

(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.440/2016**

**Shri P.U. Rathod**

**... Applicant**

**Vs.**

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

**... Respondents**

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The learned PO is being instructed by Smt. Sheetal Sawant, Desk Officer, Finance Department.

This OA can safely be disposed of at this stage itself. An order of 8<sup>th</sup> November, 2016 issued by the State in the Finance Department is furnished for my perusal. It is retained on record. Thereby the deemed date of promotion is given to the Applicant from 27.3.2001. The further order with regard to the deemed date of promotion in the post of Assistant Commissioner, Sales Tax has not so far been given and both the sides are in fact not in any serious dispute that it would be more in the nature of consequential service benefits and will have to be accordingly granted. In Para 12 of the Affidavit-in-reply (Page 71 of the Paper Book), the Respondents themselves have mentined (on 6.6.2016) that the said deemed date of promotion for both the posts shall be given within three months. That time limit had already expired, but I think, practical considerations weigh with the Applicant and Mr. Lonkar, in all fairness, does not object to grant of further reasonable time. There is an issue of deemed date of promotion for the post of Deputy Commissiner of Sales Tax for which there is no specific prayer. However, I agree with the learned Advocate Shri Lonkar that it would also fall within the larger compass of consequential relief and as much as the Respondents have already over-shot the time limit prescribed by themselves of three months for the post of Assistant Commissioner, Sales Tax, I think, it would be fair and reasonable to ask them to complete the said task in so far as the post of Deputy Commissioner of Sales Tax is concerned. I must make it clear that no further extension of time shall be given and further liberty is reserved for the Applicant, to, if so advised bring an appropriate action for monetary benefits. With this liberty, this OA is disposed of with a direction that the Respondents shall complete in every respect the grant of deemed date to the Applicant to the post of Assistant Commissioner of Sales Tax and Deputy Commissioner of Sales Tax as indicated hereinaboave within a period of

**DATE:** 15/12/2016

**CORAM:**

~~Hon'ble Shri. RAVI AGARWAL~~

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

**APPEARANCE:**

Shri/Sheel M.D. Lonkar

Advocate for the Applicant

Shri/Seal: N.G. Gohad

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

with directions OA is disposed of.

*18/12*

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

Tribunal's orders

three months from today, making it clear that there shall  
be no further time to this time limit. No order as to costs.

Sd/-

(R.B. Malik)  
Member (J)  
15.12.2016

(skw)

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram,  
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Tribunal's orders

**O.A. No. 423 of 2016**

**Shri D. J. Patil ... Applicant**

**V/s.**

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

Heard Shri D.B. Khaire, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. for the Respondents.

The Original Application is admitted, liberty to mention before the Division Bench.

DATE:

15/12/16

CO&AM:

Shri R.B. Malik (Mtg)

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. D.B. Khaire

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

(vsm)

Sd/-

(R.B. Malik)

Member (J)

15.12.2016

Adj. To... O.A. is admitted liberty

to mention before D/B.

*[Handwritten signature]*

**O.A. No. 1169 of 2016**

**Smt D. K. Pawar** ... Applicant  
V/s.  
**The State of Mah. & ors.** ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.

The applicant a 'Staff Nurse' sensing peril to her continuation as such seeks interim relief in the terms which was granted in O.A.No. 189/2016 (Ms Madhuri Rane & 18 Ors. V/s. State of Maharashtra & 1 Anr., 14.3.2016).

I have heard Shri A.V. Bandiwadekar, the learned Advocate for the applicant and Ms S. Suryawanshi, learned P.O. for the respondents strongly opposing the grant of any interim relief. I am of the opinion that on account of principle of similarly placed person and parity of reasoning benefits of the orders in case of Ms Madhuri Rane (Supra) and another order made by me in O.A. No.925/2016 (Ms A. D. Avhad & 11 Ors. V/s. State of Maharashtra & 1 Anr., 22.9.2016), same interim relief will have to be granted. In Ms. Avhad (Supra), I have reproduced the para-8 from the earlier order which I also do herein below and same interim relief is granted.

**Para 8:** I am, therefore, so inclined as to hold that I must exercise my powers of granting mandatory relief at interlocutory stage the net result whereof would be to place the present applicants exactly at par with the applicants of OAs No.311 of 2012 and 258 of 2014. It is however made clear that this interim order will be exactly in the same terms in which the applicants were given appointments for 364 days with all those terms and conditions and they will inter alia not be allowed to claim on the strength of this order alone what could be described as permanent appointment. All these terms and conditions will be read as a part of this order. They shall however be allowed to compete for the regular posts. However, in the event a candidate is selected and appointed on regular basis, these applicants will have to vacate their posts but it is also made clear that even then if other posts are lying vacant, then merely by reason of this order the applicants will not necessarily be refused appointment in the same capacity. With this abundant clarification and till further orders the interim relief is granted till 11.4.2016. Four weeks time is given to the respondents to comply. Hamdast. This O.A. be tagged along with OAs No.311 of 2012 and 258 of 2014."

