

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>14/9/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Ad. to <u>All 3 nvec OAs are disposed.</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p><del>O.As. No. 847, 848 &amp; 869 of 2016</del></p> <p>Shri S.B. Morye (OA.847/16) Shri S.C. Pujari (OA.848/16) Shri P.J. Sawant (OA.869/16) ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that suspension orders in these OAs are revoked.</p> <p>3. All three OAs are disposed. All issues are kept open.</p> <p style="text-align: center;"><i>[Signature]</i> Sd/- (A.H. Joshi, <i>[Signature]</i> Chairman 14.9.2017</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

(ysm)  
of 20

IN

Original Application No.

of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>O.A. No.852 of 2017</u></b></p> <p><b>Shri R.G. More</b> ... Applicant</p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Mentioned by Smt. Punam Mahajan, the learned Advocate for the Applicant. Smt. Kranti Gaikwad, the learned P.O. for the Respondents is present.</p> <p>The learned P.O. informs that in the morning the concerned officer was there and it was informed that the case of the Applicant will be placed before the Suspension Review Committee which is stated to convene in the next month. In this connection it will be proper in my view to reproduce para 3 from an earlier <b><u>O.A. No.295/2017 (Mr.S.B. Nandagaonkar Vs State of Maharashtra &amp; 2 Ors.), dated 6.9.2017,</u></b> which mentioned important judgments in the field for the authorities to bear in mind while considering the issue of revocation of suspension. Para 3 must, therefore, be read in that context :-</p> <p><b>"3. I have perused the record and proceedings. It appears that the charge-sheet in the D.E. against the Applicant has been finalized and it will be furnished to him shortly. The charge-sheet in the Criminal Case has been laid before the Court of competent criminal jurisdiction on 4<sup>th</sup> March, 2017. The Applicant is under suspension for more than two years and this is hardly a situation to feel satisfied about. There are Judgments of the Hon'ble Supreme Court and the Hon'ble Bombay High Court which lay down the guiding principles in the matter of suspension pending Criminal Case/D.E. or both. At this stage, I may</b></p>

Office Notes, Office Memoranda of Coram,  
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only mention that, it is not necessarily so that the suspension must continue because of the pendency of the Criminal Case and the D.E. Some of the Judgments may be noted herein for guidance of the concerned authorities i.e. (i) State of Maharashtra & Ors. Vs. Shivram S. Sadawarte : 2001 (3) Mj.L.J. 249, (ii) Cap.Paul Anthony Vs. Bharat Gold Mines Limited : 1999 SCC (L & S) 810, (iii) O.P. Gupra Vs. Union of India : (1987) 4 SCC 328,, (iv) Madanlal Sharma Vs. State of Maharashtra and Others : 2004 (1) Mh.L.J. 581."

It must be clearly understood that this order is made in clear understanding that the Suspension Review Committee is going to be convened in the month of October, 2017 and so it must be.

With these directions, issue notice returnable on 30.10.2017.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

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

S.O. to 30.10. 2017. Learned P.O. do waive service. Hamdast.

Sd/-

(R.B. Malik)  
Vice-Chairman  
14.09.2017

DATE: 14/10/17

CORAM:

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

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

APPEARANCE:

Shri/Shri: Pankaj Mahajan

Advocate for the Applicant

Shri/Shri: K.S. Gaikwad

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

Adj. To: S.O. to 30/10/17

Hamdast.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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	<p style="text-align: center;"><b><u>O.A. No.859 of 2017</u></b></p> <p><b>Shri Venkat Mekale</b> ... Applicant V/s. <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>This Original Application is placed before me for consideration of interim relief.</p> <p>Heard the Applicant with Smt Punam Mahajan, the learned Advocate for the Applicant and Ms S. Surywanshi, the learned P.O. for the Respondents.</p> <p>The learned P.O. is being instructed by Shri Sudeep Rewale, Assistant Section Officer, F.D. Mantralaya, Mumbai. The matter pertains to the suspension of the Applicant who is a Deputy Commissioner of Sales Tax. It is contended by Smt. Mahajan that the order dated 11.08.2017 of suspension was served on the Applicant on 06.09.2017.</p> <p>I have perused the file which has been furnished to me. The order of suspension would show inter-alia that the Applicant had contacts with some dealers and that he was not complying with the direction of the superiors and was guilty of abstention. The record has been returned to the learned P.O. but it is made clear that the right of the Applicant to seek interim relief is kept intact. In the Affidavit-in-Reply which must be filed on the next date and not thereafter, the deponent must clearly state as to how the case for suspension was made out. A case for enquiry or even departmental inquiry is distinct from the case for suspension and I must reiterate, therefore, that in the said Affidavit it must be clearly stated as to why it</p> <p style="text-align: right;"><b>P.T.O.</b></p>

Office Notes, Office Memoranda of Coram,  
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become necessary for the order of suspension to be made. For this also, there is a background provided by a move to transfer the Applicant and his colleague Shri J.M.Raut.

