

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

Original Application No. _____ of 20 _____

DISTRICT _____

..... Applicant/s

(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 |
|--|--|
| <p>DATE : 13/12/17</p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>N.K. Rajpurohit</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to O.A. as disposed with liberty as indicated.</p> | <p>Date : 13.12.2017.</p> <p>O.A.No.612 of 2017 (Subject : Suspension)</p> <p>R.M. PatilApplicant. Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Presenting Officer for the Respondents.</p> <p>2. Shri M.D. Lonkar, the learned Advocate for the Applicant states as follows :-</p> <p>(a) During pendency of present O.A., Applicant had preferred a statutory appeal and the decision therein is adverse to the Applicant.</p> <p>(b) Applicant wants to challenge the order passed in appeal by filing separate O.A..</p> <p>3. In view of statement of learned Advocate for the Applicant, O.A. is disposed with liberty as indicated.</p> <p style="text-align: right;">Sd/- (A.H. Joshi) Chairman</p> |

prk

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..... Applicant/s

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..... 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.

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

P.H. MhanvarApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

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

2. None appeared for the Applicant.

3. 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.

4. In view of statement of learned P.O. for the Respondents, O.A. is disposed.

DATE : 13/12/17

CORAM :

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

APPEARANCE:

~~Shri/Smt. None appeared for the applicant.~~
Advocate for the Applicant

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

Adj./S.O. to
O.A. is disposed.

Sd/-

(A.H. Joshi J.)
Chairman

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

Original Application No. _____ of 20 _____

DISTRICT _____

..... Applicant/s

(Advocate.....)

versus

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(Presenting Officer.....)

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

Tribunal's orders

Date : 13.12.2017.

O.A.No.430 of 2017

B.D. Kshirsagar

....Applicant.

Versus

The State of Maharashtra & Ors.

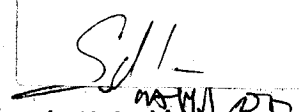
.....Respondents.

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.)
Chairman

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

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.


(A.H. Joshi, J.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.

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.

DATE : 13/12/2017

CORAM :

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

APPEARANCE:

Shri/Smt. J.N. Kamble

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adj./S.O. to 20/1/2018.

[Handwritten signature]

Sd/-

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

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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Tribunal's orders

Date : 13.12.2017.

M.A.No.531 of 2017 in O.A.No.953 of 2017

M.L. Pendam

....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. Upon accepting grounds and reasons disclosed in M.A.No.531/2017 are allowed. Hence, O.A.No.953/2017 is restored.

3. M.A. is allowed.

DATE : 13/12/2017

CORAM :

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

APPEARANCE:

Shri/Smt. J. H. Kamble

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adj./S.O. to M.A. is allowed.

Sd/-

(A.H. Joshi J.)
Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20

District _____ Applicant/s

(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 : 13.12.2017.

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

M.L. PendamApplicant.

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. At the request of learned Advocate for the Applicant returnable date is extended to 20.01.2018.

3. S.O. to 20.01.2018.

DATE : 13/12/17

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

APPEARANCE:
Shri/Smt. J.N. Kamble

Advocate for the Applicant

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

Adj./S.O. to 20/1/2018.

B.K.

prk

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

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| <p>DATE : <u>13/12/17</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. : <u>J. A. Kamble</u> Advocate for the Applicant</p> <p>Shri/Smt. : <u>Archana B.K.</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>20.01.2018</u></p> <p style="text-align: right;"><i>B.K.</i></p> | <p>Date : 13.12.2017.</p> <p style="text-align: center;">O.A.No.949 of 2017</p> <p>A.R. PatilApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 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. <p style="text-align: right;">Sd/- (A.H. Joshi J.) Chairman</p> |

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

Original Application No. _____ of 20____

District _____

Applicant/s

(Advocate)

versus

The State of Maharashtra and others

Respondent/s

(Presenting Officer.....)

| | |
|---|-------------------|
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|---|-------------------|

Date : 13.12.2017.

M.A.No.532 of 2017 in O.A.No.949 of 2017

A.R. PatilApplicant.


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. Upon accepting grounds and reasons disclosed in M.A.No.532/2017 are allowed. Hence, O.A.No.949/2017 is restored.

3. M.A. is allowed.


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

DATE : 13/12/2017

CORAM :

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

APPEARANCE:

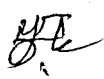
Shri/Smt. J.N. Kamble

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adj./S.O. to MA is allowed



prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No: _____ of 20

_____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

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(Presenting Officer.....)

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Date : 13.12.2017.

O.A.No.813 of 2017
(Subject : Transfer)

R.T. ShelarApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Applicant in person and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. The prayers do not fit into settled parameters of grant of mandamus.

3. At this stage, Applicant prays for permission to withdraw the O.A. with liberty to pursue the representation before the Court.

4. O.A. is disposed as withdraw with liberty as indicated.

DATE : 13/12/2017

CORAM :

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

APPEARANCE:

Shri/Smt. : Head Appl. in person.

Advocate for the Applicant

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

Ag/O. to : O.A. is disposed
as withdrawn with liberty
as indicated.

prk

Sd/-

(A.H. Joshi J.)
Chairman