IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.423 OF 2016

Shri Dipak J. Patil ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Shri D.B. Khaire – Advocate for the Applicant

Shri A.S. Wable – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi (Chairman)

DATE : 15th June, 2016

ORDER

1. Heard Shri D.B. Khaire, the learned Advocate for the Applicant and Shri A.S. Wable, the learned Presenting Officer for the Respondents.

2. Ld. PO states that he has received instructions from the Respondent No.1 to pray for 30 days time for submission of parawise remarks.

3. Ld. PO was asked to produce instructions/letter received by him, which he has produced. Said letter is dated 13.6.2016 and it contains the following sentence:

> "सध्या सोलापूर जिल्हयामध्ये येणारे वारी बंदोबस्त व रमजानईद बंदोबस्त या मध्ये आम्ही व्यस्त असल्याने सदरचे मूळ अर्जावर परिच्छेद निहाय अहवाल (Parawise Comments) सादर करणे बाबत कृपया ३० दिवसांची मुदतवाढ मिळणेस विनंती आहे."

4. The Learned Advocate for the Applicant states as follows:

(a) The applicant had punctually served notice of OA on the respondents as ordered by this Tribunal on 11.5.2016.

(b) As of today the respondent no.1 had at his disposal almost one month's time to prepare for para wise remarks as well as to take steps for filing affidavit in reply.

(c) The letter produced by the Ld. PO does not disclose that during two weeks of May and first week of June, 2016 the respondent no.1 was not having time to attend to the work of preparation of replying to the OA.

(d) All that the Respondent No.1 was required is to justify his acts based on reasons due to which he took a different view. All that the Respondent No.1 had to do is to explain or justify his action in few line or few paras. Apparently, there is no justification for inaction or delay on the part of the Respondent no.1.

(e) It appears that the Respondent no.1 has got upset and got enraged because the Special Inspector General of Police, Kolhapur has set aside the suspension order passed by respondent no.1 as well made categorical observations in order dated 27.4.2016, in para 3 to the effect that applicant was diligent and that the applicant had taken adequate and proper measure to prevent the disaster and as a product of said disappointment impugned order is passed and reply to OA is being delayed.

(f) The casual manner in which the respondent no.1 has sought time for filing reply depicts that respondent no.1 wants to deliberately delay further hearing in this case.

(g) The cause put forward by the respondent no.1, while asking for time, shows that, he claims that now he is genuinely busy in the important work of bandobast. The statement of Respondent No.1 to the effect that he is busy/engrossed is not factually correct. Though the Wari Bandobast planning may be in progress however actual bandobast has to begin one or two days before 9.7.2016 i.e. the day on which Wari procession has to enter Solapur District The cause put forward is pretext than genuine reason.

(h) Even legal issues involved in this case are very simple rather those are not at all complex or complicated.

5. Learned Advocate for the Applicant prays that since the respondent no.1 has adopted delaying tactics, and since the respondent no.1 wants to follow the course of delaying, the case may be heard for grant of interim relief.

6. At this stage the Ld. PO was called to state as to whether the reply can be filed punctually. Ld. PO has expressed inability to make any commitment in absence of specific instructions.

7. In the background that has revealed, the approach of respondent no.1 is prima facie unwelcome, rather stubborn. The Respondent No.1 has not shown as to exact business in which he was engrossed after receipt of notice of final disposal of present OA, and the reasons due to which he has waited till the date of hearing approach the Ld. PO, and did

it on the date fixed for appearance/hearing. Respondent No.1 has requested for 30 days extension without furnishing details as to his day to day preoccupation. Even time is asked for furnishing para wise remarks, suggesting that he expects further time to be granted for filing affidavit in reply.

8. In the premises that the approach of the Respondent No.1 seems to be of involvement in delaying tactics, the case requires to be heard on the point of prayer for interim relief.

9. Heard. The learned advocate for the applicant has argued in support of prayer for interim relief on following points:

(a) The respondent no.1 had ordered applicant's suspension by order dated 31.3.2016.

(b) The applicant was aggrieved due to action of Respondent No.1 and he represented the matter before the Special Inspector General of Police, Kolhapur.

