[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 199 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 18 JAN 2016

ORIGINAL APPLICATION NO. 992 OF 2015.

DIST. THANE.

1. Mrs. Supriya S. Markale,

....**APPLICANT/S.**

VERSUS

1. The State of Maharashtra & 03 Ors., ...**RESPONDENT/S.**

To,

2. Dr. Satish Pawar,
The Director, Health Services, M.S., Aarogya Bhavan, St. Geroges Hospital Compound, P.D'Mello Road, Mumbai-400 001.

WHEREAS an order dated 14.01.2016 is passed in Original Application No. 992 of 2015, and **you are called upon to show cause as to why you should not be personally saddle with cost for failing to punctually file reply to the O.A.**

AND WHEREAS you are hereby required to appear in person or through a duly authorized advocate on 04.02.2016 at 11.00 A.M. and on subsequent dates to which the proceedings may be adjourned unless otherwise ordered by the Tribunal.

Given under my hand and seal of this Tribunal, the 18th day of January, 2016.

15/1/16

Registrar
Maharashtra Administrative Tribunal,
Mumbai.

Encl. : Copy of order dated 14.01.2016 passed in O.A. No. 992/2015.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 198 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 18 JAN 2016

ORIGINAL APPLICATION NO. 992 OF 2015.

1. Mrs. Supriya S. Markale,
R/at. C/o. Shri Narhar S. Lavate, House No. 313/48, Near Ganapati Mandir, A/P.Badlapur, Tal. Ambarnath, Dist. Thane- 421 503.

....**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through The Principal Secretary, Public Health Department, Mantralaya, Mumbai-400 032.

2 The Director, Health Services, M.S., Aarogya Bhavan, St. Georges Hosp. Compound, P.D'Mello Road, Mumbai-400 001.

3 The Deputy Director, Health Services, Mumbai Circle, Thane. Mental Hospital Compound, Thane (w)-400 604.

4 The Service Manager, Divisional Workshop, Health Services (Transport), Thane. Near Dist. Health Laboratory, Mental Hospital Compound, Thane (w)-400 604.

...**RESPONDENT**/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***14th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Ms. S.P. Manchekar, Advocate for the Applicant.
Shri A.J. Chougule, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **14.01.2016.**

ORDER : Order Copy Enclosed/Order Copy Over Leaf.

The said application has been admitted and the Tribunal has directed to issue notice for all the Respondents to file their replies. This notice is accordingly issued to you, you should file in duplicate, your duly verified reply along with copies of documents on which you intend to rely on or before ---------- within 30 days from the date of receipt of this Notice. The said reply should be typed in double space and book form. You should, also simultaneously serve on the applicant or his Advocate a copy of the said reply along with the copies of the documents on which you intend to reply and file proof of such service in the registry. Also take notice that if you do not file the reply in the stipulated period the Tribunal will decide the case ex-prate.

Take notice that the above application has been fixed for Admission /Final Hearing on **04.02.2016.** at 11-00 a.m. You should appear for the said hearing in person or through your Advocate, to ~~show cause, why the application~~ should not be admitted.

Take further notice that in case you do not appear in person or through you Advocate, your application is liable to be dismissed for default/the matter will be decided ex-prate.

Please acknowledge receipt of notice positively.

Dated this day of 2016.

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

Encl :
Note
-

1 *The Maharashtra Administrative Tribunal will not be able to deal with their correspondence, if they need some information.*
2 *They may seek it through their agents or their Lawyers, if any.*
3 *Their prayer for an early hearing of the case, cannot possibly be ordered on the basis of a letter since there is a provision of filing a Miscellaneous Application for the purpose.*
4 *Certified copy of the Judgment will be issued on the application of the concerned along with requisite copying fees.*

(7)

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

Date : 14.01.2016.

O.A.No.992 of 2015

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time on the ground that para-wise remarks are ready but are not approved.

3. It is seen that impugned transfer order is issued by the Respondent No.2, and he is expected and supposed to justify this order.

4. Considering the omission of Respondent No.2 in filing reply, learned P.O. for the Respondent is directed to furnish the name of incumbent holding the post of Director of Health Services, Mumbai.

5. Learned P.O. for the Respondents has furnished the name of officer as follows:-

'Dr. Satish Pawar, Director of Health Services'.

6. Dr. Satish Pawar, Director of Health Services is called to show cause as to why he should not be personally saddle with cost for failing to punctually file reply to the O.A.

7. Learned Advocate for the Applicant prays for leave to argue for interim relief. It shall suffice if direction issued is issued that in the event the vacancy which has occurred due to transfer of Applicant, is filled in, it shall be subject to outcome of this O.A.

