

**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><del>DATE: 15/2/16.</del></p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>A.V. Bandiwadekar</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> (sgj) P.O. for the Respondents M.A. is Allowed and disposed off. <del>Ad. J.</del> OA Adj. to 8/3/16. FA 2016</p>	<p><del>M.A. No.48 of 2016 in O.A. No.193 of 2015</del></p> <p>Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. We have perused the OA. It is not necessary to protract this MA any further, although the Ld. PO sought time to file reply. The MA is allowed. The hearing of the OA is expedited and is fixed for hearing as an expedited OA on 8.3.2016. MA disposed off accordingly.</p> <p><i>(R.B. Malik)</i> Member (J) 15.2.2016</p> <p><i>Rajiv Agarwal</i> (Rajiv Agarwal) Vice-Chairman 15.2.2016</p>

# 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

MA No.62/16 in CA No.128/15 in OA No.993/11

Heard Miss Neelima Gohad, learned Presenting Officer for the Applicants-original Respondents and Shri R.M. Kolge, learned Advocate for the Respondent-original Applicant.

2. Since this MA is filed in the pending CA which is pending before the Hon'ble Chairman, this MA may be placed along therewith. Removed from board.

~~DATE:~~ 15/2/16

~~GRAM:~~

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

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

APPEARANCE:

~~Shri/Stat.:~~ N.G. Gohad

~~Advocate for the Applicant~~

~~Shri/Smt.:~~ R. M. Kolge

~~Advocate for the Respondents~~

~~Adj. to M.A. may be placed along therewith. Removed from board.~~

Before Hon. chairman. *[Signature]*

*[Signature]*  
15.2.16  
(R.B. Malik)  
Member (J)  
15.2.2016

(sgj)

*[Signature]*  
(Rajiv Agarwal)  
Vice-Chairman  
15.2.2016

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

Tribunal's orders

MA No.38/16 in MA No.37/16 in OA No.124/10

None for the Applicant. Heard Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 14.3.2016.
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 14.3.2016.

*(R.B. Malik)*  
15.2.16  
(R.B. Malik)  
Member (J)  
15.2.2016  
(sgj)

*Rajiv Agarwal*  
(Rajiv Agarwal)  
Vice-Chairman  
15.2.2016

DATE: 15/2/16

CORAM:

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

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

APPEARANCE:

~~Shri/Smt. None for the~~  
applicant

Advocate for the Applicant

Shri ~~S. K. B. Bhise~~

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

Ad. S.O. to 14/3/16.

ca/44

N.A. 37/16.

**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><u>15/2/16</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> Shri/Smt. <u>S.D. Dhongde,</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O./P.O. for the Respondents</p> <p><u>M.A. is disposed of.</u></p> <p><i>[Signature]</i></p>	<p><u>MA No.47/16 in OA No.142/16</u> <u>(OA No.27/16 – Aurangabad)</u></p> <p>Heard Shri S.D. Dhongde, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. As far as this MA is concerned, there does not seem to be any hitch in allowing it. The same is accordingly allowed and this OA be kept along with sister OAs in which more or less the same issue is involved. However, as of today Shri Dhongde, Ld. Advocate's requested is granted and even while allowing this MA the OA is appointed on 11.3.2016. MA, disposed off accordingly with no order as to costs.</p> <p><i>[Signature]</i> (R.B. Malik) 15/2/16 Member (J) 15.2.2016</p> <p><i>[Signature]</i> (Rajiv Agarwal) Vice-Chairman 15.2.2016</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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><u>DATE:</u> 15/2/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. E. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri S. D. Dhongade Mum. Adm. App. No. _____ Shri Smt. N. G. Gohad C.A. No. _____ Respondents.</p> <p><u>M.A. is disposed off.</u></p> <p><i>[Signature]</i></p>	<p><u>MA No.177/16 in O.A. No.178 of 2016</u></p> <p>Heard Shri S.D. Dhongade, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Regard being had to the cause of action and the nature of the relief, the application is allowed and the applicants are permitted to sue jointly subject to payment of court-fees if already not paid. MA disposed off.</p> <p><i>[Signature]</i> 15-2-16 (R.B. Malik) Member (J) 15.2.2016</p> <p><i>[Signature]</i> Rajiv Agarwal (Rajiv Agarwal) Vice-Chairman 15.2.2016</p> <p>(sgj)</p>

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

Tribunal's orders

O.A. No.178 of 2016

Heard Shri S.D. Dhongade, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 28.3.2016.
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 28.3.2016.

