IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 541 OF 2016

DISTRICT : NASIK

Shri L.B Mundada)...**Applicant**

Versus

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

Shri D.B Khaire, learned advocate for the Applicant.

Shri K.B. Bhise, holding for Ms Neelima Gohad, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 15.11.2016

O R D E R

1. Heard Shri D.B Khaire, learned advocate for the Applicant and Shri K.B. Bhise, holding for Ms Neelima Gohad, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has placed on record copy of the order dated 30.10.2016 posting the Applicant as Deputy General Manager, Maharashtra State Agriculture Marketing Board, Amravati.

3. Learned Advocate Shri Khaire stated that this order is based on incorrect premise that the Applicant has requested that

he be posted to Amravati. In fact, the Applicant has challenged his transfer order to Gadchiroli on the basis of G.R dated 6.8.2002, which lays down that an officer who has reached 50 years of age should not be posted in naxal affected areas. Challenging the order on the basis of G.R cannot be said to be a request for posting the Applicant to Amravati. Learned Advocate Shri Khaire prayed that condition in the order that the Applicant will not be entitled to get joining time and transfer allowance may be struck down.

4. Learned Advocate Shri Khaire further stated that the Applicant has not been paid salary from June till today. He is facing great hardships and it will be difficult for him to join at Amravati unless his salary is paid.

5. On instructions from Shri Nitin Gaikwad, Under Secretary, learned P.O stated that he is not able to say anything regarding salary not being paid to the Applicant and about other issues he has no instructions. Learned P.O however stated that this order dated 30.10.2016 has to be treated as request transfer.

6. I am unable to accept the contention of the learned Presenting Officer. The Applicant has never asked for posting to Amravati Division. In fact, he was seeking posting in Mumbai Division and has challenged his transfer to Gadchiroli on the basis of Government's own G.R. Obviously, in such circumstances, the order dated 13.10.2016 cannot be termed as issued on the request of the Applicant. Para 3 of the aforesaid order is, therefore, quashed and set aside.

7. The Applicant will be entitled to joining time and Transfer T.A etc. as per rules. The Respondents are directed to ensure that all the salary and allowances of the Applicant from

June till he hands over charge of the present post is paid to him within one month. In view of the difficulties faces by him, he should be paid advance transfer T.A admissible as per rules.

8. Interim relief stands vacated. S.O to 15.12.2016.

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 15.11.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Nov 2016\O.A 541.16 Transfer order challenged SB. Int order 15.11.16.doc

(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 : 15/11/16

CORAM : Shri R.B. Malik (M(J))
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A

APPEARANCE :
Shri/Smt. D.B. Khaire
Advocate for the Applicant
Shri/Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To.... Admit.

O.A.417/2016

Dr. Pradipkumar S. Awate .... Applicant
Vs.
State of Maharashtra & Ors... Respondents

Heard Shri D.B. Khaire, the learned Advocate for the Applicant and Ms N.g. Gohad, the learned Presenting Officer for the Respondents.

Admit. Liberty to mention granted.

Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(vsm)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MISC. APPLICATION NO.268 OF 2016
IN
ORIGINAL APPLICATION NO.417 OF 2016

DISTRICT : PUNE

Dr. Rameshwar M. Kumbhar.)
Address of Service of Notice :)
Shri A.V. Bandiwadekar, Advocate,)
Having Office at 9, "Ram-Krishna",)
Lt. Dilip Gupte Marg, Mahim,)
Mumbai 400 016.)...**Applicant (Intervenor)**

Versus

1. Dr. Pradipkumar S. Awate & Ors.)...**Respondents**

Shri A.V. Sakolkar, Advocate for Applicant.

Ms. N.G. Gohad, Presenting Officer for Respondents 2 to 4.

Shri D.B. Khaire, Advocate for Respondent No.1.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 15.11.2016

ORDER

1. This is a third party impleadment application.

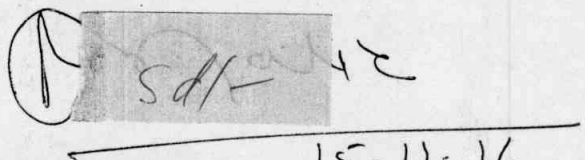
2. The Original Application is brought by the Respondent No.1 hereto and the relief sought therein is relating to the post of Deputy Director, Health Services, Public Health Department (the said post). By an interim order of 6.5.2016, I had directed the MPSC to let the Respondent No.1 being the original Applicant appear for the test for the said post. That was allowed and it appears that all except the one post under the OBC category has now been in fact filled up. The present Applicant of this MA was informed by MPSC by its communication of 11th July, 2016 that pending OA, one post for OBC category was kept vacant. There was no such direction given by me in the interim order, subject to the final decision of the pending OA even the further steps in respect of that post could have been taken. The nature of the interim order has already been made clear hereinabove.

