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

C.A. No.120 of 2015 in O.A. No.313 of 2015

Dr. R.S.S.G. Abbas ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Miss S.P. Manchekar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Ld. PO states that part compliance which was done was already reported. Further instructions are still awaited.

3. Ld. PO is directed to ascertain as to whether contemnor no.1 continues to hold the charge of the office.

4. Upon further instructions, Ld. PO states that Shri Sitaram Kunte, the present Secretary, is on leave. Ld. PO states that he would speak to the present Secretary/In-charge Secretary and make a statement on the next date.

5. The respondents are put to notice that if a proper explanation does not come forward, steps would be taken for taking cognizance.

6. S.O. to 28.7.2016.

7. Steno copy and hamdast allowed. Ld. PO is directed to communicate this order to the respondents.

Sd/-
(A.H. Joshi, J.)
Chairman
14.6.2016

(sgj)

DATE: 14/6/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member)~~ A

APPEARANCE:
~~Shri~~/Smt.: S.P. Manchekar
Advocate for the Applicant
Shri /~~Smt~~.: K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 28/7/16. steno copy & hamdast allowed.

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

Date : 14.06.2016.

O.A.No.1063 of 2015

Shri C.V. Alsatwar ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents prays for time on the ground that the office of D.G.P. will take 3 months time to complete the work of scrutiny which is required.

3. It is a matter of pain to note that though the matter is pending for last nine months at the same stage, still time of 3 more months is sought.

4. Three months time at this stage can not be granted in the background that already longer time has been spent.

5. The D.G.P. is directed to file affidavit stating that specific slot of time required for each steps and / or action and justification thereto.

6. Affidavit be filed within one week.

7. Steno copy and Hamdast is allowed.

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

9. S.O. to 28.06.2016.

(A.H. Joshi, J.)
Chairman

sba

DATE : 14/6/16

CORAM :

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

~~Hon'ble Shri M. Rameshkumar (Member)~~ A

APPEARANCE :

Shri/~~Smt.~~ : V.P. Potbhare

Advocate for the Applicant

Shri /~~Smt.~~ : N.K. Rajpurohit

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

Adj. To 28/6/16. steno copy & Hamdast allowed.

2

(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

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
DATE: 14/6/16 CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) ~~Hon'ble Shri R. B. MALIK (Member)~~ APPEARANCE: Shri/~~Smt.~~ A.V. Bandiwadekar Advocate for the Applicant ~~Shri~~/Smt. K.S. Gaikwad ~~C.P.O~~/P.O. for the Respondents ~~Adj. To~~ S.O. to 28/6/16 Before appropriate Bench. Division Bench.	**14.06.2016** **O.A No 1006/2015** Shri A.G Deore & Ors ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents. Though this Original Application is regarding appointment on compassionate basis and as such can be heard by the Single Bench, learned Advocate Shri Bandiwadekar stated that the Applicant has challenged the validity of G.R dated 22.8.2005 regarding appointment on compassionate basis also in the present Original Application. As such, this matter may be placed for further hearing before appropriate Division Bench. S.O to 28.6.2016. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

3

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

14.6.2016

O.A Nos 1005, 1007, 1008, 1061, 1062, 1064 and 1065/2003

Shri R.J Parge ... Applicants

Vs.

The State of Maharashtra & Ors... Respondents

Heard Smt Punam Mahajan, learned advocate for the Applicants and Shri K.B Bhise, learned Presenting Officer for the Respondents.

Smt Mahajan, seeks permission to withdraw appearances on behalf of the Applicants above referred to. She inform that she has complied with all the requirements in that behalf. On that statement, the learned Advocate Smt Punam Mahajan is allowed to withdraw ~~the~~ appearance for the Applicants.

By way of caution notice be issued to the Applicants returnable on 12.7.2016.

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

Sd/- (Rajiv Agarwal) Vice-Chairman

Akn

DATE: 14/6/16

CORAM:

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

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

APPEARANCE:

~~Shri~~/Smt. Punam Mahajan

Advocate for the Applicant

Shri ~~Smt~~ K. B. Bhise

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

Adj. To 12/7/16

2

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

14.6.2016

O.A No 1006/2003

Shri G.H Gaikwad ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Smt Punam Mahajan, learned advocate for the Applicants and Shri K.B Bhise, learned Presenting Officer for the Respondents.