Adjourned for affidavit-in-reply on 12.1.2017.

Hamdast.

Sd/-

(R.B. Malik)  
Member (J)  
15.12.2016

DATE: 15/12/16

CORAM: Shri R.B. Malik (MJ)  
Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. S. Suryawanshi  
C.P.O / P.O. for the Respondent/s

Adj. To: 12.1.2017.



M.A. No. 532 of 2016

In

O.A. No. 1158 of 2016

**Smt Supriya K. Goraksha & Ors.... Applicants**

**V/s.**

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

Issue notice returnable on 12.1.2017.

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

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

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

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

S.O. to 12.1.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
15.12.2016

DATE: 15/12/16

CORAM: Shri R.B. Malik (CMB)

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

Hon'ble Shri M. Rameshkumar (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. 12/1/2017.

(vsm)

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram,  
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**M.A. No. 531 of 2016**  
**In**  
**O.A. No. 1158 of 2016**

**Smt Supriya K. Goraksha & Ors. ... Applicants**

**V/s.**

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned P.O. 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.

DATE: 15/12/16

CORAM: Shri R.B. Malik (MJ)  
Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Ramechkumar (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: MA is allowed.

(vsm)

Sd/-

(R.B. Malik)  
Member (J)  
15.12.2016

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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**M.A. No. 530 of 2016**

**In**

**O.A.No.1048 of 2015**

**Shri S.C. Gadade**

**... Applicant**

**V/s.**

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

**... Respondents**

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

This is an application by the heirs and L.R.s of the deceased applicant for being impleaded as party applicants. The applicant passed away on 30.8.2016 that being the state of affairs though Ms. Gohad, the learned P.O. opposes this application, I consider it unnecessary to prolonged this matter. The application is allowed. The applicants of this M.A. be impleaded for the deceased applicant by suitable amendment to be effected within two weeks from today.

A consolidated copy after amendment ~~will~~ be filed and copy thereof be furnished to the respondents.

Misc. Application is allowed in these terms with no order as to cost.

Sd/-

(R.B. Malik)

Member (J)

15.12.2016

DATE:

15/12/16

FORAM:

Shri R.B. Malik (M17)

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Advocate for the Applicant

A.V. Bandiwadekar

Advocate for the Respondent/s

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

H.G. Gohad

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

Adj. to

MA is allowed.

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

Tribunal's orders

**O.A. No.1105 of 2016**

**With**

**O.A. No.1114 of 2016**

**Shri A.C. Rane & Anr. ... Applicants**

**V/s.**

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned C. P.O. for the Respondents.

These Original Applications are placed before me for consideration of interim relief to four applicants in the first O.A. and only the third applicant in the second O.A. The applicants in the first O.A. are working as Clerk-Typist in the office of Government Pleader Bombay High Court and the applicant in the second O.A. is working in the office of Government pleader & Public Prosecutor Bombay High Court Appellate Side. The second respondent is common being the State of Maharashtra in Law & Judiciary Department. All the applicants have been working on temporary basis with what is commonly called one day technical break but this has been going on from the year 2007. Now, the applicants sense peril to their continuation and, therefore, they have brought these two actions for redressal. Even as no rights are going to be finally concluded by this order but in the factual scenario such as it presents itself the applicants cannot be left entirely unprotected, I, therefore direct that the applicants be continued under the same arrangement as they have been till date till further orders. It is clarified that in case regularly appointed candidates from the M.P.S.C. become available that fact shall also be notified to the applicants who may, if so advised take necessary steps including those in these pending O.A.s. With this interim relief, Original Applications stand adjourned for affidavit-in-reply to 12.1.2017. Hamdast.

**DATE:** 15/12/16

**CORAM:**

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

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

**APPEARANCE:**

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. A.K. Rajpurohit

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

I.R. granted

Adj. To 12/1/2017 Hamdast

*Handwritten initials*

Sd/-

(R.B. Malik)  
Member (J)  
15.12.2016



Office Notes, Office Memoranda of Coram,  
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Tribunal's orders

**O.A. No.1170 of 2016**

**Dr. R.R. Avhad** ... Applicant

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

No interim relief as of today. The Original Application is set down for consideration of interim relief on 21.12.2016, making it clear that the respondents may file their reply on that date or keep the record ready for perusal, if need be.

Issue notice returnable on 21.12.2016.

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

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

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

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

S.O. to 21.12.2016. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 15-12-16  
Member (J)  
15.12.2016

DATE: 15/12/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadkar

Advocate for the Applicant

Shri/Smt. A.K. Ray Rajpurohit

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

Adj. To 21/12/2016

*RTI*