3. Turning to the present IA in the above background, the Applicant whose case was canvassed by his learned Advocate Shri A.V. Sakolkar is that he is fully qualified for being appointed for the said post for which he

has given out the details. It needs to be noted that the Respondent being the original Applicant whose case was espoused by Shri D.B. Khaire Advocate and the present Applicant laid rival claim that they had made it to the list from OBC category. According to the Applicant, he has been stopped in the rails because of this OA, and therefore, he needs to be impleaded so that he would be able to demonstrate as to how the original Applicant being the Respondent No.1 herein is not at all qualified and eligible for being appointed and instead, it is he, who is qualified and eligible. The learned P.O. Ms. N.G. Gohad for the present Respondents 2, 3 & 4 also placed State Government's side while advancing her arguments at the Bar before me. Now, it is no doubt true that as a ***dominus litis***, the Applicant has got every right to choose the adversary or adversaries that he would like to meet with. As a general Rule and principle, the initiator of action cannot be compelled to meet with someone who he does not want to meet with. But this is not a general Rule of universal application and going by the general principles underlying the provisions of Order I, Rule 10 of the Code of Civil Procedure, the Court is empowered to implead a party who is found to be either a necessary party or a proper party to be impleaded.

4. Having thus delineated, the parameter to work within, I however, find that the present Applicant is neither a necessary nor a proper party hereto. The original Applicant has a cause of action or so he claims he has against the MPSC and State. The present Applicant claims to be better than the original Applicant. It is very clear that in the event, this application were to be allowed, the Original Application will become too vexed to be handled because after-all, it is difficult to comprehend as to how within the existing frame of the OA, the original Applicant can seek any relief or remedy against the Misc. Applicant. A roving enquiry into the relative merit of the two candidates is not within the domain of this Tribunal not at least within the ambit of the OA such as it is. It is quite clear that if the Misc. Applicant has any grievance against the MPSC and the State and also against the original Applicant, he is free to bring another affirmative action in the form of the Original Application. No doubt in certain circumstances, if a grievance could be ventilated by way of a fresh action, then the third party impleadment can also be favourably considered, but this again is not a Rule of universal application. The whole thing would depend upon the nature of the claim in the context of the peculiar facts of each matter. The above discussion would make it very clear that whatever other rights may be available to the

Misc. Applicant, he cannot be allowed to be impleaded to the OA brought by the 1st Respondent hereto. This Misc. Application is accordingly dismissed with no order as to costs.



(R.B. Malik)
Member-J
15.11.2016

Mumbai
Date : 15.11.2016
Dictation taken by :
S.K. Wamanse.
E:\SANJAY WAMANSE\JUDGMENTS\2016\11 November, 2016\M.A.268.16 in O.A.417.16.w.11.2016.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MISC. APPLICATION NO.268 OF 2016
IN
ORIGINAL APPLICATION NO.417 OF 2016

DISTRICT : PUNE

Dr. Rameshwar M. Kumbhar.)
Address of Service of Notice :)
Shri A.V. Bandiwadekar, Advocate,)
Having Office at 9, "Ram-Krishna",)
Lt. Dilip Gupte Marg, Mahim,)
Mumbai 400 016.)...**Applicant (Intervenor)**

Versus

1. Dr. Pradipkumar S. Awate & Ors.)...**Respondents**

Shri A.V. Sakolkar, Advocate for Applicant.