Learned Advocate Mrs Mahajan tenders draft of amendment in the prayer clause. The facts are such that it is not necessary to prolong the matter any further in this behalf.

Applicant is allowed to make amendment as per draft referred to during the course of the day and submit a consolidated copy of the application after amendment and serve Respondents afresh.

S.O to 12.7.2106.

DATE: 14/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
~~Shri~~/Smt.: Punam Mahajan
Advocate for the Applicant
Shri ~~/Smt.~~: K. B. Bhise
~~C.P.O~~/ P.O. for the Respondents
~~Adj. To~~ S.O. to 12/7/16.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

2

(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

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
DATE: 14/6/16 CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: ~~Shri/Smt.~~ Ankit chaturvedi holding for R.N. Gite Advocate for the Applicant ~~Shri~~/Smt. : K.S. Gaikwad ~~C.P.O~~/P.O. for the Respondents Adj. To 5/7/16. FH	**14.6.2016** **O.A No 639/2014** Shri S.B Kushane ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Ankit Chaudhary holding for Shri R.N Gite, learned advocate for the Applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents. The advocate for the Applicant prays for an adjournment because Mr Gite is buys before Hon. High Court. The record would show that the O.A is being adjourned from time to time generally because of "the difficulty of the learned Advocate for the Applicant". We make it clear that this is a final opportunity being given to the Applicant and his advocate and on the next occasion, the matter will be heard regardless of whatever be the cause on behalf of either of the parties. O.A stands adjourned for arguments and order to 5.7.2016. Sd/- (R.B Malik) Member (J) Sd/- (Rajiv Agarwal) Vice-Chairman Akn

2

(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

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
DATE : 14/6/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) APPEARANCE : Shri/Smt. : Tanaji Jadhav holding for R.K. Mendadkar Advocate for the Applicant ~~Shri/Smt.~~ : K.S. Gaikwad ~~C.P.O~~ P.O. for the Respondents Adj. To 24/6/16	**14.6.2016** **O.A No 68/2016** Shri P.N Chinchghare ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri Tanaji Jadhav holding for Shri R.K Mendadkar, learned advocate for the Applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents. In this particular O.A, an interim order is in force. Therefore, the hearing of this O.A is expedited and the interim order is extended till further orders making it clear that if it comes to our notice that there was an attempt at dragging the feet, we ~~make~~ may have to vacate that order. As an expedited O.A, it stands adjourned to 24.6.2016. Sd/- (R.B. Malik) Member (J) Sd/- (Rajiv Agarwal) Vice-Chairman Akn

(G.C.P.) J 2260(B) (50,000—2-2015) (Spl.- MAT-F-2 E.

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
DATE: 14/6/16 CORAM: ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri ~~R. Kumar~~ R.B. Malik (Member) A-J APPEARANCE: Shri G.A. Bandiwadekar Advocate for the Applicant ~~Shri~~/Smt. N.G. Gohad C.P.O / P.O. for the Respondent/s Admit. Adj. To Liberty to mention is granted.	O.A. No.345 of 2016 Shri V.P. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents. 2. Shri Bandiwadekar, Ld. Advocate tenders affidavit in rejoinder. It is taken on record. Admit. Liberty to mention is granted. Sd/- (~~R.B.~~ Malik) Member (J) 14.6.2016 (sgj)

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

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
DATE : 14/6/16 CORAM: ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri ~~M. Ramesh Kumar~~ R.B. Malik (Member) A J APPEARANCE: Shri/Smt. : Ranjana Todanker Advocate for the Applicant ~~Shri~~/Smt. : N. G. Gohad C.P.O / P.O. for the Respondent/s. Adj. To 17/6/16	O.A. No.85 of 2016 Shri R.R. Pimpalgaonkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Miss Ranjana Todankar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents. 2. Ld. PO is being instructed by Shri Vikas Jadhav, Assistant Registrar, Cooperative Societies, Daund, Pune. 3. The grievance of the applicant appears to be that his, "say" as to the main charge sheet itself was not taken on record by the enquiry officer. After some discussion at the bar it is directed that copies of the order sheet (Roznama) be furnished for my perusal and thereafter the directions considered appropriate will be given. Inasmuch as the enquiry is appointed for 18.6.2016, this OA is adjourned to 17.6.2016 for compliance. Sd/- (R.B. Malik) Member (J) 14.6.2016 (sgj)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.550 of 2016