(c) The Special IGP, Kolhapur has passed order on 27.4.2016 and directed revocation of suspension. While revoking the order of suspension Special IGP, Kolhapur has specifically recorded a finding that applicant was not responsible for the alleged act of negligence etc, rather the applicant was diligent and he had taken requisite measures.

(d) Special Inspector General of Police, Kolhapur gave specific directions in the last sentence of para which reads as follows:

"पाटील सध्या निलंबीत नेमणुक सोलापुर ग्रामीण जिल्हा, यांना सदरचा आदेश प्राप्त झाले दिनांकापासून निलंबनातुन मुक्त करुन सेवेत पुन:स्थपीत करण्यात येत असून त्यांनी नेमणूक करकंब पोलीस स्टेशन येथे करण्यात येत आहे."

(e) On the face of specific order passed by Special Inspector General of Police, Kolhapur, respondent no.1 has ordered that applicant be posted in the Police Headquarter of Superintendent of Police, Solapur (Rural), instead of posting him to original posting at Karkamb.

(f) Posting of the applicant in headquarter is illegal, because it amounts to transfer contrary to Section 22N of the Maharashtra Police Act as well as in gross violation of mandatory directions given by Special IGP, Kolhapur on 27.4.2016.

10. The Ld. PO has defended the impugned order urging as follows:

(a) The impugned order cannot be regarded as a transfer order.

(b) Internal arrangement is a matter of privilege of unit head.

(c) Time may be granted for filing detailed affidavit in reply.

11. The crucial questions which arise in this case are:

(a) Whether in the background of expression and observation contained in para 3 of the letter dated 21.4.2016 Annexure 'B' made by the Special Inspector General of Police, Kolhapur, the respondent no.1 could exercise the privilege of posting the applicant in Police Head Quarter?

(b) Does such order of posting amounts to transferring him in violation of Section 22N of the Maharashtra Police Act?

12. It would be just to wait for reply and record findings lateron. Had the reply come, even at this stage the OA itself could have been heard and decided.

13. The attempt of the respondent no.1 appears to be of whiling away of the time, in view that he has asked for time of one month without offering explanation as to what prevented him from acting during span of full one month preceding. If at all respondent no.1 was busy in any other work he could have informed the Ld. PO as to exact reasons thereto, giving day to day explanation and the manner in which time was lost. The reason of Ramzan Id and Wari Bandobast as assigned, prima facie shows attitude of total apathy towards the proceedings and hidden disrespect to the Court and Tribunal. These Bandobast arrangements are in fact perennial and based on set practices.

14. Therefore, the applicant has prima facie demonstrated as follows:

(a) The respondent no.1 has partly followed the order passed by Special IGP in so far as revocation of suspension is concerned however has disregarded the order of superior in so far as giving a posting at Karkamb is concerned.

(b) The respondent no.1 appears to possess a grudge against the applicant, lest he had no reason to act highhandedly and give a posting contrary to the directions of superior.

(c) Impugned order does not disclose grounds leading to deviation from orders of superior.

(d) In view of the fact that applicant was posted at Karkamb before suspension he is deemed to be working at Karkamb particularly in view of the order of Special IGP and giving him posting in headquarter amounts to transfer within the scope of said terms as defined in Section 2(14) of the Maharashtra Police Act.

(e) The manner in which respondent no.1 has acted, is prima facie a circuitous way.

15. In this background applicant has made out a case for grant of interim relief and, therefore, the applicant has made out a case for grant of mandatory ad-interim order for restoration of his position at Karkamb Police Station with immediate effect. Therefore, this Tribunal directs that Applicant's Transfer and posting at Police Head Quarter is stayed, and he be restored the position at Karkamb Police Station.

16. In fact when notice of final disposal was served and a fixed date was given, the act of respondent in praying for 30 days time for furnishing para wise remarks with slip shod reasons is an act which is highly unbecoming of a class one officer and particularly a head of district of disciplined force.

Therefore, the respondent no.1 is directed to show cause as to what preoccupation he had which prevented him from preparing parawise remarks, himself or getting it done through any of his subordinates.