Ms. N.G. Gohad, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 15.11.2016

ORDER

1. This is a third party impleadment application.

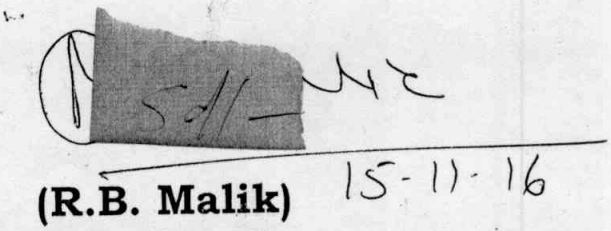
2. The Original Application is brought by the Respondent No.1 hereto and the relief sought therein is relating to the post of Deputy Director, Health Services, Public Health Department (the said post). By an interim order of 6.5.2016, I had directed the MPSC to let the Respondent No.1 being the original Applicant appear for the test for the said post. That was allowed and it appears that all except the one post under the OBC category has now been in fact filled up. The present Applicant of this MA was informed by MPSC by its communication of 11th July, 2016 that pending OA, one post for OBC category was kept vacant. There was no such direction given by me in the interim order, subject to the final decision of the pending OA even the further steps in respect of that post could have been taken. The nature of the interim order has already been made clear hereinabove.

3. Turning to the present IA in the above background, the Applicant whose case was canvassed by his learned Advocate Shri A.V. Sakolkar is that he is fully qualified for being appointed for the said post for which he

has given out the details. It needs to be noted that the Respondent being the original Applicant whose case was espoused by Shri D.B. Khaire Advocate and the present Applicant laid rival claim that they had made it to the list from OBC category. According to the Applicant, he has been stopped in the rails because of this OA, and therefore, he needs to be impleaded so that he would be able to demonstrate as to how the original Applicant being the Respondent No.1 herein is not at all qualified and eligible for being appointed and instead, it is he, who is qualified and eligible. The learned P.O. Ms. N.G. Gohad for the present Respondents 2, 3 & 4 also placed State Government's side while advancing her arguments at the Bar before me. Now, it is no doubt true that as a ***dominus litis***, the Applicant has got every right to choose the adversary or adversaries that he would like to meet with. As a general Rule and principle, the initiator of action cannot be compelled to meet with someone who he does not want to meet with. But this is not a general Rule of universal application and going by the general principles underlying the provisions of Order I, Rule 10 of the Code of Civil Procedure, the Court is empowered to implead a party who is found to be either a necessary party or a proper party to be impleaded.

4. Having thus delineated, the parameter to work within, I however, find that the present Applicant is neither a necessary nor a proper party hereto. The original Applicant has a cause of action or so he claims he has against the MPSC and State. The present Applicant claims to be better than the original Applicant. It is very clear that in the event, this application were to be allowed, the Original Application will become too vexed to be handled because after-all, it is difficult to comprehend as to how within the existing frame of the OA, the original Applicant can seek any relief or remedy against the Misc. Applicant. A roving enquiry into the relative merit of the two candidates is not within the domain of this Tribunal not at least within the ambit of the OA such as it is. It is quite clear that if the Misc. Applicant has any grievance against the MPSC and the State and also against the original Applicant, he is free to bring another affirmative action in the form of the Original Application. No doubt in certain circumstances, if a grievance could be ventilated by way of a fresh action, then the third party impleadment can also be favourably considered, but this again is not a Rule of universal application. The whole thing would depend upon the nature of the claim in the context of the peculiar facts of each matter. The above discussion would make it very clear that whatever other rights may be available to the

Misc. Applicant, he cannot be allowed to be impleaded to the OA brought by the 1st Respondent hereto. This Misc. Application is accordingly dismissed with no order as to costs.



15-11-16

(R.B. Malik)
Member-J
15.11.2016

Mumbai
Date : 15.11.2016
Dictation taken by :
S.K. Wamanse.
E:\SANJAY WAMANSE\JUDGMENTS\2016\11 November, 2016\M.A.268.16 in O.A.417.16.w.11.2016.doc

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

C.A.No.79/2016 in O.A. No.677/2012

Dr. V.R. Tidke,
R/o. Vrindawan Residency, Flat No.A/12,
Opp.Eskon Temple, Sector 29, PCNDTA,
Ravet, Pune -33. .....**Applicant**

V/s.

1. Smt. Sujata Saunik,
Principal Secretary, The State of Maharashtra,
Mantralaya, Mumbai 32.

2. Dr. Mohan Jadhav, The Director of Health Services,
M.S. Mumbai, O/at Arogya Bhavan, in the campus
Of Saint Georges Hospital, P.D.'Mello Road, Mumbai-1.

3. Dr.R.B. Mugade, The Deputy Director, Health Services, (M.S.)
Mumbai, Kolhapur Circle, Kolhapur, O/at. Kasba Bawda,
Kolhapur 3.