Shri Sanjay K. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.R. Patil, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Issue notice returnable on 1.7.2016.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book 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. S.O. to 1.7.2016. Ld. PO waives service of notice.

Sd/-

(R.B. Malik) 14.06.16
Member (J)
14.6.2016

(sgj)

DATE: 14/6/16

CORAM:

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

Hon'ble Shri R.B. Malik (Member) AJ

APPEARANCE:

Shri M.R. Patil

Advocate for the Applicant

Shri N.K. Rajpurohit

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

Adj. To 1/7/16

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

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

O.A. No.1048 of 2015

Shri S.C. Gadade ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Shri Bandiwadekar, Ld. Advocate tenders affidavit in rejoinder. It is taken on record. However, he also submits that he will have to apply for condonation of delay and therefore further steps in this OA in the manner of speaking is halted and OA stands adjourned to 20.6.2016.

Sd/-
(R.B. Malik) 14.06.16
Member (J)
14.6.2016

(sgj)

DATE: 14/6/16
CORAM:
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri R.B. Malik (Member) J
APPEARANCE:
Shri G.A. Bandiwadekar
Advocate for the Applicant
Shri N.K. Rajpurohit
C.P.O./P.O. for the Respondent/s

Adj. To 20/6/16.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.774 of 2013 with O.A. No.621 of 2015

Shri S.B. Koravi ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Miss Lata Patne, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Miss Patne, Ld. Advocate for the applicant states that amendment was carried out. Now, the applicant wants to carry out once again the amendment by challenging clause 2 of Annexure 'A' to the GR dated 21.4.2009, a copy whereof is at Exhibit 'G' page 39 onwards of the paper book.

3. She wants to incorporate the averments to the effect that exclusion of the class of police personnel working in the technical branch such as wireless, motor transport and those working in armed cadre division, Bandsman and Bigurlar from appearing for the examination has no legal basis and is devoid of any intelligible differentia.

4. Ld. Advocate for the applicant prays for 10 days time to carry out the amendment. Leave as prayed for is granted. Amended copy be served on the respondents.

5. The respondents should file affidavit answering the limited aspect of justifying the inclusion of clause 2 referred to hereinbefore which the applicant may amend.

6. Parawise reply, if required, and further time for that purpose will be granted. For filing reply to the amended portion as indicated herein adjourned to 20.7.2016.

7. Steno copy and hamdast allowed. Ld. PO is directed to communicate this order to the respondents.

S/-
(A.H. Joshi, J.)
Chairman
14.6.2016

(sgj)

DATE: 14/6/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri R. Kameshkumar (Member) A~~
APPEARANCE:
~~Shri~~/Smt.: Lata Patne
Advocate for the Applicant
~~Shri~~/Smt.: N. G. Gohad
C.P.O./P.O. ...

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 544 OF 2016

DISTRICT :Solapur

Shri D.V. Chowgule ...**Applicant**

Vs.

Addl. Commissioner of Plice ...**Respondent**

Shri V.V. Joshi, the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondent.

CORAM : Shri J. A.H. Joshi, Chairman.

DATE : 14.06.2016

ORDER

1. Heard Shri V.V. Joshi, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 19.07.2016.

3. Tribunal may take the case for final disposal at the stage of admission hearing and separate notice for final disposal shall not be issued.

4. Applicant is authorised 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 alongwith affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance as regards service of notice.

