclosed in
CORAM:			•
Hon'ble Justice Shri A. H. Joshi (Chairman)	M.A.No	.531/2017 are allowed. Henc	e, O.A.No.953/201/ IS
	restore	d.	
APPEARANCE:			
Shri/Smt J. H. Kamble	3.	M.A. is allowed.	$\lambda$
			/ /
Advocate for the Applicant			0.1/
Shri/Smt : Archana B.K			Sd/-
C.P.O/P.O. for the Respondent/s			(A.H. Joshi J
Adjoso to MA is allowed.	prk	1.	Chairman
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Original Application No. 10 State of the of	District		
		Applicant/s	
(Advocate	)		
	versus		
The State o	f Maharasht	ra 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 : 13.	12.2017.	
		M.A.No.400 of 2017 in O.A.No.953 of 2017	
	M.L. Pend	amApplicant.	
	Versus		
	The State	of Maharashtra & OrsRespondents.	
	1. He	eard Shri J.N. Kamble, the learned Advocate for the	
	1		
		and Smt. Archana B.K., the learned Presenting Officer	
	for the Re	spondents.	
DATE : 13/12/17			
CORAM:	2. At	the request of learned Advocate for the Applicant	
Hon'ble Justice Shri A. H. Joshi (Chairman)	returnable	e date is extended to 20.01.2018.	
APPEARANCE:	3. \$.0	O. to 20.01.2018.	
Shri/Sout J. H. Kamble		$\mathcal{L}$	
Advocate for the Applicant		Sd/-	
		(A.H. Joshi(J.)	
Shri/Smt. AYUYAYA 16-K C.P.O/P.O. for the Respondent/s		Chairman	
0 1 1 2010.	prk		
Adj./S.O. to			
the state			

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

#### Tribunal's orders

Date: 13.12.2017.

O.A.No.949 of 2017

A.R. Patil

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
- 2. Issue notice before admission made returnable on 20.01.2018.
- 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 O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
- 7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 20.01.2018.

Sd/-

(A.H. Joshi J.)

DATE: 13/12/17 CORAM:

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

APPEARANCE:

Shri/Smt J. H. Kanhle

Advocate for the Applicant

shri/smt. Avenana B.K.

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

Adj./S.O. to 201208

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Original Application No. 1 (1990) of	District			
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(Advocate	<b>X</b>			
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	versus			
The State	of Maharashtr	a and others		
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(Presenting Officer		·)		
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		Tribunal's ord	ers.	
		1		
	Date: 13.12	2017.		
	M	.A.No.532 of 2017 in O.	A.No.949 of 2017	
	A.R. Patil	; }	Applicant.	
	Versus			
	The State of	Maharashtra & Ors.	Respondents.	
	1. Hear	d Shri J.N. Kamble, th	e learned Advocate for the	
	Applicant an	d Smt. Archana B.K., th	e learned Presenting Office	
	for the Respo	ondents.		
		<b>.</b> ↓		
	2. Upoi	accepting grounds	and reasons disclosed in	
DATE: 13/12/2017	M.A.No.532/	2017 are allowed. H	lence, O.A.No.949/2017 is	
CORAM:	restored.			
Hon'ble Justice Shri A. H. Joshi (Chairman)				
APPEARANCE:	3. M.A.	is allowed.		
Shrism+ J.A. Kambe			Sd/-	
Advocate for the Applicant			(A.H. Joshi J.) Chairman	
Shri/Smt. Ayungua B.K. C.P.O/P.O. for the Respondent/s	prk		CHAITTIAN	
Adj/S.O. to MA is allowed.				
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Original Application Normanical of	To great order District To the country of the count			
and the state of t		Applicant/s		
Advocate	)			
	versus			
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The State o	f Maharasht	ra and others		
		Respondent/s		
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		
	Date : 13.1	12.2017.		
		O A No 012 -52017		
		O.A.No.813 of 2017 (Subject : Transfer)		
	R.T. Shelar	Applicant.		
	Versus			
	The State o	f Maharashtra & OrsRespondents.		
	1. Hea	ind Applicant in person and Smt. Archana B.K., the		
	1	senting Officer for the Respondents.		
	2 7			
		prayers do not fit into settled parameters of grant		
DATE: 13/12/2017 CORAM:	of mandam	<b>us.</b>		
Hon'ble Justice Shri A. H. Joshi (Chairman)	3. At	this stage, Applicant prays for permission to		
	withdraw tl	ne O.A. with liberty to pursue the representation		
APPEARANCE: Shri/smt: Hand Appl in Person.	before the C	ourt.		
Advocate for the Applicant	4. O.A.	is disposed as withdraw with liberty as indicated.		
Shriffint: Archana B.K. C.2020, for the Respondent/s				
AUSO 10 OA is disposed		Sd/-		
as withdrawn with liberty		(A.H. Joshi J.) Chairman		
HT.	prk			