15/2/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. S.P. Dhongade

Advocate for the Applicant

Shri/Smt. N.A. Gohad

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

Adj. to S.O. to 28/3/16.

15/2/16

(R.B. Malik)  
Member (J)  
15.2.2016

(sgl)

Rajiv Agarwal  
(Rajiv Agarwal)  
Vice-Chairman  
15.2.2016


**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>15/2/16</u> <u>DLB</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri <u>R.B. Malik</u> (Member) A</p> <p>APPEARANCE:</p> <p>Shri/mt.: <u>Applicant in person.</u></p> <p>Attorneys for the Applicant</p> <p>Shri/Smt.: <u>N.K. Rajpurohit.</u></p> <p>C.P.O./P.O. for the Respondent/s</p> <p><u>Admit.</u></p> <p>Adj. To: <u>Liberty to mention granted.</u></p> <p align="right"><u>ME</u></p>	<p>Date : 15.2.2016</p> <p align="center"><b>O.A. No. 972 of 2015 (D.B.)</b></p> <p>1. Heard Shri D. J. Ambilwade, Applicant in person and Shri N.K. Rajpurohit, the learned Chief Presenting Officer holding for Shri A.J. Chougule, learned P.O. for the respondents.</p> <p>2. Affidavit-in-Reply of Respondent No.1 is taken on record. Original Application proceeds without the reply of Respondent No.2.</p> <p>3. The applicant says that he does not want to file rejoinder.</p> <p>4. Admit. Liberty to mention granted.</p> <p align="right">   <u>15.2.16</u>  <b>(R.B. Malik)</b>  <b>Member(J)</b> </p> <p>VSO</p>

**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.**

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders <b>Date : 15.2.2016</b></p>
<p><b>DATE:</b> <u>15/2/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice <u>R. B. Malik</u> (Member) <u>A. J.</u></p> <p><b>APPEARANCE:</b> <u>S. P. Manchekar</u> Advocate for the Applicant Shri <u>A. K. Raj Purohit</u> holding for C.P.O./E.O. for the respondent/s <u>A. J. Chougule, P. O. for R &amp; S.</u> Adj. To <u>M.A. is allowed.</u></p> <p><i>B.K.</i></p>	<p><b>M.A. No.76 of 2016</b> <b>in</b> <b>O.A. No.1054 of 2015 (D.B.)</b></p> <ol style="list-style-type: none"> <li>1. Heard Ms Swati Manchekar, learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer holding for Shri A.J. Chougule, learned P.O. for the respondents.</li> <li>2. Although the learned C.P.O. opposes the application and seeks time to file Affidavit-in-Reply, I find that the applicant of this M.A. seeks to be joined as applicant only and the facts of this case is more or less similar to <sup>those</sup> <del>this</del> in M.A. No.46/2016 in this very O.A., therefore, the same needs to be allowed.</li> <li>3. The respondents will have right to file a separate affidavit-in-reply here to post the amendment.</li> <li>4. Misc. Application is allowed and same be carried within one week from today, a consolidated copy be filed and be furnished to the learned P.O. Consequential amendment, if any, be also carried within same period of time.</li> <li>5. M.A. is allowed in this terms with no order as to costs.</li> </ol> <p><i>(R.B. Malik)</i> <b>(R.B. Malik)</b> <b>Member(J)</b></p> <p>vso</p>