8. Learned P.O. for the Respondents is directed to communicate this order to the Respondents.

9. Steno copy and Hamdast is allowed.

10. S.O. to 04.02.2016.

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

TRUE COPY

Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

No. MAT/MUM/JUD/ 206 /2015
Maharashtra Administrative Tribunal,
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 18 JAN 2016

ORIGINAL APPLICATION NO. 917 OF 2015

1 Shri Pradip Govind Waychal,
C/o. Shri D.B.Khaire, Advocate for the Applicant.

...APPLICANT/S.

V/s.

1 The State of Maharashtra, Though The Secretary, Water Resources Dept., Madam Kama Marg, Hutatma Rajguru Chauk, Mantralaya, Mumbai-400 032.

2 Chief Engineer, Water Resources Dept., (Specified Project), Sinchan Peth, Mangalwar Peth, Barne Road, Pune 11.

3 Chief Engineer, Water Resources Dept., (I.D.), Sinchan Peth, Mangalwar Peth, Barne Road, Pune 11.

4 Shri V.D.Koli, C/o. Shri A.V.Bandiwadekar, Adv. for the Respondent No. 4.

.. ..RESPONDENTS

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **14th** day of **January, 2016** has made the following order:-*

APPEARANCE : . Shri D.B.Khaire, Advocate for the Applicant.
Shri A.J.Chougule, P.O. for the Respondent No. 1 to3.
Shri A.V.Bandiwadekar, Adv. for the Respondent No. 4.

CORAM : HON'BLE JUSTICE SHRI. A.H.JOSHI, CHAIRMAN.

DATE : 14.01.2016.

ORDER : Order Copy Enclosed/Order Copy Over Leaf

16/1/2016
Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

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(8)

Date : 14.01.2016.

O.A.No.917 of 2015

1. Heard Shri D.B. Khaire, the learned Advocate for the Applicant, Shri A.J. Chougule, the Presenting Officer for the Respondent Nos. 1 to 3 and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent No.4.

2. Learned P.O. for the Respondents states that so far he has not received instructions.

3. Learned Advocate for the Applicant states that if the protection granted to him is continued till the date of his retirement, the ends of justice will meet.

4. Learned Advocate for the Respondent No.4 has received instructions from Respondent No.4 who is present; and states as follow:-

> That if the transfer order is implemented after Applicant's retirement, he has no objection for disposal of O.A. by continuing the interim order till 31.3.2016 i.e. the date of Applicant's retirement.

5. In view of the foregoing, and in the background that so far the Government has not answered the O.A. and even has not moved for vacation of interim order, this he O.A. can be disposed of by making interim order passed on 30.10.2015 as a rule of the Tribunal. O.A. is accordingly disposed of with directions that interim relief granted in this O.A. shall continue to operate till 31.3.2016.

6. Parties are directed to bear own costs.

sd/-

(A.H. Joshi, J.)
Chairman

dkn

16/1/2016

Research Officer
Administrative Tribunal
Mumbai

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 189 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 15 JAN 2016

M.A. No. 25/2016 IN O.A. No. 526/2014 With
M.A. No. 26/2016 IN O.A. No. 526/2014 With O.A. No. 526/2014.

1. Shri Santosh M. Jagtap, (M.A. No. 25 & 26/16 IN O.A. No. 526/14)
R/at. Post Pandey, Tal. Karmala, Dist. Solapur-413 203.

....**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through Principal Secretary, Home Dept., Having Office at Mantralaya, Mumbai-32.

2 The Superintendent of Police, Loh Marg, Byculla, Mumbai.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***14th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri G.A. Bandiwadekar, Advocate for the Applicant.
Ms. N.G. Gohad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **14.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Malal 21/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

M.A.25/2016 in O.A.526/14

This is an application for amendment whereby the Applicant formally wants to challenge the order of termination dated 13.7.1999 which he has not done formally, as I have mentioned above in the OA.

I have perused the record and proceedings and heard Mr. G.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Be it noted right at the outset that Ms. Gohad, the learned P.O. strongly urged that some time be given to her to file the Affidavit-in-reply. However, as would become clear as this discussion progresses, there is no point in protracting this MA.

The Applicant came to be appointed as Police Constable from the Sports quota. However, on the allegations that his claim was false, his services came to be terminated. Which termination was challenged in the OA wherein the prayer was made for reinstatement without a formal prayer for quashing the order above referred to. It is very clear in my view that all the ingredients seeking to challenge the said order are already there, and therefore, instead of insisting on technicalities, the application deserves to be straightaway allowed. It is accordingly allowed. The amendment as per the Schedule hereto including the prayer clause be effected within one week from today. A consolidated copy of the application after amendment be filed and a copy be furnished to the learned P.O. No order as to costs.

Sd/- 14-1-16

(R.B. Malik)
Member (J)
14.01.2016

DATE : 14/1/16
CORAM :
~~Hon'ble Shri RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE :
Shri/Smt. G.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. N.G. Gohad
~~C.P.O.~~ P.O. for the Respondents
order passed on the Tribunal's Admn. Side
today. M.A. 25/16 is Allowed.