17. If no proper explanation comes forward, the conduct of respondent no.I would attract serious strictures, apart from appropriate orders as to costs etc which could be passed at the time of hearing.

18. Ld. PO states that though act of respondent no.1 in asking for time and not taking action is considered by this Tribunal as gross impropriety, since now 'Wari' is in the offing and it is due to enter Solapur District on 9.7.2016, and the bandobast has to be continued till 20.7.2016, longer time for filing affidavit may be granted particularly when interim relief is granted.

19. Filing of para wise reply to the OA can be dispensed with and the respondent may not have to file it if he chooses to modify the impugned order and post the applicant at Karkamb.

20. Filing of affidavit in answer to points mentioned in para 16 and 17 however has to be done.

21. In view that interim relief is granted, let the case come up for hearing on 1.8.2016, however, respondent no.I may avail liberty to file affidavit, before due date.

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

(A.H. Joshi, J.)
Chairman
15.6.2016

Dictation taken by: S.G. Jawalkar.
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(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

15.06.2016

O.A No 975/2015

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

Heard Ms S.P Manchekar, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Learned Presenting Officer states that affidavit in reply has been filed on behalf of Respondent no. 2 and Respondent no. 1 is adopting the same.

Learned Advocate Ms Manchekar seeks two weeks time to file affidavit in rejoinder.

S.O to 7.7.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 15/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ Ms. S.P. Manchekar
Advocate for the Applicant
~~Shri/Smt.~~ Ms. N.G. Gohad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 7/7/16.

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

15.06.2016

O.A No 261/2015

Shri S.R Panke ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri M.V Thorat, learned advocate for the Applicant and Ms Neelima Gohad, holding for Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

The Original Application is appointed for final orders today. However, having gone through the record and proceedings, we thought it fit in the interest of justice to ascertain from Shri Thorat that he would like to go along with prayer clause such as they are.

Having gone through the same Shri Thorat now prays for permission to amend the prayer clause.

The application is strongly opposed by the learned Presenting Officer on the ground that for practical purposes they will be divested of an accrued right.

Having considered the rival submissions, we are of the opinion that as of now we must examine as to what the amendment would be like, because in the ultimate analysis the interest of justice should not suffer. For the time being this O.A is withdrawn from the column of pronouncement of order and it may be shown in the column of Part Heard matter.

S.O to 22.6.2016.

DATE: 15/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
~~Shri/Smt~~ M.V. Thorat
Advocate for the Applicant, N.G. Gohad holding for K.S. Gaikwad
~~Shri/Smt~~ for the Respondents
~~C.P.O/P.O~~ None for R. No. 2.
~~Adj. To~~ S.O. to 22/6/16.
PH

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

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

15.06.2016

O.A No 654/2015

Shri D.J Dhore ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri B.A Bandiwadekar, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

Shri Mangesh Pote, A.C.P is present. There has been animated discussion with regard to a particular recital in the affidavit in reply which on the face of it seeks to convey as if the provisions of Disabilities Act are not applicable to the Police Establishments.

Mrs Kranti S. Gaikwad, who apparently has now taken over this matter submits that short adjournment be give so that she would take necessary steps to undo "damage".

The arguments of Mr B.A Bandiwadekar were already fully heard. The Original Application is now adjourned finally for submission of the Learned Presenting Officer making it clear that if she files any other affidavit, we may have to consider taking it on record subject to the condition that rights if any accruing to the Applicant would not be taken away and regardless of whether affidavit is filed or not, she must complete her arguments on the next date.

A.C.P Shri Pote is now discharged from this matter.

S.O to 22.6.2016.

DATE: 15/6/16

CORAM:

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

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

APPEARANCE:

~~Shri/Smt.~~ B.A. Bandiwadekar

Advocate for the Applicant

~~Shri/Smt.~~ K.S. Gaikwad

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

~~Adj. To~~ S.O. to 22/6/16

PH

Sd/- Sd/-

(R.B. Malik) Member (J)

(Rajiv Agarwal) Vice-Chairman

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 15.06.2016.

O.A.No.713 of 2015 with O.A.No.714 of 2015

Shri K.P. Aghav ...Applicant

Vs.

The S.P. Police, Pune (Rural) & Ors. ...Respondents

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

2. Learned P.O. for the Respondents states that the minutes of Police Establishment Board are brought for perusal and time may be granted for furnishing report required to be furnished in response to paragraph no. 5 of order passed on 9.6.2016.

3. Time as prayed for is granted.

4. S.O. to 30.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 15/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : K.S. Gaikwad
C.P.O / P.O. for the Respondent/s

Adj. To 30/6/16.

BBL

PTO.

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

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

15.06.2016

O.A No 1072/2014

Shri R.S Hingmire ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Shri R.G Panchal, learned advocate for the Applicant was present. Now Mr Sherkhane, learned advocate for the Applicant holds for him. Heard Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

We have perused our order of 10.12.2015 thereby we directed the then Collector, Solapur Shri Tukaram Munde to personally remain present taking serious note of certain facts therein. It appears from the record that the Registrar of this Tribunal had communicated this order to him on 15.12.2015. Learned C.P.O requests that a short adjournment be given so as to enable him to ascertain the position.

On his request adjourned to 20.6.2016.

DATE: 15/6/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. R.G. Panchal and Mr. Sherkhane for R.G. Panchal.
Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit
C.P.O for the Respondents

Adj To 20/6/16.

PM

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

15.06.2016

M.A 218/2015 with M.A 278/2015 in O.A 260/2015

Shri S.R Nalawade ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri ~~Nalawade~~ Yadav, learned advocate for the Intervenor-applicant in M.A 218/2015, Shri V.P Potbhare, learned advocate for the applicant in M.A 278/2015 and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Learned Advocate Shri ~~Nalawade~~ Yadav states that he will file affidavit in rejoinder within a period of one week, while learned Advocate Shri Potbhare has already filed affidavit in rejoinder in M.A 278/2015.

Both the M.As will be heard on the next date.

Learned Advocate Madha Kulkarni holding for Shri Thorat, learned advocate for the Applicant seeks time. Granted as last chance.

S.O to 29.6.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman [R.T.O.

DATE: 15/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/~~Smt.~~: Yadav and V.P.Potbhare Adv. for Intervenor and Madha Kulkarni for Mr Thorat (on 260/15)
Advocate for the Applicant
Shri/~~Smt.~~ ...Ms. N. A. Gohad
~~C.P.O.~~ P.O. for the Respondents

~~Adj. To:~~ S.O. to 29/6/16

(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
DATE: 15/6/16 CORAM: ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ ~~Hon'ble Shri M. Ramachandran (Member)~~ R.B. Malik APPEARANCE: Shri/Smt. : None for the Applicant Advocate for the Applicant Shri D.B. Khaire, Spl Counsel with A.J. Chougule for the Respdts Adv. for ... 29/6/16. Last chance for Affdt S	O.A. No.1059 of 2015 Dr. S.B. Deshmukh ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Applicant and advocate absent. Heard Shri D.B. Khaire, learned Special Counsel with Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Last chance for affidavit in reply. 3. S.O. to 29.6.2016. 15.6.16 (R.B. Malik) Member (J) 15.6.2016 (sgj)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 15.06.2016.

O.A.No.555 of 2016

Shri R.S. Devare ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time for filing reply till 21.06.2016.

3. S.O. to 21.06.2016.

(A.H. Joshi, J.)
Chairman

sba

DATE : 15/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh kumar (Member) A
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 21/6/16.

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 15.06.2016.

O.A.No.884 of 2015

Shri V.H. Jagdale & Ors. **...Applicants**

Vs.

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 Advocate for the Applicant Shri K.R. Jagdale prays for four weeks time for studying and addressing.

3. S.O. to 4.08.2016.

(A.H. Joshi, J)
Chairman

sba

DATE : 15/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh Kumar (Member) A
APPEARANCE :
Shri/Smt. K.R. Jagdale
Advocate for the Applicant
Shri/Smt. K.S. Gaikwad
C.P.O. / P.O. for the Respondent/s

Adj. To 4/8/16.

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 15.06.2016.

M.A.No.229 of 2016 in O.A.No.556 of 2016

Shri D.A. Jethe & Ors. ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.S. Wable, the learned Presenting Officer for the Respondents.

2. By this MA, the Applicants are seeking leave to sue jointly.

3. For the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. M.A. disposed of accordingly.

(A.H. Joshi, J.)
Chairman

sba

DATE 15/6/16
(Chairman)
(Member) A
A.V. Bandiwadekar
A.S. Wable
Adj. To MA disposed of accordingly.

[P.T.O.

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

Date : 15.06.2016.

O.A.No.556 of 2016

Shri D.A. Jethe & Ors. **...Applicant**

Vs.

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.S. Wable, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 30.6.2016.

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. For the present it shall suffice if the affidavit-in-reply filed on limited point that as to whether the State has decided to accept and act upon the judgment of this Tribunal as confirmed by Hon'ble High Court in W.P.No.9051 of 2013.

8. If the decision is to be accepted and implemented, what steps are required and schedule thereof be furnished.

9. Affidavit on limited points be field on or before 30.06.2016.

10. S.O. to 30.06.2016.

(A.H. Joshi, J)
Chairman

DATE : 15/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramachandar (Member) A
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : A.S. Wable
C.P.O / P.O. for the Respondent/s

Adj. To 30/6/16

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

Date : 15.06.2016.

O.A.No.431 of 2016

Dr. A.D. Jadhav .... Applicant.

Versus

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

1. Heard Shri S.V. Natu, the learned Advocate for the Applicant, Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents No.1 and 2 and Shri K.G. Salukhe, learned Advocate for Respondent No.4. None appear for Respondent No.5 and 6.

2. Respondent No.3 is not present. One Shri V.R. Thakur, Under Secretary is present on his behalf. It is however made clear that such appearance is not either proper or even known and therefore, Respondent No.3 must make sure that he is properly represented or he remains present personally.

3. Shri S.A. Ghorpade, Respondent No.5 and Shri B.B. Mastoli, Respondent No.6 are neither present nor represented.

4. Affidavit-in-reply of Respondent No.1 is taken on record.

5. Adjourned for affidavits of other Respondents to 30.06.2016.

(R.B. Malik) 15.06.16
Member(J)

prk

DATE : 15/6/16
CORAM :
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri ~~M. Ramesh kumar~~ (Member) R.B. Malik
APPEARANCE :
Shri/Smt. : S.V. Natu
Advocate for the Applicant
Shri /Smt. : N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s
Shri K.G. Salukhe for R.4.
Adj. To 30/6/16
None for respondent nos. 5 and 6.

(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

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

DATE: 15/6/16

CORAM:

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

Hon'ble [illegible] (Member) ✓

APPEARANCE: R.B. Malik

Shri/Smt. K.R. Jagdale

Advocate for the Applicant.

Shri /Smt. A.J. Chougule

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

Adj. To.....Admit.....

Rejoinder filed by Applicant.

O.A. No.1090 of 2015

Miss P.G. Sable ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Shri Jagdale, Ld. Advocate for the applicant files rejoinder. It is taken on record. Admit. Liberty to mention. If any sur-rejoinder is to be filed it must be filed on and not after the next date.

15.6.16

(R.B. Malik)
Member (J)
15.6.2016

(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

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

DATE: 15-6-16

CORAM:

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

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

APPEARANCE:

Shri/Smt. Sandip Patil for Mr. S. Krishnan Advocate for Applicant

Shri A.J. Chougule C.P.O. for Respondent/s

Adj. To Admit

O.A. No.660 of 2014

Shri S.A. Atayalkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Sandip Patil, learned Advocate holding for Shri S.K. Krishnan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Affidavit in reply of respondent no.4 has been filed. Other respondents have not filed their affidavit in reply. Ld. PO seeks further adjournment for their reply. Sufficient opportunity has been given and, therefore, this OA proceeds without affidavit in reply of respondents no.1 to 3. Admit. Liberty to mention.

(R.B. Malik)
Member (J)
15.6.2016

(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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Corom, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 15/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramesh Kumar (Member) A APPEARANCE : Applicant : Appl. present in person Advocate for the Applicant Shri/Smt. : K.B. Bhise C.P.O / P.O. for the Respondent/s Adj. To 28/6/16.	CA No.101 of 2014 in OA No.476 of 2012 Shri V.V. Rane ..Applicant Vs. Shri Sanjay Kumar, Principal Sec. ..Respondent Heard Applicant in person and Shri K.B. Bhise, learned Presenting Officer for the Respondents. 2. Ld. PO prays for adjournment on the ground that officer concerned wants to prepare and ~~[illegible]~~ to address the Court. 3. S.O. to 28.6.2016. (A.H. Joshi, J.) Chairman 15.6.2016 (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

I N

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

CA No.136 of 2014 in OA No.275 of 2010

Dr. B.B. Birajdar & Ors. ..Applicants

Vs.

Smt. Sujata Sounik, Principal Sec. ..Respondent

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

2. Ld. PO states that the order passed by this Tribunal is complied with and the decision is taken by the Govt. on 23.11.2015. A copy of the said decision will be placed on record and prays for one weeks time. Time granted.

3. S.O. to 28.6.2016.

(A.H. Joshi, J.)
Chairman
15.6.2016

(sgj)

DATE: 15/6/16

CORAM:

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

~~Hon'ble Shri M. Ramesh kumar (Member) A~~

APPEARANCE:

Shri/Smt.: Punam Mahajan

Advocate for the Applicant

Shri/Smt.: K.B. Bhise

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

Adj. To 28/6/16

(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

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
DATE : 15/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramachikumar (Member) A ADVOCATE : Shri/Smt. Hone for the appl. Advocate for the Applicant Shri/Smt. A. J. Chougule C.P.O / P.O. for the Respondent/s Adj. To 10/8/16. DE	O.As. No.219 and 220 of 2015 Ms. Savita S. Mhetre (OA.219/15) Shri B.R. Battise (OA.220/15) ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents None for the Applicant. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. S.O. to 10.8.2016. (A.H. Joshi, J.) Chairman 15.6.2016 (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

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

O.A. No.304 of 2016

Shri P.N. Dalal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Sandeep Dere, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Ld. PO states that affidavit in reply will be filed during the course of the day.

3. S.O. to 11.8.2016.

(A.H. Joshi, J.)
Chairman
15.6.2016

(sgj)

DATE: 15/6/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. S.S. Dere

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adj. To 11/8/16.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.667 of 2014

Shri A.A. Misal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. In this case leave to amend was granted time to carry out the same was extended from time to time. The record shows that amendment have been carried out on 13.8.2015. The office has not made any endorsement on farad as regards the fact that the amendment was carried out.

3. The Registry is directed to enquire as to who is the officer responsible for making endorsement and the reasons due to which endorsement is not made, as regards the fact that the amendment was carried out.

4. Appropriate circular be issued to avoid recurrence of such lapse and training may be conducted to avoid such situation.

5. Admit.

6. OA shall come up for hearing in due course.

(A.H. Joshi, J)
Chairman
15.6.2016

(sgj)

DATE : 15/6/16

CORAM :

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

~~Hon'ble Shri M. Ramesh kumar (Member) A~~

APPEARANCE :

Shri/Smt. : None for the appl.

Advocate for the Applicant

Shri /Smt. : K.B. Bhise

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

Adj. To Admit. OA shall come up for hearing in due course

DATE :

(Chairman)

(Member) A

Respondent/s

Adj. To

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.As. No.984 & 1021 of 2015

Shri S.A. Sarwade (OA.984/15)
Shri G.B. Shinde (OA.1021/15)..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Ld. PO states that a draft affidavit in reply of the Secretary, Home Department is received. However, he would like to verify the contents and prays for one week's time for filing it.

3. Ld. PO further states that he would also ascertain as to whether Superintendent of Police, Pune Rural would reconsider applicants' case in view of the circular issued by Home Department on 25.5.2016, regarding procedure to be followed while dealing with cases of candidates against whom criminal case is/was filed or is pending.