4. Shri Swadhin Kshatriya, The Chief Secretary, State of Maharashtra,
O/at, Mantralaya, Mumbai 400 032. .....**Respondents**

Appearance : A.V. Bandiwadekar, Advocate for the applicant
N.G. Gohad, Presenting Officer for the respondents

CORAM : RAJIV AGARWAL (VICE-CHAIRMAN)
R.B. MALIK (MEMBER-JUDICIAL)

DATE : 15.11.2016

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

We have perused the record and proceedings. As of now, the respondent who has to answer immediately is third respondent Shri R.B. Mugade, Deputy Director, Heath Services, (MS), Kolhapur Circle, Kolhapur. The bench presided over by one of us (Hon'ble Vice-Chairman) by its order dated 30.1.2015 directed the applicant to make a detailed representation with regard to the payment due to him to the third respondent. That compliance was made by the applicant.

As far as the third respondent is concerned, he was to make all admissible payments to the applicant after considering the representation within three months from that order. There were directions about the interest on delayed payment etc. but most pertinently the direction was that the representation should disposed of by a reasoned order within a period of three months and that simple direction has not been complied with so far. This C.A. was presented on 10.10.2016 and that was only after a few representations and an application for intended contempt action was served. It would, therefore, be very clear that much more than sufficient time has been granted to effectively comply with the order of this Tribunal above referred to.

We are, prima-facie satisfied that a case for initiating contempt action is constituted and show cause notice needs to be issued to the 3rd respondent directing him to show cause as to why appropriate contempt action be not initiated against him.

Issue show cause notice to respondent no.3. Hamdast.

S.O. to 6.12.2016.

Sd/-

(R.B. MALIK)
MEMBER (J)
15.11.2016

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN
15.11.2016

VSM

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

CONTEMPT APPLICATION NO.81 OF 2016
IN
ORIGINAL APPLICATION NO.534 OF 2016

1. Prashant R. Ingale) **...Applicants**

Versus

1. Shri I. S. Chahal & 2 others) **...Respondents**

Shri C.T. Chandratre, Advocate for Applicant.

Smt S. Suryawanshi, Presenting Officer for Respondents.

CORAM : RAJIV AGARWAL, VICE-CHAIRMAN
R.B. MALIK (MEMBER-JUDICIAL)

DATE : 15.11.2016

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Smt Suryawanshi, learned Presenting Officer for the Respondents.

The learned P.O. is being instructed by Shri D.V. Khatte, Asstt. Superintending Engineer, Command Area Development Authority, Nashik.

The learned P.O. presents a compilation which is taken on record consisting of a communication from Shri Rajesh More, Superintending Engineer, Administrator Command Area Development Authority, Nashik to the Registrar of this Tribunal, dated 12.11.2016. At the moment, we keep the issue of propriety and even legality of such a communication to the Registrar of this Tribunal open and it is possible that even that aspect of the matter will have to be closely examined. Another letter dated 30.9.2016, issued by Shri A.A. Joshi, Under Secretary, Maharashtra State in Water Resource Department headed by the first respondent Shri I.S. Chahal, it is addressed to the same authority namely Superintending Engineer etc. It makes really a shocking reading and we can do no better than reproduce (Marathi), the last three lines thereof

"त्यानुसार उपरोक्त निर्देशानुसार मा.न्यायाधिकरणाच्या न्यायनिर्णयाची अंमलबजावणची कार्यवाही प्रचलित शासन निर्णय/नियम आदी बाबींमुळे शक्य नसल्यास त्याबाबत मा.न्यायाधिकरणास अवगत करून मा.न्यायाधिकरणाकडून सुधारित आदेश प्राप्त करून घ्यावे."

In our opinion even if for no other reason at least for the above quotation a serious action is required to be taken and the whole thing is quite self evident requiring no further elaboration. There are other two communications, first dated 10.11.2016 to this Tribunal from Executive Engineer, Nashik Irrigation Division and another from the same authority to Superintending Engineer dated 11.11.2016. It is not possible for us to understand as to why the Executive Engineer above referred to should have taken steps to deposit the amount of Rs.10,000/- as the directions were given to the third respondent i.e. Superintending Engineer and Administrative Command Area Development Authority who should have done. The said third respondent will have to explain this and we make it clear that even if for the present amount of cost imposed have to be deposited still this is not a final order there about and necessary directions may have to be given in that regard.

Further, the learned P.O. places on record an order dated 24.10.2016 where under the applicant has been reinstated w.e.f. the date of termination of his service on earlier occasion.

Learned P.O. would request us to close this matter because of what she considers as full compliance with our order.

We are prima-facie satisfied that the case for initiation of contempt action is made out against the respondent no.3 and as far as other respondents are concerned as of today, we give no direction but the option to take action even against them if found necessary is kept open.

Issue show cause notice to respondent no.3, Superintending Engineer asking him to show cause as to why appropriate contempt action may not be initiated against him. Hamdast.

S.O. to 6.12.2016.

Sd/- 11.16

(R.B. MALIK)
MEMBER (J)
15.11.2016

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN
15.11.2016

VSM

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

O.A.1064/2016

Shri Eknath J. Barshinge ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

The matter is taken up for consideration of urgent relief. The O.A. is in the state of infancy as of now on the issue of granting relief, the learned advocate submit has alrady been concluded by the judgment of full bench and Division Bench of this Tribunal. If that be so, it appears quite possible that the OA itself can be disposed of early.

I shall grant short date for reply making it clear that the date appointed by me must be followed and next date for reply as well as for hearing depending upon the circumstances either for interim relief or final disposal. It is also made clear that as of today and from now onwards, OA is pending before this Tribunal and whatever steps are taken will be subject to the outcome of this OA.

With this, I direct issuance of notice returnable on 1.12.2016.

Issue notice returnable on 1 .12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Hamdast.

S.O. to 1st December, 2016.

Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(vsm)

DATE: 15/11/2016
CORAM: Shri R.B. Malik (Mb)
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.~~ : N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s

Adj To. 1/12/2016.

BPE

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

DATE : 15/11/16

CORAM : Shri R.B.Malik (M(J))

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

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

APPEARANCE :

Shri/~~Smt.~~ : D.H. Pawar

Advocate for the Applicant,

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

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

Adj. To 13/12/16.

O.A.955/2016

Smt Raisa R. Shaikh & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri D.H. Pawar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 13.12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 13th December, 2016.

15-11-16

Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(vsm)

(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 : 15/11/16

CORAM : Shri R.B. Malik (M/J)

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

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

APPEARANCE :

Shri/~~Smt.~~ : D.H. Pawar

Advocate for the Applicant

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

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

Adj. To..... MA is allowed.

M.A.389/2016
in
O.A.955/2016

Smt Raisa R. Shaikh & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri D.H. Pawar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(vsm)

[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 : 15/11/16

CORAM : Shri R.B.Malik(Member (J))

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

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

APPEARANCE :

Shri/Smt. : D.B. Khaire

Advocate for the Applicant

Shri/Smt. : N.G. Gohad

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

~~Adj. To~~ Admit.

O.A.417/2016

Dr. Pradipkumar S. Awate .... Applicant
Vs.
State of Maharashtra & Ors... Respondents

Heard Shri D.B. Khaire, the learned Advocate for the Applicant and Ms N.g. Gohad, the learned Presenting Officer for the Respondents.

Admit. Liberty to mention granted.

Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(vsm)

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

O.A.953/2016

Shri Sachin S. Kamble ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Applicant in person and Ms N.G. Gohad, the learned Presenting Officer for the Respondents.

Issue notice returnable on 13.12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 13th December, 2016.

Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(vsm)

DATE: 15/11/16
CORAM: Shri R.B. Malik (MJ)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE:
~~Shri/Smt.~~: Heard Aff. in person.
Advocate for the Applicant
~~Shri/Smt.~~: N.G. Gohad
C.P.O / P.O. for the Respondent/s
Adj. To 13/12/16.

(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 : 15/11/16 CORAM : Shri R.B. Malik (MB) ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ ~~Hon'ble Shri M. Ramesh Kumar (Member) A~~ APPEARANCE : ~~Shri/Smt.~~ : D.H. Pawar Advocate for the Applicant Shri /~~Smt.~~ : N.K. Rajpurohit. C.P.O / P.O. for the Respondent/s ~~Adj. To~~ MA is allowed. 15/11	**M.A.390/2016 in O.A.956/2016** **Smt Smita S. Kare & Ors. ... Applicants** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Shri D.H. Pawar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents. This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid. Sd/- 15.11.16 (R.B. Malik) Member (J) 15.11.2016 (vsm)

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

O.A.956/2016

Smt Smita S. Kare & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri D.H. Pawar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 13.12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 13th December, 2016.

Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(vsm)

DATE : 15/11/16
CORAM : Shri R.B.Malik (M/J)
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : D.H. Pawar
Advocate for the Applicant
Shri/Smt. : N.K. Rajpurohit
C.P.O / P.O. for the Respondents

Adj. To 13/12/16.

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

15.11.2016

O.A No 1003/2016

Shri S.L Thorat & etc ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Ms S.P Manchekar, learned advocate for the Applicant, Ms Neelima Gohad, learned Presenting Officer for the Respondents 1 & 2, Shri A.V Bandiwadekar, learned advocate for Respondent nos 3, 5 & 8 and Mrs Punam Mahajan, learned advocate for Respondent nos 4, 6 & 7.

Learned Advocates for the Respondents seeks three weeks time.

Matter is adjourned to 6.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE: 15/11/16
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 Resp. No. 1&2
A.V. Bandiwadekar Resp
~~Adj. To:~~ R.No. 3,5&8.
Punam Mahajan Resp
R.No. 4&7.
S.O. to 6/12/16.

Akn

[P.T.O.

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

DATE : 15/11/16.

CORAM :

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

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

APPEARANCE :

Shri/Smt. R.S.Kavle

Advocate for the Applicant

Shri/Smt. K.B.Bhise

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

Adj. To. S.O. to 6/12/16.

15.11.2016

M.A 419/20916 in O.A No 567/2016

Shri P.B Dandekar ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri R.S Kavle, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

2 Issue notice before admission made returnable on 6.12.2016.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

7. S.O 6.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

P.T.O.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION 920 OF 2016

DISTRICT : NASIK

Shri D.B Wadile,)...**Applicant**

Versus

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

Smt Kavita Pawar, learned advocate for the Applicant.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 15.11.2016

O R D E R

1. Heard Smt Kavita Pawar, learned advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer files affidavit in reply. In para 5.10 the Applicant has made a grievance that he was working in Nasik Road Central Prison when he was placed under suspension and during the suspension period his head quarters has been kept at Latur. He had made a representation against this order. Today, learned Presenting Officer in the affidavit in reply in

para 13, states that the Deputy Inspector General of Prison, Central Region, Aurangabad has rejected the request of the Applicant to keep his headquarters at Nasik Road Central Prison.

3. Learned Advocate for the Applicant Mrs Pawar invited my attention to Government Circular dated 19.3.2008. It is stated that if a Government servant under suspension request for change in headquarters, it can be considered, if such a request would not mean ~~meet~~ extra expenditure on account of T.A, D.A etc and if no complications are likely to be created. The order of Deputy I.G.P, Central Region, Aurangbaad dated 28.10.2016 does not mention any such reason for rejecting the request of the Applicant to change his headquarters from Latur to Nasik /Nasik Road.

4. I see no reason as to why the request of the Applicant to keep his headquarters at Nasik/Nasik Road during his suspension should not be accepted. The Respondents are directed to act in accordance with Government circular dated 19.3.2008 and change the head quarter of the Applicant to Nasik /Nasik Road for avoiding extra expenditure on giving him T.A /D.A and also to facilitate expeditious disposal of the D.E against him.

5. S.O to 6.12.2016. Hamdast.

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 15.11.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Nov 2016\O.A 920.16 Suspension order challenged, Int order 15.11.16.doc

(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

M.A. No.454 of 2016
In
R.A. No.5/2016
In
O.A.No.422/2013

The State of Mah. & ors. **... Applicants (Ori.Respondents)**

V/s.

Shri Manoj P. Wadkar **... Respondent (Ori.Applicant)**

Heard Smt S. Suryawanshi, the learned Presenting Officer for the Applicants (Ori.Respondents) and Shri C.K. Bhangori, the learned Advocate holding Shri R.K. Mendadkar, the learned Advocate for the Respondent (Ori.Applicant).

The Original Respondents to the OA hereby seek extention of time to comply with our order on Review Application on 15.10.2016. We have in fact directed to reinstate of the present respondent being orginal applicant within 4 weeks and there were other directions as well. The reason if we have correctly understood for not compling with our order is that there is no vacancy now and vancany will arise on 31.3.2017 and therefore, extention is sought and, therefore, we are quite clearly of the view that for obvious reasons such a request could not be acceded to. We do not think any further elaboration is necaessary. The application is therefore dismissed with no order as to costs.

Sd/- Sd/-

(R.B. Malik) Member (J) 15.11.2016

(Rajiv Agarwal) Vice-Chairman 15.11.2016

DATE: 15/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt. S. Suryawanshi P.O.
Advocate for the Applicant
Shri/Smt. G.K. Bhangoji Adv. holding for R.K. Mendadkar
C.P.O./P.O. for the Respondents
Adj. To.....
M.A. as discussed.

(vsm) [P.T.O.

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

C.A.83/2016
in
O.A.261/2015

Shri Shashikant R. Panke ... Applicant

Vs.

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

Heard Shri M.V. Thorat, the learned Advocate for the Applicant and Smt Kranti Gaikwad, the learned Presenting Officer for the Respondents.

Issue notice returnable on 29.11.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 C.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 29th November, 2016.

DATE : 15/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
Shri/S M.V. Thorat
Advocate for the Applicant
Shri/Smt. : Kranti Gaikwad
C.P.O / P.O. for the Respondents
Adj. To S.O. to 29/11/16.

Sd/- Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(Rajiv Agarwal)
Vice - Chairman
15.11.2016

(vsm)

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

O.A.No.477/2013

Shri A.S. Kulkarni ... Applicant

V/s.

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

The applicant and his advocate are absent. Heard Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

This High Court time bound matter is required to be disposed of by 4.1.2017.

The learned C.P.O. has requested for further time for reply. It is allowed as last chance making it clear that regardless of whether reply is filed or not, the next date will be for fixing the date for final hearing again will be a shorter date.

S.O. to 29.11.2016.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
15.11.2016 15.11.2016

(vsm)

DATE: 15/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
~~Shri/Smt.~~ Applicant and his Advocate absent.
Advocate for the Applicant
Shri/~~Smt.~~ N.K. Rajpurohit
C.P.O./~~P.O.~~ for the Respondents
~~Adj. To.~~ S.O. to 29/11/16.

[P.T.O.

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

O.A.No.774/2013
with
O.A.No.621/2015

Shri S.B. Koravi ... Applicant

V/s.

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

Heard Smt Lata Patane, the learned Advocate for the applicant and Ms N.G. Gohad, the learned P.O. for the respondents.

The learned P.O. is being instructed by Shri Nandkishor Phondke, Under Secretary, Home Dept., Mantralaya.

The matter has become Part-Heard and after some debate at the bar, the learned P.O. requests for time to file affidavit-in-reply.

We have perused the record carefully and we find that a fact which will become very clear from the order of 4.10.2016 that earlier the Hon'ble Chairman granted sufficient time to file reply and then one of us (R.B. Malik, Member (J)) sitting signally on 4.10.2016 even while adjourning the matter for hearing granted liberty to file reply with a rider that no adjournment shall be given for that purpose.

The issue with regard to the contents of the affidavit-in-reply even if it is filed, after substitution of the OA and we can obviously express no opinion about it.

We, however, make it clear that this matter is Part-Heard and even if the affidavit-in-reply is filed it should not be presumed that by mere filing, it will be taken on record. It must be understood that an application seeking permission to file affidavit-in-reply must be filed and option of imposing cost would be one of the options though not the only one. Hamdast.

S.O. to 29.11.2016.

Sd/- Sd/-

(R.B. Malik)
Member (J)
15.11.2016

(Rajiv Agarwal)
Vice-Chairman
15.11.2016

(vsm)

DATE: 15/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt.: Lata Patne
Advocate for the Applicant
Shri/Smt.: N.G. Gohad
C.P.O / P.O. for the Respondents
Adj. To 29/11/16.
Hamdast.
PH

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

15.11.2016

O.A No 837/2016

The Association of the Subordinate Service of Engineers ... Applicants

Vs.

The State of Maharashtra & Ors... Respondents

Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

Learned advocate Mrs Mahajan files affidavit in rejoinder.

O. A is admitted. Respondents are at liberty to file sur-rejoinder, if need be.

Place for final hearing on 18.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 15/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
~~Shri/Smt.~~ Punam Mahajan
Advocate for the Applicant
~~Shri/Smt.~~ Archana B.K.
~~C.P.O./P.O.~~ for the Respondents
Rejoinder Filed by Applicant.
~~Adj. To~~
S.O. to 18/11/16.
O.A is admitted.