**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><u>DATE:</u> 15/2/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. : <u>K. R. Jagdale</u> Advocate for the Applicant Shri/Smt. : <u>H. G. Gohad</u> C.P.O./P.O. for the Respondents</p> <p><u>Adj. to S.O. to 1/3/16.</u></p>	<p><u>O.A. No.782 of 2014</u></p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Reply was filed on 17.8.2015. If no affidavit in rejoinder is filed on the next date it will be presumed that applicant is not interested in filing the rejoinder and the matter may be finally heard. S.O. to 1.3.2016.</p> <p>(R.B. Malik) Member (J) 15.2.2016</p> <p>(sgj)</p> <p>Rajiv Agarwal (Rajiv Agarwal) Vice-Chairman 15.2.2016</p>

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

Tribunal's orders

O.A. No.195 of 2015

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Shri Jagdale, Ld. Advocate has opened his arguments. However, in order to effectively and properly decide this OA it will be necessary that proper facts are brought before us to show that the exact marks obtained by these four applicants in the light of the cut off marks in the said post and the said categories. After some debate at the bar we have directed the respondents to place on record these facts. The applicants will also have to consider in the first place if an exact plea in the context of the relevant GR has been properly made in the existing OA whether they will have to amend the same. In fact although it is not our direction but the applicants may better consider withdrawing this OA and bringing in at least two separate OAs depending upon categories. That would obviate the complications later on. We make it clear that Shri Jagdale, Ld. Advocate wanted a little longer date so as to have these facts by exercising his right under Right to Information Act. But in view of the fact that the respondents have agreed to place on record the said facts it may not be necessary to grant a very long date. The respondents will also be advised to note this aspect of the matter and on the next date come with the relevant record to facilitate our task. S.O. to 29.2.2016.

DATE: 15/2/16

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. N. G. Gohad

P.O. for the Respondents

S.O. to 29/2/16

(sgl)

(R.B. MALIK)  
Member (J)  
15.2.2016

Rajiv Agarwal  
(Rajiv Agarwal)  
Vice-Chairman  
15.2.2016

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: 15.2.2016

O.A. No. 118, 119 & 126 of 2016 (D.B.)

1. Heard Shri S.S. Dere & Shri C.T. Chandratre, learned Advocates for the Applicant and Ms N.G. Gohad, the learned Presenting Officer for the respondents.
2. Affidavit-in-Reply in O.A. Nos.118, 119 & 126/2016 are taken on record. The applicants do not want to file rejoinder. There is some urgency which at least should lead me to give a fixed date.
3. Original Applications are admitted. They be placed before the Division Bench for hearing / consideration of interim orders on 17.2.2016.



(R.B. Malik)  
Member(J)

15.2.16

VSO

DATE: 15/2/16

CLERK:

Hon'ble Justice Smt. J. J. Joshi (Chairman)

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


APPEARANCE:

Shri S.S. Dere

Adv. C.T. Chandratre for O.A. 118 & 119/16  
Adv. C.T. Chandratre for O.A. 126/16

Smt. N.G. Gohad, P.O. for R.A.s.

Adj. To: 17/2/16



**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><u>DATE:</u> 15/2/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) <del>Hon'ble Shri R. B. MALIK (Member)</del></p> <p><u>APPEARANCE:</u> Shri/Smt. A.V. Bandiwadkar Advocate for the Applicant Shri/Smt. K.S. Gaikwad C.P.O./P.O. for the Respondents</p> <p><u>At s.o. to 29/2/16</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>15.02.2016</u></p> <p align="center"><u>O.A No 552/2016</u></p> <p>Heard Shri A.V Bandiwadkar, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>It is seen that the Original Application was first taken up for hearing on 20.7.2015.. On 14.12.2015, last chance was granted to the Respondents to file affidavit in reply within six weeks. The reply which should have been filed latest by first week of December, 2015, was not filed and when the matter came up for further hearing on 8.2.2016 again time was sought for filing affidavit in reply. Again last chance was granted to file affidavit in reply on or before 15.2.2016. Today also no affidavit in reply is filed.</p> <p>Cost of Rs. 2500/- is imposed on the Respondents. If no reply is filed on or before the next date, it will be presumed that the Respondents have nothing to say in the matter and it will be taken up for further hearing.</p> <p align="center">S.O to 29.2.2016.</p> <p align="right"> <i>[Signature]</i>            (Rajiv Agarwal)            Vice-Chairman         </p> <p>Akn</p>