Hearing the rival submission, I also direct that in the Affidavit-in-Reply to be filed, it must be disclosed as, at which place the Applicant was going to be transferred at.

With these directions, issue notice returnable on 06.10.2017.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

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

S.O. to 06.10.2017. Learned P.O. do waive service.

Affidavit-in-Reply must be filed on 06.10.2017.

In the meanwhile, a representation dated 18.8.2017 made by the Applicant to the Hon'ble Chief Minister may be decided early. Hamdast and steno copy allowed.

Sd/-

(R.B. Malik) 14.9.17  
Vice-Chairman  
14.09.2017

(vsm)

DATE: 14/9/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. Pooja Mahajan

Advocate for the Applicant

Shri/Smt. M.S. Suryawanshi

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

Adj. To S.O. to 6/10/17.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. of 20

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**O.A. No.779 of 2017**

**Shri K.K. Ablankar ... Applicant**

**V/s.**

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

Heard Shri S.B. Gaikwad, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned P.O. for the Respondents.

The learned Advocate for the Applicant submits that the Applicant does not want to file Affidavit-in-Rejoinder.

The Original Application is admitted and appointed for final hearing on 05.10.2017.

DATE: 14/9/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. S.B. Gaikwad

Advocate for the Applicant

Shri/Smt. Ms. N.G. Gohad

P.O. for the Respondents

Adj. to O.A. is admitted.

S.O. to 5/10/17.

FH  
[Signature]

Sd/-

(R.B. Malik)  
Vice-Chairman  
14.09.2017

(vsm)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. of 20

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Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>14/9/17</u></p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><b>APPEARANCE:</b> <u>&lt;Vice-Chairman&gt;</u> <u>Smt. Punam Mahajan</u> <u>for Ori. Applicant (Ori. No. 2 in M.A.)</u> <u>Advocate for the Applicant</u> <u>Shri/Smt. A. J. Chougale</u> <u>C.P.O./P.O. for the Respondents No. 1.</u></p> <p><u>Adj. To: s.o. to 28/9/17.</u></p>	<p style="text-align: center;"><b><u>M.A. No.381 of 2017</u></b> <b><u>In</u></b> <b><u>O.A. No.668 of 2017</u></b></p> <p><b>Shri S.R. Quazi</b> ... Applicant <b>(Ori. Respondent No.2)</b></p> <p style="text-align: center;">V/s.</p> <p><b>1. The State of Maharashtra ...Respt. No.1</b></p> <p><b>2. Smt. Ujwala S. Ghavte</b> ... Respondent <b>(Ori. Applicant)</b></p> <p>Heard Smt. Punam Mahajan, the learned Advocate for the Original Applicant. The learned Advocate Smt. Mahajan undertakes to file Affidavit-in-Reply to this M.A. during the course of the day.</p> <p>Misc. Application stands adjourned for Rejoinder/hearing to 28.09.2017.</p> <p style="text-align: right;">Sd/-  (R.B. Malik) <u>14.9.17</u> Vice-Chairman 14.09.2017</p> <p>(vsm)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. \_\_\_\_\_ of 20

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Original Application No. \_\_\_\_\_ of 20

**FARAD CONTINUATION SHEET NO.**

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<p><u>DATE:</u> 14/9/17</p> <p><u>CORAM:</u>  <del>Hon'ble Shri. RAJIV AGARWAL</del>  (Vice-Chairman)  Hon'ble Shri R. B. MALIK (Member)  <i>(Vice-Chairman)</i></p> <p><u>APPEARANCE:</u>  Smt/Smt. Punam Mahajan  Advocate for the Applicant  Smt/Smt. K.S. Gaikwad  C.P.O./P.O. for the Respondents</p> <p><del>Adj. to</del> S.O. to 22/9/17  <i>@ad</i></p>	<p style="text-align: center;"><b><u>R.A. No. 18 of 2017</u></b>  <b><u>In</u></b>  <b><u>O.A. No.19 of 2017</u></b></p> <p><b>Shri P.D. Poman</b> ... Applicant  V/s.  <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>The learned P.O. undertakes to file Affidavit-in-Reply to the R.A. during the course of the day.</p> <p>S.O. to 22.09.2017.</p> <p style="text-align: right;">Sd/-  (R.B. Malik) 14.9.17  Vice-Chairman  14.09.2017</p> <p>(vsm)</p>