7. Learned Advocate for the Applicant has urged on the point of interim relief.

8. Learned P.O. for the Respondents has tendered record for perusal for opposing to grant of interim relief.

9. Applicant is transferred from his present post before he completing 5 years tenure.

10. Learned P.O. for the Respondents justified the transfer on the ground that:-

(a) An adverse report was received from the Police Inspector concerned; and

(b) Further enquiry was canducted and it is found that Applicant had called on phone to a lady Police Constable and has used abusive language while speaking to her;

(c) A complaint is also received against Applicant towards demanding gratification allowance (HAFTA) from a Liquor Trader.

11. After considering the papers this Tribunal asked to the learned P.O. and Shri Y.B. Mohite, Sr. Clerk who was present, as to whether the office record contains any mention or note, suggesting that any disciplinary action is "contemplated" against Applicant.

12. Learned P.O. for the Respondents states in reply that record does not depict that any disciplinary proceedings are seen to be in contemplation.

13. A mid-term/ tenure transfer can be ordered if disciplinary proceedings are instituted or contemplated against a police personnel, however any such fact is not shown to exist. Action of Transfer is taken barely on a complaint, and without even proposing a disciplinary proceeding.

14. In the aforesaid premises namely, the transfer is ordered without complying with provisions contained in Section 22N of Maharashtra Police Act, the Applicant has made out a prima- facie strong case for grant of interim relief.

15. Respondents are free to file affidavit-in-reply and move for hearing/ vacation of interim relief.

16. Even grant of interim relief and pendency of this O.A. will not come in the way of Respondents if the Respondent wants to review our action and pass suitable order in accordance with law.

17. Steno copy and Hamdast is allowed to learned P.O.

18. S.O. to 19.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

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
DATE: 14/6/16 CORAM: ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri M. R. B. Malik (Member) A. J APPEARANCE: Shri/Smt.: B.A. Bandiwadekar Advocate for the Applicant Shri/Smt.: N. G. Gohad C.P.O / P.O. for the Respondent/s Adj. To 17/6/16.	CA.22/16 in OA.1000/13 with CA.23/16 in OA.1001/13 with CA.24/16 in OA.1002/13 with CA.25/16 in OA.1003/13 Shri G.S. Halakude (CA22/16) Shri R.Y. Chavan (CA.23/16) Shri S.L. Rathod (CA.24/16) Shri S.K. Thorat (CA.25/16) ..Applicants Vs. Shri Narayan T. Shisode & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents. 2. Ld. PO states that steps are being taken to prepare a proposal for implementation of the order of this Tribunal, subject to outcome of challenge thereto. 3. S.O. to 17.6.2016 for reporting the steps taken. Sd/- ~~(A.H. Joshi, J.)~~ Chairman 14.6.2016 (sgj)

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

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 Registror's orders	Tribunal's orders
DATE : 14/6/16 CORAM : ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri ~~I. Rameshkumar~~ R.B. Malik (Member) A.J APPEARANCE : Shri/Smt : V.P. Potbhare Advocate for the Applicant ~~Shri~~/Smt. : N.G. Gohad C.P.O / P.O. for the Respondent/s Adv. M.D. Lonkar for Intervener. Adj. To 21/11/16.	C.A. No.124 of 2015 in O.A. No.680 of 2012 Shri Ramesh M. Sundarani ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents. Shri M.D. Lonkar, learned Advocate for Intervener. 2. Shri Potbhare, Ld. Advocate for the applicant states that proceedings of this contempt application are stayed by the Hon'ble High Court pending admission hearing of the writ petition. 3. In view of this statement hearing of CA is adjourned to 21.11.2016 with liberty to circulate if occasion arises. Sd/- (A.H. Joshi, J.) Chairman 14.6.2016 (sgj)

(G.C.P.) J 2260(B) (50,000—2-2015) (Spl.- MAT-F-2 E.