**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><u>DATE: 15/2/16</u></p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) <del>Hon'ble Sri R. B. MALIK (Member)</del></p> <p><u>APPEARANCE:</u> Shri/Smt. S.G. Kulkarni Advocate for the Applicant Shri/Smt. N.K. Rajpurohit C.P.O./P.O. for the Respondents</p> <p><u>Ad. S.O. to 11/3/16</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>15.02.2016</u></p> <p align="center"><u>O.A No 177/2016</u></p> <ol style="list-style-type: none"> <li>1. Heard Shri S.G. Kulkarni, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.</li> <li>2. Issue notice before admission made returnable on 11.3.2016.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. S.O to 11.3.2016.</li> </ol> <p align="right">Rajiv Agarwal (Rajiv Agarwal) Vice-Chairman</p>

**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><b>NOTE:</b> 15/2/16</p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) <del>Hon'ble Shri R. B. MALIK (Member)</del></p> <p><b>APPEARANCE:</b> Shri/Smt. <u>A.V. Bandiwadekar</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> C.A.O/P.O. for the Respondents</p> <p><del>Adj. To</del> <u>S.O. to 14/3/16.</u></p> <p align="right"><i>[Signature]</i></p>	<p align="center"><b>15.02.2016</b></p> <p align="center"><b><u>M.A 74/2016 with O.A No 166/2016</u></b></p> <ol style="list-style-type: none"> <li>1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule learned Presenting Officer for the Respondents.</li> <li>2. Issue notice before admission made returnable on 14.3.2016.</li> <li>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. S.O to 14.3.2016. Learned P.O waives service of notice.</li> </ol> <p align="right"> <i>[Signature]</i>            (Rajiv Agarwal)            Vice-Chairman         </p> <p align="center">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

I N

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
---	-------------------

**15.02.2016**

**O.A No 58/2015**

Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

Learned Advocate Shri Bandiwadekar stated that he has filed Praecipe for correcting title of the M.A and O.A. The nomenclature of Respondent no. 2 in both the M.A and O.A has been mentioned as Director of Education, Skill Development and Entrepreneurship. However, it should be Director of Vocational Education and Training, M.S, Mumbai. Learned P.O has no objection for correction of the title in both M.A and O.A.

Applicant is granted permission to correct the title accordingly. Learned Advocate Shri Bandiwadekar stated that he will make necessary correction forthwith and serve copy on the Respondents within one week.

S.O to 14.3.2016.

**DATE:** 15/2/16

**CORAM:**

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

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

**APPEARANCE:**

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

~~Adj. to~~ S.O. to 14/3/16.

*[Signature]*

*Rajiv Agarwal*  
(Rajiv Agarwal)  
Vice-Chairman

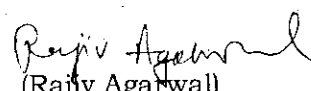
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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><b>DATE:</b> <u>15/2/16</u></p> <p><b>QUORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) <del>Hon'ble Shri R. B. MALIK (Member)</del></p> <p><b>APPEARANCE:</b> Shri/Smt. <u>C.T. Chandratre</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> <del>C.P.O. P.O. for the Respondents</del></p> <p><del>Adj. to</del> <u>S.O. to 22/2/16.</u> <u>Hamdast.</u></p>	<p align="center"><b>15.02.2016</b></p> <p align="center"><b><u>O.A No 989, 990 &amp; 1031/2015</u></b></p> <p>Heard Shri C.T Chandratre, learned advocate for the applicants and Shri A.J Chougule, learned Presenting Officer for the Respondents.</p> <p>This Tribunal by order dated 23.11.2015 has directed the Respondents to consider the case of the Applicant under clause 7(a) of the G.R dated 14.10.2011 as more than six months have lapsed when he was placed under suspension. Learned Advocate Shri Chandratre stated that D.E has not been initiated, nor charge sheet has been filed till date. Again on 22.1.2016, learned C.P.O was directed to make a statement as to the time frame within which Hon. Minister's order will be secured in this regard. However, today also learned P.O is unable to make any statement. It is seen that though more than two months have lapsed, no affidavit in reply has been filed. Learned P.O seeks one week time to file affidavit in reply.</p> <p>As already more than two months have passed, no further time will be granted for filing affidavit in reply unless it is tendered on the next date. If no reply is filed on the next date, the matter will be heard on merits.</p> <p align="center">S.O to 22.2.2016. Hamdast.</p> <p align="right">             (Rajiv Agarwal)            Vice-Chairman         </p> <p align="center">Akn</p>



**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><u>15/2/16</u></p> <p><b>FORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) <del>Hon'ble Shri R. B. MALIK (Member)</del></p> <p><b>APPEARANCE:</b> Shri/Smt. <u>A.T. Chougale</u> P.O. Advocate for the Applicant Shri/Smt. <u>Lata Patne</u> P.O. Advocate for the Respondents Affidavit Reply filed in O.A. No. 238/15 by D.No. 1405 M.A. &amp; O.A. will be heard together on 25/2/16.</p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>15.02.2016</u></p> <p align="center"><u>M.A 17/2016 in O.A Stamp No 238/2015 and M.A 186/15 with O.A Stamp No 238/2015</u></p> <p>Heard Ms Patne, learned advocate for the applicant and Shri K.B.Bhise, learned Presenting Officer for the Respondents.</p> <p>Affidavit in reply has already been filed in the Original Application. Today affidavit in reply in the M.A seeking condonation of delay is filed.</p> <p>Both M.A and O.A will be heard together on 25.2.2016.</p> <p align="right"><i>Rajiv Agarwal</i> (Rajiv Agarwal) Vice-Chairman</p> <p align="center">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

of 20

I N


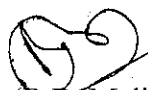
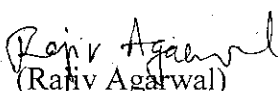
Original Application No.

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 align="center"><u>O.A. No.1027 of 2014</u></p> <p>Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. After Shri Bandiwadekar, Ld. Advocate was heard for some time it is necessary that an affidavit is filed by Director, Medical Education and Research on the following issues:</p> <p>a) That the result of selection to the post of Junior Clerk-Typist pursuant to the examination held in 2009 was declared.</p> <p>b) It appears that there were total 35 vacancies reserved for SC category. These vacancies were from backlog so the posts must have been vacant. Whether the orders were issued for all the 35 posts after declaration of the result may be clarified. If so, on what dates orders were issued and if not, if the orders were issued in staggered manner the reasons for the same may be explained.</p> <p>c) The dates on which orders were issued along with the copy of the orders may be placed on record.</p> <p>d) It appears that a large number of candidates probably did not join as a result, the waiting list was utilised up to Sr. No.77. The number of persons who did not join may be mentioned.</p>

*AM*

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><del>RE:</del> 15/2/16</p> <p><del>FORAM:</del>  Hon'ble Shri. RAJIV AGARWAL  (Vice - Chairman)  Hon'ble Shri R. B. MALIK (Member) J</p> <p><del>APPEARANCE:</del>  Shri/Smt. <u>A.V. Bhandiwadkar</u>  Advocate for the Applicant  Shri/Smt. <u>N.G. Gohad</u>  C.P.O. for the Respondents</p> <p><del>Adj. to</del> S.O. to 29/2/16.  Hamdast. </p>	<p>e) Why the process was stopped at the stage it was stopped may be clarified.</p> <p>f) The date till when the waiting list was valid as per the orders of the Govt. may be mentioned and if during that period there were vacancies why the orders were not issued by operating the waiting list beyond Sr. No.77 may be clarified.</p> <p>3. Ld. PO undertakes to file affidavit covering these issues within two weeks. The relevant record may also be kept ready for perusal of this Tribunal. S.O. to 29.2.2016. Hamdast.</p> <p> 15.2.16  (R.B. Malik)  Member (J)  15.2.2016</p> <p>  (Rajiv Agarwal)  Vice-Chairman  15.2.2016</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 165 OF 2016**