TRUE COPY
18/1/2016

Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

(skw)

Order Notes, Office Memoranda of Corres., Appearances, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

M.A.26/2016 in O.A.526/14 with O.A.526/2014

Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

By consent, the OA itself can be disposed of, but for that formal orders will have to be made on MA 26/2016.

The OA has originally brought *inter-alia* seeks the relief of reinstatement of the Applicant as a Police Constable. It is not necessary to make any detailed observation, but it seems that the undoing of the Applicant was a pending prosecution which has now ended in his favour by an order of acquittal on 3.8.2012.

As far as the MA 26/2016 is concerned, directions are sought that the representations made by the Applicant be decided within a period of four weeks from today, whereby he wanted the authorities to consider the representation of the Applicant.

Hearing the rival submissions, it is clear that once this MA is allowed, the OA itself will have work itself out because in case the authorities were to agree with the Applicant and grant him relief, nothing more would survive, but in case, they decided against the Applicant, even then within the frame of this OA, he would not be in a position to bring his case for relief which he has sought. Further, this relief has been specifically

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

DATE: 14/1/16

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

~~Shri/Smt.~~ G. A. Bandiwadekar

Advocate for the Applicant

~~Shri/Smt.~~ N. G. Gohad

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

Order passed in the Tribunal's cadamn.

M.A. 26/16 is Allowed and O.A. 526/14 is disposed of.

Reply filed in O.A. 526/14.

sought in prayer clause (b). That being the state of affairs, the MA 26/2016 is allowed and the Respondents are directed to dispose of the pending representation of the Applicant and also the report of the Respondent No.2 dated 12.5.2014 made to the Respondent No.1 within a period of four weeks from today and the result thereof may be communicated to the Applicant within one week thereafter.

This order having been made, the OA is disposed of with no order as to costs with liberty to the Applicant to take recourse to the legal remedy in case he remained still aggrieved by the order of the Respondents.

sd/- 14.1.16

(R.B. Malik)
Member (J)
14.01.2016

(skw)

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15/1/2016

~~Asstt. Registrar~~/ Research Officers
Maharashtra Administrative Tribunal

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 188 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 15 JAN 2016

M.A. No. 338/2014 IN O.A. No. 526/2014 With O.A. No. 526/2014.

1. Shri Santosh M. Jagtap, (M.A. No. 338/14 IN O.A. No. 526/14)
R/at. Post Pandey, Tal. Karmala, Dist. Solapur-413 203.

....**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through Principal Secretary, Home Dept., Having Office at Mantralaya, Mumbai-32.

2 The Superintendent of Police, Loh Marg, Byculla, Mumbai.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***14th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri G.A. Bandiwadekar, Advocate for the Applicant.
Ms. N.G. Gohad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **14.01.2016.**

ORDER : **Later On :-** This M.A. is placed before me again. Perused. By an order made earlier in the day the O.A. itself has been disposed of . Therefore for record the delay is condoned and this M.A. is disposed of. No order as to costs.

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

Amrut 15/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/218 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 18 JAN 2016

ORIGINAL APPLICATION NO. 639 OF 2015.

1. Smt. Charushila W. Gaikwad & 01 Ors.,
C/o. Shri Ganesh Bhujbal, Advocate for the Applicants.
Add. C/o. ~~Adv. Prakash Naik~~, 60. Shreeji Chambers, 302, 3rd Floor, Janmabhoomi Marg, Fort, Mumbai-01.

....**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through the Chief Secretary, Irrigation Dept., Mantralaya, Mumbai-32.

2 The Superintendent Engineer, Pune Irrigation Division, Pune.

3 The Executive Engineer, Khadakwasla Irrigation Sub-Division, Sinchan Bhavan, Mangalwar Peth, Pune-01.

4 The Sub-Divisional Engineer, Yawat Irrigation Sub-Division, Yawat, Tal. Daund, Dist. Pune.

...RESPONDENT/S

✓Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***14th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri Ganesh Bhujbal, Advocate for the Applicants.
Ms. N.G. Gohad, P.O. for the Respondents.
CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**
DATE : **14.01.2016.**
ORDER : Heard Shri Ganesh Bhujbal, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned presenting Officer for the Respondents.

It is not necessary to set out all the facts herein. The issue of parity of reasoning and principles of similarly placed persons apparently should have speared the Respondents into a particular cause of action to shorten this litigation in view of the earlier decision of this Tribunal in OA 128/2012 and 129/2012, dated 3.12.2014. That decision has implemented in view of the contempt action taken by the Applicants in those matters. There seems to be same difficulty in the Respondents seeing the reason. Last chance is granted for Affidavit-in-reply and if the same is not filed on that date, the OA shall proceed to its next stage without considering any application for further adjournment for reply.

S.O. to 20th January, 2016.

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

16/1/2016
Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.