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 Memaranda af Caram, Appearance, Tribunal's arders ar directians and Registrar's arders	Tribunal's orders
DATE: 14/6/16 CORAM: ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri ~~M. Ramesh Kumar~~ K.B. Malik (Member) A J APPEARANCE: Shri/Smt. R.M. Kolge Advocate for the Applicant Shri/Smt. K.B. Bhise C.P.O / P.O. for the Respondent/s Adj. To 18/7/16.	C.A. No.53 of 2014 in O.A. No.44 of 2009 with C.A. No.54 of 2014 in O.A. No.173 of 2009 with C.A. No.55 of 2014 in O.A. No.54 of 2010 Shri R.G. Joshi & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri R.M. Kolge, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents. 2. Ld. PO states that one week's time be granted for reply. Time granted. Copy be served on the applicants. 3. S.O. to 18.7.2016. Sd/- (A.H. Joshi, J.) Chairman 14.6.2016 (sgj)

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1046 OF 2015

DISTRICT: PUNE

A.D. Bankar **.... Applicant**

Versus

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

Shri K.R. Jagdale the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 14.06.2016.

O R D E R

1. Heard Shri K.R. Jagdale the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. This Tribunal has heard this O.A. and passed order on 22.12.2015. This Tribunal recorded the submission of learned Advocate for the Applicant in paragraph 3(ii) of the said order. It is seen that O.A. contains averments in paragraph 7.6, in that behalf Paragraph 7.6 is quoted for ready reference as below :-

> *"7.6 It is factual aspect that there is no compliance of the mandotary provisions contoined in section 22J-1(1) of the said Act which obliged the Respondent No.1 to notify in the Official Gazette the constitution of the Police Establishment Baard at District Level. This is on inherent ond serious defect and therefore, the constitution of if any Police Establishment Board ot District Level by the Respondent No.2 to consider the case of the Applicant for transfer followed by the impugned order is all illegal and bad in law."*
>
> *(Quoted paragraph 7.6 from O.A. paper boak page no.6 & 7.*

3. Affidavit in reply is filed by Dr. Shri Jay Vasantrao Jadhav, Superintendent of Police, office of Superintendent of Police, Pune Rural.

4. In the affidavit-in-reply filed by Dr. Shri Jay Vasantrao Jadhav, paragraph 7.6 of the O.A. has been answered as follows :-

> *"24. With reference ta ground no.7.6, I soy and submit that the applicant was reinstated in service by revocation of suspension order an 09/04/2015 issued by Respondent No.2 where in the petitioner was attached to police Heod Quarter and after decision of District Establishment Board impugned order wos issued. The petitioners*

transfer to Velha police station is in accordance with the existing provision of law.

(Quoted paragraph 24 fram O.A. paper book, page 36 & 37)

5. This Tribunal has noted with extreme displeasure and agony that the officer of the rank of Superintendent of Police (S.P.) files the affidavit without adequate sense of responsibility towards need to reply to specific averments. Failure to advert to an adverse averment exhibits an attitude of lack of sense of responsibility, lack of seriousness and alternatively lack of understanding.

6. The cases before this Tribunal are not like suit between private parties, wherein, though not welcome, but irresponsible pleadings by private parties are often seen.

7. An Officer holding the post of S.P., senior in age and rank, cannot be expected to be casual or irresponsible in filing affidavit, by not replying the crucial adverse averments and in the same breath tendering irrelevant reply qua averments to be replied.

8. In this situation Dr. Shri Jay Vasantrao Jadhav, Superintendent of Police is called to show cause as to :-

(a) Reasons due to which adverse averments are not replied and irrelevant evasive reply was filed and

(b) Reasons due to which he should not be personally saddled with exemplary costs.

9. Affidavit be filed on or before next date.

10. Learned P.O. Smt. K.S. Gaikwad for the Respondents was asked as to whether it would be possible for learned P.O. to communicate this order to Dr. Shri Jay Vasantrao Jadhav, Superintendent of Police, Pune Rural, or it be sent by speed post etc.

11. Learned P.O. Smt. K.S. Gaikwad states that she would communicate this order and it would not be necessary to send order through this office / Tribunal.

12. Ad interim relief to be continued till next date.

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

14. S.O. to 28.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

Date : 14.06.2016.

O.A.No.433 of 2016

Shri P.G. Pingle **...Applicant**

Vs.

The State of Maharashra & Ors. **...Respondents**

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

2. Admit.

3. This O.A. shall come up in due course.

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

sba

Date : 14.06.2016.