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**O.A. No.854 of 2017**

**Shri G.D. Jadhav ... Applicant**

**V/s.**

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

Issue notice returnable on 12.10.2017.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

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

S.O. to 12.10.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Vice-Chairman  
14.09.2017

14-09-17

DATE: 14/9/17

CORAM:

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

Hon'ble Shri R. B. MALIK (Member)  
(Vice-Chairman)

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

P.O. for the Respondents

Adj. To: S.O. to 12/10/17.

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**O.A. No.855 of 2017**

**Shri G.D. Jadhav ... Applicant**

**V/s.**

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougale, the learned P.O. for the Respondents.

Issue notice returnable on 12.10.2017.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

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

S.O. to 12.10.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Vice-Chairman  
14.09.2017

(vsm)

DATE: 14/9/17

**CORAM:**

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

Hon'ble Shri R. B. MALIK (Member)  
Vice-Chairman

APPEARANCE:  
Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant  
Shri/Smt. A.J. Chougale

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

Adj. To S.O. to 12/10/17.

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Office Notes, Office Memoranda of Coram,  
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**O.A. No.744 of 2017**

**Smt. D. R. Hande ... Applicant**

**V/s.**

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

Heard Shri M.B. Kadam holding for Shri S.S. Dere, the learned Advocate for the Applicant and Smt. Kranti Gaikwad holding for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

Issue notice returnable on 12.10.2017.

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

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

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

S.O. to 12.10.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 14-9-17  
Vice-Chairman  
14.09.2017

(vsm)

DATE: 14/9/17

CORAM:

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

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

APPEARANCE:

Shri M.B. Kadam, holding  
for S.S. Dere  
Advocate for the Applicant

Shri Smt. K. S. Gaikwad,  
C.P.O. for the Respondents  
holding for N.K. Rajpurohit.

Adj. To: S.O. to 12/10/17

*[Signature]*

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. \_\_\_\_\_ of 20\_\_

IN

Original Application No. \_\_\_\_\_ of 20\_\_

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**O.A. No.549 of 2017**

**Shri A.N. Raut ... Applicant**

**V/s.**

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

None for the Applicant. Heard Shri A.J. Chougule, the learned P.O. for the Respondents.

The request of the learned P.O. to grant further time to file Affidavit-in-Reply is rejected because the last chance was already given. It is however made clear that if the Affidavit-in-Reply is tendered just before the matter is heard on the next date, it will be taken on record but no adjournment shall be given for Reply.

The Original Application is admitted and appointed for final hearing on 11.10.2017.

**DATE:** 14/9/17

**CORAM:**

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

Hon'ble Shri R. B. MALIK (Member)  
Vice-Chairman

**APPEARANCE:**

~~Shri. [Name] ... None for the applicant.~~

Shri. Sant. A.J. Chougule  
P.O./P.O. for the Respondents

O.A. is admitted.

Adj. To: 11/10/17

F4  
[Signature]

Sd/-

(R.B. Malik) 14-9-17  
Vice-Chairman  
14.09.2017

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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**O.A. No.790 of 2017**

**Shri S.L. Chaudhari ... Applicant**

**V/s.**

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Shri A.J. Chougule, the learned P.O. for the Respondent No.1 and Shri D.A. Paka, the learned Advocate for the Respondent No.2.

The learned P.O. undertakes to file Affidavit-in-Reply during the course of the day. The learned Advocate for the Respondent No.2 prays for four weeks adjournment to file the Reply.

Hearing all the parties, the Original Application stands adjourned for Affidavit-in-Reply of the Respondent No.2.

S.O. to 29.09.2017.

DATE: 14/9/17

CORAM:

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

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

APPEARANCE:

~~Shri A.V. Bandiwadekar~~

Advocate for the Applicant

Shri/Smt. A.J. Chougule

~~C.P.O./P.O. for the Respondents No.1~~

~~Shri D.A. Paka for R.No.2~~

~~Adj. To S.O. to 29/9/17.~~

for Reply of R.2.

Reply filed by R.No.1.

Sd/-

(R.B. Malik)  
Vice-Chairman  
14.09.2017

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p>DATE: <u>14/9/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)-A</p> <p>APPEARANCE: <del>Shri</del> <u>Punam Mahajan</u> Advocate for the Applicant <del>Shri</del> <u>N. G. Gohad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>28/9/2017</u></p> <p style="text-align: right;"><i>WFE</i></p>	<p><u>O.A. No.92 of 2017</u></p> <p>Dr. M.S. Bhadke ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Shri Pradeep Vyas, Principal Secretary, Public Health Department is present. He undertakes to file proper affidavit. Personal attendance of Shri Pradeep Vyas is exempted on next date.</p> <p>3. S.O. to 28.9.2017. <span style="float: right;">2</span></p> <p style="text-align: right;">Sd/- (A.H. Joshi, <i>W</i>) Chairman 14.9.2017</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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<p>DATE: <u>14/9/2017</u></p> <p>CORAM: Hon'ble Justice Sri A. H. Joshi (Chairman) Hon'ble Sri M. Kameshkumar (Member) A</p> <p>APPEARANCE: Shri <u>C.T. Chandratre</u> Advocate for the Applicant Shri <u>K.B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>Removed from board.</u> Applicant shall collect notice from Registry within four weeks <i>BYE</i></p>	<p><u>O.A. No.853 of 2017</u></p> <p>Shri B.R. Gulve ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Shri C.T. Chandratre, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Removed from board. Applicant shall collect notice from Registry within four weeks duration and serve those on the respondents. <i>9</i></p> <p>Sd/- <u>(A.H. Joshi, J.)</u> Chairman 14.9.2017</p> <p>(sgj)</p>

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O.A. No.841 of 2017

Shri R.T. Dalavi ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri Sandeep Dere, learned Advocate for the Applicant and Shri N.P. Dalvi, learned Special Counsel with Shri K.B. Bhise, learned Presenting Officer for Respondent-MPSC.

2. Issue notice returnable on 21.9.2017.
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.

DATE: 14/9/2017

CORAM:

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

Hon'ble Shri M. Ramakumar (Member) A

APPLICANT'S OFFICE:

Shri/Smt. Sandeep Dere

Advocate for the Applicant

Shri/Smt. N.P. Dalvi, spl. counsel

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

with Shri K.B. Bhise, P.O. for Regt.

Att. To: Issuc. notice

returnable on 21/9/2017.

MS  
/

Sd/-

(A.H. Joshi, J)  
Chairman  
14.9.2017

(sg)



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**O.A. No.708 of 2017**

**Shri C.R. Waydande ... Applicant**

**V/s.**

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

Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

Hearing the rival submissions, the whole thing boils to this that within three days from today, the Applicant shall make a representation seeking his transfer to Indapur, Dist. Pune and if it is so made, the concerned Respondent shall take a decision thereon sympathetically within one week thereof and communicate its outcome to the Applicant within three working days.

S.O. to 03.10.2017. Hamdast.

DATE: 14/9/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. J.N. Kamble

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

Adj. To: S.O. to 3/10/17.

Hamdast.

*[Signature]*

Sd/-

(R.B. Malik)  
Vice-Chairman  
14.09.2017

(vsm)

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. 860 of 20 17District SolapurS. S. Bhosale(Advocate D. B. Khaire)

10/8/17

The State of Maharashtra and ors.

(Presenting Officer: .....

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

Objections :-

1) Illegible :- 50, 63, 108, 109,  
115, 116, 64, 65, 75,  
83, 113, 114, 120.

2) Others :-  
① Index dates not mentioned,  
② Pg. 2.1 (II) incomplete  
③ fpo. Detail sin II<sup>nd</sup> set  
of O.A.

O A No 860/17

DATE: 14/9/2017

CORAM:

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

Hon'ble Shri M. K. Kesalikumar (Member) A

APPEARANCE:

Shri/Smt. D. B. Khaire

Advocate for the Applicant

Shri/Smt. S. Suryawanshi

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

Learned Advocate for applicant prays  
for leave to amend to correct typographical  
error in prayer clause 10(b). Leave  
as prayed is granted.

So to 15/9/2017 as 1st on board.

Sd/-

M. J. Joshi14/9/2017Adj. To 15/9/2017 as 1st on board



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.718 OF 2017**

Shri Sudesh G. Palkar.

)...**Applicant**

**Versus**

1. The State of Maharashtra & 2 Ors. )...**Respondents**

**Mrs. Punam Mahajan, Advocate for Applicant.**

**Mrs. K.S. Gaikwad, Presenting Officer for Respondents.**

**P.C. : R.B. MALIK (VICE-CHAIRMAN)**

**DATE : 14.09.2017**

**ORDER**

1. This Original Application is appointed for interim orders. The Applicant after having worked only for one and half months in the post of Reader, Sub-Divisional Police Officer, Mahad came to be transferred by way of the impugned order to Control Room in Raigad District.

2. I have heard the rival submissions. This matter is governed by post 2015, Section 22 (N) of the Maharashtra Police Act, 1951. The tenure of the Applicant had not been completed, and therefore, the Police

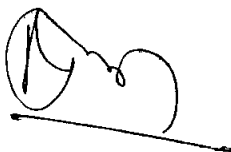
  
\_\_\_\_\_

Establishment Board met to consider the case of the Applicant. The record shows that the reason for the mid-term and mid-tenure transfer that came to be effected on 26.7.2017 was the complaints against the Applicant. There is an anonymous complaint on record dated 1.7.2017 and according to Mrs. Mahajan, the learned Advocate for the Applicant on such anonymous complaint in view of a certain G.R. annexed to the record, no action could have been taken. Further, there is a report of Mr. Sanjaykumar Patil, Additional Superintendent of Police to the Superintendent of Police, Alibaug, dated 25.7.2017. He has referred to a certain offence having been registered against the Applicant on 29.8.2012 that apparently is pending. But in that connection, there is a Judgment of this Tribunal in **OA 155/2014 (Shri Sudesh G. Palkar Vs. The Director General and Inspector General of Police, dated 22.9.2014)** rendered by the 2<sup>nd</sup> Division Bench that spoke through me. That OA was allowed and the Applicant was directed to be promoted. In Mr. Patil's report, there is no reference at all to that particular OA. Another aspect of the complaint is that the brother of the wife of the Applicant got embroiled in an incident whereby his wife met with unnatural death. However, to the Affidavit-in-rejoinder, documents are annexed to show that the in-laws of the said brother-in-law of the Applicant gave a clean chit



to the Applicant and it appears from the recitals in the Affidavit-in-rejoinder that they got the said brother-in-law married to their another daughter. There is no inkling in the report of Mr. Patil on whether this aspect of the matter was probed or investigated into by him for the purposes hereof. Then, there is a reference to an offence registered under the Prevention of Corruption Act for which also, there is an explanation in the Affidavit-in-rejoinder. It is mentioned that the Applicant had functioned for a number of years at Mahad and had developed, "connections" therein.

3. The mere existence of complaints would in my view not be sufficient enough. The complaints must be shown to be "live". One aspect of the matter could be that, an appropriate order be passed just now, but in my opinion, when the service condition of a Police Personnel is statute regulated, the Tribunal will have to make sure that the authorities are genuinely conducting themselves within the purview of the said enactment. If they are found to be providing less than lip service, then I am of the opinion that they would become liable for being acted against. Therefore, I am so disposed as to direct that the Respondents should file an Affidavit of Mr. Sanjaykumar Patil, Additional Superintendent of Police, Raigad. He should mention in the said Affidavit, as to whether he had

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enquired into the other side of the matter. If he has concluded in one particular manner, was it based on the comprehensive analysis of facts of both the sides. There are documents annexed to the Affidavit-in-rejoinder and the said Mr. Patil shall offer his comments thereabout in the Affidavit which he shall file as per my directions herein. It is also made clear that the time of four weeks is being given, which in my opinion, is sufficient for compliance and there should be no dragging of feet. The said Mr. Patil shall peruse the entire record of this MA with particular reference to the documents annexed to the Affidavit-in-rejoinder of the Applicant and then submit a proper Affidavit in deference hereto. The Original Application stands adjourned for the said Affidavit of Mr. Sanjaykumar Patil to 13<sup>th</sup> October, 2017 and then the Tribunal shall consider the further steps to be taken either in the matter of interim order or final hearing.

4. S.O. to 13<sup>th</sup> October, 2017. Hamdast.

Sd/-

**(R.B. Malik)**  
**VICE-CHAIRMAN**  
**14.09.2017**

Mumbai

Date : 14.09.2017

Dictation taken by :

S.K. Wamanse.

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