**DISTRICT : THANE**

Smt Ranjana Shamrao Patil, )...**Applicant**

**Versus**

The State of Maharashtra & ors)...**Respondents**

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

Ms Neelima Gohad, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**DATE : 15.02.2016**

**ORDER**

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

2. This Original Application has been filed against the letter written by Respondent no. 1 to the Accountant General, Maharashtra State, on 28.4.2015, informing him that a total of Rs. 6,65,404/- is to be recovered from the pensionary dues of the Applicant. The P.P.O was issued to the Applicant on 29.6.2015 and she was getting monthly pension of around Rs. 13,000/- p.m. Now learned Advocate Shri Bandiwadekar stated that the amount which




is being deposited in her Bank Account, is around Rs. 2500/- p.m on account of monthly pension. The rest is being deducted. Learned Advocate Shri Bandiwadekar stated that before ordering recovery from the pension of the Applicant no notice was given to her. It is not clear as to how this amount of Rs. 6,65,404/- has been calculated which was allegedly paid in excess to her entitlement. Learned Advocate Shri Bandiwadekar stated that in any case the Applicant retired on superannuation on 31.5.2013 and as per various judgments of the Hon. Supreme Court no recovery could be made from a person who has already retired. He, therefore, prayed that interim relief in terms of Para 10(a) may be granted.

3. Learned Presenting Officer stated that she has not received any instructions in the matter and interim relief may not be granted at this stage, without hearing Respondent no.1.

4. From the fact stated above, it is quite clear that the recovery from the pension of the Applicant has been ordered without giving notice to her thus violating the principles of natural justice. It is also, prima facie, in violation of the law laid down by the Hon. Supreme Court that no recovery of excess payment can be made from a retired Government employee. There is adequate ground to grant interim relief. Accordingly, interim relief in terms of para 10(a) is granted. It should be ensured that the Applicant is paid her full pension every month without any deductions. Interim relief granted will be subject to the outcome of this Original Application.

5. Issue notice before admission made returnable on 14.3.2016.




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

7. 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.

8. 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.

9. 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.

10. S.O to 14.3.2016. Learned Presenting Officer waives service of notice. Hamdast.

  
(Rajiv Agarwal)  
Vice-Chairman

**Place : Mumbai**  
**Date : 15.02.2016**  
**Dictation taken by : A.K. Nair.**

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

Tribunal's orders

MA No.4/16 in OA No.1017/15

Heard Shri S.D. Dhongde, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. The applicants of this MA seek to join the applicants already on record as party applicants claiming the exact identity of the fact and subject matter and also relief. The Ld. PO while opposing the MA submits that these applicants will have to file fresh OA because in the pending OA notice has already been issued.

3. As to the above submissions of the Ld. PO we do find that the only possible ground on which such an application could have been challenged was the prejudice on the anvil of the law of limitation which in this case does not appear to be there and if that be so and if a separate OA can lie it is not possible for to comprehend as to why in view of the identity of the facts and subject matter they cannot be allowed to join the other applicants. The respondents in any case will have an opportunity to contest the OA post impleadment at every stage including pleadings and arguments. Therefore, the applicants of this MA are allowed to be impleaded as party applicants No.39 onwards by suitable amendment to be effected within three weeks. A consolidated copy of the OA be filed and a copy be served to the Ld. PO. and the respondents. No order as to costs.

4. OA adjourned to 28.3.2016.

*(Handwritten signature)*  
(R.B. Malik)  
Member (J)  
15.2.2016

*(Handwritten signature)*  
(Rajiv Agarwal)  
Vice-Chairman  
15.2.2016

(sgj)

DATE: 15/2/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. S. D. Dhongde  
Advocate for the Applicant

Shri/Smt. N. G. Gohad  
C.P.O./P.O. for the Respondents

Adj. M.A. is Allowed.  
O.A. Adj. to 28/3/16.  
*(Handwritten signature)*