O.A.No.333 of 2016

M.A.M.U. Qureshi **.... Applicant.**

Versus

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents on instructions from Shri Naresh S. Ingle, Assistant, Home Department states as follows :-

> The decision as regards grant of deemed date to the Applicant would be taken within three months time from today.

3. Learned Advocate Shri A.V. Bandiwadekar states that matter may be adjourned for one month so as to enable the Respondent to report the progress / steps taken in the matter.

4 In view of this statement hearing of this O.A. is adjourned to 18.08.2016 for reporting progress.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

Date : 14.06.2016.

O.A.No.435 of 2016

P.N. Mali (Sagaru) **.... Applicant.**

Date : 14.06.2016.

O.A.No.557 of 2016

Shri R.R. Hendre ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents and Shri A.V. Bandiwadekar, the learned Advocate for Respondent No.2.

2. Learned Advocate for the Applicant Shri A.V. Bandiwadekar appears and states that he has instructions to appear for Respondent No.2. He has served the copy of the O.A. and he has waived service.

3. Applicant's claim is that Respondent No.2 has taken a charge.

4. Week's time may be granted for filing reply.

5. Respondent no.1 is directed to file affidavit on the limited point as to whether the fact that Applicant is due to retire on superannuation in December 2016 and Applicant can be retained back posting in Pune, was mindfully considered by the Government.

6. Steno copy and Hamdast is allowed.

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

8. S.O. to 23.6.2016.

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

sba

Date : 14.06.2016.

O.A.No.143 of 2016

Dr. S.S. Nashikkar …. **Applicant.**

Versus

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

1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned Advocate Shri J.N. Kamble for the Applicant has filed Rejoinder. It is taken on record.

3. Adjourned to 28.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

Date : 14.06.2016.

O.A.No.442 of 2016

B.D. Agawane **.... Applicant**

Versus

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

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. Ms. N.G. Gohad for the Respondents has tendered affidavit-in-reply. It is taken on record.

3. Learned Advocate Smt. Punam Mahajan prays for a week's time.

4. Time as prayed for is granted. Ad interim relief shall continue till admission/ hearing.

5. S.O. to 21.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

Date : 14.06.2016.

O.A.No.18 of 2016

R.D. Suryawanshi **.... Applicant.**

Versus

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

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Admit. To come up in due course.

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

prk

Date : 14.06.2016.

O.A.No.459 of 2016

S.D. Dhule **.... Applicant**

Versus

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

1. Heard Shri M.R. Patil, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents states as follows :-

   (a) Enquiry of the complaints annexed to the affidavit of the Respondents was conducted by the Inspector, Anti Corruption Bureau (A.C.B.), Nagpur.

   (b) The said enquiry report was not accepted by Superintendent of Police (S.P.), A.C.B., Nagpur.

   (c) The S.P. A.C.B., Nagpur had directed the Additional Superintendent of Police, A.C.B., Nagpur to conduct enquiry which was entrusted to him by letter dated 18.04.2015.

   (d) The report of enquiry is awaited by Additional S.P. and therefore a week's time may be granted so as to enable learned P.O. to enquire and make statement as to the time required for completing the aforesaid enquiry, if not completed so far.

3. For making statement on the foregoing, adjourned to 17.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

Date : 14.06.2016.

O.A.No.435 of 2016

P.N. Mali (Sagaru) .... **Applicant.**

Versus

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

1. Heard Shri Sachin Pinjar, the learned Advocate holding for Shri V. Kolekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. Shri A.J. Chougule for the Respondents has tendered affidavit-in-reply. It is taken on record.

3. Learned Advocate Shri Sachin Pinjar prays for adjournment.

4. Rejoinder, if any, be kept ready on the next date.

5. S.O. to 21.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

Date : 14.06.2016.

O.A.No.303 of 2016

S.G. Yewale **.... Applicant.**

Versus

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

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents has tendered affidavit. It is taken on record.

3. Learned Advocate Shri K.R. Jagdale for the Applicant prays for a week's time.

4. Time as prayed for is granted.

5. Adjourned to 22.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 521 OF 2016

DISTRICT :Solapur

Shri Subhash Vasudeo Pandhare ...Applicant

Vs.