4. Time is granted for compliance on both points.

5. S.O. to 11.7.2016.

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

(A.H. Joshi, J.)
Chairman
15.6.2016

(sgj)

DATE: 15/6/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A
APPEARANCE:
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 11/7/16 steno copy & Hamdast allowed

(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

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
DATE : 15/6/16 Coram : Hon'ble Shri A. H. Joshi (Chairman) Hon'ble ~~Shri ...~~ (Member)A ADJOURNED : Shri/Smt. : None for the appl. Advocate for the Applicant Shri/Smt. : A. J. Chougule C.P.O / P.O. for the Respondent/s Adj. To 16/6/16 as a last chance	MAs No.588/15 & 589/15 in OA No.435/14 Shri S.Y. Gawade & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondent None for the Applicants. Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Shri A.V. Bandiwadekar, Ld. Advocate states that he will inform Shri A.R. Pitale, Ld. Advocate for the Applicants that present case is not attended by him during last 5 dates. 3. S.O. to 16.6.2016 as a last chance. Sd/- (A.H. Joshi, J.) Chairman 15.6.2016 (sgj)

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

Date : 15.06.2016.

O.A.No.559 of 2016

Shri C.G. Gaikwad ...Applicant

Vs.

The S.P. Police, Pune (Rural). ...Respondents

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

2. Learned Advocate for the Applicant states that Applicant would request for personal interview with the Superintendent of Police, Pune [Rural) to explain his difficulties and express hope that S.P., Pune [Rural] will give him peaceful audience to understand his problem.

3. Learned C.P.O. for the Respondents would communicate S.P., Pune [Rural] to grant to the Applicant audience.

4. Learned Advocate for the Applicant prays for adjournment for reporting the outcome.

5. Steno copy and Hamdast is allowed to both sides.

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

7. S.O. to 27.06.2016.

[redacted]

(A.H. Joshi, J.)
Chairman

sba

DATE : 15/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Manoj Kumar (Member) A
APPEARANCE :
Shri/Smt. A.V. Bandiwadekar
Advocate for the Applicant.
Shri/Smt. N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s

Adj. To 27/6/16.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 540 OF 2016

DISTRICT :Kolhapur

Shri S.D. Patil ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

Shri C.G. Patil, the learned Advocate for the Applicant.

Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

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

DATE : 15.06.2016

ORDER

1. Heard Shri C.G. Patil, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Copy of the O.A. is still not served to the Respondents.

3. Learned P.O. for the Respondents states that:-

   (a) S.P. Kolhapur, Shri Pradip Deshpande is on tour because he is required to visit Dhule on account of official work and Additional S.P. Gadchiroli is holding the charge.

   (b) Applicant is not relieved from his present post.

   (c) For reconsideration of the matter as regards the legality and probability of the impugned order, the matter will have to be placed before Police Establishment Board and for this purpose 15 days time is required.

4. Learned Advocate for the Applicant states that since the leave to substitute the O.A. is granted yesterday, amended copy of O.A. is not delivered to the Respondent No.2 however the O.A. as was originally filed was served on 10.06.2016.

5. In the background that prima-facie the impugned order is passed in violation of Section 22N (1) (b) of Maharashtra Police Act, and in the background that Applicant is still not relieved from Panhala, interim relief in terms of prayer clause 15(b) is granted.

6. Time is granted to the Respondents for filing reply if it is necessary.

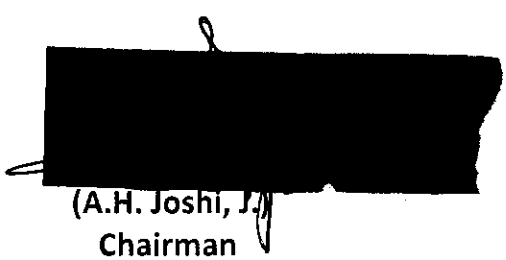
7. Correction in farad order in present O.A., passed on 14.06.2016, in para 4 be made as follows:-

Word "25 (1) (b)" be corrected as "Section 22N (1) (b)".

8. Steno copy and Hamdast is allowed.

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

10. S.O. to 1.08.2016.



(A.H. Joshi, J.)
Chairman

sba