[P.T.O.

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

15.11.2016

O.A No 1053/2016

Shri Kishor A. Shinde ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

None for the applicant and heard Shri K.B. Bhise, learned Presenting Officer for the Respondents.

Learned P.O files affidavit in reply. Records as directed by the Tribunal are also brought. However, Applicant is not present.

Matter is adjourned to 29.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 15/11/16
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 ~~/Smt. :~~ K.B. Bhise
~~C.P.O/~~P.O. for the Respondents
Reply filed by R.No. 2.
~~Adj. To~~ Adj. to 29/11/16.

[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

15.11.2016

O.A No 959/2016

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

1. Heard Dr Gunratan Sadavarte, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

2 Issue notice before admission made returnable on 13.12.2016.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

7. S.O 13.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

[P.T.O.

DATE : 15/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ Dr. Gunratan Sadavarte
Advocate for the Applicant
~~Shri/Smt.~~ Archana B.K.
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 13/12/16.

(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

15.11.2016

O.A No 1063/2016

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

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

2 Issue notice before admission made returnable on 13.12.2016.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

7. S.O 13.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE : 15/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ B.A. Bandiwadekar
~~Advocate for the Applicant~~
~~Shri/Smt.~~ Archa B.K.
~~C.P.O/~~P.O. for the Respondents
~~Adj. To~~ S.O to 13/12/16

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

15.11.2016

M.A 452/2016 in O.A No 1063/2016

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

Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

This Misc Application is filed to sue jointly. As the applicants are seeking similar relief against the same Respondents, Misc Application to sue jointly is allowed, subject to payment of Court fees, if not already paid.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 15/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ B.A. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ Archana B.K.
C.P.O / P.O. for the Respondents
~~Adj. To~~ M.A. is Allowed.

[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 : 15/11/16

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ C.T. Chandratre

Advocate for the Applicant

~~Shri /Smt.~~ Ms. M.G. Gohad

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

O.A. is admitted.

Adj. To 17/11/16.

15.11.2016

O.A No 698/2016

Shri S.V Kardile ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri C.T Chandratre, learned advocate for the applicant and Smt Kranti S. Gaikwad, holding for Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Learned P.O for the Respondents state that affidavit in reply has already been filed. Shri Chandratre, learned advocate states that he does not want to file rejoinder.

O. A is admitted. Place for final hearing on 17.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

AKn

(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

M.A. No.377 of 2015
in
O.A.No.575/2015

Shri H.M. Kshirsagar ... Applicant

V/s.

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

Heard Shri V.P. Potbhare, the learned Advocate for the applicant and Smt Kranti Gaikwad, the learned Presenting Officer for the Respondents.

We have perused the record and proceedings. We are so disposed of as to hold that M.A. should be tagged alongwith O.A. and both the proceedings be heard together.

Office is directed to place it alontwith O.A.No.292/2015.

S.O. to 6.12.2016.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
15.11.2016 15.11.2016

(vsm)

DATE: 15/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri. R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt. V.P. Potbhare
Advocate for the Applicant
Shri/Smt. Kranti Gaikwad
C.P.O / P.O. for the Respondents
Adj. To S.O. to 6/12/16.
with
OA 275/15.

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

C.A. No.25 of 2015 in O.A. No.558 of 2013

Shri S.T. Marakwad ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO states that:

(i) The applicant's pension case is prepared and P.P.O. has been issued.

(ii) Next step which was required to be taken by the department is of preparing bills towards payment of gratuity and release of regular pension.

(iii) Regular pension would be released from Treasury Office, Nanded and for this purpose applicant has to approach the Treasury Office, Nanded.

(iv) In so far as payment of gratuity is concerned the respondent i.e. Joint Commissioner, Professional Tax shall take steps to release the gratuity and payment would be effected within three weeks.

3. Ld. PO prays three weeks time.

4. Ld. PO also states that proper apology would be filed on the next date.

5. S.O. to 19.12.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
15.11.2016

(sgj)

DATE: 15/11/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE:
Shri/Smt. M.D. Lonkar
Advocate for the Applicant
Shri/Smt.: K.S. Gaikwad
C.O / P.O. for the Respondent/s
To 19/12/16