The Collector, Solapur & Ors. ...Respondents

Smt. Punam Mahajan, the learned Advocate for the Applicant.

Shri A.S. Wable, the learned Presenting Officer for the Respondents.

CORAM : Shri J. A.H. Joshi, Chairman.

DATE : 14.06.2016

ORDER

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri A.S. Wable, the learned Presenting Officer for the Respondents.

2. Representative of Respondent nos.1 and 2 are present. None appear for Respondent no.3. Applicant has shown the Respondent No.3 is served.

3. In view that notice of Tribunal is not sent, issue notice returnable on 1.08.2016.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. Applicant is authorised 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.

6. 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.

7. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced alongwith affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

8. Learned Advocate for the Applicant urged for leave to interim relief.

9. Heard on the point of interim relief.

10. The Applicant urges for interim relief on the ground of transferring before expiry of 6 years tenure and retaining person who have put 9 to 16 years in the same station.

11. Learned P.O. for the Respondents prays for time to file reply. Time can be granted however hearing on the point of interim relief can proceed on the basis of record.

12. In the aforesaid premises indicated in foregoing paragraph no.10, and that no reasons are recorded, Applicant made out a case for interim relief.

13. Hence ad- interim relief is granted in terms of prayer clause 10(a) and (b).

14. Learned P.O. for the Respondents prays for 4 weeks time for filing reply.

15. It is hoped that each and every point and paragraph contained O.A. would be peacefully considered by the Respondents.

16. After considering the facts and law, if Respondent no.1 feels that his action in transferring Applicant result in violation of Section 4 of ROT Act, he would free to withdraw the transfer order, and in that event affidavit in reply need not be filed.

17. Steno copy and Hamdast is allowed.

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

19. S.O. to 1.08.2016 with liberty to circulate before due date.

sd/-

(A.H. Joshi, J.)

Chairman

sba

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

14.6.2016

M.A 198/2016 in O.A No 147/2016

Dr Nagsen Nirgun Ramraje ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Ms Lata Patne, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 28.6.2016.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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. Learned Presenting Officer waives service of notice.

DATE: 14/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
~~Shri~~/Smt. Lata patne
Advocate for the Applicant
~~Shri~~/Smt. K. S. Gaikwad
~~C.P.O~~/P.O. for the Respondents

Adj. To 28/6/16

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

2

(G.C.P.) J 1726(B) (20,000—10-2013) [Spl.- MAT-F-2 E.

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
DATE: 14/6/16 CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: Shri/Smt.: A. V. Bandiwadekar Advocate for the Applicant Shri/Smt.: Ms. N. G. Gohad C.P.O/P.O. for the Respondents Adj. To 20/6/16 FH-PH	**14.6.2016** **O.A No 970/2014** Dr Viabhav D. Shinde ... Applicant Vs. The State of Maharashtra & Ors... Respondents Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents. This Original Application is appointed for final orders. However, in the meanwhile the Applicant apparently by his own has furnished copies of some documents to the learned Presenting Officer and has also placed on record certain judgments that were not earlier cited on his behalf. Now undoubtedly this would result in further prolonging of the matter but propriety demands that so far as citations are concerned, both sides get an opportunity to advance their respective arguments in that behalf. This Original Application is therefore withdrawn from the column of pronouncement of order and it be shown in the column of final hearing once again. S.O to 20.6.2016. Sd/- Sd/- (R.B. Malik) (Rajiv Agarwal) Member (J) Vice-Chairman Akn

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

14.6.2016

R.A 14/2016 in O.A No 169/2014

Dr N.A Chavan ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Shri A.V Bandiwadekar, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents 1 to 3 and Ms Punam Mahajan, learned advocate for Respondent no. 4.

2. Issue notice before admission made returnable on 5.7.2016.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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.

DATE: 14/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri A.V. Bandiwadekar
Advocate for the Applicant
Smt K.S. Gaikwad
C.P.O / P.O. for the Respondents No. 1 to 3.
Punam Mahajan Adv.
~~Adj. to~~ R. No. 4.
S.O. to 5/7/16.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn